

# CITY COUNCIL MEETING

## AGENDA

March 13, 2023 7:00 pm  
City Council Chambers, City Hall  
60 Pleasant Street, Newburyport

\*\*\*\*\*

Zoom details for City Council Meeting:  
<https://us02web.zoom.us/j/81299990548>  
Or One tap mobile:  
US: +19292056099,81299990548#  
Or Telephone US: +1 929 205 6099  
Webinar ID: 812 9999 0548

1. MOMENT OF SILENCE
2. PLEDGE OF ALLEGIANCE
3. CALL TO
4. LATE FILE
5. PUBLIC COMMENT
6. MAYOR'S COMMENT

- COMM00470\_03\_13\_2023 Planning Board Report on proposed Ordinance changes
- COMM00471\_03\_13\_2013 Resident letter: Pickleball Atkinson Common

## CONSENT AGENDA

NOTE: ALL ITEMS LISTED UNDER CONSENT AGENDA WILL BE ENACTED BY ONE MOTION. THERE WILL BE NO SEPARATE DISCUSSION OF THESE ITEMS. IF DISCUSSION IS DESIRED, THAT ITEM WILL BE REMOVED FROM THE CONSENT AGENDA AND CONSIDERED SEPARATELY.

### 7. APPROVAL OF MINUTES

- February 27, 2023 (Approve)

### 8. COMMUNICATIONS

- APPL00123\_03\_13\_2023 RL Currie 2nd Hand Motor Vehicle License (L&P)
- APPL00124\_03\_13\_2023 Town & Country Half Marathon 6/11/2023 (L&P)
- APPL00125\_03\_13\_2023 Wright Wedding Plum Island 9/30/2023 (L&P)
- APPL00126\_03\_13\_2023 Artist Shanties in Pop Up Park 5/1-10/22 (L&P)
- COMM00466\_03\_13\_2023 NCOD HP Violation Data and Info Sheet (CS)
- COMM00467\_03\_13\_2023 Municipal Bldgs Report Sec 5 – 47 (GG)
- COMM00468\_03\_13\_2023 Brown School Proposal (GG/COTW)

### 9. TRANSFERS

- TRAN00149\_03\_13\_2023 Mayor: PRK Sal Parks Dir \$32,500 to HR Unemployment Claims \$20K, (B&F)  
HR Job Advertising \$3K, PRK Maint-Equip \$7K, PRK Restroom Rentals \$2,500

### 10. APPOINTMENTS

- APPT00385\_03\_13\_2023 Ilene Harnch-Grady 10 Cushing Ave. Human Rights Comm. 4/30/2026
- APPT00386\_03\_13\_2023 Anita Greenwood 151 High St. Parks Comm. 3/30/2028 (CS)

ALL ITEMS NOTED BELOW ARE REMOVED FROM THEIR RESPECTIVE COMMITTEES WITH THE MOTION TO APPROVE THE CONSENT AGENDA

**Ad Hoc Committee on Market Landing Park and COTW**

***In Committee:***

- ORDR00389\_11\_01\_2022 Naming Rights Market Landing Park

**BUDGET & FINANCE**

- COMM00463\_02\_27\_2023 NYS Facility Funding Discussion (COTW)
- ORDR00425\_02\_27\_2023 Exchange Club Gift Acceptance
- ORDR00426\_02\_27\_2023 Police Cruiser Equipment Lease
- ORDR00427\_02\_27\_2023 NYSA Gift Acceptance

**COMMUNITY SERVICES**

- ODNC00139\_02\_27\_2023 Amend Municipal Fee Schedule Food Truck
- ORDR00418\_01\_30\_2023 Resolution Purple Heart City

**GENERAL GOVERNMENT**

- ORDR00415\_01\_30\_2023 Brown School Ad Hoc Update
- ORDR00429\_02\_27\_2023 Amended City Council Rules 2023 (COTW)
- ORDR00423\_02\_27\_2023 Resolution in Support of Changing the State Flag & Seal of Massachusetts

**LICENSES & PERMITS**

- APPL00121\_02\_27\_2023 IPA5K Road Races 4/16/23, 7/16/23, & 10/1/23
- APPL00122\_02\_27\_2023 2nd Hand Vehicle License-Newburyport Sunoco

**PLANNING & DEVELOPMENT**

- ODNC00136\_01\_30\_2023 General Code Amendment Planning Board Membership (COTW)
- ODNC00137\_01\_30\_2023 Zoning Amendment Planning Board Membership (COTW)
- COMM00445\_11\_14\_2022 59 Low Street Plan (COTW)

**PUBLIC WORKS & SAFETY**

- APPT00384\_02\_27\_2023 Jon-Eric White Temporary DPS Director
- ODNC00138\_02\_27\_2023 Amend Municipal Fee Schedule - Inn Permit

**END OF CONSENT AGENDA**

**REGULAR AGENDA**

**9. MAYOR'S UPDATE**

**10. FIRST READING APPOINTMENTS**

**11. COMMUNICATIONS**

- COMM00469\_03\_13\_2023 Retail Sale of Marijuana
- COMM00470\_03\_13\_2023 Late File Planning Board Report on proposed Ordinance changes
- COMM00471\_03\_13\_2023 Late File Resident letter: Pickleball Atkinson Common

**12. TRANSFERS**

### 13. SECOND READING APPOINTMENTS

### 14. ORDERS

- ORDR00431\_03\_13\_2023 Park Comm Bench Policy
- ORDR00432\_03\_13\_2023 Crosswalk Federal and Water Street
- ORDR00433\_03\_13\_2023 Street Layout cnr of Federal and Water Street

### 15. ORDINANCES

- ODNC00143\_03\_13\_2023 Municipal Fee Schedule Amend Water Sewer Fees
- ODNC00144\_03\_13\_2023 Amend Ch 2-394 Departmental Revolving Funds
- ODNC00145\_03\_13\_2023 Amend Ch 11-5 Rules and Regulations Public Parks & Playgrounds
- ODNC00146\_03\_13\_2023 Amend Ch 2-34 Responsibilities of Committee on Community Services
- ODNC00147\_03\_13\_2023 Amend Municipal Fees 2-J Parks and Recreation

### 16. COMMITTEE ITEMS

#### Ad Hoc Committee on Market Landing Park and COTW

##### *In Committee:*

- ORDR00389 11 01 2022 Naming Rights Market Landing Park

#### Budget & Finance

##### *In Committee:*

- COMM00463 02 27 2023 NYS Facility Funding Discussion (COTW)
- ORDR00425 02 27 2023 Exchange Club Gift Acceptance
- ORDR00426 02 27 2023 Police Cruiser Equipment Lease
- ORDR00427 02 27 2023 NYSA Gift Acceptance
- ORDR00336\_03\_28\_2022 ARPA Amesbury 250K (COTW)
- ODNC00129\_11\_01\_2022 Defining Conflict Rule for Dept. Heads (COTW)
- ODNC00130\_11\_01\_2022 Grants, Gifts, and Fees (COTW)
- ODNC00132\_11\_14\_2022 Mandated Reporting

#### Community Services

##### *In Committee:*

- ODNC00139 02 27 2023 Amend Municipal Fee Schedule Food Truck
- ORDR00418 01 30 2023 Resolution Purple Heart City
- ORDR00422\_02\_13\_2023 Newburyport Commission on Disabilities Bylaws

#### General Government

##### *In Committee:*

- ORDR00415 01 30 2023 Brown School Ad Hoc Update
- ORDR00429 02 27 2023 Amended City Council Rules 2023 (COTW)
- ORDR00423 02 27 2023 Resolution in Support of Changing the State Flag & Seal of Massachusetts
- ORDR239\_02\_8\_2021 Council Rule 7 and 10B
- COMM00461\_02\_27\_2023 Brown School Gymnasium Considerations (COTW)
- COMM00464\_02\_27\_2023 Brown School RFI Councillor Zeid Redline (COTW)
- ORDR00428\_02\_27\_2023 Request for Expressions of Interest (RFI) for Brown School Property (COTW)

#### Licenses & Permits

##### *In Committee:*

- APPL00121 02 27 2023 IPASK Road Races 4/16/23, 7/16/23, & 10/1/23
- APPL00122 02 27 2023 2nd Hand Vehicle License-Newburyport Sunoco
- ODNC047\_01\_27\_2020 General Ordinance - Short Term Rental Units Rules

**Planning & Development**

*In Committee:*

- ODNC00136 01 30 2023      **General Code Amendment Planning Board Membership (COTW)**
- ODNC00137 01 30 2023      **Zoning Amendment Planning Board Membership (COTW)**
- COMM00445 11 14 2022      **59 Low Street Plan (COTW)**
- ODNC00135\_01\_30\_2023      Zoning Amendment ITIF Remove Residential Use
- ODNC00141\_02\_27\_2023      Zoning Amendment STRU (COTW)

**Public Works & Safety**

*In Committee:*

- APPT00384 02 27 2023      **Jon-Eric White Temporary DPS Director**
- ODNC00138 02 27 2023      **Amend Municipal Fee Schedule - Inn Permit**
- COMM00412\_05\_31\_2022      Ltr Ann Jaronyk re: Traffic Safety
- COMM00414\_05\_31\_2022      Ltr. Emily Dunn re: Traffic on Merrimac Street
- COMM00456\_12\_12\_2022      Letters re: Curb Cut 4 Wilkinson Dr. & 34 Hale St.
- ODNC00103\_01\_10\_2022      Streets, Sidewalks, and Other Public Places Alterations & Maintenance
- COMM00459\_01\_30\_2023      Ltr. Residents concerned with speeding on Arlington St.
- APPT00382\_02\_13\_2023      Thomas O'Brien      11 Moseley Ave.      Water/Sewer Comm.      3/1/2025
- COMM00462\_02\_27\_2023      Ltr. From Kathleen O'Connor Ives re: drinking water concerns
- COMM00465\_02\_27\_2023      Street Paving Plan FY23-FY28 (COTW)
- ODNC00140\_02\_27\_2023      Amend Municipal Fee Schedule Parking Fines

**17. GOOD OF THE ORDER**

**18. ADJOURNMENT**

**LATE FILE ITEMS**

---

## M E M O R A N D U M

---

**TO:** Richard Burke Jones, City Clerk  
**FROM:** Rick Taintor, Chair, Planning Board  
**CC:** Andrew Port, Planning Director  
**DATE:** March 13, 2023  
**RE:** Planning Board Report and Recommendations on proposed ordinance amendments:  
ODNC00136\_01\_30\_2023 – A General Ordinance Amendment to Address  
Planning Board Membership  
ODNC00137\_01\_30\_2023 – A Zoning Ordinance Amendment to Address the  
Planning Board When Acting as Special Permit Granting Authority (SPGA)

---

In accordance with State statute and Newburyport ordinance, the Planning Board and the Committee on Planning and Zoning held a joint public hearing on March 1, 2023, to consider the above two proposed ordinances regarding changes to the Planning Board's membership and authorizing the appointment of associate members to vote on applications for special permits.

After the joint public hearing was closed, the Planning Board voted unanimously as follows:

- To recommend that the City's General Ordinances be amended as set forth in ODNC00136\_01\_30\_2023, with the amendment that in Sec. 2-118 the word "chairman" be replaced by the word "chair".
- To recommend that the City's Zoning Ordinance be amended as set forth in ORNC00137\_01\_30\_2023.

---

**Philip Cootey**  
**Community Organizer**

22 Phillips Drive  
Newburyport MA 01950

7th March 2023

**City Council President Heather Shand**

City Council  
60 Pleasant Street  
P.O. Box 550  
Newburyport, MA 01950

Dear Council President,

In early December 2011 it was brought to the attention of the public that the Committee on Budget & Finance reviewed Order 311, a gift from the Morrill Foundation that included \$40,000.00 for the development of three pickleball courts in Lower Atkinson Common.

That December a public process was put in place before accepting the gift to inquire of the community their thoughts about pickleball in Lower Atkinson. Despite near unanimous community disapproval the process yielded no material change in the Parks Commissions plans regarding Pickleball on a postage stamp between three youth ball fields.

We read in, ORDR00400 Morrill Foundation Gift Accept that "The City is now considering a Multi-Use Court and asked if the name change was acceptable." We ask the council to intervene immediately and halt any plan to approve pickleball at Lower Atkinson Park because we can do better together.

In the spirit of collaboration, The Friends and Families of Lower Atkinson Community submits our brief, position paper, and petition with 154 signatures to stop cannibalizing our open spaces and find new fields for athletic activities in the city; including pickleball. We'd appreciate the council reading the concerns of their constituents and your guidance as to the appropriate time and place to continue this dialogue.

On behalf of the Friends and Families of Lower Atkinson,

Sincerely,

**Philip Cootey**

*Council  
packet  
12/12/22*

## Concerned Friends and Families for Atkinson Park

Despite the overwhelming objections to Parks Commission proposals to introduce Pickleball as a primary multi-use court, the Parks Commission is moving forward with the motion for an already overloaded park.

Additional multi-use of the established use of Atkinson Park is not acceptable.

This petition is a statement of support for finding room for more pickleball courts in the City of Newburyport, but not to the detriment of safety and overcrowding at Lower Atkinson

Our positions against this use of Atkinson Park are based on these three points:

- Safety
- Overuse
- Narrowing Field Availability

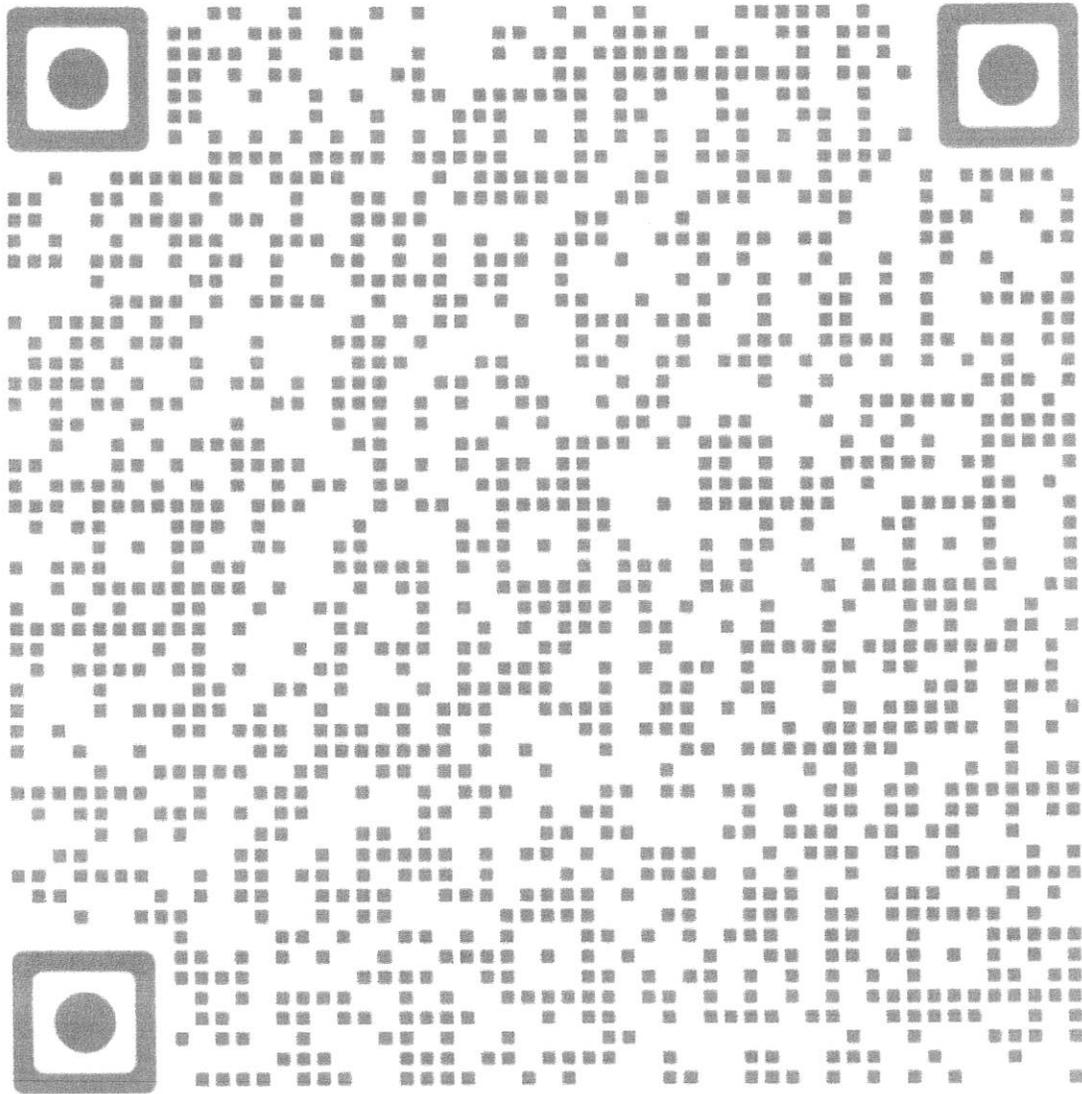
**Safety:** Atkinson Park is enjoyed by the entire greater Newburyport community. Lower Atkinson, a.k.a Pioneer Park, is predominantly used as a hub of Newburyport youth sports including baseball (Pioneer League, AAU programs), softball, high school softball, basketball, and as a children's playground. There are enough traffic accidents from congestion. Stray fly balls also will be more likely to hit someone. More congestion creates more risk. Do not add another function to the park.

**Overuse:** The park is already multi-use: Baseball, Softball, Basketball, and a Children's playground. Teams find themselves warming up anywhere they can prior to and between games, with the basketball court becoming a de facto space. Families frequent the courts for viewing of multiple games and for younger siblings to play. Neighbors are already pressed by night games, dense traffic, noise, and foul balls in their yards and personal spaces. There is no room for another use.

**Narrowing Field Availability:** Newburyport already lacks youth fields for the volume of participation that we have between the 5-12 age groups for baseball and softball. The loss of fields to the Senior Center (2), the dilapidation of fields (Lower Nock) and shared status of other fields has created a capacity crisis for playing baseball and softball. The ball leagues are growing while we are losing fields, it's unimaginable that we would lose more space.

Noise, safety, overuse and competition for space is a problem that all athletics of all age groups struggle within this city. We want to help the pickleball community to find a place to play in our parks as one park community supporting athletics for all age groups but not at the expense of the safety and neighborhood accord at Lower Atkinson.

Please sign below in objection to new utilizations of the park beyond the established use for baseball, basketball, softball, and a children's park.



Petition QR Code

---

## Lower Atkinson Parks Position

### Concerned Families for Atkinson Park

Despite the overwhelming objections to Parks Commission proposals to introduce Pickleball as a primary multi-use court use and the continuous and constant protest against these plans by neighbors of and families who use the park, the Parks Commission is moving forward with their proposal. Concerned friends and families of Lower Atkinson have attended multiple commission meetings to no avail. This problem is not getting solved in committee.

This petition from Concerned Families for Atkinson Park is to indicate to the City of Newburyport our position that Pickleball is not an appropriate multi-use of the established use of Atkinson Park. We feel after all the time, donations, effort, materials, labor, of volunteers and with the proximity and love we have for this park that we should have a say in its future. We, the Families and Neighbors of Lower Atkinson Park. are its stewards, and have been for some time, the city will recognize us.

This petition is also a statement of support for finding room for more pickleball courts in the City of Newburyport, but not to the detriment of a place to play for kids.

Our positions against this use of Atkinson Park are based on these three points:

- Safety
- Overuse
- Narrowing Field Availability

**Safety:** Atkinson Park is enjoyed by the entire greater Newburyport community. Lower Atkinson, a.k.a Pioneer Park, sees predominant use as a hub of Newburyport youth sports including baseball (Pioneer League, AAU programs), softball, high school softball, basketball, and as a children's playground. There are enough issues with congestion. Do not add another function to the park.

- 24 Traffic Related Incidents over the past three years including six car crashes
- The park's condensed layout lends to risk of injury by fly balls leaving the field of play into common areas.
  - The basketball court is within 140 ft of home plate from Hawkes field, a home run is 200 ft.
  - It's 215 ft from home plate to the promenade, a home run is 200ft.
  - The promenade leading to the court is within 25 ft of home plate for Founders Field
- Adding more people to the already dense population of usage increases the risk of severe injuries
- There are many children in Lower Atkinson. All coaches for organized sports in this park are CORI'd

**Overuse:** The park is already multi-use: Baseball, Softball, Basketball, and a Children's playground. Teams find themselves warming up anywhere they can prior to and between games, with the basketball court becoming a de facto space. Families frequent the courts for viewing of multiple games and for younger siblings to play.

The entire complex sits on 239,368.69 sq ft. There are enough usages of this park as is.

- The Park is in the lowest of averages for square feet per ballfield **in the county**. There is no room for another use by any recognized field standard
- Based on Parks Dept proposal, new drawing's show loss of on-street parking along Merrimack St. The park is losing a net 7 spots resulting in closer proximity parking.
- The Pioneer League has enjoyed 20% increase in participation in recent years across all age divisions for both baseball and softball leagues
  - 270 Total Games and 670 members, games in May, June, and July resulting in *14k people in the park every week* just for baseball alone
  - Adding another sport to the park is the opposite direction of where the current growth projections indicate the need is for Lower Atkinson
- Neighbors are already generously engaged with youth athletics to mitigate noise including limiting hours operating the field lights for years. It is a delicate balance where the current "off hours" are essential in maintaining that balance.

**Narrowing Field Availability:** Newburyport already lacks youth fields for the volume of participation that we have between the 5-12 age groups for baseball and softball. The loss of fields to the Senior Center (2), the dilapidation of fields (Lower Nock) and shared status of other fields has created a capacity crisis for playing baseball and softball. The ball leagues are growing while we are losing fields, it's unimaginable that we would lose more space.

The creation of a multi-use court focused on Pickleball will make conditions worse. There is already no room to put everyone who wants to play, never mind practice.

- Eaton field is not an option for this league (wrong dimensions).
- There is only one junior-youth mound and one mid-youth mound in the entire city for all the teams from 5 to 12 years old.
- The Woodmen park field is restricted to T-Ball as the field is shared with Soccer. It is too dangerous to share with older baseball teams without expanding field space, backstops and fences.
- Coaches are practicing in parking lots, paying out of pocket for tunnel time, holding practices in their backyards. There is nowhere to practice.

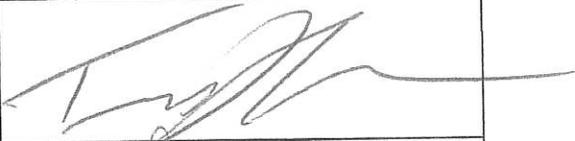
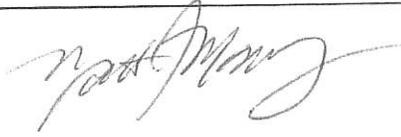
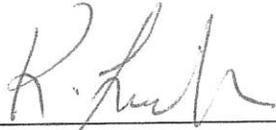
## **Conclusion**

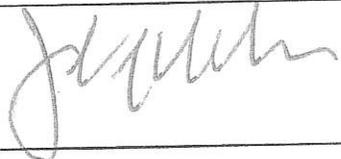
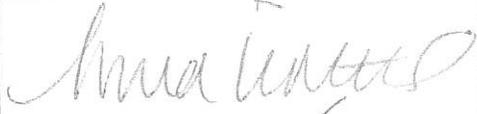
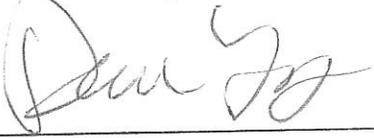
Noise, safety, overuse and competition for space is a problem that all athletics of all age groups struggle with in this city. We want to help the pickleball community to find a place to play in our parks as one park community supporting athletics for all age groups but not at the expense of the narrowing field availability for youth sports and neighborhood accord at Lower Atkinson.

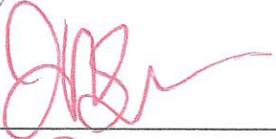
While appreciative of the generosity of the Morrill Charitable Foundation, the park is too small, overcrowded, and dangerous for another additional sport. There is no room when we expect weekly traffic to grow by the thousands.

We protest any further development of pickleball in Lower Atkinson in the face of dissent from the community connected to Lower Atkinson Park. We find no validity in the public process as our participation has had no effect on the outcome, despite a majority of those involved against.

Emily Webber 4 DeLoSt. Newburyport, MA	Emily Webber
Sandy Gray 14 Leeth St., Nbpt, MA	Sandy G
Jaime Fisher 17 Laramie Ln. Nbpt. MA	Ji
Andrew Cowles 9 Bounheav Ter Nbpt MA	ac
Brian Roach 41 Knights Ln Newburyport MA 0	BR
JEFFREY MATTHESON 13 HART RD Newburyport MA	JM
Danielle Murphy 2 Richardson path	Dan
Nieve Morrissey 22 Milk Street, Newburyport MA	Nieve
Kristen Morrissey 22 Milk St NBPT 01950	K. Morrissey
SARAN TODD 13 VIRGINIA LANE, Nbpt	S. Todd
Emily Sheehan 1 Rawson Hill Rd. Nbpt MA 01950	Emily Sheehan

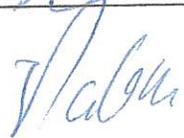
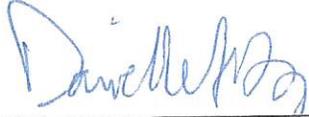
<p>Tim DeGaves    Tim@Swinirep.com  12 Moulton #  Newburyport, MA</p>	
<p>Steven Linters  21 Cushing Ave  NBPT, MA 01450</p>	
<p>Matt Morrissey  23 Milk St  Newburyport, MA 01952</p>	
<p>Kric Lisauskas  15 Cuffgette St  Nbpt-Ma 01950</p>	
<p>Jackie Savestra  30 Chestnut St  Newburyport Ma 01950</p>	
<p>Ping Johnson  2 Arthur Welch  Newburyport, MA 01980</p>	
<p>Kelly Garbarino  34 Storeybrook Dr NBPT</p>	
<p>Payton Garbarino  34 Storeybrook Dr NBPT</p>	
<p>Shanna Desch  3 Knight Lane NBPT</p>	
<p>Erin Contrino  10 Forrester</p>	
<p>Kate Hurley  2 William Hall Drive</p>	

JOHN WEBBER 4 DREW ST. NBPT.	
CHARLES HAASER 8 FOX ROW DR., NBPT	
Sean Hayden 4 WILLIAMSON AVE	
Matt Muzera 1 Railroad St NBPT	
Sheena Muzerali 1 Railroad St NBPT	
Justin Lindenmayer 16 Plummer Ave NBPT	
Joseph Hill 538 Spotted St	
Sonia Linton's 21 Cushing Ave. Newburyport, MA 01950	
Dawn Cooley 22 Phillips Jr. Newburyport MA 01950	
Dawn Fay 5 Washington St Newburyport MA 01950	
Samantha Fay 5 Washington St. Newburyport Ma 01950	

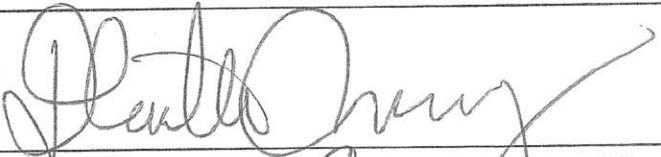
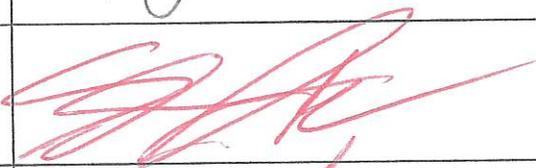
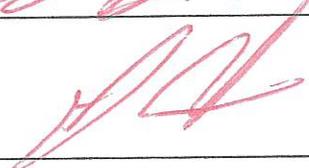
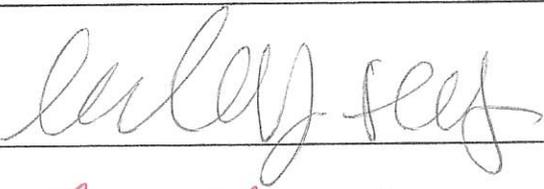
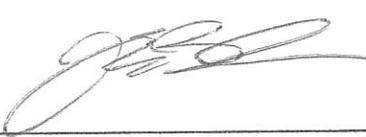
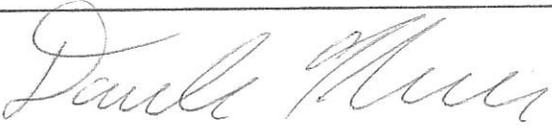
<p>Frank Weishaart 293 High St Newburyport, MA</p>	
<p>Melissa O'Brien 5 Walnut Street NBPT MA 01950</p>	<p>M O'Brien</p>
<p>Tom Murdy 9-1/2 Harrison St.</p>	
<p>Tish Malloy 18 Market Square #1 Newburyport MA 01950</p>	
<p>Jemson Smith 18 Mkt Sq #1 NBPT MA 01950</p>	
<p>JOANNE BLASER 1 TYNG ST NBPT 01950</p>	
<p>Andy Mastrot 3 PAULTON St. NBPT. 01950</p>	

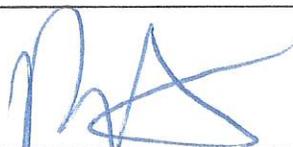
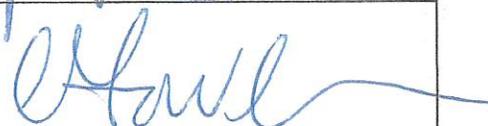
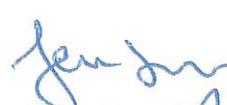
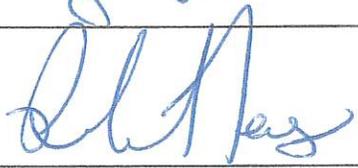
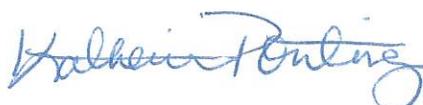
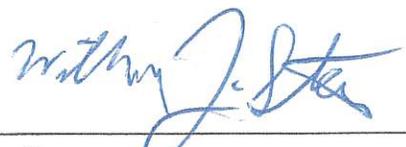
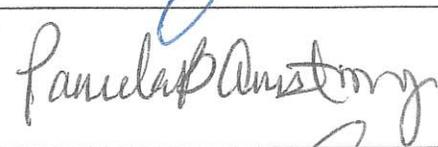
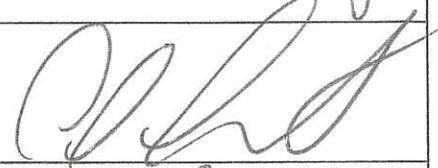
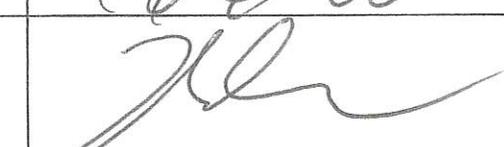
Janice Mockley	Christie Dr. Newburyport, MA
Ray Arcand	8 Parker Street, NBPT
Kris Arcand	8 Parker Street, NBPT
Ed Nystrom	35 Pine Hill Rd NBPT
Catherine Campbell	16 Bradbury Ln NBPT
Wayne Campbell	16 Bradbury Ln NBPT
Alison Salerno	4 Elizabeth Ln. Salisbury, MA 01952
E Schmitt	16 STOREY BROOKE NBPT
Erin Schmitt	16 Storeybrooke Dr. Newburyport, MA 01950
John	55 MILK ST NEWBURYPORT, MA
Lisa Wersha	293 High St

nextdoor.com  
App

Matt Fumeo 4 Carleton Dr. NBPT, ma 01905	
Brian Keefer 16 Duffg Dr. Newburyport	
Mara Lacava 19 Lavalley Lane Nbpt	Ma 2
MATT LACAVA 19 LAVALLEY LANE NBPT	
Karen Damon Hamel 490B Merrimac St. NBPT.	
Katelyn Fumeo 4 Carleton NBPT	
Paul Costey 22 Phillips Drive NBPT pcostey@hotmail.com	
PAUL HASS 1 PLANT ST NBPT PAULH18@GMAIL.COM	
DANIELLE HASS 1 PLANT ST NBPT DHASS17@GMAIL.COM	
D Tynny R.	
Morgan Boselli 33 Turkey Hill Rd	MBoselli

Christie Beapalant	11 Fawcett St. Newburyport 01950
Courtney Metcalfe	12 Hines Way Newburyport MA
Ed Hill	28 Winter St Newburyport MA
Carol Hill	6 Woodman Way unit 217 Newburyport, ma.
Dianne Eiserman	13 Elizabeth Lane Newburyport, ma. 01950
AMSSA SINDO	2 LANCASTER RD Newburyport ma
TOD RUBEN	16 HOPE AVE Newburyport MA
Sandy Wood	23 Scotland Hts. Newbury, MA 01951
Mark Doyle + LISA Doyle	20 Keeler Way NBPT MA-01950
Brian Murphy & Danielle Murphy Murphy43@gmail.com	7 Richardson path NBPT
JOE MOAKLEY	5A Christie Dr NBPT

Danielle murphy 7 Richardson path	
Katie Routhier 8 Monn Road	
Michael Lukacs 3 Frost St.	
Stephen Mills 4 Lavelley Ln	
Jan Hahnmeister 8 Cushing Ave	
Steph Mills 4 Lavelley Ln	
Emily Fay 5 Washington St	
Tom O'Dowd 25 OLIVE ST.	
James Burnham 20 Moseley Ave Newburyport, MA 01950	
Dorothy Burnham 20 Moseley Ave NBPT	D.K. Burnham
Danielle Thalman 2 Henderson Circle	

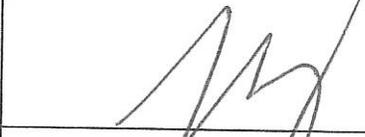
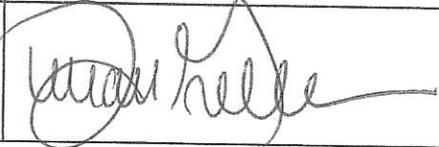
Pete Robbins 15 Summit Pl.	
Christine Fowler 5A Garrison Circle Newburyport MA 01950	
Karina Moltz 15 Summit Pl.	
Jen Groskin + DANIEL SORLING 11 MYRTLE AVE	
ROBERT FAGAN 110 STATE ST. 01950	
Katharine Pentling 11 Barker St.	
WILLIAM STARE 38 CHARLES ST.	
Pamela Armstrong 5 Buck St.	
Adam Armstrong 5 Buck St.	
Martin Desch 3 Knights Ln	
John Runers 11 Chain Bridge Dr.	

Jessica Rumore rumore.jessica2417@gmail.com	no Rumor
Carolyn Genegeben Cgenegeben@gmail.com	Carolyn Genegeben
Nathan Saddler nathan.saddler@yahoo.com	Nathan Saddler
Steven Genegeben SDG135@ALUMNI.PSU.EDU	Steven Genegeben
Anna Malenchini <del>MIKE BOLTON</del> amalenchini@gmail.com	Anna Malenchini
MIKE BOLTON mbolton@gmail.com	MIKE BOLTON
Jimme Rea jimmere9@gmail.com	Jimme Rea
Dan Bukrey 24 Summit Pl Napt danbukrey@gmail.com	Dan Bukrey
Steve Dowsett 7 Ryan RD SteveD004@yahoo.com	Steve Dowsett
Sasha Minahan sashaminahan@yahoo	use Bocce field @ Senior center!
Melanie Bligh M_pearson819@hotmail.com	Melanie Bligh

Name, address, email

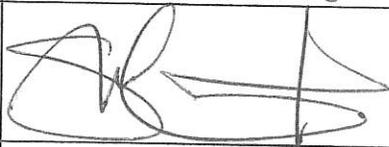
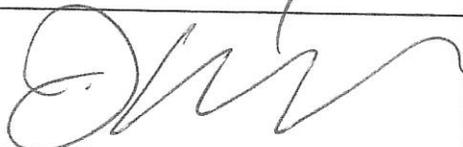
Signature

<p>Beth Buschini 36 Winter St. Nbpt <del>Just Beach</del></p>	<p>Beth Buschini buschinmbpt@comcast.net</p>
<p>Lian Fadil 33 Hill St. Nbpt</p>	<p>Lian Fadil lianfadil@gmail.com</p>
<p>38 Bayberry Rd Nbpt SARAH POWER → LOVE PICKLEBALL !!!</p>	<p>Smullee</p>
<p>38 Bayberry Rd NBPT Jawn Ruob</p>	<p>Jawn Ruob</p>
<p>Thuy Cirner 13 Mill St. Newburyport, MA 01950</p>	<p>Thuy Cirner</p>
<p>Steve Boselli 33 Turkey Hill Rd</p>	<p>Steve Boselli</p>
<p>DANIEL SPURLING 11 MYRTLE AVE NEWBURYPORT, MA 01950</p>	<p>Daniel Spurling</p>
<p>Dan Dunn 8 Cabot Ct Amesbury MA 01913</p>	<p>Dan Dunn</p>
<p>Phillipa Dunn 8 Cabot Ct Amesbury MA 01913</p>	<p>Phillipa Dunn</p>
<p>Steven Link 21 Cushing Ave, NBPT 01950</p>	<p>Steven Link</p>
<p>Jeff Keira 70 Marlboro St. Newburyport, MA</p>	<p>Jeff Keira</p>

John Routhier 8 Morris Road	
Josh Elgin 26 Bayberry Rd	
Shawn Todd 13 Virginia Lane	
Chris Carney 101 Lime St	
Chris Sheehan 1 Rawson Hill Rd	
Tyler Woon 9 Jay Berk	
Pat Foley 6 Lawton Dr	
Ashley Foley 6 Lawton Drive	
Pat Sheehan 267 Merrimac St	
Eric Grelle 14 Hoyts Lane	
Jillian Grelle 14 Hoyts Ln	

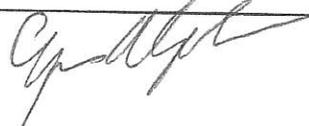
Name Address

Signature

Haley Corey 59 Jefferson St	Haley Corey
Marisa Fagan 110 State Street, Nbkpt.	Marisa Fagan
Scott Cuticchia 7 Sprink St	
Mark O'Connell Sudbury St	
14 60th St Newburyport	John McE
Samie Gagnon 17 Daniel Ludwig Way	
Bull White 4 Norman Ave	Bull White
Bridgette Walsh 4 Norman Ave	Bridgette Walsh
Kendra Winters 29 Myrtle Ave	Kendra
Melanie Beauvier 15 Newburyport MA	Melanie Beauvier
Jennifer Fox P113 15 Eagle St Newburyport MA	

Name Address Email

Signature

Ann Galesworthy 23 Woodland St <del>Ann Galesworthy</del>	→
2 McClintock St. <del>G. Alphonse</del> Newburyport, MA	
4 Carleton Dr Lily Fulmer Newburyport, Ma	Lillian Fulmer
4 Carleton Dr. Matthew NBPT, MA Fulmer	
Eric Fisher 12 Cutting Drive NBPT MA	
Raehael Scrapp 253 Merrimac St.	Dusa
Corey Scrapp 253 Merrimac St	MC
erin continue 10 Forester Street	
Corey continue 10 Forester Street	Corey
150 Broad St Newburyport x	
Rene Charrel 4 Spring Street	

Hent Street ?

Name / Address / Email

Signature

Name / Address / Email	Signature
Cezrey 293 high street	
RAEF Fahmy 420 MERRIMACK ST MERRIMACK 01950	
Rachel DeGraves 12 Moulton St. Unit 2 NBPT, MA russellmayerand.com	
Michelle Houghton 5 Upland Rd NBPT mdhoughton@outlook.com	

# **CONSENT AGENDA**

# **CITY COUNCIL MEETING**

## **MINUTES**

**February 27, 2023 7:00 pm  
City Council Chambers, City Hall  
60 Pleasant Street, Newburyport**

\*\*\*\*\*

Zoom details for City Council Meeting:  
<https://us02web.zoom.us/j/81299990548>

Or One tap mobile:

US: +19292056099,81299990548#

Or Telephone US: +1 929 205 6099

Webinar ID: 812 9999 0548

1. **MOMENT OF SILENCE** Remembering Bruce Warick, Erford Fowler
2. **PLEDGE OF ALLEGIANCE**
3. **CALL TO ORDER** 7:00 pm City Clerk Richard B. Jones called the role, the following City Councillors answered present: Cameron, Donahue, Khan, Lane, McCauley, Preston, Vogel, Wallace, Wright, Zeid, and Shand. 11 present, ( 1 remote JD).
4. **LATE FILE**
  - COMM00465\_02\_27\_2023 Street Paving Plan FY23-FY28
  - ODNC00142\_02\_27\_2023 Amend Ch 5-62 Bldg Code Fees
  - ORDR00430\_02\_27\_2023 EP Emergency Preamble: Waiver of Ch 5-62 Bldg Code Fees
  - ORDR00430\_02\_27\_2023 Waiver of Ch 5-62 Bldg Code Fees

Motion to waive the rules and accept the Late Files by Councillor Zeid, seconded by Councillor Lane. Roll call vote 11 yes. Motion passes.

#### 5. **PUBLIC COMMENT**

Marianne Vesey	10 Kent St.
Linda Lu Burciaga	18 Hoyt's Lane
John Budzyna	11 Cushing Ave.
Ryan Kelley	24 School St.
James Jones	2 Wills Lane
Jane Snow	9 Coffin St.
Owen Smith	175 Storey Ave.
Mike Leonard	13 Tyng St.
Anna Smulowitz	2 Fairview Ave.
Kim Wilkinson	1 Avon St.
Fontaine Dubois	50 Water St.
Linda Zirin	21 Federal St.
Heidi Newfell	10 Orange St.

#### 6. **MAYOR'S COMMENT**

#### CONSENT AGENDA

NOTE: ALL ITEMS LISTED UNDER CONSENT AGENDA WILL BE ENACTED BY ONE MOTION. THERE WILL BE NO SEPARATE DISCUSSION OF THESE ITEMS. IF DISCUSSION IS DESIRED, THAT ITEM WILL BE REMOVED FROM THE CONSENT AGENDA AND CONSIDERED SEPARATELY.

#### 7. **APPROVAL OF MINUTES**

- February 13, 2023

(Approve)

**8. COMMUNICATIONS**

- APPL00121\_02\_27\_2023 IPA5K Road Races 4/16/23, 7/16/23, & 10/1/23 (L&P)
- APPL00122\_02\_27\_2023 2nd Hand Vehicle License-Newburyport Sunoco (L&P)
- COMM00461\_02\_27\_2023 Brown School Gymnasium Considerations (GG/COTW)
- COMM00462\_02\_27\_2023 Ltr. From Kathleen O'Connor Ives re: drinking water concerns (PW&S)
- COMM00463\_02\_27\_2023 NYS Facility Funding Discussion (B&F/COTW)
- COMM00464\_02\_27\_2023 Brown School RFI Councillor Zeid Redline (GG/COTW)

**9. TRANSFERS**

**10. APPOINTMENTS**

- APPT00384\_02\_27\_2023 Jon-Eric White Temporary DPS Director (PW&S)

ALL ITEMS NOTED BELOW ARE REMOVED FROM THEIR RESPECTIVE COMMITTEES WITH THE MOTION TO APPROVE THE CONSENT AGENDA

**BUDGET & FINANCE**

*Re-Appointment:*

- APPT00372\_01\_30\_2023 Ethan Manning 31 Howard St. Dir. of Fin./City Auditor 2/1/2026
- ORDR00388\_11\_01\_2022 NYS Facility Bond Order (COTW)
- COMM00443\_11\_01\_2022 59 Low St. FAQs (COTW)
- COMM00458\_01\_30\_2023 FY2023 Mid-Year Budget Report

**COMMUNITY SERVICES**

- ORDR00419\_01\_30\_2023 Resolution Pete Pollard
- COMM00460\_01\_30\_2023 Letters of Support for Parks Plan
- ORDR00417\_01\_30\_2023 Parks Reorganization Plan (COTW)

**PLANNING & DEVELOPMENT**

*Re-Appointment:*

- APPT00378\_02\_13\_2023 Greg Earls 2 Sanborn Rd. Hampton Falls, NH Building Comm. 3/1/2026

**PUBLIC WORKS & SAFETY**

- APPT00368\_01\_30\_2023 Kim Emmons 9 Doe Run Dr. Water/Sewer Comm. 2/1/2025
- APPT00381\_02\_13\_2023 Wilfred "Paul" Suozzo, Jr. 7 Hunter Dr. Water/Sewer Comm. 3/1/2025
- ORDR00413\_01\_30\_2023 Parking Garage Inn Permit Fee
- ORDR00421\_02\_13\_2023 National Grid Virginia Lane/Storey Ave. Easement

**END OF CONSENT AGENDA**

Motion to approve the Consent Agenda by Councillor Zeid, seconded by Councillor Wright. Roll call vote. 11 yes. Motion passes.

**REGULAR AGENDA**

**9. MAYOR'S UPDATE**

Motion to receive and file by Councillor Zeid, seconded by Councillor Preston. Roll call vote. 11 yes. Motion passes.

**10. FIRST READING APPOINTMENTS**

## 11. COMMUNICATIONS

- COMM00465\_02\_27\_2023 LATE FILE Street Paving Plan FY23-FY28

Motion to refer to Public Works & Safety by Councillor Zeid, seconded by Councillor McCauley. Friendly amendment by Councillor Khan to refer to also COTW. Roll call vote. 11 yes. Motion passes.

## 12. TRANSFERS

## 13. SECOND READING APPOINTMENTS

- APPT00377\_02\_13\_2023 Becky MacKnight 13 Farrell St. Tree Commission 3/1/2026
- APPT00379\_02\_13\_2023 Lorraine Ward 7 Sullivan Dr. Human Rights Comm. 3/1/2025
- APPT00380\_02\_13\_2023 Kristen Farrell 28 Spofford St. Comm. On Disabilities 3/1/2026
- APPT00383\_02\_13\_2023 Susanne Gallagher 3 Garnet St. Board of Registrars 3/1/2026

*Re-appointments:*

Motion to approve collectively by Councillor Zeid, seconded by Councillor Cameron. Roll call vote. 11 yes. Motion passes.

## 14. ORDERS

- ORDR00423\_02\_27\_2023 Resolution in Support of Changing the State Flag & Seal of Massachusetts  
Motion refer to General Government by Councillor Khan, seconded by Councillor Cameron. Roll call vote. 9 yes, 2 no (JM, SZ). Motion passes.
- ORDR00424\_02\_27\_2023 EP Election Calendar 2023
- ORDR00424\_02\_27\_2023 Election Calendar 2023  
Motion collectively waive the rules, declare an emergency, and approve by Councillor Zeid, seconded by Councillor Cameron. Roll call vote. 11 yes. Motion passes.
- ORDR00425\_02\_27\_2023 Exchange Club Gift Acceptance
- ORDR00426\_02\_27\_2023 Police Cruiser Equipment Lease
- ORDR00427\_02\_27\_2023 NYSA Gift Acceptance  
Motion refer collectively ORDR00425, ORDR00426, and ORDR00427 to Budget & Finance by Councillor Zeid, seconded by Councillor Khan. Roll call vote. 11 yes. Motion passes.
- ORDR00428\_02\_27\_2023 Request for Expressions of Interest (RFI) for former Brown School Property  
Motion refer to General Government and COTW by Councillor Vogel, seconded by Councillor Khan. Roll call vote. 9 yes, 2 no (BL, SZ). Motion passes.
- ORDR00429\_02\_27\_2023 Amended City Council Rules 2023  
Motion refer to General Government and COTW by Councillor Zeid, seconded by Councillor Preston. Roll call vote. 11 yes. Motion passes.

- ODNC00142\_02\_27\_2023 LATE FILE Amend Ch 5-62 Bldg Code Fees  
Motion waive the rules, declare an emergency, and approve on 1<sup>st</sup> reading by Councillor Zeid, seconded by Councillor Preston. Roll call vote. 11 yes. Motion passes.

- ORDR00430\_02\_27\_2023 EP LATE FILE Emergency Preamble: Waiver of Ch 5-62 Bldg Code Fees
- ORDR00430\_02\_27\_2023 LATE FILE Waiver of Ch 5-62 Bldg Code Fees  
Motion collectively waive the rules, declare an emergency, and approve by Councillor Zeid, seconded by Councillor Cameron. Motion to amend to 2<sup>nd</sup> sentence of the last paragraph to state “and this deferment expires on June 1, 2024” by Councillor Zeid, seconded by Councillor Wright. Roll call vote. 8 yes, 3 no (JD, AK, BV). Motion passes. Motion to approve as amended by Councillor Zeid, seconded by Councillor Cameron. Roll call vote. 11 yes. Motion passes.

## 15. ORDINANCES

- ODNC00138\_02\_27\_2023 Amend Municipal Fee Schedule - Inn Permit  
Motion refer collectively ODNC00138 and ODNC00140 to Public Works & Safety by Councillor McCauley, seconded by Councillor Cameron. Roll call vote. 11 yes. Motion passes.
- ODNC00139\_02\_27\_2023 Amend Municipal Fee Schedule Food Truck  
Motion refer to Community Services by Councillor McCauley, seconded by Councillor Preston. Roll call vote. 11 yes. Motion passes.

- ODNC00140\_02\_27\_2023 Amend Municipal Fee Schedule Parking Fines  
Motion refer collectively ODNC00138 and ODNC00140 to Public Works & Safety by Councillor McCauley, seconded by Councillor Cameron. Roll call vote. 11 yes. Motion passes.
- ODNC00141\_02\_27\_2023 Zoning Amendment STRU  
Motion refer to Planning & Development COTW by Councillor Zeid, seconded by Councillor Cameron. Roll call vote. 11 yes. Motion passes.

## 16. COMMITTEE ITEMS

### Ad Hoc Committee on Adaptive Reuse of Brown School Property

#### *In Committee:*

### Ad Hoc Committee on Market Landing Park and COTW

#### *In Committee:*

- ORDR00389\_11\_01\_2022 Naming Rights Market Landing Park

### Budget & Finance

#### *In Committee:*

#### Re-Appointment:

- APPT00372 01 30 2023 Ethan Manning 31 Howard St. Dir. of Fin./City Auditor 2/1/2026

Motion to approve by Councillor Zeid, seconded by Councillor Wright. Roll call vote. 11 yes. Motion passes.

- ORDR00388 11 01 2022 NYS Facility Bond Order (COTW)

- COMM00443 11 01 2022 59 Low St. FAQs (COTW)

Motion to collectively receive and file ORDR00388 and COMM00443 by Councillor Zeid, seconded by Councillor Wright. Roll call vote. 9 yes, 2 no (JD, BV). Motion passes.

- COMM00458 01 30 2023 FY2023 Mid-Year Budget Report

Motion to receive and file by Councillor Zeid, seconded by Councillor Wright. Roll call vote. 11 yes. Motion passes.

- ORDR00336\_03\_28\_2022 ARPA Amesbury 250K (COTW)
- ODNC00129\_11\_01\_2022 Defining Conflict Rule for Dept. Heads (COTW)
- ODNC00130\_11\_01\_2022 Grants, Gifts, and Fees (COTW)
- ODNC00132\_11\_14\_2022 Mandated Reporting

### Community Services

#### *In Committee:*

- ORDR00419 01 30 2023 Resolution Pete Pollard

Motion to approve by Councillor McCauley, seconded by Councillor Cameron . Roll call vote.11 yes. Motion passes.

- COMM00460 01 30 2023 Letters of Support for Parks Plan

Motion to receive and file by Councillor McCauley, seconded by Councillor Cameron. Roll call vote. 11 yes. Motion passes.

- ORDR00417 01 30 2023 Parks Reorganization Plan (COTW)

Motion to approve by Councillor McCauley, seconded by Councillor Cameron . Roll call vote. 10 yes, 1 no (BV). Motion passes.

- ORDR00418\_01\_30\_2023 Resolution Purple Heart City
- ORDR00422\_02\_13\_2023 Newburyport Commission on Disabilities Bylaws

### General Government

#### *In Committee:*

#### Re-Appointment:

- ORDR00415\_01\_30\_2023 Brown School Ad Hoc Update
- ORDR239\_02\_8\_2021 Council Rule 7 and 10B

## Licenses & Permits

### *In Committee:*

- ODNC047\_01\_27\_2020 General Ordinance - Short Term Rental Units Rules

## Planning & Development

### *In Committee:*

#### Re-appointment:

- APPT00378 02 13 2023 Greg Earls 2 Sanborn Rd. Hampton Falls, NH Building Comm. 3/1/2026  
Motion to approve by Councillor Cameron, seconded by Councillor Preston . Roll call vote.11 yes. Motion passes.
- COMM00445\_11\_14\_2022 59 Low Street Plan (COTW)
- ODNC00135\_01\_30\_2023 Zoning Amendment ITIF Remove Residential Use
- ODNC00136\_01\_30\_2023 General Code Amendment Planning Board Membership (COTW)
- ODNC00137\_01\_30\_2023 Zoning Amendment Planning Board Membership (COTW)

## Public Works & Safety

### *In Committee:*

- APPT00368 01 30 2023 Kim Emmons 9 Doe Run Dr. Water/Sewer Comm. 2/1/2025  
Motion to approve by Councillor Wallace, seconded by Councillor McCauley . Roll call vote.11 yes. Motion passes.
- APPT00381 02 13 2023 Wilfred “Paul” Suozzo, Jr. 7 Hunter Dr. Water/Sewer Comm. 3/1/2025  
Motion to approve by Councillor Wallace, seconded by Councillor McCauley . Roll call vote.11 yes. Motion passes.
- ORDR00413 01 30 2023 Parking Garage Inn Permit Fee  
Motion to receive and file by Councillor Wallace, seconded by Councillor Zeid . Roll call vote.11 yes. Motion passes.
- ORDR00421 02 13 2023 National Grid Virginia Lane/Storey Ave. Easement  
Motion to approve by Councillor Wallace, seconded by Councillor McCauley . Roll call vote.11 yes. Motion passes.
- COMM00412\_05\_31\_2022 Ltr Ann Jaroncyk re: Traffic Safety
- COMM00414\_05\_31\_2022 Ltr. Emily Dunn re: Traffic on Merrimac Street
- COMM00456\_12\_12\_2022 Letters re: Curb Cut 4 Wilkinson Dr. & 34 Hale St.
- ODNC00103\_01\_10\_2022 Streets, Sidewalks, and Other Public Places Alterations & Maintenance
- COMM00459\_01\_30\_2023 Ltr. Residents concerned with speeding on Arlington St.
- APPT00382\_02\_13\_2023 Thomas O’Brien 11 Moseley Ave. Water/Sewer Comm. 3/1/2025

## 17. GOOD OF THE ORDER

### 18. EXECUTIVE SESSION: Pursuant to MGL c. 30A s. 21 there will be an executive session for the purpose of discussing strategy with respect to litigation with City Solicitor, KP Law.

Motion to go into Executive Session without returning to the City Council meeting by Councillor Zeid, seconded by Councillor Wright. Roll call vote.11 yes. Motion passes.

## 19. ADJOURNMENT

# COMMUNICATIONS

THE COMMONWEALTH OF MASSACHUSETTS

RECEIVED  
CITY CLERK'S OFFICE  
NEWBURYPORT, MA

OF

2023 MAR -2 P 3: 27

**APPLICATION FOR A LICENSE TO BUY, SELL, EXCHANGE  
OR ASSEMBLE SECOND HAND MOTOR VEHICLES  
OR PARTS THEREOF**

I, the undersigned, duly authorized by the concern herein mentioned, hereby apply for a Second class license, to Buy, Sell, Exchange or Assemble second hand motor vehicles or parts thereof, in accordance with the provisions of Chapter 140 of the General Laws.

1. What is the name of the concern? R L CURRIE Corp

Business address of concern. No. 6 New PASTURE ROAD St.,  
Newburyport City — Town.

2. Is the above concern an individual, co-partnership, an association or a corporation? CORPORATION

3. If an individual, state full name and residential address. N/A

4. If a co-partnership, state full names and residential addresses of the persons composing it. N/A

5. If an association or a corporation, state full names and residential addresses of the principal officers.

President RANDY L CURRIE 111 GEORGETOWN RD West Newbury MA 01985

Secretary " "

Treasurer " "

6. Are you engaged principally in the business of buying, selling or exchanging motor vehicles? YES

If so, is your principal business the sale of new motor vehicles? NO

Is your principal business the buying and selling of second hand motor vehicles? YES

Is your principal business that of a motor vehicle junk dealer? NO

7. Give a complete description of all the premises to be used for the purpose of carrying on the business.

5 ACRES +/- with PAVED PARKING AND A  
10,000 sq FT Cement Block Building Housing  
OFFICES, Repair FACILITIES AS WELL AS A  
MASS STATE INSPECTION STATION

8. Are you a recognized agent of a motor vehicle manufacturer? NO  
(Yes or No)

If so, state name of manufacturer \_\_\_\_\_

9. Have you a signed contract as required by Section 58, Class 1? NO  
(Yes or No)

10. Have you ever applied for a license to deal in second hand motor vehicles or parts thereof? YES  
(Yes or No)

If so, in what city — town Newburyport

Did you receive a license? YES For what year? 2005 - 2022 approx  
(Yes or No)

11. Has any license issued to you in Massachusetts or any other state to deal in motor vehicles or parts thereof  
ever been suspended or revoked? NO  
(Yes or No)

Sign your name in full Jandy Curme  
(Duly authorized to represent the concern herein mentioned)

Residence 111 Georgetown Road  
West Newbury MA 01985

### IMPORTANT

EVERY QUESTION MUST BE ANSWERED WITH  
FULL INFORMATION, AND FALSE STATEMENTS  
HEREIN MAY RESULT IN THE REJECTION OF  
YOUR APPLICATION OR THE SUBSEQUENT  
REVOCATION OF YOUR LICENSE IF ISSUED.

NOTE: If the applicant has not held a license in the year prior to this application, he must file a duplicate of the application with the registrar. (See Sec. 59)

APPLICANT WILL NOT FILL THE FOLLOWING BLANKS

Application after investigation \_\_\_\_\_  
(Approved or Disapproved)

License No. \_\_\_\_\_ granted \_\_\_\_\_ Fee \$ \_\_\_\_\_

Signed \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

CHAPTER 140 OF THE GENERAL LAWS, TER. ED., WITH AMENDMENTS THERETO (EXTRACT)

SECTION 57. No person, except one whose principal business is the manufacture and sale of new motor vehicles but who incidentally acquires and sells second hand vehicles, or a person whose principal business is financing the purchase of or insuring motor vehicles but who incidentally acquires and sells second hand vehicles, shall engage in the business of buying, selling, exchanging or assembling second hand motor vehicles or parts thereof without securing a license as provided in section fifty-nine. This section shall apply to any person engaged in the business of conducting auctions for the sale of motor vehicles.

SECTION 58. Licenses granted under the following section shall be classified as follows:

Class 1. Any person who is a recognized agent of a motor vehicle manufacturer or a seller of motor vehicles made by such manufacturer whose authority to sell the same is created by a written contract with such manufacturer or with some person authorized in writing by such manufacturer to enter into such contract, and whose principal business is the sale of new motor vehicles, the purchase and sale of second hand motor vehicles being incidental or secondary thereto, may be granted an agent's or a seller's license; provided, that with respect to second hand motor vehicles purchased for the purpose of sale or exchange and not taken in trade for new motor vehicles, such dealer shall be subject to all provisions of this chapter and of rules and regulations made in accordance therewith applicable to holders of licenses of class 2.

Class 2. Any person whose principal business is the buying or selling of second hand motor vehicles may be granted a used car dealer's license.

Class 3. Any person whose principal business is the buying of second hand motor vehicles for the purpose of remodeling, taking apart or rebuilding the same, or the buying or selling of parts of second hand motor vehicles or tires, or the assembling of second hand motor vehicle parts, may be granted a motor vehicle junk license.

SECTION 59. The police commissioner in Boston and the licensing authorities in other cities and towns may grant licenses under this section which will expire on January first following the date of issue unless sooner revoked. The fees for the licenses shall be fixed by the licensing board or officer, but in no case shall exceed \$100. dollars. Application for license shall be made in such form as shall be approved by the registrar of motor vehicles, in sections fifty-nine to sixty-six, inclusive, called the registrar, and if the applicant has not held a license in the year prior to such application, such application shall be made in duplicate, which duplicate shall be filed with the registrar. No such license shall be granted unless the licensing board or officer is satisfied from an investigation of the facts stated in the application and any other information which they may require of the applicant, that he is a proper person to engage in the business specified in section fifty-eight in the classifications for which he has applied, that said business is or will be his principal business, and that he has available a place of business suitable for the purpose. The license shall specify all the premises to be occupied by the licensee for the purpose of carrying on the licensed business. Permits for a change of situation of the licensed premises or for addition thereto may be granted at any time by the licensing board or officer in writing, a copy of which shall be attached to the license. Cities and towns by ordinance or by-law may regulate the situation of the premises of licensees within class 3 as defined in section fifty-eight, and all licenses and permits issued hereunder to persons within said class 3 shall be subject to the provisions of ordinances and by-laws which are hereby authorized to be made. No license or permit shall be issued hereunder to a person within said class 3 until after a hearing, of which seven days' notice shall have been given to the owners of property abutting on the premises where such license or permit is proposed to be exercised. All licenses granted under this section shall be revoked by the licensing board or officer if it appears, after hearing, that the licensee is not complying with sections fifty-seven to sixty-nine, inclusive, or the rules and regulations made thereunder; and no new license shall be granted to such person thereafter, nor to any person for use on the same premises, without the approval of the registrar. The hearing may be dispensed with if the registrar notifies the licensing board or officer that a licensee is not so complying. Any person aggrieved by any action of the licensing board or officer refusing to grant, or revoking a license for any cause may, within ten days after such action, appeal therefrom to any justice of the superior court in the county in which the premises sought to be occupied under the license or permit applied for are located. The justice shall, after such notice to the parties as he deems reasonable, give a summary hearing on such appeal, and shall have jurisdiction in equity to review all questions of fact or law and may affirm or reverse the decision of the board or officer and may make any appropriate decree. The decision of the justice shall be final.





Boston  
114 Turnpike Road  
3rd Floor - 114  
Westborough, Massachusetts 01581  
+1 (800) 6471113 Fax: +1 (866) 5474882

## Continuation Certificate

To be attached to and form a part of surety bond number LSF006317 (the "Bond"), cross reference bond number 5010479 for Used Dealers and Salesmen dated the 25th day of October, 2007, in the penal sum of 25,000.00 USD issued by The Ohio Casualty Insurance Company as surety (the "Surety"), on behalf of RL Currie Corp as principal (the "Principal"), in favor of CITY OF NEWBURYPORT, as obligee (the "Obligee").

The Surety hereby certifies that this Bond is continued in full force and effect until the 25th day of October, 2023, subject to all covenants and conditions of said Bond.

Said Bond has been continued in force upon the express condition that the full extent of the Surety's liability under said Bond, and this and all continuations thereof, for any loss or series of losses occurring during the entire time the Surety remains on said Bond, shall in no event, either individually or in the aggregate, exceed the penal sum of the Bond.

IN WITNESS WHEREOF, the Surety has set its hand and seal this 5th day of October, 2022.

The Ohio Casualty Insurance Company  
(Surety)

By: Timothy A. Mikolajewski  
Timothy A. Mikolajewski, Assistant Secretary



# NEWBURYPORT SPECIAL EVENT APPLICATION

APPL00124\_03\_13\_2023

Tel. \_\_\_\_\_

Fax. \_\_\_\_\_

(For Street Closure or Any Use of a Public Way - Please complete page 3 of this application)

NAME OF EVENT: Town & Country Half Marathon

Date: 6/11/23 Time: from \_\_\_\_\_ to \_\_\_\_\_

Rain Date: \_\_\_\_\_ Time: from \_\_\_\_\_ to \_\_\_\_\_

2. Location\*: 40 Parker St. Newburyport, MA 01950

\*Please Note: If the location is a public park or the rail trail, please also contact the Parks Department

3. Description of Property: Mark Richey Properties / Riverwalk Brewing Co. Public \_\_\_\_\_ Private X

4. Name of Organizer: YuKan Sports, LLC City Sponsored Event: Yes \_\_\_\_\_ No X

Contact Person Rich Morrell

Address: PO Box 780 Rockport, MA 01950 Telephone: 978-879-9007

E-Mail: rmorrell@yukanrun.com Cell Phone: 978-879-9007

Day of Event Contact & Phone: Rich Morrell 978-879-9007

5. Number of Attendees Expected: 500

6. MA Tax Number: 27-3695540

7. Is the Event Being Advertised? Yes Where? online

8. What Age Group is the Event Targeted to? 21-55

9. Have You Notified Neighborhood Groups or Abutters? Yes \_\_\_\_\_ No X Who? \_\_\_\_\_

ACTIVITIES: (Please check where applicable.) Subject to Licenses & Permits from Relevant City Departments

A. Vending\*: Food \_\_\_\_\_ Beverages \_\_\_\_\_ Alcohol \_\_\_\_\_ Goods \_\_\_\_\_ Total # of Vendors \_\_\_\_\_

\*If checked, signature from Health Director required (Page 3)

B. Entertainment: (Subject to City's Noise Ordinance.) Live Music \_\_\_\_\_ DJ \_\_\_\_\_ Radio/CD \_\_\_\_\_

Performers \_\_\_\_\_ Dancing \_\_\_\_\_ Amplified Sound X Stage \_\_\_\_\_

C. Games /Rides: Adult Rides \_\_\_\_\_ Kiddie Rides \_\_\_\_\_ Games \_\_\_\_\_ Raffle \_\_\_\_\_

Other \_\_\_\_\_ Total # \_\_\_\_\_

Name of Carnival Operator: \_\_\_\_\_

Address: \_\_\_\_\_

Telephone: \_\_\_\_\_

D. Organizer is responsible for clean-up during and after event. All trash must be collected and removed from event location immediately at the end of the event unless prior written agreement had been made with the Department of Public Services (DPS).

Will you be conducting the clean-up for this event? Yes X No \_\_\_\_\_

**If yes:**

- a) How many trash receptacles will you be providing? 4
- b) How many recycling receptacles will you be providing? 2
- c) Will you be contracting for disposal of : **Trash** Yes \_\_\_\_\_ No  **Recycling** Yes \_\_\_\_\_ No
- i. If yes, size of dumpster(s): **Trash** \_\_\_\_\_ **Recycling** \_\_\_\_\_
- ii. Name of disposal company: **Trash** \_\_\_\_\_ **Recycling** \_\_\_\_\_
- iii. If no, will you remove trash & recycling with organizers' cars or trucks? Yes \_\_\_\_\_ No \_\_\_\_\_
- iv. If no, where will the trash & recycling be disposed ? \_\_\_\_\_

**If no:**

- a) # of trash container(s) to be provided by DPS n/a
- b) # of recycling container(s) to be provided by Recycling Office n/a
- c) \$45.00/hr/DPS employee charge must be paid by the organizer to DPS in advance of the event (Fee for Special Events). The hours required for the event will be determined by DPS.

All fees must be paid prior to the event. Check or money order is payable to the City

of Newburyport. E. Portable Toilets: (Each cluster of portable toilets must include at least one ADA accessible toilet)

# 5 Standard # \_\_\_\_\_ ADA accessible

Name of company providing the portable toilets: United Site Services



# DEPARTMENT APPROVAL (for Committee Member use only):

It will be necessary for you to obtain permits or certificates from the following Departments: Please note that costs for some City support services during an event are an estimate only. Some Departments may forward an invoice for services rendered at the completion of the event, and others may require advance payment.

Approval Required \_\_\_\_\_ Date: 2-23-23 Signature: 

\_\_\_\_\_ 1. Special Events: \_\_\_\_\_

\_\_\_\_\_ 2. Police: \_\_\_\_\_  
Is Police Detail Required: \_\_\_\_\_ # of Details Assigned: \_\_\_\_\_

\_\_\_\_\_ 3. Traffic, Parking & Transportation: \_\_\_\_\_

\_\_\_\_\_ 4. ISD/Health: \_\_\_\_\_

\_\_\_\_\_ 5. Recycling: \_\_\_\_\_

\_\_\_\_\_ 6. ISD/Building: \_\_\_\_\_

\_\_\_\_\_ 7. Electrical: \_\_\_\_\_

\_\_\_\_\_ 8. Fire: \_\_\_\_\_  
Is Fire Detail Required: \_\_\_\_\_ # of Details Assigned: \_\_\_\_\_

\_\_\_\_\_ 9. Public Works: *Fee for Special Events: \$45/hr/DPS employee for trash handling/staging etc. may apply*  
Yes: \$ \_\_\_\_\_ due on \_\_\_\_\_ No Fee for Special Events applies  
Other requirements/instructions per DPS \_\_\_\_\_

\_\_\_\_\_ 10. Parks Department: \_\_\_\_\_

\_\_\_\_\_ 11. License Commission \_\_\_\_\_

**The departments listed above have their own application process.**  
**Applicants are responsible for applying for and obtaining all required permits & certificates from the various individual departments**

**Sec. 13-97.** - Road races, walkathons, bicycle and other multidisciplinary events.

(a) *Short title.* This section may be cited as the "road races, walkathons and bicycle events."

(b) *Purpose and intent.* The use of city streets and sidewalks for the purpose of road races, walkathons or bicycle tours are positive events that promote exercise, general good health and Newburyport as a destination. These events do from time to time create hardships, impacting neighborhoods and traffic. To create a balance between conflicting interests, by safeguarding participants, residents, visitors and the City of Newburyport, this section will define and codify the procedure for the benefit of all.

(c) *Definitions.*

(1) *Road race.* A competitive or non-competitive running event that utilizes the streets, sidewalks and/or crosses over streets or sidewalks within city limits and in which an entry fee is required or charitable donation is solicited or suggested.

(2) *Walkathon.* A competitive or non-competitive walk event that utilizes the streets, sidewalks and/or crosses over streets or sidewalks within city limits and in which an entry fee is required or charitable donation is solicited or suggested.

(3) *Bicycle race.* A competitive or non-competitive bicycling event that utilizes the streets, sidewalks and/or crosses over streets or sidewalks within city limits and in which an entry fee is required or charitable donation is solicited or suggested.

(4) *Multidisciplinary event.* A competitive or non-competitive event requiring or offering running, walking, biking, swimming or any combination thereof in which an entry fee is required or a charitable donation is solicited or suggested.

(5) *Event.* Any road race, walkathon, bicycle race, multi-disciplined event as defined above.

(d) *Limitations.*

(1) *Procedure.* All events shall, through that event's organizer, board of directors, charity foundation or designee ("organizer") apply for city council authorization to hold the event through the office of the city clerk no later than sixty (60) days before the event's proposed date. There shall be a grace period through December 31, 2017, during which applications will be accepted beyond the prescribed due date. Prior to application with the city council, the event shall file and receive approval from all applicable city departments, boards, and commissions. Copies of such approved applications, including along with documentation of any fees, donations, in-kind donations paid as part of said application(s), shall be included as part of the city council application.

The date of application is the date a completed application is submitted to the city clerk's office and stamped by the same. The city clerk, upon review of the completed form, will place the application on the next regular city council agenda, even if such submission is a late file. Upon following the procedures of the council, as deemed appropriated in the sole judgment of the council, the application will be considered approved if the council votes favorably by majority. The application shall name one (1) person responsible on the application and shall provide contact information to include name, address, email address, and telephone number.

(2) *Exemptions.* Each event organizer or organization shall comply with this ordinance and no exemptions will be permitted.

(3) *Course map.* All applications shall be accompanied by a legible, precise course map showing the event route, water stops, refreshment stops, and so-called "port-a-potties". The course map shall also include any road closures, detours and parking areas. The course map shall be approved by police, fire, department of public services, parks commission and harbor masters departments prior to submission to the city clerk.

(4) *Electronic amplifier.* Electronic amplifiers, loudspeakers and bullhorn use shall be requested at time of application. Under no circumstances will they be used for public address announcements or music before 8:00 a.m., except for Sundays when electronic amplifiers, loud speakers or bullhorns will not be used for public address announcements or music before 9:00 a.m.

(5) *Road closure.* No ways, public or private, boat ramps or parking lots controlled or patrolled by the city shall be closed without authorization. Authorization shall be considered granted only if said closure(s) are contained in the approved permit. It is the sole responsibility of the race organizers to notify residents fourteen (14) days in advance that neighborhood roads will be closed if no alternate route is available to those residents. Notification shall be made by race organizers by informational packet drop-off at all residences that may be impacted, including, but not limited to, road closures, restricted driveway access, parking restrictions, or noise. In the case of multi-family residences with so-called security doors, notification will be sufficient at said security door. A copy of the notification shall be provided to the city clerk and, when possible, posted on the city website and distributed via email. Further,

a list of all streets notified shall be provided to the city clerk to be date stamped and appended to the application record. Press releases and other media type notifications are encouraged.

(6) *Insurance.* All events shall have an insurance policy or rider in effect for the event naming the "City of Newburyport" as an additional insured. The policy shall be no less than two million dollars (\$2,000,000.00).

(7) *Event termination.* If in the judgment of the city marshal, fire chief or department of public services (DPS) director or designees thereof determine that an event is unsafe due to existing conditions, that event may be stopped, terminated or suspended. In the case of a multidiscipline event such as a triathlon, the harbormaster or his/her designee may likewise stop, terminate or suspend the swimming portion for cause.

(8) *Event and traffic security.* The city marshal, fire chief, DPS director or in the case of a triathlon, the harbormaster can require special duty personnel to assist in the organizing and coordinating the safety and security of the event. All special duty assignments will be paid by the event organizers.

(9) *Clean-up.* The event organizers shall be responsible for post event trash collection, removal of signage, directional arrows, advertisements or other promotional material associated with the event.

(10) *Parking.* The event organizers shall be responsible for including parking instructions in materials disseminated to event participants. If the event is happening within one-half mile of municipal parking, then participants shall be asked to park at such parking facilities.

(11) *Notification of previous event organizers.* To the extent reasonably possible, the city clerk shall notify all event organizers from events held from 2014—2016, inclusive, by a one-time phone, email, or letter of the new application timeline and other requirements.

(12) *Simplification.* Departments are encouraged to unify their respective applications into a singular application, managed and distributed by the city clerk's office.

(13) *Americans with Disabilities Act.* Event organizers are reminded of the importance of and expectation of adherence to the Americans with Disabilities Act of 1990 (42 U.S.C § 12101) and subsequent applicable amendments.

**(e) Enforcement.**

(1) *Regulations.* Consistent with this section, the city shall promulgate regulations to enforce and otherwise implement the provisions of this section upon passage by the city council. Any event previously approved by city council shall be deemed permitted.

(2) *Warning.* In the circumstance that this section is violated, the enforcement may consist of a warning. Any warnings issued for violation(s) will be reported to the city clerk and city council and may be used as a factor in future application approvals and denials.

(3) *Noncriminal disposition.* If the city determines that a violation has occurred in which a noncriminal violation is issued, the named event organizer shall be penalized by a non-criminal disposition as provided in Massachusetts General Law as adopted by the City of Newburyport as a general ordinance in section 1-17 of chapter 1 of the Code or Ordinances of the City of Newburyport in the amounts set herein in subsection (e)(4) below.

(4) *Violation.* The non-criminal violation shall be one hundred dollars (\$100.00) for the first offense and two hundred fifty dollars (\$250.00) for second and subsequent offenses. Any non-criminal citations issued for violation(s) will be reported to the city clerk and city council and shall be used as a factor in future application approvals and denials.

(5) *Failure to notify.* If the event fails to notify residents and provide documentation to the city clerk, pursuant to subsection (d)(5) above, shall render that organization ineligible to receive an event permit for a period of twelve (12) months unless special leave is granted by two-thirds supervote of the city council.

**I fully understand and agree to all the terms set forth in this application. The information that I have provided is truthful and accurate. I accept all responsibility related to this event.**

Signed: 

Date: 2/21/23

# CERTIFICATE OF INSURANCE

PRINT DATE: 2/21/2023

CERTIFICATE NUMBER: 20230221960140

**AGENCY:**

Edgewood Partners Insurance Center  
5909 Peachtree Dunwoody Road, Suite 800  
Atlanta, GA 30328  
678-324-3300 (Phone), 678-324-3303 (Fax)

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW.

**NAMED INSURED:**

USA Track & Field, Inc. YuKan Sports, LLC  
130 East Washington Street, Suite 800  
Indianapolis IN 46204

**INSURERS AFFORDING COVERAGE:**

INSURER A: Accredited Surety and Casualty Company, Inc. NAIC# 26379  
INSURER B: Allied World National Assurance Company NAIC# 19489

**EVENT INFORMATION:**

Town & Country Half Marathon (6/4/2023 - 6/4/2023)

**POLICY/COVERAGE INFORMATION:**

THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. AGGREGATE LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INS	TYPE OF INSURANCE:	POLICY NUMBER(S):	EFFECTIVE:	EXPIRES:	LIMITS:
A	GENERAL LIABILITY				
	<input checked="" type="checkbox"/> Occurrence	1-TRE-IN-17-01338542-00	11/1/2022 12:01 AM	11/1/2023 12:01 AM	GENERAL AGGREGATE (Applies Per Event) \$4,000,000
	<input checked="" type="checkbox"/> Participant Legal Liability				EACH OCCURRENCE \$2,000,000
					DAMAGE TO RENTED PREMISES (Each Occ.) \$2,000,000
					MEDICAL EXPENSE (Any one person) EXCLUDED
					PERSONAL & ADV INJURY \$2,000,000
					PRODUCTS-COMP/OP AGG \$2,000,000
A	UMBRELLA/EXCESS LIABILITY				
	<input checked="" type="checkbox"/> Occurrence	1-TRE-IN-17-01338543-00	11/1/2022 12:01 AM	11/1/2023 12:01 AM	EACH OCCURRENCE \$3,000,000
					AGGREGATE \$3,000,000
B	OTHER				
	<input checked="" type="checkbox"/> EXCESS LIABILITY	0313-1301	11/1/2022 12:01 AM	11/1/2023 12:01 AM	EACH OCCURRENCE \$7,000,000
					AGGREGATE \$7,000,000

**DESCRIPTION OF OPERATIONS/LOCATIONS/VEHICLES/EXCLUSIONS ADDED BY ENDORSEMENT/SPECIAL PROVISIONS:**

The City of Newburyport is an additional insured.

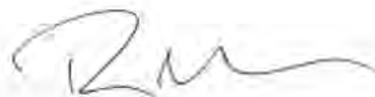
**CERTIFICATE HOLDER:**

City of Newburyport  
60 Pleasant Street  
Newburyport MA 01950

**NOTICE OF CANCELLATION:**

Should any of the above described policies be cancelled before the expiration date thereof, notice will be delivered in accordance with the policy provisions.

**AUTHORIZED REPRESENTATIVE:**





RECEIVED  
CITY CLERK'S OFFICE  
NEWBURYPORT, MA

**NEWBURYPORT SPECIAL EVENT APPLICATION**

Tel. \_\_\_\_\_

Fax 2023 FEB 27 P 1:45

(For Street Closure or Any Use of a Public Way - Please complete page 3 of this application)

NAME OF EVENT: Wright Wedding (Jonathan + Talya)

Date: September 30, 2023 Time: from 12:00 PM to 6:00 PM

Rain Date: NONE Time: from \_\_\_\_\_ to \_\_\_\_\_

2. Location\*: 261-263 Northern Boulevard Newburyport

\*Please Note: If the location is a public park or the rail trail, please also contact the Parks Department

3. Description of Property: Plum Island lighthouse & adjacent Public  Private \_\_\_\_\_

4. Name of Organizer: Lela & Mark Wright City Sponsored Event: Yes \_\_\_\_\_ No

Contact Person

Address: 55 Reservation Terrace Telephone: 978-815-6690

E-Mail: lela-wright@hotmail.com Cell Phone: 978-417-9897

Day of Event Contact & Phone: as above

5. Number of Attendees Expected: 50+

6. MA Tax Number: N/A

7. Is the Event Being Advertised? NO Where? \_\_\_\_\_

8. What Age Group is the Event Targeted to? All ages

9. Have You Notified Neighborhood Groups or Abutters? Yes \_\_\_\_\_ No \_\_\_\_\_, Who? \_\_\_\_\_

**ACTIVITIES:** (Please check where applicable.) Subject to Licenses & Permits from Relevant City Departments

A. Vending\*: Food \_\_\_\_\_ Beverages \_\_\_\_\_ Alcohol \_\_\_\_\_ Goods \_\_\_\_\_ Total # of Vendors \_\_\_\_\_

\*If checked, signature from Health Director required (Page 3)

B. Entertainment: (Subject to City's Noise Ordinance.) Live Music \_\_\_\_\_ DJ \_\_\_\_\_ Radio/CD \_\_\_\_\_

Performers \_\_\_\_\_ Dancing \_\_\_\_\_ Amplified Sound  Stage \_\_\_\_\_

C. Games /Rides: Adult Rides \_\_\_\_\_ Kiddie Rides \_\_\_\_\_ Games \_\_\_\_\_ Raffle \_\_\_\_\_

Other \_\_\_\_\_ Total # \_\_\_\_\_

Name of Carnival Operator: \_\_\_\_\_

Address: \_\_\_\_\_

Telephone: \_\_\_\_\_

D. Organizer is responsible for clean-up during and after event. All trash must be collected and removed from event location immediately at the end of the event unless prior written agreement had been made with the Department of Public Services (DPS).

Will you be conducting the clean-up for this event? Yes  No \_\_\_\_\_

**If yes:**

- a) How many trash receptacles will you be providing? Two
- b) How many recycling receptacles will you be providing? ~~Two~~ One
- c) Will you be contracting for disposal of : **Trash** Yes \_\_\_\_\_ No  **Recycling** Yes \_\_\_\_\_ No
- i. If yes, size of dumpster(s): **Trash** \_\_\_\_\_ **Recycling** \_\_\_\_\_
- ii. Name of disposal company: **Trash** \_\_\_\_\_ **Recycling** \_\_\_\_\_
- iii. If no, will you remove trash & recycling with organizers' cars or trucks? Yes  No \_\_\_\_\_
- iv. If no, where will the trash & recycling be disposed ? \_\_\_\_\_

**If no:**

- a) # of trash container(s) to be provided by DPS \_\_\_\_\_
- b) # of recycling container(s) to be provided by Recycling Office \_\_\_\_\_
- c) \$45.00/hr/DPS employee charge must be paid by the organizer to DPS in advance of the event (Fee for Special Events). The hours required for the event will be determined by DPS.

All fees must be paid prior to the event. Check or money order is payable to the City

of Newburyport. E. Portable Toilets: (Each cluster of portable toilets must include at least one ADA accessible toilet)

# \_\_\_\_\_ Standard # \_\_\_\_\_ ADA accessible

Name of company providing the portable toilets: N/A

N/A

# FOR STREET CLOSURE OR ANY USE OF A PUBLIC WAY

PARADE \_\_\_\_\_

ROAD RACE \_\_\_\_\_

WALKATHON \_\_\_\_\_

1. Name of the Group or Person Sponsoring the Road Race, Parade, Walkathon:

\_\_\_\_\_  
N/A

2. Name, Address & Daytime Phone Number of Organizer: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

3. Name, Address & 24/7 Telephone Number of Person Responsible for Clean Up \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

4. Date of Event: \_\_\_\_\_ Expected Number of Participants: \_\_\_\_\_

5. Start Time: \_\_\_\_\_ Expected End Time: \_\_\_\_\_

6. Road Race, Parade or Walkathon Route: (List street names & **attach map of route**): \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

7. Locations of Water Stops (if any): \_\_\_\_\_

8. Will Detours for Motor Vehicles Be Required? \_\_\_\_\_ If so, where? \_\_\_\_\_

9. Formation Location & Time for Participants: \_\_\_\_\_

10. Dismissal Location & Time for Participants: \_\_\_\_\_

11. Additional Parade Information:

• Number of Floats: \_\_\_\_\_

• Locations of Viewing Stations: \_\_\_\_\_

• Are Weapons Being Carried: Yes \_\_\_\_\_ No \_\_\_\_\_

• Are Marshalls Being Assigned to Keep Parade Moving: Yes \_\_\_\_\_ No \_\_\_\_\_

**APPROVAL SIGNATURES REQUIRED FOR STREET CLOSURE OR ANY USE OF A PUBLIC WAY**

CITY MARSHAL \_\_\_\_\_ 4 Green St. FIRE CHIEF \_\_\_\_\_ 0 Greenleaf St.

DEPUTY DIRECTOR \_\_\_\_\_ 16A Perry Way CITY CLERK \_\_\_\_\_ 60 Pleasant St.

HEALTH DIRECTOR \_\_\_\_\_ 60 Pleasant St. (only needed when Food & Beverage Vendors are included in the event)

## DEPARTMENT APPROVAL (for Committee Member use only):

It will be necessary for you to obtain permits or certificates from the following Departments: Please note that costs for some City support services during an event are an estimate only. Some Departments may forward an invoice for services rendered at the completion of the event, and others may require advance payment.

<i>Approval Required</i>	Date: _____	Signature _____
___	1. Special Events:	_____
___	2. Police:	_____
	Is Police Detail Required: _____	# of Details Assigned: _____
___	3. Traffic, Parking & Transportation:	_____
___	4. ISD/Health:	_____
___	5. Recycling:	_____
___	6. ISD/Building:	_____
___	7. Electrical:	_____
___	8. Fire:	_____
	Is Fire Detail Required: _____	# of Details Assigned: _____
___	9. Public Works: <i>Fee for Special Events: \$45/hr/DPS employee for trash handling/staging etc. may apply</i>	
	Yes: \$ _____ due on _____	No Fee for Special Events applies
	Other requirements/instructions per DPS _____	
___	10. Parks Department:	_____
___	11. License Commission	_____

**The departments listed above have their own application process.  
Applicants are responsible for applying for and obtaining all required  
permits & certificates from the various individual departments**

**Sec. 13-97.** - Road races, walkathons, bicycle and other multidisciplined events.

(a) *Short title.* This section may be cited as the "road races, walkathons and bicycle events."

(b) *Purpose and intent.* The use of city streets and sidewalks for the purpose of road races, walkathons or bicycle tours are positive events that promote exercise, general good health and Newburyport as a destination. These events do from time to time create hardships, impacting neighborhoods and traffic. To create a balance between conflicting interests, by safeguarding participants, residents, visitors and the City of Newburyport, this section will define and codify the procedure for the benefit of all.

(c) *Definitions.*

(1) *Road race.* A competitive or non-competitive running event that utilizes the streets, sidewalks and/or crosses over streets or sidewalks within city limits and in which an entry fee is required or charitable donation is solicited or suggested.

(2) *Walkathon.* A competitive or non-competitive walk event that utilizes the streets, sidewalks and/or crosses over streets or sidewalks within city limits and in which an entry fee is required or charitable donation is solicited or suggested.

(3) *Bicycle race.* A competitive or non-competitive bicycling event that utilizes the streets, sidewalks and/or crosses over streets or sidewalks within city limits and in which an entry fee is required or charitable donation is solicited or suggested.

(4) *Multidisciplined event.* A competitive or non-competitive event requiring or offering running, walking, biking, swimming or any combination thereof in which an entry fee is required or a charitable donation is solicited or suggested.

(5) *Event.* Any road race, walkathon, bicycle race, multi-disciplined event as defined above.

(d) *Limitations.*

(1) *Procedure.* All events shall, through that event's organizer, board of directors, charity foundation or designee ("organizer") apply for city council authorization to hold the event through the office of the city clerk no later than sixty (60) days before the event's proposed date. There shall be a grace period through December 31, 2017, during which applications will be accepted beyond the prescribed due date. Prior to application with the city council, the event shall file and receive approval from all applicable city departments, boards, and commissions. Copies of such approved applications, including along with documentation of any fees, donations, in-kind donations paid as part of said application(s), shall be included as part of the city council application.

The date of application is the date a completed application is submitted to the city clerk's office and stamped by the same. The city clerk, upon review of the completed form, will place the application on the next regular city council agenda, even if such submission is a late file. Upon following the procedures of the council, as deemed appropriated in the sole judgment of the council, the application will be considered approved if the council votes favorably by majority. The application shall name one (1) person responsible on the application and shall provide contact information to include name, address, email address, and telephone number.

(2) *Exemptions.* Each event organizer or organization shall comply with this ordinance and no exemptions will be permitted.

(3) *Course map.* All applications shall be accompanied by a legible, precise course map showing the event route, water stops, refreshment stops, and so-called "port-a-potties". The course map shall also include any road closures, detours and parking areas. The course map shall be approved by police, fire, department of public services, parks commission and harbor masters departments prior to submission to the city clerk.

(4) *Electronic amplifier.* Electronic amplifiers, loudspeakers and bullhorn use shall be requested at time of application. Under no circumstances will they be used for public address announcements or music before 8:00 a.m., except for Sundays when electronic amplifiers, loud speakers or bullhorns will not be used for public address announcements or music before 9:00 a.m.

(5) *Road closure.* No ways, public or private, boat ramps or parking lots controlled or patrolled by the city shall be closed without authorization. Authorization shall be considered granted only if said closure(s) are contained in the approved permit. It is the sole responsibility of the race organizers to notify residents fourteen (14) days in advance that neighborhood roads will be closed if no alternate route is available to those residents. Notification shall be made by race organizers by informational packet drop-off at all residences that may be impacted, including, but not limited to, road closures, restricted driveway access, parking restrictions, or noise. In the case of multi-family residences with so-called security doors, notification will be sufficient at said security door. A copy of the notification shall be provided to the city clerk and, when possible, posted on the city website and distributed via email. Further,

a list of all streets notified shall be provided to the city clerk to be date stamped and appended to the application record. Press releases and other media type notifications are encouraged.

(6) *Insurance.* All events shall have an insurance policy or rider in effect for the event naming the "City of Newburyport" as an additional insured. The policy shall be no less than two million dollars (\$2,000,000.00).

(7) *Event termination.* If in the judgment of the city marshal, fire chief or department of public services (DPS) director or designees thereof determine that an event is unsafe due to existing conditions, that event may be stopped, terminated or suspended. In the case of a multidiscipline event such as a triathlon, the harbormaster or his/her designee may likewise stop, terminate or suspend the swimming portion for cause.

(8) *Event and traffic security.* The city marshal, fire chief, DPS director or in the case of a triathlon, the harbormaster can require special duty personnel to assist in the organizing and coordinating the safety and security of the event. All special duty assignments will be paid by the event organizers.

(9) *Clean-up.* The event organizers shall be responsible for post event trash collection, removal of signage, directional arrows, advertisements or other promotional material associated with the event.

10) *Parking.* The event organizers shall be responsible for including parking instructions in materials disseminated to event participants. If the event is happening within one-half mile of municipal parking, then participants shall be asked to park at such parking facilities.

(11) *Notification of previous event organizers.* To the extent reasonably possible, the city clerk shall notify all event organizers from events held from 2014—2016, inclusive, by a one-time phone, email, or letter of the new application timeline and other requirements.

(12) *Simplification.* Departments are encouraged to unify their respective applications into a singular application, managed and distributed by the city clerk's office.

(13) *Americans with Disabilities Act.* Event organizers are reminded of the importance of and expectation of adherence to the Americans with Disabilities Act of 1990 (42 U.S.C § 12101) and subsequent applicable amendments.

(e) *Enforcement.*

(1) *Regulations.* Consistent with this section, the city shall promulgate regulations to enforce and otherwise implement the provisions of this section upon passage by the city council. Any event previously approved by city council shall be deemed permitted.

(2) *Warning.* In the circumstance that this section is violated, the enforcement may consist of a warning. Any warnings issued for violation(s) will be reported to the city clerk and city council and may be used as a factor in future application approvals and denials.

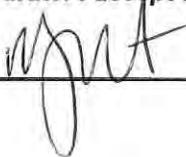
(3) *Noncriminal disposition.* If the city determines that a violation has occurred in which a noncriminal violation is issued, the named event organizer shall be penalized by a non-criminal disposition as provided in Massachusetts General Law as adopted by the City of Newburyport as a general ordinance in section 1-17 of chapter 1 of the Code or Ordinances of the City of Newburyport in the amounts set herein in subsection (e)(4) below.

(4) *Violation.* The non-criminal violation shall be one hundred dollars (\$100.00) for the first offense and two hundred fifty dollars (\$250.00) for second and subsequent offenses. Any non-criminal citations issued for violation(s) will be reported to the city clerk and city council and shall be used as a factor in future application approvals and denials.

(5) *Failure to notify.* If the event fails to notify residents and provide documentation to the city clerk, pursuant to subsection (d)(5) above, shall render that organization ineligible to receive an event permit for a period of twelve (12) months unless special leave is granted by two-thirds supervote of the city council.

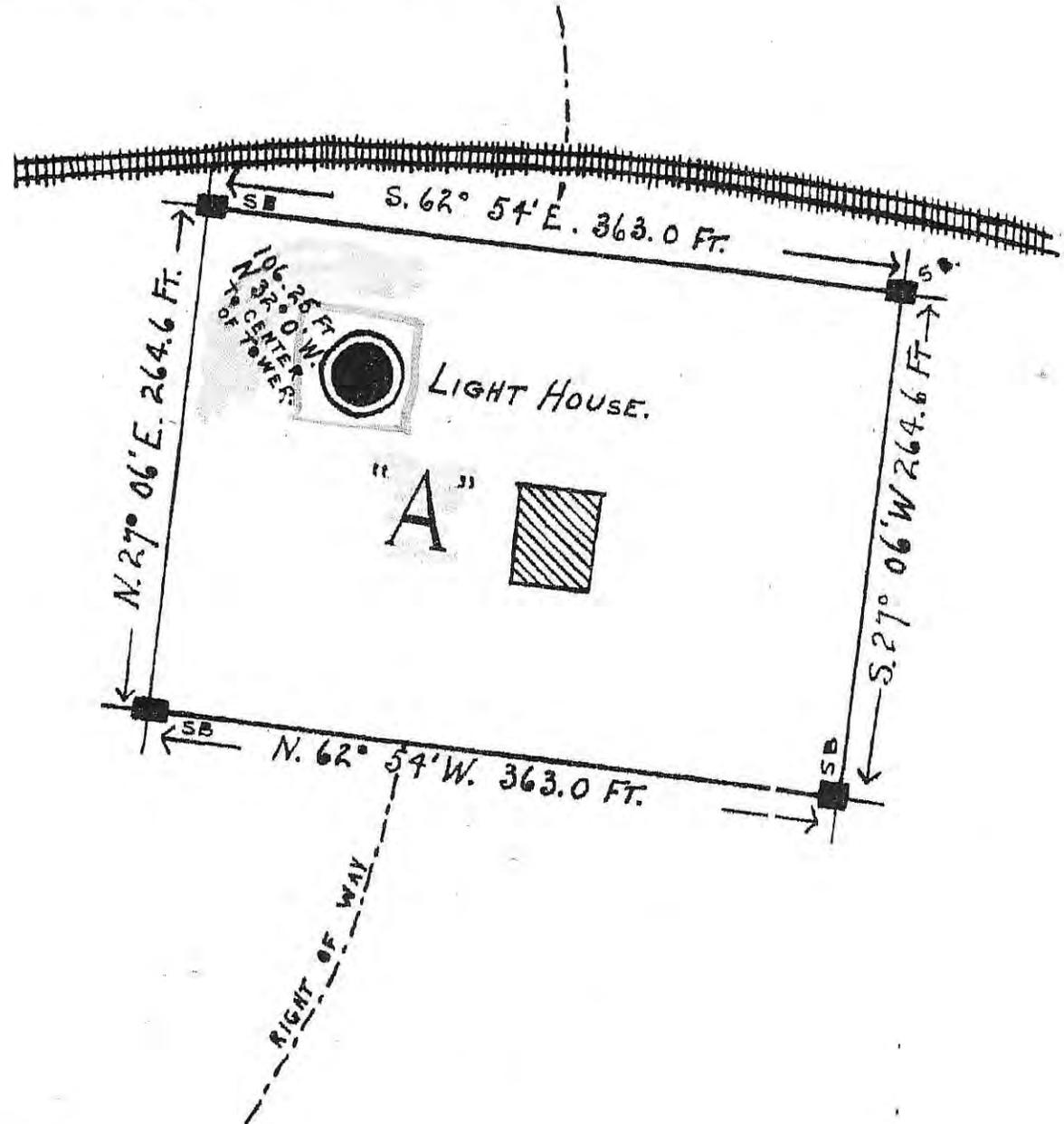
***I fully understand and agree to all the terms set forth in this application. The information that I have provided is truthful and accurate. I accept all responsibility related to this event.***

Signed: \_\_\_\_\_



Date: \_\_\_\_\_

Area of Light house (164 sqft)  
maintained by C.H. Foundation



**NEWBURYPORT SPECIAL EVENT APPLICATION**

Tel.

Fax.

**(For Street Closure or Any Use of a Public Way - Please complete page 3 of this application)****NAME OF EVENT:** \_\_\_\_\_

Date: \_\_\_\_\_ Time: from \_\_\_\_\_ to \_\_\_\_\_

Rain Date: \_\_\_\_\_ Time: from \_\_\_\_\_ to \_\_\_\_\_

2. Location\*: \_\_\_\_\_

\*Please Note: If the location is a public park or the rail trail, please also contact the Parks Department

3. Description of Property: \_\_\_\_\_ Public \_\_\_\_\_ Private \_\_\_\_\_

4. Name of Organizer: \_\_\_\_\_ City Sponsored Event: Yes \_\_\_\_\_ No \_\_\_\_\_

Contact Person

Address: \_\_\_\_\_ Telephone: \_\_\_\_\_

E-Mail: \_\_\_\_\_ Cell Phone: \_\_\_\_\_

Day of Event Contact &amp; Phone: \_\_\_\_\_

5. Number of Attendees Expected: \_\_\_\_\_

6. MA Tax Number: \_\_\_\_\_

7. Is the Event Being Advertised? \_\_\_\_\_ Where? \_\_\_\_\_

8. What Age Group is the Event Targeted to? \_\_\_\_\_

9. Have You Notified Neighborhood Groups or Abutters? Yes \_\_\_\_\_ No \_\_\_\_\_, Who? \_\_\_\_\_

**ACTIVITIES:** *(Please check where applicable.)* Subject to Licenses & Permits from Relevant City Departments

A. Vending\*: Food \_\_\_\_\_ Beverages \_\_\_\_\_ Alcohol \_\_\_\_\_ Goods \_\_\_\_\_ Total # of Vendors \_\_\_\_\_

\*If checked, signature from Health Director required (Page 3)

B. Entertainment: (Subject to City's Noise Ordinance.) Live Music \_\_\_\_\_ DJ \_\_\_\_\_ Radio/CD \_\_\_\_\_

Performers \_\_\_\_\_ Dancing \_\_\_\_\_ Amplified Sound \_\_\_\_\_ Stage \_\_\_\_\_

C. Games /Rides: Adult Rides \_\_\_\_\_ Kiddie Rides \_\_\_\_\_ Games \_\_\_\_\_ Raffle \_\_\_\_\_

Other \_\_\_\_\_ Total # \_\_\_\_\_

Name of Carnival Operator: \_\_\_\_\_

Address: \_\_\_\_\_

Telephone: \_\_\_\_\_

D. Organizer is responsible for clean-up during and after event. All trash must be collected and removed from event location immediately at the end of the event unless prior written agreement had been made with the Department of Public Services (DPS).

Will you be conducting the clean-up for this event? Yes \_\_\_\_\_ No \_\_\_\_\_

**If yes:**

- a) How many trash receptacles will you be providing? \_\_\_\_\_
- b) How many recycling receptacles will you be providing? \_\_\_\_\_
- c) Will you be contracting for disposal of : **Trash** Yes \_\_\_\_ No \_\_\_\_ **Recycling** Yes \_\_\_\_ No \_\_\_\_
  - i. If yes, size of dumpster(s): **Trash** \_\_\_\_\_ **Recycling** \_\_\_\_\_
  - ii. Name of disposal company: **Trash** \_\_\_\_\_ **Recycling** \_\_\_\_\_
  - iii. If no, will you remove trash & recycling with organizers' cars or trucks? Yes \_\_\_\_ No \_\_\_\_
  - iv. If no, where will the trash & recycling be disposed ? \_\_\_\_\_

**If no:**

- a) # of trash container(s) to be provided by DPS \_\_\_\_\_
- b) # of recycling container(s) to be provided by Recycling Office \_\_\_\_\_
- c) \$45.00/hr/DPS employee charge must be paid by the organizer to DPS in advance of the event (Fee for Special Events). The hours required for the event will be determined by DPS.

All fees must be paid prior to the event. Check or money order is payable to the City

of Newburyport. E. Portable Toilets: (Each cluster of portable toilets must include at least one ADA accessible toilet)

# \_\_\_\_\_ Standard      # \_\_\_\_\_ ADA accessible

Name of company providing the portable toilets: \_\_\_\_\_

# FOR STREET CLOSURE OR ANY USE OF A PUBLIC WAY

PARADE \_\_\_\_\_

ROAD RACE \_\_\_\_\_

WALKATHON \_\_\_\_\_

1. Name of the Group or Person Sponsoring the Road Race, Parade, Walkathon:

\_\_\_\_\_

2. Name, Address & Daytime Phone Number of Organizer: \_\_\_\_\_

\_\_\_\_\_

3. Name, Address & 24/7 Telephone Number of Person Responsible for Clean Up \_\_\_\_\_

\_\_\_\_\_

4. Date of Event: \_\_\_\_\_ Expected Number of Participants: \_\_\_\_\_

5. Start Time: \_\_\_\_\_ Expected End Time: \_\_\_\_\_

6. Road Race, Parade or Walkathon Route: (List street names & **attach map of route**): \_\_\_\_\_

\_\_\_\_\_

7. Locations of Water Stops (if any): \_\_\_\_\_

8. Will Detours for Motor Vehicles Be Required? \_\_\_\_\_ If so, where? \_\_\_\_\_

9. Formation Location & Time for Participants: \_\_\_\_\_

10. Dismissal Location & Time for Participants: \_\_\_\_\_

11. Additional Parade Information:

• Number of Floats: \_\_\_\_\_

• Locations of Viewing Stations: \_\_\_\_\_

• Are Weapons Being Carried: Yes \_\_\_\_\_ No \_\_\_\_\_

• Are Marshalls Being Assigned to Keep Parade Moving: Yes \_\_\_\_\_ No \_\_\_\_\_

## APPROVAL SIGNATURES REQUIRED FOR STREET CLOSURE OR ANY USE OF A PUBLIC WAY

CITY MARSHAL \_\_\_\_\_ 4 Green St. FIRE CHIEF \_\_\_\_\_ 0 Greenleaf St.

DEPUTY DIRECTOR \_\_\_\_\_ 16A Perry Way CITY CLERK \_\_\_\_\_ 60 Pleasant St.

HEALTH DIRECTOR \_\_\_\_\_ 60 Pleasant St. (only needed when Food & Beverage Vendors are included in the event)

## DEPARTMENT APPROVAL (for Committee Member use only):

It will be necessary for you to obtain permits or certificates from the following Departments: Please note that costs for some City support services during an event are an estimate only. Some Departments may forward an invoice for services rendered at the completion of the event, and others may require advance payment.

<i>Approval Required</i>	Date: _____	Signature _____
___	1. Special Events: _____	
___	2. Police: _____	
	Is Police Detail Required: _____	# of Details Assigned: _____
___	3. Traffic, Parking & Transportation: _____	
___	4. ISD/Health: _____	
___	5. Recycling: _____	
___	6. ISD/Building: _____	
___	7. Electrical: _____	
___	8. Fire: _____	
	Is Fire Detail Required: _____	# of Details Assigned: _____
___	9. Public Works: <i>Fee for Special Events: \$45/hr/DPS employee for trash handling/staging etc. may apply</i>	
	Yes: \$_____ due on _____	No Fee for Special Events applies
	Other requirements/instructions per DPS _____	
___	10. Parks Department: _____	
___	11. License Commission _____	

**The departments listed above have their own application process.  
Applicants are responsible for applying for and obtaining all required  
permits & certificates from the various individual departments**

**Sec. 13-97.** - Road races, walkathons, bicycle and other multidisciplined events.

(a) *Short title.* This section may be cited as the "road races, walkathons and bicycle events."

(b) *Purpose and intent.* The use of city streets and sidewalks for the purpose of road races, walkathons or bicycle tours are positive events that promote exercise, general good health and Newburyport as a destination. These events do from time to time create hardships, impacting neighborhoods and traffic. To create a balance between conflicting interests, by safeguarding participants, residents, visitors and the City of Newburyport, this section will define and codify the procedure for the benefit of all.

(c) *Definitions.*

(1) *Road race.* A competitive or non-competitive running event that utilizes the streets, sidewalks and/or crosses over streets or sidewalks within city limits and in which an entry fee is required or charitable donation is solicited or suggested.

(2) *Walkathon.* A competitive or non-competitive walk event that utilizes the streets, sidewalks and/or crosses over streets or sidewalks within city limits and in which an entry fee is required or charitable donation is solicited or suggested.

(3) *Bicycle race.* A competitive or non-competitive bicycling event that utilizes the streets, sidewalks and/or crosses over streets or sidewalks within city limits and in which an entry fee is required or charitable donation is solicited or suggested.

(4) *Multidisciplined event.* A competitive or non-competitive event requiring or offering running, walking, biking, swimming or any combination thereof in which an entry fee is required or a charitable donation is solicited or suggested.

(5) *Event.* Any road race, walkathon, bicycle race, multi-disciplined event as defined above.

(d) *Limitations.*

(1) *Procedure.* All events shall, through that event's organizer, board of directors, charity foundation or designee ("organizer") apply for city council authorization to hold the event through the office of the city clerk no later than sixty (60) days before the event's proposed date. There shall be a grace period through December 31, 2017, during which applications will be accepted beyond the prescribed due date. Prior to application with the city council, the event shall file and receive approval from all applicable city departments, boards, and commissions. Copies of such approved applications, including along with documentation of any fees, donations, in-kind donations paid as part of said application(s), shall be included as part of the city council application.

The date of application is the date a completed application is submitted to the city clerk's office and stamped by the same. The city clerk, upon review of the completed form, will place the application on the next regular city council agenda, even if such submission is a late file. Upon following the procedures of the council, as deemed appropriated in the sole judgment of the council, the application will be considered approved if the council votes favorably by majority. The application shall name one (1) person responsible on the application and shall provide contact information to include name, address, email address, and telephone number.

(2) *Exemptions.* Each event organizer or organization shall comply with this ordinance and no exemptions will be permitted.

(3) *Course map.* All applications shall be accompanied by a legible, precise course map showing the event route, water stops, refreshment stops, and so-called "port-a-potties". The course map shall also include any road closures, detours and parking areas. The course map shall be approved by police, fire, department of public services, parks commission and harbor masters departments prior to submission to the city clerk.

(4) *Electronic amplifier.* Electronic amplifiers, loudspeakers and bullhorn use shall be requested at time of application. Under no circumstances will they be used for public address announcements or music before 8:00 a.m., except for Sundays when electronic amplifiers, loud speakers or bullhorns will not be used for public address announcements or music before 9:00 a.m.

(5) *Road closure.* No ways, public or private, boat ramps or parking lots controlled or patrolled by the city shall be closed without authorization. Authorization shall be considered granted only if said closure(s) are contained in the approved permit. It is the sole responsibility of the race organizers to notify residents fourteen (14) days in advance that neighborhood roads will be closed if no alternate route is available to those residents. Notification shall be made by race organizers by informational packet drop-off at all residences that may be impacted, including, but not limited to, road closures, restricted driveway access, parking restrictions, or noise. In the case of multi-family residences with so-called security doors, notification will be sufficient at said security door. A copy of the notification shall be provided to the city clerk and, when possible, posted on the city website and distributed via email. Further,

a list of all streets notified shall be provided to the city clerk to be date stamped and appended to the application record. Press releases and other media type notifications are encouraged.

(6) *Insurance.* All events shall have an insurance policy or rider in effect for the event naming the "City of Newburyport" as an additional insured. The policy shall be no less than two million dollars (\$2,000,000.00).

(7) *Event termination.* If in the judgment of the city marshal, fire chief or department of public services (DPS) director or designees thereof determine that an event is unsafe due to existing conditions, that event may be stopped, terminated or suspended. In the case of a multidiscipline event such as a triathlon, the harbormaster or his/her designee may likewise stop, terminate or suspend the swimming portion for cause.

(8) *Event and traffic security.* The city marshal, fire chief, DPS director or in the case of a triathlon, the harbormaster can require special duty personnel to assist in the organizing and coordinating the safety and security of the event. All special duty assignments will be paid by the event organizers.

(9) *Clean-up.* The event organizers shall be responsible for post event trash collection, removal of signage, directional arrows, advertisements or other promotional material associated with the event.

(10) *Parking.* The event organizers shall be responsible for including parking instructions in materials disseminated to event participants. If the event is happening within one-half mile of municipal parking, then participants shall be asked to park at such parking facilities.

(11) *Notification of previous event organizers.* To the extent reasonably possible, the city clerk shall notify all event organizers from events held from 2014—2016, inclusive, by a one-time phone, email, or letter of the new application timeline and other requirements.

(12) *Simplification.* Departments are encouraged to unify their respective applications into a singular application, managed and distributed by the city clerk's office.

(13) *Americans with Disabilities Act.* Event organizers are reminded of the importance of and expectation of adherence to the Americans with Disabilities Act of 1990 (42 U.S.C § 12101) and subsequent applicable amendments.

(e) *Enforcement.*

(1) *Regulations.* Consistent with this section, the city shall promulgate regulations to enforce and otherwise implement the provisions of this section upon passage by the city council. Any event previously approved by city council shall be deemed permitted.

(2) *Warning.* In the circumstance that this section is violated, the enforcement may consist of a warning. Any warnings issued for violation(s) will be reported to the city clerk and city council and may be used as a factor in future application approvals and denials.

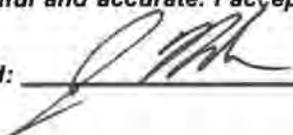
(3) *Noncriminal disposition.* If the city determines that a violation has occurred in which a noncriminal violation is issued, the named event organizer shall be penalized by a non-criminal disposition as provided in Massachusetts General Law as adopted by the City of Newburyport as a general ordinance in section 1-17 of chapter 1 of the Code or Ordinances of the City of Newburyport in the amounts set herein in subsection (e)(4) below.

(4) *Violation.* The non-criminal violation shall be one hundred dollars (\$100.00) for the first offense and two hundred fifty dollars (\$250.00) for second and subsequent offenses. Any non-criminal citations issued for violation(s) will be reported to the city clerk and city council and shall be used as a factor in future application approvals and denials.

(5) *Failure to notify.* If the event fails to notify residents and provide documentation to the city clerk, pursuant to subsection (d)(5) above, shall render that organization ineligible to receive an event permit for a period of twelve (12) months unless special leave is granted by two-thirds supervote of the city council.

***I fully understand and agree to all the terms set forth in this application. The information that I have provided is truthful and accurate. I accept all responsibility related to this event.***

Signed: \_\_\_\_\_



Date: \_\_\_\_\_

March 7, 2023



## **Newburyport Arts and Culture Shanties**

The Firehouse Center for the Arts requests use of the Pop-Up Park from May 1 through October 22 for the Newburyport Arts and Culture Shanties Program. The Shanties would primarily be open Friday through Sunday with occasional programs happening on weekdays. Each of these programs would be coordinated with the artists.

### **Physical Infrastructure**

The Firehouse Center for the Arts would relocate the five Art Shanties to this location during the final week of April with an anticipated Opening Date of **Friday, May 5**. The Firehouse would be responsible for any costs associated with moving the Shanties. **It is anticipated this will be one-time, temporary location while construction of Waterfront Park takes place this spring and summer.**

### **Program Goals and Anticipated Outcomes**

Newburyport's Artisan Shanties program has several goals. First, it will meet goals stated in the City's 2017 Master Plan: 1. Increase awareness of Newburyport as a destination for arts, tourism, and cultural affairs; and, 2. Support a rich variety of cultural opportunities/activities for city groups/individuals. These are goals long held by the community in its efforts to support the creative market as a key driver of the City's economy. Equally as important are the goals to help local artists/artisans and cultural organizations increase recognition and sales; act as a community-building forum through a common artistic mission; and increase traffic to local businesses.

The anticipated outcomes are: increased community exposure to the arts; increased recognition and sales for artisans and cultural organizations; increased number of visitors to the area; a creative way to use City-owned waterfront land; and an improved reputation as a cultural destination. Changes we expect will be improved relations throughout the arts community, as well as between the arts community and the City; and an aesthetically-pleasing use of open space while the "wings" of Waterfront Park are under construction during the spring and summer of 2023.

### **Newburyport Arts and Culture Artist Shanties Requirements**

1. All work **MUST** be created by the individuals participating in the program and must be original handcrafted works or products. Mass produced or manufactured works are not acceptable (sales representatives and agents are not eligible).
2. Each year is a new year, prior participation does not mean automatic acceptance into the program;
3. The amount of time at shanties for each artist varies year to year;

4. Multiple Artists and/or Arts Organizations may share a shanty, but they all must separately apply and be accepted;
5. If an Artist and/or Arts Organization would like to share, but doesn't have someone to share a shanty, this should be indicated on the application;
6. Artists and/or Arts Organizations sharing will coordinate payments and submit ONE check as deposit and ONE as balance due.
7. All work must be juried; any items not approved during the jury process must be approved by the Shanty Programming Committee prior to selling in the shanty;
8. Artists and/or Arts Organizations must complete an application and be juried/accepted into the program on a yearly basis;
9. There is a rolling application/jury process for all openings.
10. *Typical Hours:* Friday, Saturday, Sunday from 12pm – 4pm
11. **Cost: \$75/week There will an additional \$25 charged during Yankee Homecoming Week (July 31- August 6)**
12. Artists and/or Arts Organizations will pay full amount with contract;
13. Each shanty must be staffed by a participating artist or assistant/friend/family member who knows the artist's work during operating hours;
14. Shanties rotate each week with new artists beginning to arrive on Thursday mornings and previous Artists and/or Arts Organizations leaving by Wednesday night; Artists and/or Arts Organizations are responsible for removing their work out of the shanty and removing all nails/hooks, etc. New artists may set up before 12:00pm on Friday;
15. The Program Coordinator will send artists all added information (how to unlock the doors, etc.);
16. Every participating artist is emailed information before the season begins and is required to attend a mandatory meeting in the spring to answer any further questions.
17. **Artisan Shanties will measure 8-feet-wide by 6-feet-deep. There is no direct access to water but electricity can be supplied, if required.**
18. **Arts Organizations are invited to apply for use of a larger 12-foot-wide by 6-foot-deep Shanty. Add \$25 to weekly rental costs for use of larger shanty.**
19. No commissions are charged, participants retain 100% of sales from their products. Participants are responsible for collecting sales tax.
20. Selected participants are responsible for transporting all products, support material and equipment to and from the site, and for all installation, display and sales.

### **Economic Impact**

According to the latest Arts & Economic Prosperity V survey from Americans for the Arts, a national advocacy organization based in Washington D.C., the average spend per audience member is \$31.47 on top of their ticket purchase – directly feeding back into the local economy.

### **Other Potential Opportunities**

- Opening Night Events with Artists
- Partnering with Local Businesses to hold special events
- Partnering with Greater Newburyport Chamber of Commerce to hold seasonal events
- Pop Up Art Classes with Artists
- Pop Up Theater Classes with local professionals
- Smaller Family-oriented events (teas, family play, etc.)



# CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)

11/28/2022

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

**IMPORTANT:** If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must have ADDITIONAL INSURED provisions or be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

<b>PRODUCER</b> Eastern Insurance Group LLC 233 West Central St Natick MA 01760	<b>CONTACT NAME:</b> SELECT DEPARTMENT <b>PHONE (A/C, No, Ext):</b> 800-333-7234 <b>E-MAIL ADDRESS:</b> CSR24CL@easterninsurance.com	<b>FAX (A/C, No):</b> 781-586-8244
	<b>INSURER(S) AFFORDING COVERAGE</b>	
<b>INSURED</b> Society For The Development of Arts & Humanities of Greater Newburyport Inc Firehouse Center One Market Square Newburyport MA 01950	<b>INSURER A :</b> Peerless Insurance Company	
	<b>INSURER B :</b> AmTrust International Underwriters DAC	
	<b>INSURER C :</b> Mount Vernon Fire Insurance Co	
	<b>INSURER D :</b>	
	<b>INSURER E :</b>	
	<b>INSURER F :</b>	

**COVERAGES**

CERTIFICATE NUMBER: 328636416

REVISION NUMBER:

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	TYPE OF INSURANCE	ADDL INSD	SUBR WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS
A	<input checked="" type="checkbox"/> COMMERCIAL GENERAL LIABILITY <input type="checkbox"/> CLAIMS-MADE <input checked="" type="checkbox"/> OCCUR GEN'L AGGREGATE LIMIT APPLIES PER: <input checked="" type="checkbox"/> POLICY <input type="checkbox"/> PRO-JECT <input type="checkbox"/> LOC OTHER:			BKS56739503	8/11/2022	8/11/2023	EACH OCCURRENCE \$ 1,000,000 DAMAGE TO RENTED PREMISES (Ea occurrence) \$ 300,000 MED EXP (Any one person) \$ 15,000 PERSONAL & ADV INJURY \$ 1,000,000 GENERAL AGGREGATE \$ 2,000,000 PRODUCTS - COMP/OP AGG \$ 2,000,000 \$
	<b>AUTOMOBILE LIABILITY</b> <input type="checkbox"/> ANY AUTO <input type="checkbox"/> OWNED AUTOS ONLY <input type="checkbox"/> SCHEDULED AUTOS <input type="checkbox"/> HIRED AUTOS ONLY <input type="checkbox"/> NON-OWNED AUTOS ONLY						COMBINED SINGLE LIMIT (Ea accident) \$ BODILY INJURY (Per person) \$ BODILY INJURY (Per accident) \$ PROPERTY DAMAGE (Per accident) \$ \$
A	<input checked="" type="checkbox"/> UMBRELLA LIAB <input checked="" type="checkbox"/> OCCUR <input type="checkbox"/> EXCESS LIAB <input type="checkbox"/> CLAIMS-MADE <input type="checkbox"/> DED <input checked="" type="checkbox"/> RETENTION \$ 10,000			USO56739503	8/11/2022	8/11/2023	EACH OCCURRENCE \$ 1,000,000 AGGREGATE \$ 1,000,000 \$
B	<b>WORKERS COMPENSATION AND EMPLOYERS' LIABILITY</b> ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH) If yes, describe under DESCRIPTION OF OPERATIONS below			TWC4131164	8/25/2022	8/25/2023	<input checked="" type="checkbox"/> PER STATUTE <input type="checkbox"/> OTH-ER E.L. EACH ACCIDENT \$ 100,000 E.L. DISEASE - EA EMPLOYEE \$ 100,000 E.L. DISEASE - POLICY LIMIT \$ 500,000
C	DIRECTORS & OFFICERS			NDO2550272J	2/17/2022	2/17/2023	OCCURRENCE 1,000,000 AGGREGATE 1,000,000

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (ACORD 101, Additional Remarks Schedule, may be attached if more space is required)

NON-PROFIT COMMUNITY CIVIC CENTER/THEATER.

City of Newburyport is included as an additional insured on the General Liability where required by written contract or agreement.

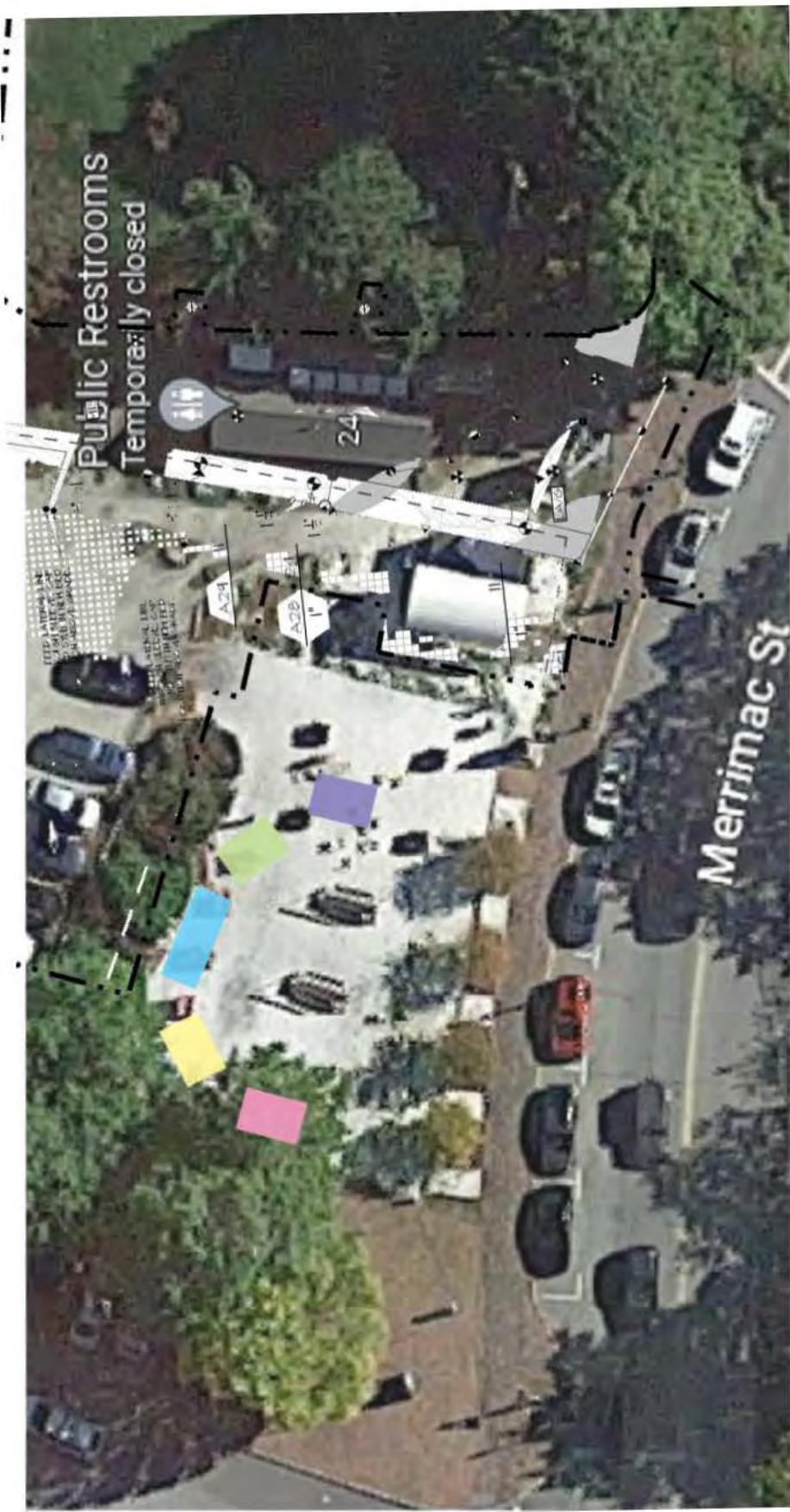
**CERTIFICATE HOLDER****CANCELLATION**

City of Newburyport  
 60 Pleasant St.  
 Newburyport MA 01950

SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS.

AUTHORIZED REPRESENTATIVE

© 1988-2015 ACORD CORPORATION. All rights reserved.





**City Of Newburyport**  
**Commission on Disabilities**  
 60 Pleasant St • PO Box 550 • Newburyport MA 01950  
[www.cityofnewburyport.com/commission-on-disabilities](http://www.cityofnewburyport.com/commission-on-disabilities)



## Handicapped Parking Violation: Fact Sheet Data Analysis, February 2023

- Handicapped Parking violations had fees changed in January 2015, from the previous fine amount of \$25.
  - First offense: \$100
  - Second offense: \$200
    - *Note: Maximum fine amount allowed by State Law: \$300/violation*
- Currently unsure of “how” second (or repeat) offenses can be tracked, as the NCOD has never seen a recorded fee paid for any violation cited at \$200.
  - Other municipalities’ Commissions on Disabilities are also unsure about how (or “if”) second offenses are/can be issued or cited/tracked. (Question for the State Commission on Disability Alliance, question/discussion from 02/01/2023 – K. Farrell)
- Current Handicapped Parking Violation signage, purchased by the NCOD in 2015, was designed in order to be able to cover the current fee amount in order to update the fee structures as they change.
- Current data shows that first two quarters of FY2023 have had the highest number of quarterly violations compared to all years going back to 2017. (See chart, page 2.)
  - Possible causes:
    - More people/vehicles out post-pandemic
    - Removal of some on-street parking due to the creation of Outdoor Dining Parklets
    - Creation of a number of “15 minute only” parking spaces downtown removes additional longer-term spaces
- **Goals:**
  - Drastically reduce Handicapped Parking violations in Newburyport
  - Increase Disability Awareness among the public
- **Benefit/Outcome:**
  - More Handicapped Parking spaces will be available for lawful use by individuals with appropriate placards/plates
- **Consideration: City Council to kindly consider elevating the HP fine to the maximum amount allowed by State Law (\$300) for any and all HP violation offenses.**

Respectfully Submitted,  
 The Newburyport Commission on Disabilities  
*Kristen Farrell and Lisa Rowan, Co-Chairs*

Newburyport Commission on Disabilities  
February 8, 2023  
Handicapped Parking Violations/Fines - Historical Data

Number of PAID Violations	2023	2022	2021	2020	2019	2018	2017
Q4		23	14	6	22	19	12
Q3		14	13	17	20	24	13
Q2	41	19	9	59	17	21	*
Q1	45	29	18	*	20	9	*
<b>Total Paid Violations (FY)</b>	<b>86</b>	<b>85</b>	<b>54</b>	<b>82</b>	<b>79</b>	<b>73</b>	<b>25</b>

Funds Collected	2023	2022	2021	2020*	2019	2018	2017
Q4		\$2,100.00	\$1,530.00	\$565.00	\$2,170.00	\$1,865.00	\$925.00
Q3		\$1,150.00	\$1,350.00	\$1,525.00	\$2,000.00	\$2,255.00	\$1,220.00
Q2	\$3,805.00	\$1,505.00	\$975.00	\$5,299.00	\$1,655.00	\$2,065.00	*
Q1	\$4,460.00	\$2,750.00	\$1,805.00	*	\$1,935.00	\$925.00	*
<b>Total Funds Collected (FY)</b>	<b>\$8,265.00</b>	<b>\$7,505.00</b>	<b>\$5,660.00</b>	<b>\$7,389.00</b>	<b>\$7,760.00</b>	<b>\$7,110.00</b>	<b>\$2,145.00</b>

*\*note Q2&Q1FY2020 are combined*

*\*data not recorded*

**Notes:**

HP Fines were changed in January 2015 to be \$100 (first offense) and \$200 (second offense)

Maximum fines allowed by State Law (per violation) = \$300

Current signage may be updated with stick-on labels to replace violation fine amount

**Questions:**

How are second offenses tracked/followed? We have never seen a fine amount above the standard \$100 "first violation" fine.



# City of Newburyport Municipal Buildings Report

MARCH 7, 2023

## Table of Contents

Introduction.....	2
Newburyport Public Schools .....	4
Bresnahan School.....	4
Nock Middle School.....	5
Newburyport High School .....	5
General Government.....	6
City Hall and Community Services.....	6
Newburyport Public Library .....	7
Senior Community Center.....	8
Emma Andrews Community Center.....	8
Brown School .....	9
Public Safety.....	10
Harbormaster Building .....	10
Fire Headquarters.....	10
Fire Station 2 .....	11
Police Station.....	12
Public Services.....	13
DPS Highway Barn/Administration Building .....	13
Wastewater Treatment Plant.....	13
Water Treatment Plant .....	14
Appendix 1 - Greenhouse Gas Emissions Chart	
Appendix 2 - Consolidated Metrics	

## **Introduction**

In October 2021, the City Council passed an ordinance requiring the annual creation of a consolidated report on the physical conditions and utility usage of buildings under City custody. This report is to use the information collected by MassEnergyInsight and states that required metrics include “(i) total GHG emissions in metric tons of CO<sub>2</sub>e per square foot of gross floor area per year; (ii) energy use intensity (EUI) in million British Thermal Units (MBTUs or MMBTUs) per square foot per year; (iii) water use in gallons per square foot per year; and (iv) estimated total waste in short tons per square foot per year.”

This is the first such report the City has released, and provides the required information requested by the Council. Information was provided using the MassEnergyInsight system and trash collection estimates from Molly Ettenborough, the City’s Recycling, Energy, and Sustainability Manager. Facility information was provided by Steve Bergholm for Public Schools, Mike Bartlett for facilities under the Department of Public Services’ custody, and Acting Chief Bradbury and Marshal Murray for the Fire and Police facilities, respectively. Further information came from the Assessor’s Office, the Building Department, and other building staff.

This report should be read in context with other valuable city publications providing information on buildings and energy use, including our annual state required Green Communities Report, the Facilities Master Plan, and Capital Improvement Plan. Each section of the report includes the required metrics, information on structural conditions and identified capital needs, and personal and premises protection. This is the first iteration of the report, and can be expanded as needed in future years.

Thank you to all staff who contributed to this report, and we look forward to building on this information as we start the FY24 budget process.

## **Overall Takeaways**

The City’s Green Communities FY 2022 Annual Report showed that total municipal energy usage in all City facilities has decreased 20% since our benchmark year (2009). Data review from our baseline year shows building usage down by 32%, street lights down by 49%, vehicle fuel down by 27 % and water/sewer up by 18%.

We are seeing a reduction in building usage due mostly to our schools’ reduction in use. This can be attributed to many factors: usage, weather, upgrades, etc. but also greatly in part due to management of those buildings. Our facilities manager, Steve Bergholm, is meticulous about these facilities and has implemented many energy efficiency measures both with Green Communities funding and without. He has worked with his own staff, as well as with teaching and administration staff to ensure proper management of the schools.

Water usage was not reported last year so we do not have comparison data. Trash and recycling is generated and picked up at each site but is not weighed so these figures are estimated based on container size and number of pick-ups per week.

As you can see from the GHG emissions table (attached to this report as Appendix 1) from benchmark year 2009 to now, there has been a steady decrease in emissions alongside energy usage reduction. This year's report will give us another full set of benchmarks to use to continue to make progress on our Net Zero goals and our mission to effectively and efficiently use City buildings and resources.

## Building Profiles

### Newburyport Public Schools

#### Bresnahan School

##### Key Metrics

Gross Floor Area (SF)	112,500
Electric Use (MMBTU)	1,864
Gas Use (MMBTU)	2,069
Total kBTU/sf	35
Water Use in Gallons/sf	4.89
Trash in Tons	41.6
Trash in Pounds/sf	0.74
CO2 Emitted in Tons	246.1
CO2 Pounds/sf	4.8

##### Structural Condition

The Bresnahan was constructed in 2013/14 and there are no known structural issues at this time.

##### Personal and Premises Protection

- Fire sprinkler system
- Fire alarm system
- Kitchen hood fire suppression
- Video intercom and access control (fobs for staff)
- Burglar alarm system
- Security cameras
- Emergency generator
- AEDs
- Bleeding control kits

## Nock Middle School

### Metrics

Gross Floor Area (SF)	27,900
Electric Use (MMBTU)	372
Gas Use (MMBTU)	891
Total kBTU/sf	45
Water Use in Gallons/sf	5.40
Trash in Tons	7.8
Trash in Pounds/sf	0.56
CO2 Emitted in Tons	74.6
CO2 Pounds/sf	5.9

### Structural Condition

The Middle School was last renovated in 2013/14 and the roof needs to be replaced on the gym and auditorium sections of the building. This is included on the Capital Improvement Plan.

### Personal and Premises Protection

- Fire sprinkler system
- Fire alarm system
- Kitchen hood fire suppression
- Video intercom and access control (fobs for staff)
- Burglar alarm system
- Security cameras
- Emergency generator
- AEDs
- Bleeding control kits

## Newburyport High School

### Metrics

Gross Floor Area (SF)	215,000
Electric Use (MMBTU)	3,165
Gas Use (MMBTU)	6,124
Total kBTU/sf	43
Water Use in Gallons/sf	2.89
Trash in Tons	52
Trash Pounds/sf	0.48
CO2 Emitted in Tons	556.8
CO2 Pounds/sf	5.7

### **Structural Condition**

The High School was last renovated in 2000-2002 and a number of renovations are now needed, as reflected in the Capital Improvement Plan.

- Building A roof should be replaced as soon as possible
- Building B roof should be replaced within 3-5 years
- Other miscellaneous water infiltration issues require a forensic engineer
- Masonry issues on terraces on both the east and west sides of the building require engineering assistance
- Mechanical equipment is 20+ years old and nearing the end of its expected lifespan

### **Personal and Premises Protection**

- Fire sprinkler system
- Fire alarm system
- Kitchen hood fire suppression
- Video intercom and access control (fobs for staff)
- Burglar alarm system
- Security cameras
- Emergency generator
- AEDs
- Bleeding control kits

## **General Government and Community Services**

### **City Hall**

#### **Metrics**

Gross Floor Area (SF)	27,900
Electric Use (MMBTU)	372
Gas Use (MMBTU)	891
Total kBtu/sf	45
Water Use in Gallons/sf	5.40
Trash in Tons	7.8
Trash Pounds/sf	0.56
CO2 Emitted in Tons	74.6
CO2 Pounds/sf	5.9

### **Structural Condition**

City Hall was built in 1851 and renovations were last completed in 2007. The current capital needs are for roof repairs and mechanical systems upgrades. The shingle roof section of City Hall is past its useful life and has now moved from an annual regular maintenance expense to a

repair request. A metal standing seam roof is the most viable option and will provide necessary aesthetic, water proofing and an expected life span of fifty years. Regarding mechanical upgrades, the heating system/boiler is over 30 years old and maintenance has been costly. In addition, several areas of City Hall lack heat/AC or ventilation altogether, including 2 departments located in the basement. Areas that lack central air are cooled with window units, which require annual installation, routine replacement and high electrical usage. The auditorium lacks AC and, therefore, limits the availability to use the space in warmer months.

**Personal and Premises Protection**

- Fire sprinkler system
- Fire alarm system
- Panic button security system
- Exterior door fob system
- AEDs

**Newburyport Public Library**

**Metrics**

Gross Floor Area (SF)	27,270
Electric Use (MMBTU)	1,330
Gas Use (MMBTU)	881
Total kBTU/sf	81
Water Use in Gallons/sf	1.25
Trash in Tons	6.8
Trash Pounds/sf	0.50
CO2 Emitted in Tons	143.9
CO2 Pounds/sf	11.6

**Structural Condition**

The Public Library was last renovated in 2001 and is in very good structural condition. Their capital requests include custodial work, like rug replacement, and preventative maintenance. They will also need a boiler replacement in the coming years, as their HVAC system is now 21 years old.

**Personal and Premises Protection**

- Fire sprinkler system
- Fire alarm system
- Security cameras (interior and exterior)
- Burglar alarm system
- AEDs

## Senior Community Center

### Metrics

Gross Floor Area (SF)	16,500
Electric Use (MMBTU)	440
Gas Use (MMBTU)	170
Total kBTU/sf	37
Water Use in Gallons/sf	5.49
Trash in Tons	5.2
Trash Pounds/sf	0.63
CO2 Emitted in Tons	41.2
CO2 Pounds/sf	5.5

### Structural Condition

The Senior Community Center was completed in 2015 and is in excellent structural condition.

### Personal and Premises Protection

- Fire sprinkler system
- Fire alarm system
- Kitchen hood fire suppression system
- Security cameras (interior and exterior)
- Burglar alarm system
- Emergency generator
- AEDs

## Emma Andrews Community Center

### Metrics

Gross Floor Area (SF)	1,392
Electric Use (MMBTU)	7
Gas Use (MMBTU)	56
Total kBTU/sf	45
Water Use in Gallons/sf	35.10
Trash in Tons	NA
Trash Pounds/sf	NA
CO2 Emitted in Tons	3.5
CO2 Pounds/sf	5.5

**Structural Condition**

The Emma Andrew Library has a functioning apartment on the second and third floors which is rented out, and the building is under the supervision of DPS. Routine maintenance work is performed on the building and it will be in need of more extensive roof work in the next few years.

**Personal and Premises Protection**

- Fire alarm system
- Burglar alarm system

**Brown School****Metrics**

Gross Floor Area (SF)	37,655
Electric Use (MMBTU)	64
Gas Use (MMBTU)	0
Total kBTU/sf	2
Water Use in Gallons/sf	0.00
Trash in Tons	0
Trash Pounds/sf	0.00
CO2 Emitted in Tons	4.7
CO2 Pounds/sf	0.3

**Structural Condition**

The former Brown School building and gymnasium are currently not in use and discussions by the City Council are continuing on the scope and nature of adaptive reuse. The site needs significant work including building renovations, hazardous materials remediation, site improvements, and more. This has been addressed through other City studies, including the 2022 report by EGA on the costs to rehabilitate the gym.

**Personal and Premises Protection**

- Fire alarm system
- Burglar alarm system

## **Public Safety**

### **Harbormaster Building**

#### **Metrics**

Gross Floor Area (SF)	1,700
Electric Use (MMBTU)	144
Gas Use (MMBTU)	0
Total kBtu/sf	85
Water Use in Gallons/sf	53.89
Trash in Tons	5.2
Trash Pounds/sf	6.12
CO2 Emitted in Tons	10.5
CO2 Pounds/sf	13.6

#### **Structural Condition**

This building was completed in 2017 and is in excellent condition. The only identified capital need is the installation of solar panels on the roof. This would support the City's Green Communities initiatives and reduce electrical usage at the central waterfront. The City will seek grant opportunities to complete this project.

#### **Personal and Premises Protection**

- Fire alarm system
- Fire sprinkler system
- Fob security system on exterior doors
- Security cameras (exterior)
- AEDs

## **Fire Headquarters**

#### **Metrics**

Gross Floor Area (SF)	13,665
Electric Use (MMBTU)	276
Gas Use (MMBTU)	695
Total kBtu/sf	71
Water Use in Gallons/sf	6.09
Trash in Tons	15.6
Trash Pounds/sf	2.28
CO2 Emitted in Tons	57.1
CO2 Pounds/sf	9.2

### Structural Condition

The Fire Headquarters building was built in 1978 and has had very few upgrades since. It does not meet current code, has no gender separation, and is not ADA compliant. The station lacks the required fire separation from the residence hall and the apparatus bay, and does not meet current life safety code. The building also has energy efficiency issues and has no meeting spaces. Early discussions around the Fire Headquarters are for a complete renovation and potential addition to the NFD Headquarters station.

### Personal and Premises Protection

- Security Cameras (interior and exterior)
- Fire Alarm System
- Emergency Generator

## Fire Station 2

### Metrics

Gross Floor Area (SF)	2,300
Electric Use (MMBTU)	69
Gas Use (MMBTU)	194
Total kBTU/sf	114
Water Use in Gallons/sf	27.48
Trash in Tons	5.2
Trash Pounds/sf	4.52
CO2 Emitted in Tons	15.4
CO2 Pounds/sf	14.7

### Structural Condition

The District 2 fire station, built in 1972, is undersized and in violation of current building and life safety codes. It is scheduled for replacement beginning in summer 2023.

### Personal and Premises Protection

- Fire Alarm system
- Emergency Generator

## Police Station

### Metrics

Gross Floor Area (SF)	21,000
Electric Use (MMBTU)	956
Gas Use (MMBTU)	709
Total kBTU/sf	79
Water Use in Gallons/sf	2.99
Trash in Tons	7.8
Trash Pounds/sf	0.74
CO2 Emitted in Tons	107.5
CO2 Pounds/sf	11.3

### Structural Condition

The Police Station, last renovated in 1997, is overall in good structural condition and is in need mostly of smaller improvements to specific areas. Light maintenance, including upgrading carpets and providing for weatherproofing, are needed. The exception is the Dispatch Center, which is 26 years old and the equipment is outdated and in need of replacing. Updating these systems and equipment will allow for better use of technology and the ability to use the security cameras in public facilities more easily.

### Personal and Premises Protection

- Security Cameras
- Door Fob System
- Fire Alarm
- Fire Sprinkler
- Fire Extinguishers
- Generator
- AEDs

## Public Services

### DPS Highway Barn/Administration Building

#### Metrics

Gross Floor Area (SF)	30,000
Electric Use (MMBTU)	128
Gas Use (MMBTU)	984
Total kBTU/sf	37
Water Use in Gallons/sf	2.27
Trash in Tons	26
Trash Pounds/sf	1.73
CO2 Emitted in Tons	61.7
CO2 Pounds/sf	4.5

#### Structural Condition

There are currently no capital requests for the maintenance of DPS headquarters, following the successful completion of the salt shed.

#### Personal and Premises Protection

- Fire sprinkler system
- Fire alarm system
- Security cameras (exterior)
- Emergency generator
- Exterior door and gate fob system
- AEDs

## Wastewater Treatment Plant

#### Metrics

Gross Floor Area (SF)	15584
Electric Use (MMBTU)	8,672
Gas Use (MMBTU)	2,096
Total kBTU/sf	691
Water Use in Gallons/sf	32.82
Trash in Tons	15.6
Trash Pounds/sf	2.00
CO2 Emitted in Tons	744.3
CO2 Pounds/sf	95.5

### **Structural Condition**

While the Wastewater Treatment plant has a number of capital needs, none are related to the structural integrity of the buildings.

### **Personal and Premises Protection**

- Fire sprinkler system
- Fire alarm system
- Security cameras (exterior)
- Emergency generator
- Exterior door and gate fob system
- AEDs

## **Water Treatment Plant**

### **Metrics**

Gross Floor Area (SF)	24784
Electric Use (MMBTU)	5,176
Gas Use (MMBTU)	448
Total kBTU/sf	227
Water Use in Gallons/sf	266.3
Trash in Tons	15.6
Trash Pounds/sf	1.26
CO2 Emitted in Tons	401.6
CO2 Pounds/sf	32.4

### **Structural Condition**

While the Water Treatment plant has a number of capital needs, none are related to the structural integrity of the buildings.

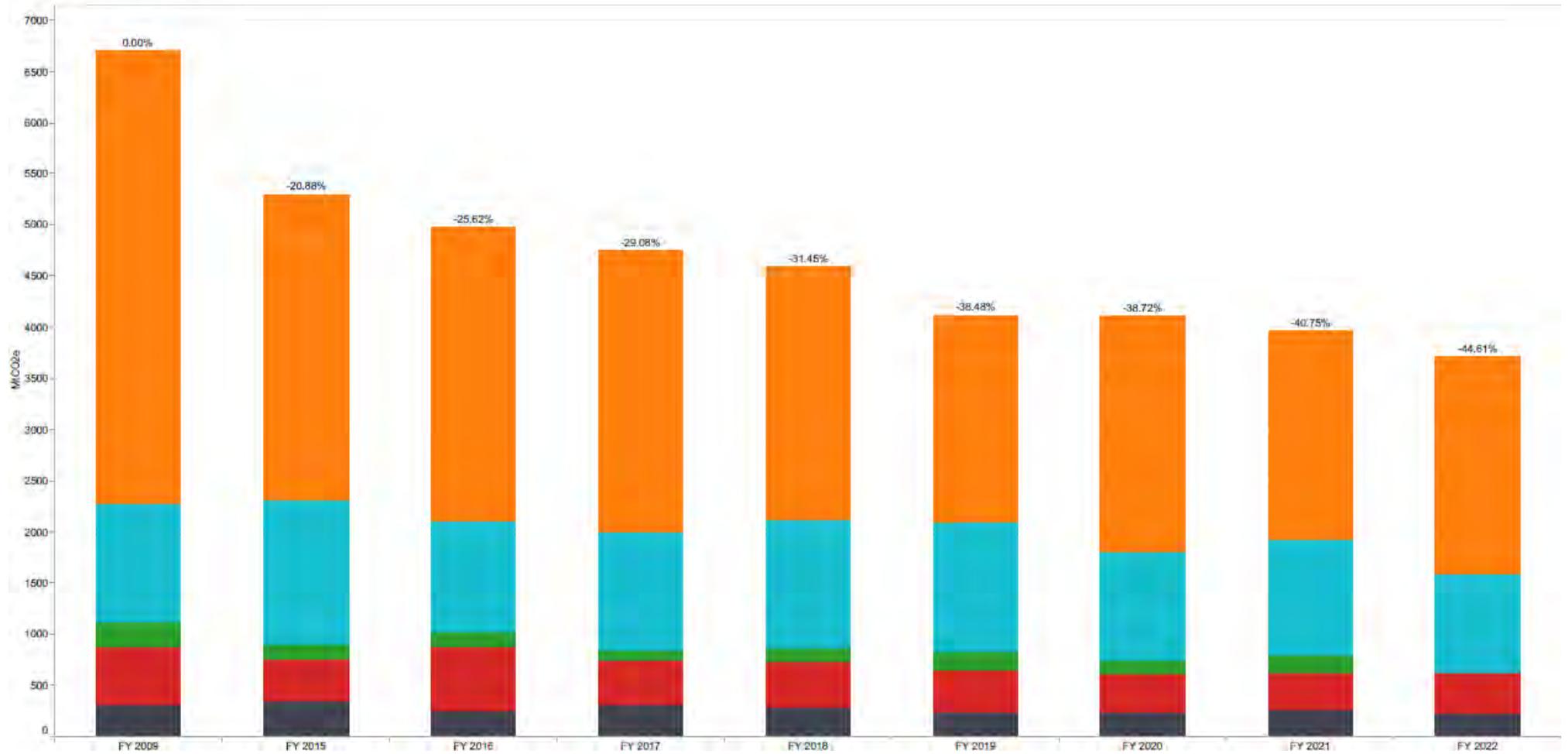
### **Personal and Premises Protection**

- Fire sprinkler system
- Fire alarm system
- Security cameras (exterior)
- Emergency generator
- Exterior door and gate fob system
- AEDs

# Appendix 1: Greenhouse Gas Emissions Chart

## Emissions over Time

Total Greenhouse Gases by Fiscal Year.



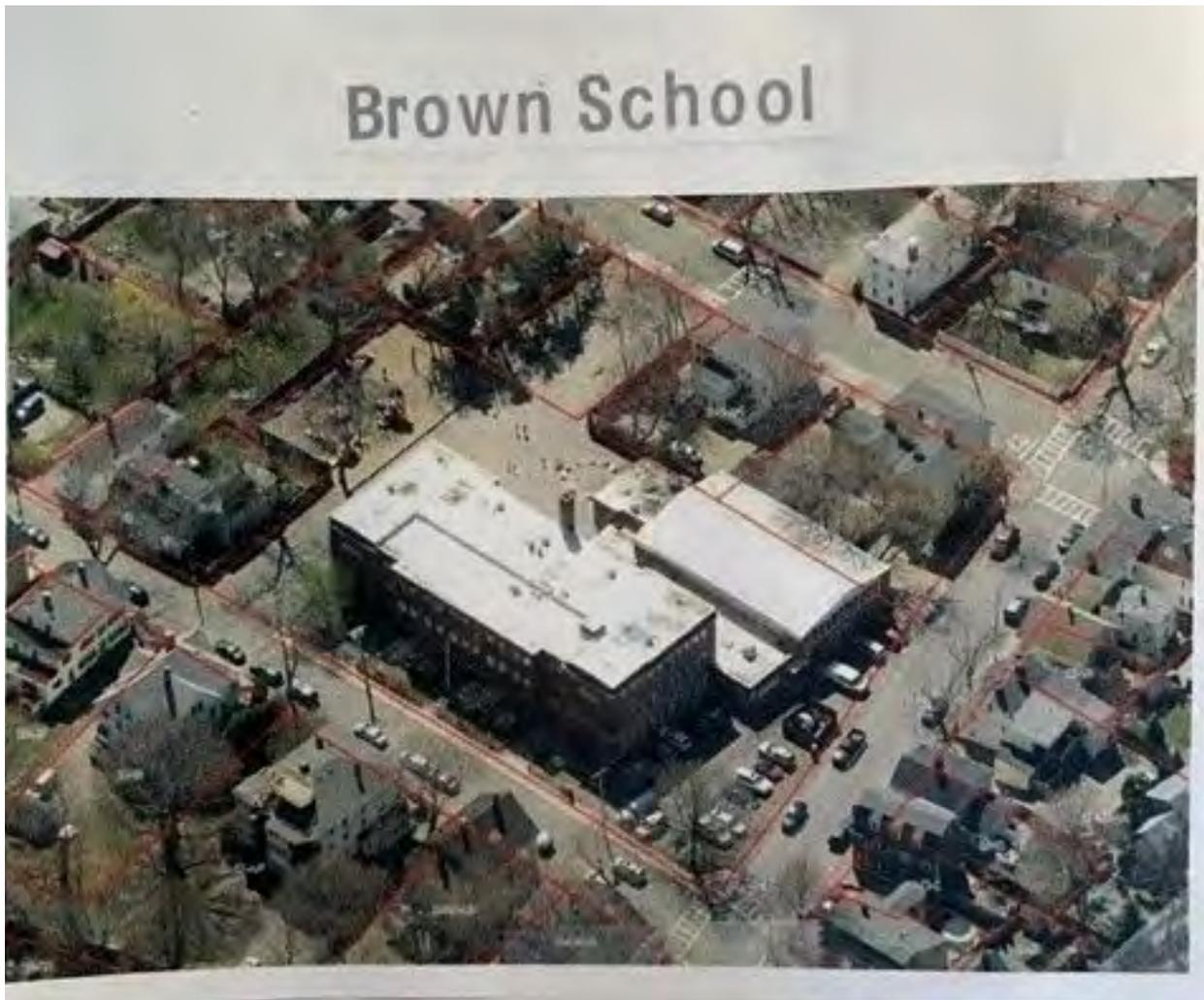
Appendix 2: Consolidated Report

Facility	Gross Floor Area (SF)	Gas and Electric Use						
		Electric Use (MMBTU)	Gas Use (MMBTU)	Total (MMBTU)	Electric Use kBTU/sf	Gas Use kBTU/sf	Total kBTU/sf	Total MMBTU/SF
Bresnahan School	112,500	1,864	2,069	3,933	17	18	35	0.035
City Hall	27,900	372	891	1,263	13	32	45	0.045
DPS Building	30,000	128	984	1,112	4	33	37	0.037
Emma Andrews Library	1,392	7	56	63	5	40	45	0.045
Fire Station 2 Cutter	2,300	69	194	263	30	84	114	0.114
Fire Station HQ (Greenleaf)	13,665	276	695	971	20	51	71	0.071
G.W. Brown School	37,655	64	0	64	2	0	2	0.002
Harbormaster Building	1,700	144	0	144	85	0	85	0.085
Main Public Library	27,270	1,330	881	2,211	49	32	81	0.081
Newburyport High School	215,000	3,165	6,124	9,290	15	28	43	0.043
Police Department	21,000	956	709	1,665	46	34	79	0.079
R.A. Nock Middle School	160,000	1,264	3,537	4,801	8	22	30	0.030
Senior Center	16,500	440	170	610	27	10	37	0.037
Wastewater Treatment Plant	15584	8,672	2,096	10,768	556	134	691	0.691
Water Department	24784	5,176	448	5,624	209	87	227	0.227

Facility	Gross Floor Area (SF)	Water Use		Trash Waste		Co2 Emissions	
		Water Use in Gallons	Water Use in Gallons/sf	Trash in Tons	Pounds/sf	CO2 Emitted in Tons	Pounds/sf
Bresnahan School	112,500	550,251	4.89	41.6	0.74	246.1	4.8
City Hall	27,900	150,572	5.40	7.8	0.56	74.6	5.9
DPS Building	30,000	67,993	2.27	26	1.73	61.7	4.5
Emma Andrews Library	1,392	48,859	35.10	NA	NA	3.5	5.5
Fire Station 2 Cutter	2,300	63,206	27.48	5.2	4.52	15.4	14.7
Fire Station HQ (Greenleaf)	13,665	83,252	6.09	15.6	2.28	57.1	9.2
G.W. Brown School	37,655	-	0.00	0	0.00	4.7	0.3
Harbormaster Building	1,700	91,615	53.89	5.2	6.12	10.5	13.6
Main Public Library	27,270	33,967	1.25	6.8	0.50	143.9	11.6
Newburyport High School	215,000	620,616	2.89	52	0.48	556.8	5.7
Police Department	21,000	62,832	2.99	7.8	0.74	107.5	11.3
R.A. Nock Middle School	160,000	506,022	3.16	78	0.98	280.4	3.9
Senior Center	16,500	90,658	5.49	5.2	0.63	41.2	5.5
Wastewater Treatment Plant	15584	511,497	32.82	15.6	2.00	744.3	95.5
Water Department	24784	6,600,000	266.30	15.6	1.26	401.6	32.4

## Proposal for Reuse at the Brown School



### Definitions:

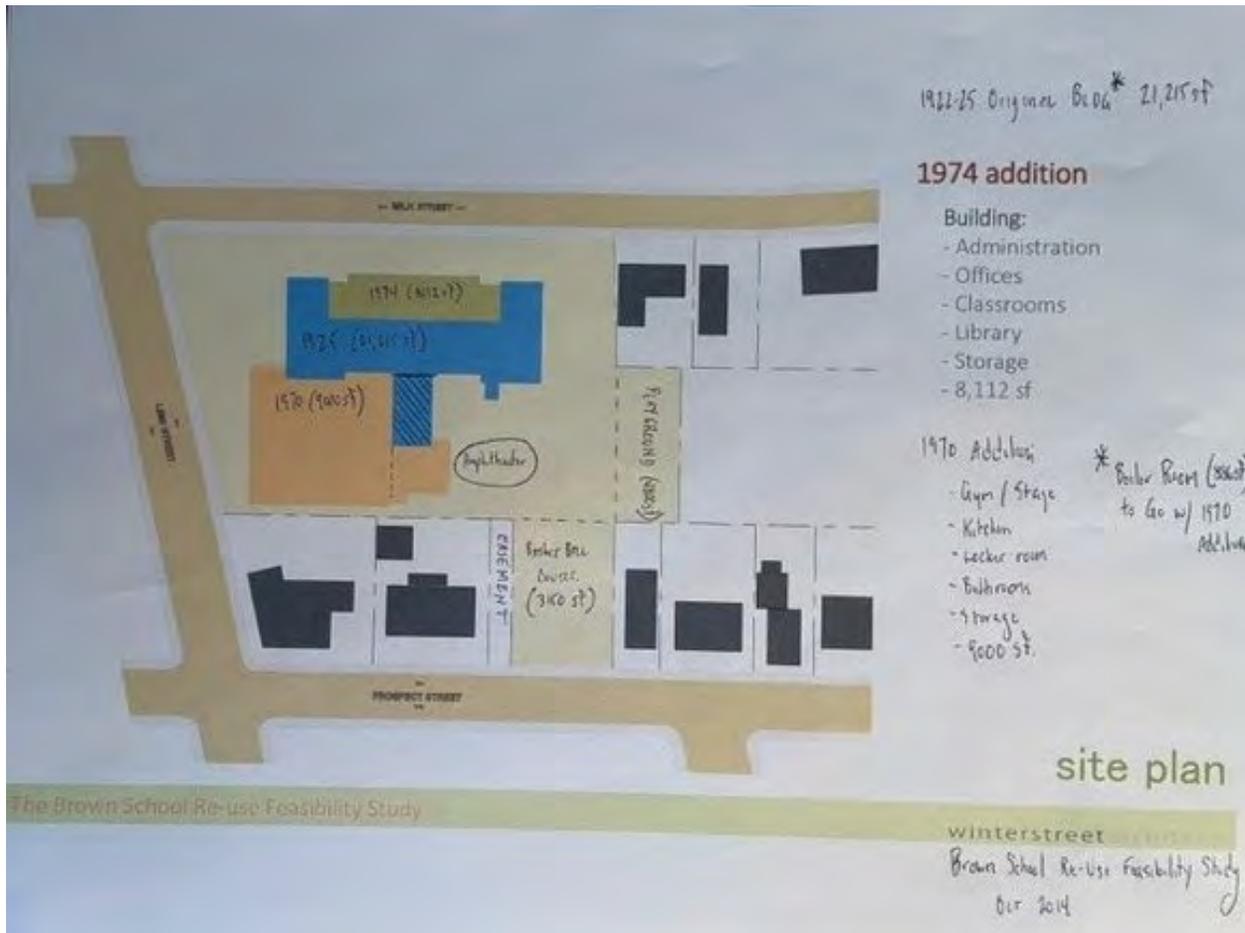
The Brown school is a complex covering 54,120 sf (1.21 acres) in Newburyport's south end located at 99-101 Prospect St. The building complex was built in 3 distinct phases and has several outdoor features.

1. 1925 The Original Building completed (covers 21,215 sf) over 3 floors
2. 1974 An Addition was completed for Administration, Offices, Classrooms, Library, and Storage (8112sf)
3. 1970 An Addition was completed for Gym, locker rooms, Bathrooms, Kitchen and Storage (9000sf)
4. Additional Outbuildings that include a Boiler room and separate storage area off gym
5. Outdoor features include a Playground (article 97) (4800sf), a Basketball Court (3150sf), an Amphitheater, and some greenspace in the front and sides.

For the purposes of this discussion, we'll break this into 2 groups.

**Group 1** will be for items #1 + #2. This portion of the complex will be offered to the developer marketplace (via RFI?) for repurposing into affordable housing, or similar use, that aligns with the Brown School Overlay district.

**Group 2** will be for items #3 + #4 + #5. This portion of the complex will be retained by the City of Newburyport.



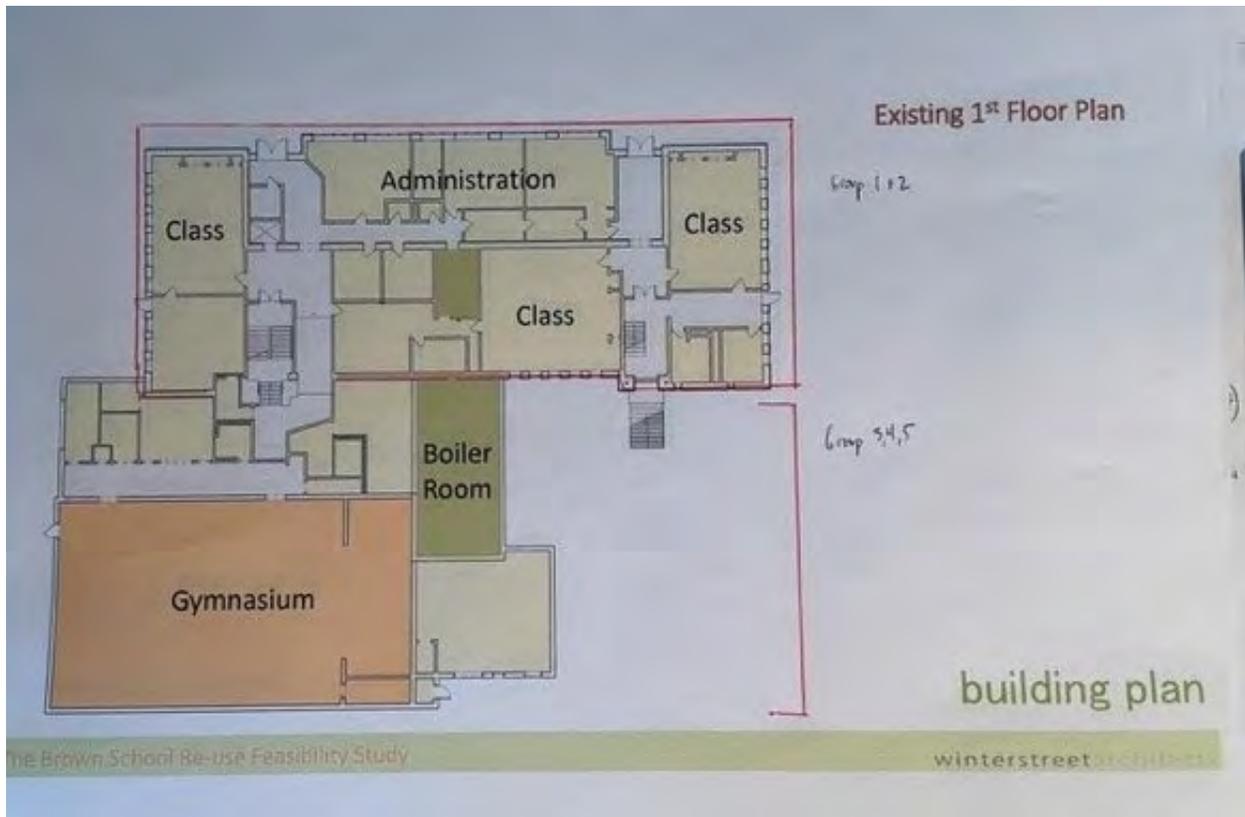
## Proposal

### Group 1

Packaged within an RFI structure to solicit ideas and proposals to help find the most suitable use while helping to meet the City's needs. Sale of Property is preferred.

## Group 2

The City will investigate proposals to reactivate the Gym as community space. Included actions will be to close off this section from the main school building (group 1), renovating the bathrooms, repurposing or demolishing the space for Boiler room, storage, kitchen, locker rooms, etc. Additionally, the outdoor space will be evaluated for the relocation of the Basketball court, and amphitheater so as to maximize parking and/or additional greenspace. The outdoor space configuration is related to the overall repurposing as proposed within Group 1.



## Needs

Group 1: The city has stated needs of affordable housing. This complex meets the baselined requirements

Group 2: The city has stated needs of Community Center needs.

# TRANSFERS



# CITY OF NEWBURYPORT FY 2023 TRANSFER/APPROPRIATION REQUEST

RECEIVED  
CITY CLERK'S OFFICE  
NEWBURYPORT, MA

2023 MAR -7 P 3:44

**Department:** Mayor  
**Submitted by:** Mayor Sean R. Reardon **Date Submitted:** 3/13/2023

**Transfer From:**

Account Name:	<u>PRK Sal Parks Director</u>	Balance:	<u>\$ 68,773.09</u>
Account Number:	<u>01630001-51166</u>	Category:	<u>\$ 168,852.36</u>
Amount:	<u>\$32,500.00</u>	Trans I/O:	<u>\$ -</u>

**Why Funds Are Available:**

A surplus in this account exists due to the reorganization of the department.

**Transfer To:**

Account Name:	<u>HR Unemployment Claims</u>	Balance:	<u>\$ (4,657.50)</u>
Account Number:	<u>01220001-51101</u>	Category:	<u>\$ 12,229.02</u>
Amount:	<u>\$20,000.00</u>	Trans I/O:	<u>\$ -</u>

**Why Funds Are Needed:**

This line item is currently in a deficit and additional funds are needed to cover the City's share of unemployment claims for the remainder of the fiscal year.

**Transfer To:**

Account Name:	<u>HR Job Advertising</u>	Balance:	<u>\$ (770.20)</u>
Account Number:	<u>01220001-51301</u>	Category:	<u>\$ 12,229.02</u>
Amount:	<u>\$3,000.00</u>	Trans I/O:	<u>\$ -</u>

**Why Funds Are Needed:**

Due to a higher volume of recruitments and job postings resulting from retirements and staff turnover.

**Transfer To:**

Account Name:	<u>PRK Maint-Equip</u>	Balance:	<u>\$ (172.50)</u>
Account Number:	<u>01630002-52401</u>	Category:	<u>\$ 25,622.72</u>
Amount:	<u>\$7,000.00</u>	Trans I/O:	<u>\$ -</u>

**Why Funds Are Needed:**

This line item is used to maintain equipment and replace smaller handheld equipment, such as weed eaters, chain saws, blowers, etc. The account is currently in a deficit and additional funds are needed for spring maintenance.

**Transfer To:**

Account Name:	<u>PRK Restroom Rentals</u>	Balance:	<u>\$ (2,500.00)</u>
Account Number:	<u>01630002-52702</u>	Category:	<u>\$ 25,622.72</u>
Amount:	<u>\$2,500.00</u>	Trans I/O:	<u>\$ -</u>

**Why Funds Are Needed:**

During COVID, additional portable restrooms were added throughout the city. Prior to this fiscal year, these additional costs were typically eligible for reimbursement through the state/federal funding streams. This is no longer the case. For the first half of the fiscal year, the city was paying approx. \$995/mo for five portable restrooms in the parks putting this line item in deficit by \$2,500. All of these restrooms have since been removed and will be reevaluated for this summer.

Sean R. Reardon, Mayor:

Date:

3/7/2023

Ethan R. Manning, Auditor:

Date:

3/7/2023

City Council Action:

**APPOINTMENTS  
FIRST READING**



CITY OF NEWBURYPORT  
OFFICE OF THE MAYOR  
SEAN R. REARDON, MAYOR

RECEIVED  
CITY CLERK'S OFFICE  
NEWBURYPORT, MA

2023 MAR -2 P 12: 25

60 PLEASANT STREET - P.O. BOX 550  
NEWBURYPORT, MA 01950  
978-465-4413 PHONE  
MAYOR@CITYOFNEWBURYPORT.COM

To: President and Members of the City Council  
From: Sean R. Reardon, Mayor  
Date: March 13, 2023  
Subject: Appointment

---

I hereby appoint, subject to your approval, the following named individual as a member of the Human Rights Commission. This term will expire on April 30, 2026.

Ilene Harnch-Grady  
10 Cushing Avenue  
Newburyport, MA 01950

February 27, 2023

Christine Jackson  
Executive Assistant, Honorable Mayor: Sean Reardon  
Newburyport City Hall  
60 Pleasant Street  
Newburyport, MA 01950

Dear Christine:

It is my honor to submit my name for consideration on The Newburyport Human Rights Commission.

I have been involved in my present role as Health and Wellness Director for the YWCA Greater Newburyport since 2007. It has been my distinct honor to align myself with an organization committed to eliminating racism and empowering women. Having served on the Development Committee for several years, I work closely with our Board of Directors and staff creating and supporting programs designed to promote and uphold the human rights and privileges of all people.

In addition to my work on the YWCA Development Committee, I also work closely with several populations developing and executing programs for all populations to support them in their overall Health and Wellness journey including collaborations with the Newburyport and Amesbury Council's on Aging. Along with my Health and Wellness hat, I also serve on several committees including: Anna Jacques Hospital Community Benefits Advisory Committee, Newburyport/Triton Health and Wellness Advisory Council, Pelican Intervention Fund, North of Boston Cancer Resource (original founder), Newburyport Chamber of Commerce, One Night Homeless Count, Martin Luther King empowerment events and supporting YWCA members and residents.

In my spare time, I enjoy volunteering with equine therapeutic programs, enjoying our beautiful city with my dogs and family and a wonderful book.

I look forward to speaking further regarding this opportunity and am free to answer any further questions you may have.

Best,

Ilene



**Ilene Harnch-Grady / Health and Wellness/Encore Director**

**T:** 978.225-6210 **F:** 978.465.1076

**E:** [igrady@ywcanewburyport.org](mailto:igrady@ywcanewburyport.org)

**YWCA Greater Newburyport**

13 Market Street

Newburyport, MA 01950

[www.ywcanewburyport.org](http://www.ywcanewburyport.org)

**YWCA IS ON A MISSION**

**Ilene Harnch-Grady**  
**10 Cushing Avenue**  
**Newburyport, MA. 01950**  
**(C) 978-479-8553**  
email: [igrady@ywcanewburyport.org](mailto:igrady@ywcanewburyport.org)

**Education:**

**Mass College of Liberal Arts:**

North Adams, MA.

Awarded Bachelor of Arts: Communications, Minors: Business Management, Journalism

**Northern Essex Community College**

Haverhill, MA.

Awarded a A.A. Degree Liberal Arts and Executive Secretarial Program

**Merrimack College**

North Andover, MA

Direct Marketing Certificate Program

**Newburyport High School**

Newburyport, MA.

May 1981

**Professional Experience**

**YWCA Greater Newburyport: Health and Wellness/Encore/Marketing Director** 10/2007 – Present

Design and execute health and wellness programs for multi-level fitness populations, oversee Encore program, Development Committee, Marketing and Website endeavors. Work with community partners including Newburyport Senior Center offering health and wellness classes. Multi-level certifications including Boston Barre, 200 hour Yoga, Body Pump, BodyTraining System, Stott Pilates, Spin, AFAA Active Aging, Arthritis Foundation Aquatic/Land Program certifications.

**ALOFT INC: Senior Account Manager, Newburyport, MA** 11/2000 – 8/2002

Managed full-service advertising campaigns for diversified client base including trade show management, print and radio media, informercials and production management.

**Amergent: Account Manager, Peabody, MA** 7/1997- 11/2000

Managed full service direct marketing campaigns for non-profit health care organizations.

**CPS Direct: Senior Account Executive, Woburn, MA** 6/1988- 6/1997

Managed direct marketing campaigns for top 3 revenue generating nonprofit, healthcare accounts.

**City of Newburyport, City Councilor, Ward 6** 11/1994 - 11/1996

Represented constituents of Ward 6 on municipal governing board comprised of 11 City Councilors and Mayor. Served on Zoning Committee.

**Volunteer Experience**

YWCA Greater Newburyport Development Committee	2008 - Present
Pelican Intervention Fund	2015 – Present
Anna Jacques Hospital Community Benefits Advisory Council	2009- Present
Newburyport/Triton Health and Wellness Advisory Council	2009 – Present
North of Boston Cancer Resource (original founder)	2014 - Present
American Cancer Society	1985 – 2010

**REFERENCES:** Gladly furnished upon request

**PERSONAL:** Native of Newburyport, married with 1 child



CITY OF NEWBURYPORT  
OFFICE OF THE MAYOR  
SEAN R. REARDON, MAYOR

RECEIVED  
CITY CLERK'S OFFICE  
NEWBURYPORT, MA  
2023 MAR -7 P 3:10

60 PLEASANT STREET - P.O. BOX 550  
NEWBURYPORT, MA 01950  
978-465-4413 PHONE  
MAYOR@CITYOFNEWBURYPORT.COM

To: President and Members of the City Council  
From: Sean R. Reardon, Mayor  
Date: March 13, 2023  
Re: Appointment

---

I hereby appoint, subject to your approval, the following  
named individual as a member of the Parks Commission.  
This term shall expire on March 30, 2028.

Anita Greenwood  
151 High Street, #2A  
Newburyport, MA 01950

# Anita Greenwood

151 High St, 2A  
Newburyport  
MA 01950  
978 846 1873  
anita.greenwood@gmail.com

February 28, 2023

Dear Mayor Reardon,

I am writing to express my interest in serving on Newburyport's Parks Commission. I understand that a vacancy has occurred. I moved to Newburyport in the summer of 2019, but during the last three and a half years, I have become very invested in supporting and enhancing our parks. While my volunteer work to date has been to advocate for Newburyport Pickleball, establishing a website and organizing open play, that is not my only interest. I am passionate about ensuring optimal and varied, recreational and outdoor opportunities for as many of the city's citizens as possible. Service to all age groups, from toddlers to the most senior citizens, is vital for the well-being of any community.

I am now retired, but worked for thirty years at UMass Lowell. There, I served as the Dean of the College of Education for ten years. Consequently, I have a lot of experience engaging with the public, listening to all perspectives, reaching decisions and making fiscally responsible recommendations. During my time at UMass Lowell, I also wrote many successful grant applications and reviewed internal funding applications from UMass Lowell faculty. I will bring my grant experience to the Commission's work

Thank you for your consideration of my application.

Sincerely yours,

*Anita Greenwood*

**Anita Greenwood**  
**151 High St, 2A**  
**Newburyport, MA 01950**  
**978 834 1873**

**Anita.Greenwood@gmail.com**

**Nationality:** United States Citizen since 1995  
**Place of Birth:** United Kingdom  
**Resident of Newburyport:** September 2019

---

## **Education**

**Ed.D.** Science and Mathematics Education  
**1992** University of Massachusetts Lowell  
**M.Ed.** Curriculum and Instruction  
**1985** University of Massachusetts Lowell  
**B.Sc Hons** Biological Sciences - Zoology and Physiology  
**1975** University of Birmingham, United Kingdom

---

## **Career**

**2007-2017** Dean of the College of Education, University of Massachusetts Lowell  
**2004-2007** Chair of Faculty, College of Education  
**1992-2019** Assistant, Associate and Professor of Science Education, UMass Lowell  
**1976-1983** Teacher and Department Chairperson, United Kingdom  
Biology to Advanced Level, Physical Science 9th grade  
Abbey School, Reading and Waingel's Copse School, Woodley

---

## **External Funding Career Total \$3,084,059.**

(P.I. = PRINCIPAL INVESTIGATOR)

### **MOST RECENT**

**2011-2015 P.I. UTeach-UMass Lowell.** Commonwealth of Massachusetts Race to the Top Federal Funding. \$1,599,876  
**2011-2014 P.I. Northeast Readiness Center.** Massachusetts Board of Higher Education approximately \$200,000  
**2007-2008 P.I. TEAMS Academy.** Massachusetts Department of Education. \$425,000  
**2007-2014 P.I. Numerous Cooperative Agreements with the National Park Service** (average about \$300,000/year)

**2003-2008 P.I. for Sub-contract. Science Education Online.** In collaboration with UMass Amherst. Funded by the NSF with UMass Amherst. UML subcontract \$241,321

**2003-2006 P.I. Project EXCEL – Exchanging Careers Enhancing Learning.**

Funded by the NSF Robert Noyce Foundation \$343,862

**2003-2004 P.I. STEP UP (Science Teacher Enhancement Program for Urban Professionals)** Funded by the Massachusetts Board of Higher Education \$41,000 A comparison of alternative certification and traditional certification of new science teachers.

---

## Publications

### 17 publications related to Education

Example: Greenwood, A., & Kirschbaum, S. Preparing Teachers for Place-Based Instruction at the Tsongas Industrial History Center. *Journal of Museum Education*, 39(1), pp. 20-27. (2014)

### 4 Education Television Series

Example: Presenter and content writer for Shedding Light on Science (programs 1-8) distributed nationally by CPB/Annenberg Corporation, produced by Harvard-Smithsonian Science Media Group (1999).

---

## Community Related Experience

**2019-2023**

### **Newburyport Pickleball**

Assist a volunteer group of citizens in the City of Newburyport dedicated to expanding opportunities and facilities of all ages to learn and play pickleball. Completed and presented to the Parks Commission, a survey of parks in Newburyport for suitability of new pickleball courts.

**2007 - 2017**

### **Lowell National Historical Park**

With the Superintendent of the Lowell National Park, oversaw the work of the Tsongas Industrial History Center - a place-based, hands-on workshop-based museum, serving K-12 schools.

### **1997-2011 - Search Committees, School District Collaborations and Science Fair Judging. Examples:**

- Lowell Public Schools - Superintendent Search Committee Lowell Public Schools
- UML-Lawrence Performing Arts High School Collaboration
- Reading Memorial High School – advising on science curriculum change, collaboration on NSF grant proposal
- Blanchard Middle School, Westford. Inventors' Fair Judge
- Westford Academy High School Science Fair Judge
- Westford Elementary School Inventions Fair Judge

**END OF CONSENT AGENDA**

**BEGINNING OF REGULAR AGENDA**

# COMMUNICATIONS

TO: Council President and City Councillors  
FROM: Councillor Jennie L. Donahue  
DATE: March 7, 2023  
SUBJECT: Retail Sale of Marijuana

---

The intent of this letter is to initiate a conversation around my intentions to propose amendments to the City's code of ordinances to permit retail sales of marijuana in portions of the downtown. The **attached draft amendments** to the general ordinance and the zoning ordinance are intended to be a starting point for discussion of this proposal.

I am proposing (1) to delete the current provision in the general ordinances that prohibits non-medical retail marijuana sales, and (2) to amend the zoning ordinance to allow retail marijuana sales in the portions of the B-2 and B-3 zoning districts lying east of Titcomb Street, as shown on the **attached map**. This would limit such sales to the downtown core, the Tannery Marketplace, and the Pond Street plaza. Excluding the areas west of Titcomb Street would prevent establishment of retail shops adjacent to the YWCA and along the Route 1 corridor.

In addition, I am proposing that retail establishments not be allowed within 200 feet of an entrance to a K-12 school. This would mean that such establishments would not be allowed on Washington Street, or on Green Street between the Immaculate Conception School and the Masonic Hall.

A key benefit to the City of allowing retail marijuana sales is the potential increase in local revenues. Communities are allowed to impose a local tax of 3 percent on retail transactions of marijuana products. I have been contacting our neighboring communities to learn about their experiences with respect to the revenues and expenses generated by their retail marijuana establishments and will provide my findings when we have a Planning and Development Committee meeting or hearing on this proposal.

My draft proposal also requires that the first retail store permitted in the City, and any other store permitted within the next two years, be a "social equity" or "economic empowerment" business certified by the State. This would give the City an additional one percent of total sales revenues from those businesses.

The current prohibition on retail marijuana sales in the City was enacted by the Council in December 2019 following the results of a non-binding referendum. As stated in the **attached email** from KP Law, amending the City's ordinances to allow retail sales of marijuana does not require another referendum vote, because "regulation consistent with the statutory limitations found in G.L. c. 94G, sec. 3" is "less restrictive" than the existing prohibition on retail sales.

I request that this communication be sent to the Planning and Development Committee in order to provide opportunities for discussion on my intended proposal.

Attachments:

- Draft amendments
- Map showing areas
- KP Law opinion

KP Law Opinion Regarding Ballot Requirement for Allowing Retail Marijuana Establishments

**From:** Mark R. Reich <[MReich@k-plaw.com](mailto:MReich@k-plaw.com)>  
**Sent:** Wednesday, January 18, 2023 6:45 PM  
**To:** Sean Reardon <[SReardon@CityofNewburyport.com](mailto:SReardon@CityofNewburyport.com)>  
**Cc:** Nicole J. Costanzo <[NCostanzo@k-plaw.com](mailto:NCostanzo@k-plaw.com)>; Jonathan D. Eichman <[JEichman@k-plaw.com](mailto:JEichman@k-plaw.com)>  
**Subject:** RE: Cannabis Retail Zoning

Mayor –

Please be aware that prohibition of retail marijuana establishments or limitation marijuana retailers to fewer than 20 per cent of the number of package store licenses issued by the City would require passage of a ballot question by the voters pursuant to the provisions of G.L. c. 94G, sec. 3(a)(2). The City currently has an ordinance prohibiting retail marijuana retail uses in the City. Clarification will be necessary as to whether this prohibitory ordinance was supported by a ballot question approved by the voters, as this would be necessary pursuant to G.L. c. 94G, sec. 3(a)(2).

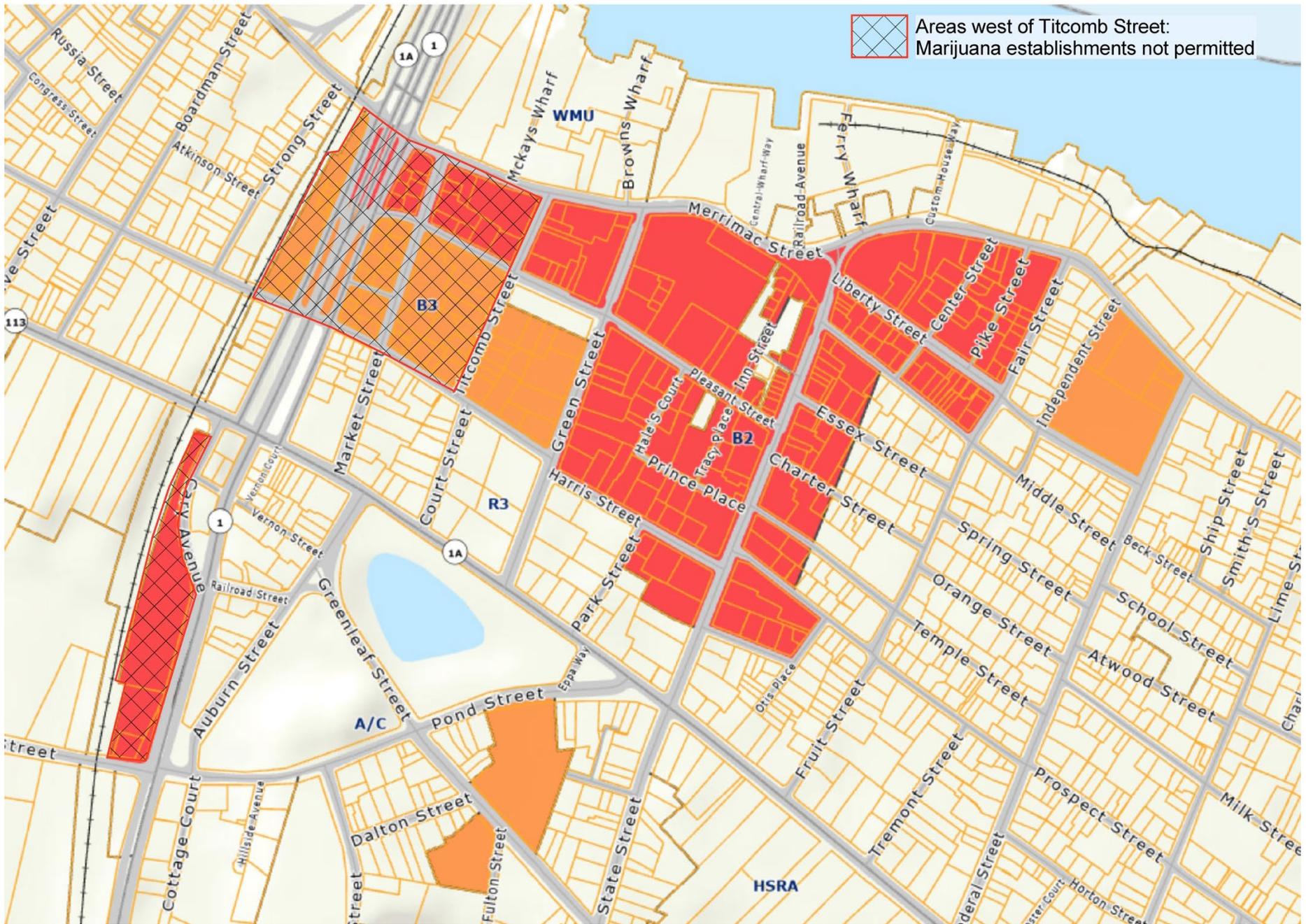
In our opinion, a new ballot question would not be required to allow for retail marijuana uses within the City. A less restrictive action, including regulation consistent with the statutory limitations found in G.L. c. 94G, sec. 3, would be permissible even if a prior ballot question prohibiting a particular type of establishment has passed.

Please contact me if you would like to discuss this matter further.

Thank you.

Mark

Mark R. Reich, Esq.  
**KP | LAW**  
101 Arch Street, 12th Floor  
Boston, MA 02110  
O: (617) 556 0007  
F: (617) 654 1735  
[mreich@k-plaw.com](mailto:mreich@k-plaw.com)  
[www.k-plaw.com](http://www.k-plaw.com)



**A GENERAL ORDINANCE AMENDMENT TO REMOVE THE PROHIBITION ON RETAIL SALES OF MARIJUANA**

Be it ordained by the City Council of the City of Newburyport as follows:

**Amend the Code of Ordinances Chapter 9 Article X (Prohibition of Non-Medical Marijuana Retailers) as follows, with deletions ~~double-stricken and italicized~~, and additions double-underlined and italicized:**

~~ARTICLE X. PROHIBITION OF NON-MEDICAL MARIJUANA RETAILERS~~

~~Sec. 9-241. In general.~~

~~Consistent with M.G.L.A. c. 94G, § 3(a)(2), "Marijuana Retailers," as defined in M.G.L.A. c. 94G, § 1, shall be prohibited within the City of Newburyport. This prohibition shall not apply to the sale, distribution manufacture or cultivation of marijuana for medical purposes.~~

---

Councillor Jennie L. Donahue

**A ZONING ORDINANCE AMENDMENT TO ALLOW RETAIL SALES OF MARIJUANA**

Be it ordained by the City Council of the City of Newburyport as follows:

**Amend Section V-D (Table of Use Regulations) as follows, with deletions ~~double-stricken and italicized~~, and additions double-underlined and italicized:**

**8. MARIJUANA-RELATED USES**

USE	NUM		B-1 <del>±</del>	B-2	B-3	I-1	I-1B	
<del>Marijuana establishment (with retail sales)</del> <u>Marijuana retailer</u>	801		<del>SP<sup>(h)</sup></del> <u>NP</u>	<del>NP</del> <u>P *</u>	<del>NP</del> <u>P *</u>	NP	NP	
Marijuana establishment (without retail sales)	802		NP	NP	NP	SP <sup>(h)</sup>	SP <sup>(h)</sup>	
Medical Marijuana treatment center or registered marijuana dispensary (with retail sales)	803		<del>SP<sup>(h)</sup></del> <u>NP</u>	<del>NP</del> <u>P *</u>	<del>NP</del> <u>P *</u>	NP	NP	

~~\*Use 801 is limited to the marijuana retailer subtype. For further limitations see section XXXI.~~

\*Uses 801 and 803 are not permitted in the B-2 and B-3 districts west of Titcomb Street.

**Amend Section V-I (Prohibition of non-medical marijuana retailers) as follows, with deletions ~~double-stricken and italicized~~, and additions double-underlined and italicized:**

~~V-I Prohibition of non-medical marijuana retailers.~~

~~Consistent with M.G.L.A. c. 94G, § 3(a)(2), "Marijuana Retailers," as defined in M.G.L.A. c. 94G, § 1, shall be prohibited within the City of Newburyport. This prohibition shall not apply to the sale, distribution, manufacture or cultivation of marijuana for medical purposes.~~

V-I – Initial limitation on marijuana retailers

The permit granted for the first marijuana retailer in the City, and any additional permit granted within two (2) years after said first permit is granted, shall be limited to a business that is certified by the Commonwealth’s Cannabis Control Commission (CCC) as a Social Equity Program Applicant or Economic Empowerment Applicant.

Amend Section VII-B (Parking requirements) as follows, with deletions ~~double-stricken and italicized~~, and additions double-underlined and italicized:

8. MARIJUANA-RELATED USES

<u>USE</u>	<u>NUM</u>	<u>PARKING REQUIREMENT</u>
<u>Marijuana retailer</u>	<u>801</u>	<u>3 per 1,000 square feet of gross floor area (GFA)</u>
<u>Marijuana establishment without retail sales</u>	<u>802</u>	<u>See Section XXXI-E</u>
<u>Medical Marijuana treatment center or registered marijuana dispensary (with retail sales)</u>	<u>803</u>	<u>See Section XXXI-E</u>

Amend Section XXXI-B (Definitions) as follows, with deletions ~~double-stricken and italicized~~, and additions double-underlined and italicized:

Marijuana establishment means a marijuana cultivator, craft marijuana cooperative, marijuana product manufacturer, medical marijuana treatment center (MMTC), independent testing laboratory, marijuana research facility, marijuana transporter, marijuana retailer or any other type of licensed marijuana-related establishments, as set forth in M.G.L.A. c. 94G, § 1 and regulations promulgated thereunder, ~~but not including so-called marijuana retailers.~~

Amend Section XXXI-C (Special permit required) as follows, with deletions ~~double-stricken and italicized~~, and additions double-underlined and italicized:

XXXI-C - Special permit required for certain marijuana establishments.

Pursuant to M.G.L.A. c. 40A, as well as under the home-rule powers of the city pursuant to Sections 1 and 6 of Article II of the Articles of Amendment of the Constitution of the Commonwealth of Massachusetts, as amended by Article LXXXIX of said Articles of Amendment, and in order to mitigate potential secondary adverse impacts, a special permit is required for a marijuana establishment within the City of Newburyport where so specified in Section V-D, Table of Use Regulations.

Amend Section XXXI-D (License requirements and conditions of use) as follows, with deletions ~~double-stricken and italicized~~, and additions double-underlined and italicized:

4. No marijuana establishment, with the exception of properly licensed medical marijuana treatment centers (MMTCs) and marijuana retailers, shall be permitted to conduct in-person retail sales to consumers on premises.

Amend Section XXXI-F (Required buffer zones and restrictions on use) as follows, with deletions ~~double-stricken and italicized~~, and additions double-underlined and italicized:

2. Protected uses. ~~Neither use number 802 (marijuana establishments without retail sales) nor use number 803 (medical marijuana treatment centers or registered marijuana dispensaries) shall be located or permitted within five hundred (500) feet of any public entrance to the following uses, regardless of whether such use is enclosed within a structure or building, except that in the Business district (B-1) centered around the intersection of State Street and Route 1 (Route 1 Traffic Circle), said minimum distance shall be two hundred fifty (250) feet~~
  - ~~a. A pre-existing public or private school providing education in kindergarten or any of grades one (1) through twelve (12);~~
  - ~~b. A pre-existing nursery school or daycare facility;~~
  - ~~c. A pre-existing public library;~~
  - ~~d. A pre-existing public park or playground;~~
  - ~~e. A pre-existing municipal youth or recreation center;~~
  - ~~f. A pre-existing public swimming pool; or~~
  - ~~g. Any similar pre-existing facility in which children commonly congregate in an organized, ongoing, formal basis.~~

No marijuana establishment shall be located or permitted within five hundred (500) feet of any School Entrance as defined in 935 CMR 500, except that in the downtown business district (B-2) and the neighborhood business district (B-3) said minimum distance shall be two hundred (200) feet.

Amend Section XXXI-G (Permitting procedure and criteria for approval) as follows, with deletions ~~double-stricken and italicized~~, and additions double-underlined and italicized:

XXXI-G ~~Permitting~~ Special permit procedure and criteria for approval.

The provisions of sections XXXI-G and XXXI-H shall apply to marijuana establishments for which a special permit is required by section V-D, Table of Use Regulations.

Permit granting authority. The planning board shall act as the designated special permit granting authority (SPGA) in administering this section.

Special permit required. Marijuana establishments may be permitted only pursuant to a special permit hereunder where so specified in Section V-D, Table of Use Regulations. The planning board shall review and may deny, approve, or approve with conditions all applications hereunder in accordance with the procedures listed in section X-H8. The SPGA shall approve an establishment if the SPGA determines that the proposed use meets all the requirements of this section and, in addition, the special permit criteria of section X-H7.

---

Councillor Jennie L. Donahue

---

## M E M O R A N D U M

---

**TO:** Richard Burke Jones, City Clerk  
**FROM:** Rick Taintor, Chair, Planning Board  
**CC:** Andrew Port, Planning Director  
**DATE:** March 13, 2023  
**RE:** Planning Board Report and Recommendations on proposed ordinance amendments:  
ODNC00136\_01\_30\_2023 – A General Ordinance Amendment to Address  
Planning Board Membership  
ODNC00137\_01\_30\_2023 – A Zoning Ordinance Amendment to Address the  
Planning Board When Acting as Special Permit Granting Authority (SPGA)

---

In accordance with State statute and Newburyport ordinance, the Planning Board and the Committee on Planning and Zoning held a joint public hearing on March 1, 2023, to consider the above two proposed ordinances regarding changes to the Planning Board's membership and authorizing the appointment of associate members to vote on applications for special permits.

After the joint public hearing was closed, the Planning Board voted unanimously as follows:

- To recommend that the City's General Ordinances be amended as set forth in ODNC00136\_01\_30\_2023, with the amendment that in Sec. 2-118 the word "chairman" be replaced by the word "chair".
- To recommend that the City's Zoning Ordinance be amended as set forth in ORNC00137\_01\_30\_2023.

---

**Philip Cootey**  
**Community Organizer**

22 Phillips Drive  
Newburyport MA 01950

7th March 2023

**City Council President Heather Shand**

City Council  
60 Pleasant Street  
P.O. Box 550  
Newburyport, MA 01950

Dear Council President,

In early December 2011 it was brought to the attention of the public that the Committee on Budget & Finance reviewed Order 311, a gift from the Morrill Foundation that included \$40,000.00 for the development of three pickleball courts in Lower Atkinson Common.

That December a public process was put in place before accepting the gift to inquire of the community their thoughts about pickleball in Lower Atkinson. Despite near unanimous community disapproval the process yielded no material change in the Parks Commissions plans regarding Pickleball on a postage stamp between three youth ball fields.

We read in, ORDR00400 Morrill Foundation Gift Accept that "The City is now considering a Multi-Use Court and asked if the name change was acceptable." We ask the council to intervene immediately and halt any plan to approve pickleball at Lower Atkinson Park because we can do better together.

In the spirit of collaboration, The Friends and Families of Lower Atkinson Community submits our brief, position paper, and petition with 154 signatures to stop cannibalizing our open spaces and find new fields for athletic activities in the city; including pickleball. We'd appreciate the council reading the concerns of their constituents and your guidance as to the appropriate time and place to continue this dialogue.

On behalf of the Friends and Families of Lower Atkinson,

Sincerely,

**Philip Cootey**

*Council  
packet  
12/12/22*

## Concerned Friends and Families for Atkinson Park

Despite the overwhelming objections to Parks Commission proposals to introduce Pickleball as a primary multi-use court, the Parks Commission is moving forward with the motion for an already overloaded park.

Additional multi-use of the established use of Atkinson Park is not acceptable.

This petition is a statement of support for finding room for more pickleball courts in the City of Newburyport, but not to the detriment of safety and overcrowding at Lower Atkinson

Our positions against this use of Atkinson Park are based on these three points:

- Safety
- Overuse
- Narrowing Field Availability

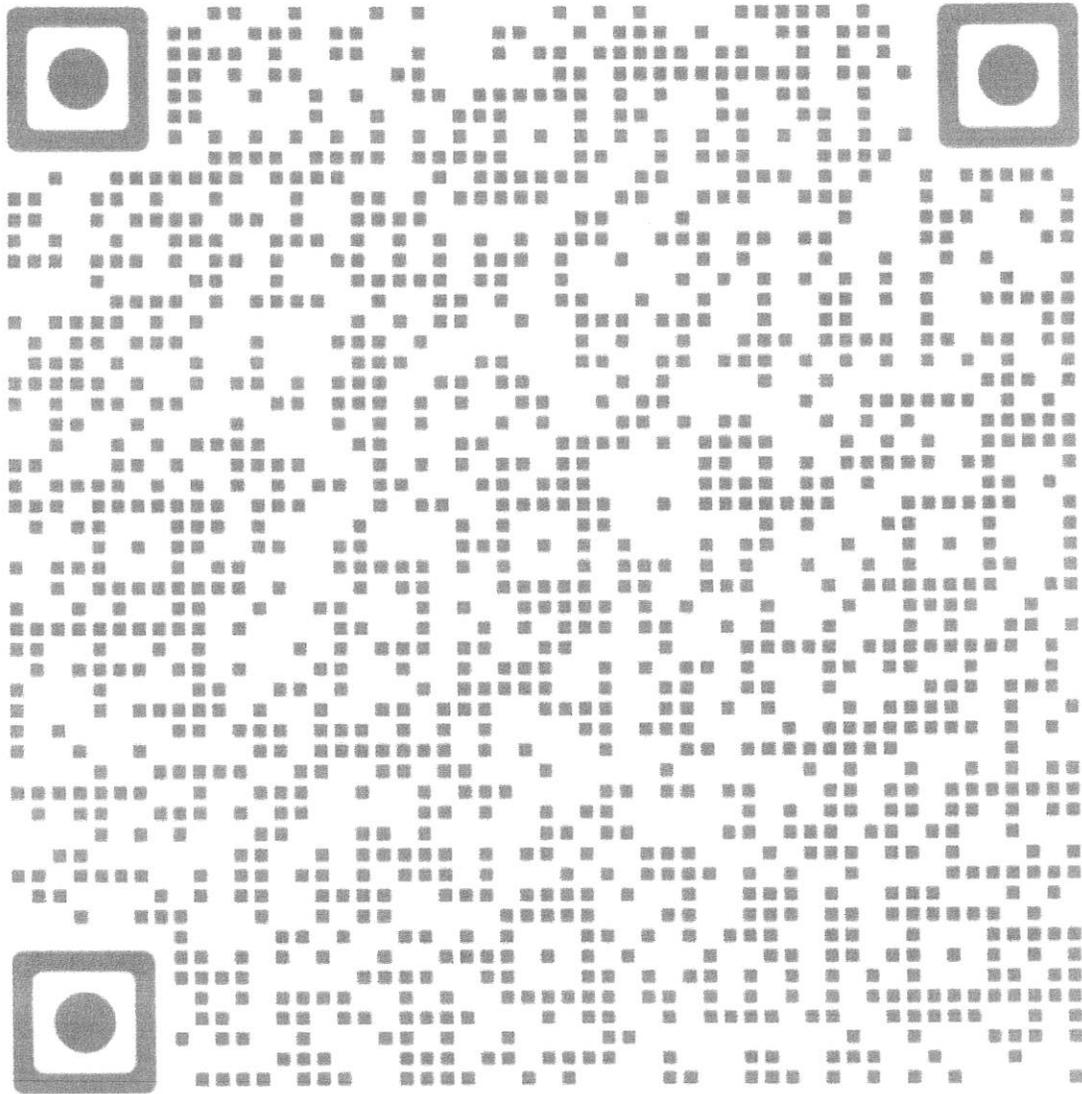
**Safety:** Atkinson Park is enjoyed by the entire greater Newburyport community. Lower Atkinson, a.k.a Pioneer Park, is predominantly used as a hub of Newburyport youth sports including baseball (Pioneer League, AAU programs), softball, high school softball, basketball, and as a children's playground. There are enough traffic accidents from congestion. Stray fly balls also will be more likely to hit someone. More congestion creates more risk. Do not add another function to the park.

**Overuse:** The park is already multi-use: Baseball, Softball, Basketball, and a Children's playground. Teams find themselves warming up anywhere they can prior to and between games, with the basketball court becoming a de facto space. Families frequent the courts for viewing of multiple games and for younger siblings to play. Neighbors are already pressed by night games, dense traffic, noise, and foul balls in their yards and personal spaces. There is no room for another use.

**Narrowing Field Availability:** Newburyport already lacks youth fields for the volume of participation that we have between the 5-12 age groups for baseball and softball. The loss of fields to the Senior Center (2), the dilapidation of fields (Lower Nock) and shared status of other fields has created a capacity crisis for playing baseball and softball. The ball leagues are growing while we are losing fields, it's unimaginable that we would lose more space.

Noise, safety, overuse and competition for space is a problem that all athletics of all age groups struggle within this city. We want to help the pickleball community to find a place to play in our parks as one park community supporting athletics for all age groups but not at the expense of the safety and neighborhood accord at Lower Atkinson.

Please sign below in objection to new utilizations of the park beyond the established use for baseball, basketball, softball, and a children's park.



Petition QR Code

---

## Lower Atkinson Parks Position

### Concerned Families for Atkinson Park

Despite the overwhelming objections to Parks Commission proposals to introduce Pickleball as a primary multi-use court use and the continuous and constant protest against these plans by neighbors of and families who use the park, the Parks Commission is moving forward with their proposal. Concerned friends and families of Lower Atkinson have attended multiple commission meetings to no avail. This problem is not getting solved in committee.

This petition from Concerned Families for Atkinson Park is to indicate to the City of Newburyport our position that Pickleball is not an appropriate multi-use of the established use of Atkinson Park. We feel after all the time, donations, effort, materials, labor, of volunteers and with the proximity and love we have for this park that we should have a say in its future. We, the Families and Neighbors of Lower Atkinson Park. are its stewards, and have been for some time, the city will recognize us.

This petition is also a statement of support for finding room for more pickleball courts in the City of Newburyport, but not to the detriment of a place to play for kids.

Our positions against this use of Atkinson Park are based on these three points:

- Safety
- Overuse
- Narrowing Field Availability

**Safety:** Atkinson Park is enjoyed by the entire greater Newburyport community. Lower Atkinson, a.k.a Pioneer Park, sees predominant use as a hub of Newburyport youth sports including baseball (Pioneer League, AAU programs), softball, high school softball, basketball, and as a children's playground. There are enough issues with congestion. Do not add another function to the park.

- 24 Traffic Related Incidents over the past three years including six car crashes
- The park's condensed layout lends to risk of injury by fly balls leaving the field of play into common areas.
  - The basketball court is within 140 ft of home plate from Hawkes field, a home run is 200 ft.
  - It's 215 ft from home plate to the promenade, a home run is 200ft.
  - The promenade leading to the court is within 25 ft of home plate for Founders Field
- Adding more people to the already dense population of usage increases the risk of severe injuries
- There are many children in Lower Atkinson. All coaches for organized sports in this park are CORI'd

**Overuse:** The park is already multi-use: Baseball, Softball, Basketball, and a Children's playground. Teams find themselves warming up anywhere they can prior to and between games, with the basketball court becoming a de facto space. Families frequent the courts for viewing of multiple games and for younger siblings to play.

The entire complex sits on 239,368.69 sq ft. There are enough usages of this park as is.

- The Park is in the lowest of averages for square feet per ballfield **in the county**. There is no room for another use by any recognized field standard
- Based on Parks Dept proposal, new drawing's show loss of on-street parking along Merrimack St. The park is losing a net 7 spots resulting in closer proximity parking.
- The Pioneer League has enjoyed 20% increase in participation in recent years across all age divisions for both baseball and softball leagues
  - 270 Total Games and 670 members, games in May, June, and July resulting in *14k people in the park every week* just for baseball alone
  - Adding another sport to the park is the opposite direction of where the current growth projections indicate the need is for Lower Atkinson
- Neighbors are already generously engaged with youth athletics to mitigate noise including limiting hours operating the field lights for years. It is a delicate balance where the current "off hours" are essential in maintaining that balance.

**Narrowing Field Availability:** Newburyport already lacks youth fields for the volume of participation that we have between the 5-12 age groups for baseball and softball. The loss of fields to the Senior Center (2), the dilapidation of fields (Lower Nock) and shared status of other fields has created a capacity crisis for playing baseball and softball. The ball leagues are growing while we are losing fields, it's unimaginable that we would lose more space.

The creation of a multi-use court focused on Pickleball will make conditions worse. There is already no room to put everyone who wants to play, never mind practice.

- Eaton field is not an option for this league (wrong dimensions).
- There is only one junior-youth mound and one mid-youth mound in the entire city for all the teams from 5 to 12 years old.
- The Woodmen park field is restricted to T-Ball as the field is shared with Soccer. It is too dangerous to share with older baseball teams without expanding field space, backstops and fences.
- Coaches are practicing in parking lots, paying out of pocket for tunnel time, holding practices in their backyards. There is nowhere to practice.

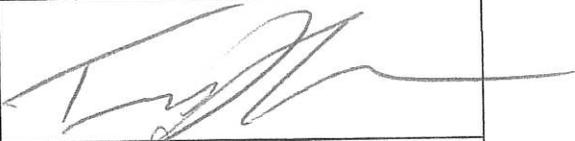
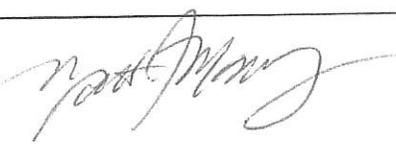
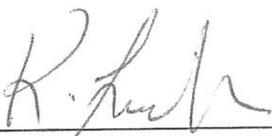
## **Conclusion**

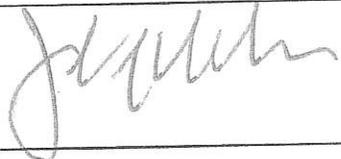
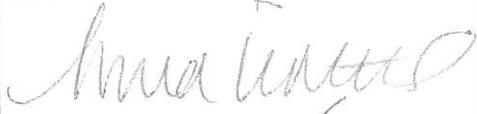
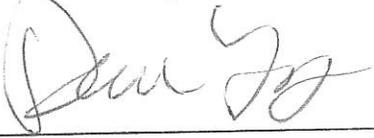
Noise, safety, overuse and competition for space is a problem that all athletics of all age groups struggle with in this city. We want to help the pickleball community to find a place to play in our parks as one park community supporting athletics for all age groups but not at the expense of the narrowing field availability for youth sports and neighborhood accord at Lower Atkinson.

While appreciative of the generosity of the Morrill Charitable Foundation, the park is too small, overcrowded, and dangerous for another additional sport. There is no room when we expect weekly traffic to grow by the thousands.

We protest any further development of pickleball in Lower Atkinson in the face of dissent from the community connected to Lower Atkinson Park. We find no validity in the public process as our participation has had no effect on the outcome, despite a majority of those involved against.

Emily Webber 4 DeLoSt. Newburyport, MA	Emily Webber
Sandy Gray 14 Leeth St., Nbpt, MA	Sandy G
Jaime Fisher 17 Laramie Ln. Nbpt. MA	Ji
Andrew Cowles 9 Bournbeam Ter Nbpt MA	ac
Brian Roach 41 Knights Ln Newburyport MA 0	BR
JEFFREY MATTHESON 13 HART RD Newburyport MA	JMATSON
Danielle Murphy 2 Richardson path	Dan
Nieve Morrissey 22 Milk Street, Newburyport MA	nieve
Kristen Morrissey 22 Milk St NBPT 01950	K. Morrissey
SARAH TODD 13 Virginia Lane, Nbpt	Sarah Todd
Emily Sheehan 1 Rawson Hill Rd. Nbpt MA 01950	Emily Sheehan

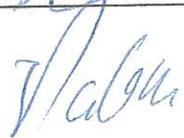
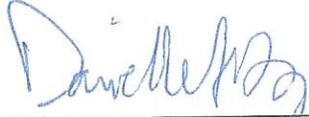
<p>Tim DeGaves    Tim@Swinirep.com  12 Moulton #  Newburyport, MA</p>	
<p>Steven Linters  21 Cushing Ave  NBPT, MA 01450</p>	
<p>Matt Morrissey  23 Milk St  Newburyport, MA 01952</p>	
<p>Kric Lisauskas  15 Cuffgette St  Nbpt-Ma 01950</p>	
<p>Jackie Savestra  30 Chestnut St  Newburyport Ma 01950</p>	
<p>Ping Johnson  2 Arthur Welch  Newburyport, MA 01980</p>	
<p>Kelly Garbarino  34 Storeybrook Dr NBPT</p>	
<p>Payton Garbarino  34 Storeybrook Dr NBPT</p>	
<p>Shanna Desch  3 Knight Lane NBPT</p>	
<p>Erin Contrino  10 Forrester</p>	
<p>Kate Hurley  2 William Hall Drive</p>	

JOHN WEBBER 4 DREW ST. NBPT.	
CHARLES HAASER 8 FOX RUN DR., NBPT	
Sean Hayden 4 WILLIAMSON AVE	
Matt Muzera 1 Railroad St NBPT	
Sheena Muzera 1 Railroad St NBPT	
Justin Lindenmayer 16 Plummer Ave NBPT	
Joseph Hill 538 Spotted St	
Sonia Linton's 21 Cushing Ave. Newburyport, MA 01950	
Drew Cooley 22 Phillips Jr. Newburyport MA 01950	
Drew Fay 5 Washington St Newburyport MA 01950	
Samantha Fay 5 Washington St. Newburyport Ma 01950	

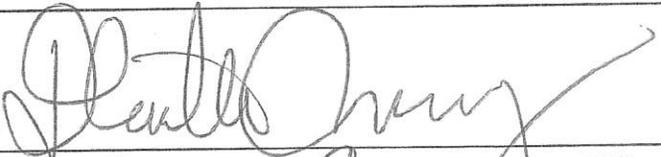
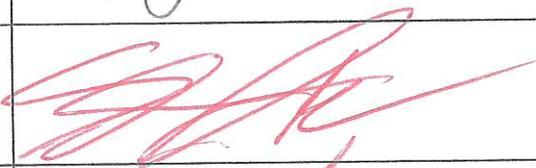
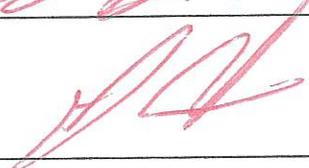
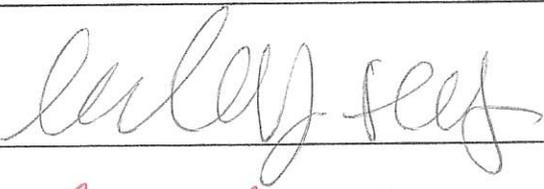
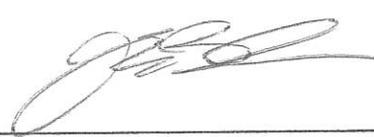
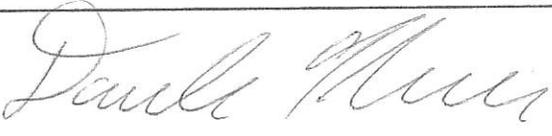
<p>Frank Weishaart 293 High St Newburyport, MA</p>	
<p>Melissa O'Brien 5 Walnut Street NBPT MA 01950</p>	<p>M O'Brien</p>
<p>Tom Murdy 9-1/2 Harrison St.</p>	
<p>Tish Malloy 18 Market Square #1 Newburyport MA 01950</p>	
<p>Jemson Smith 18 Mkt Sq #1 NBPT MA 01950</p>	
<p>JOANNE BLASER 1 TYNG ST NBPT 01950</p>	
<p>Andy Mastrot 3 PAULTON St. NBPT. 01950</p>	

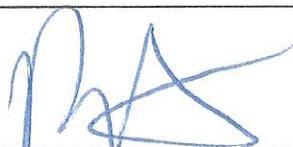
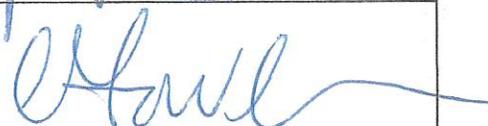
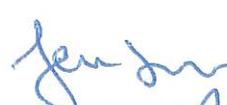
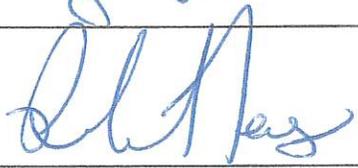
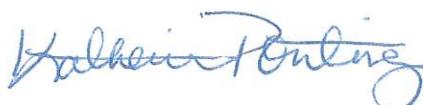
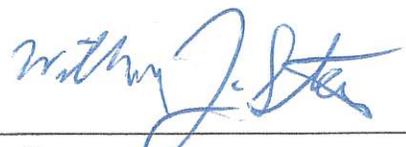
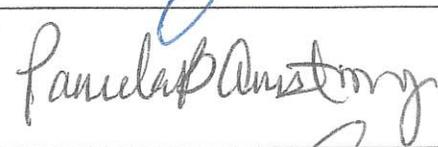
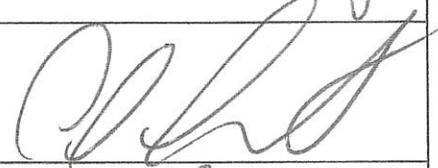
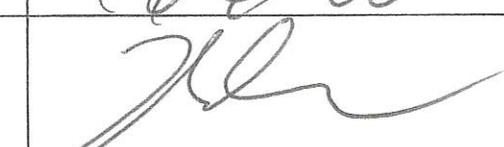
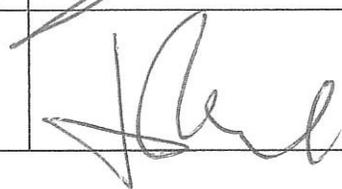
Janice Mockley	Christie Dr. Newburyport, MA
Ray Arcand	8 Parker Street, NBPT
Kris Arcand	8 Parker Street, NBPT
Ed Nystrom	35 Pine Hill Rd NBPT
Catherine Campbell	16 Bradbury Ln NBPT
Wayne Campbell	16 Bradbury Ln NBPT
Alison Salerno	4 Elizabeth Ln. Salisbury, MA 01952
E Schmitt	16 STOREY BROOKE NBPT
Em Schmitt	16 Storeybrooke Dr. Newburyport, MA 01950
John	55 MILK ST NEWBURYPORT, MA
Gia Wersha	293 High St

nextdoor.com  
App

Matt Fumeo 4 Carleton Dr. NBPT, ma 01905	
Brian Keefer 16 Duffg Dr. Newburyport	
Mara Lacava 19 Lavalley Lane Nbpt	Ma 2
MATT LACAVA 19 LAVALLEY LANE NBPT	
Karen Damon Hamel 490B Merrimac St. NBPT.	
Katelyn Fumeo 4 Carleton NBPT	
Paul Costey 22 Phillips Drive NBPT pcostey@hotmail.com	
PAUL HASS 1 PLANT ST NBPT PAULH18@GMAIL.COM	
DANIELLE HASS 1 PLANT ST NBPT DHASS17@GMAIL.COM	
D Tynny R.	
Morgan Boselli 33 Turkey Hill Rd	MBoselli

Christie Beapalant	11 Fawcett St. Newburyport 01950
Courtney Metcalfe	12 Hines Way Newburyport MA
Ed Hill	28 Winter St Newburyport MA
Carol Hill	6 Woodman Way unit 217 Newburyport, ma.
Dianne Eiserman	13 Elizabeth Lane Newburyport, ma. 01950
AMSSA SINDO	2 LANCASTER RD Newburyport ma
TOD RUBEN	16 HOPE AVE Newburyport MA
Sandy Wood	23 Scotland Hts. Newbury, MA 01951
Mark Dayle + LISA Dayle	20 Keeler Way NBPT MA-01950
Brian Murphy & Danielle Murphy Murphy43@gmail.com	7 Richardson path NBPT
JOE MOAKLEY	5A Christie Dr NBPT

Danielle murphy 7 Richardson path	
Katie Routhier 8 Monn Road	
Michael Lukacs 3 Frost St.	
Stephen Mills 4 Lavelley Ln	
Jan Hahnmeister 8 Cushing Ave	
Steph Mills 4 Lavelley Ln	
Emily Fay 5 Washington St	
Tom O'Dowd 25 OLIVE ST.	
James Burnham 20 Moseley Ave Newburyport, MA 01950	
Dorothy Burnham 20 Moseley Ave NBPT	D.K. Burnham
Danielle Thalman 2 Henderson Circle	

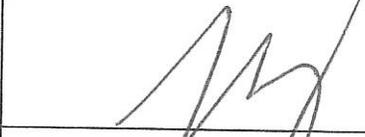
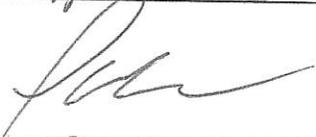
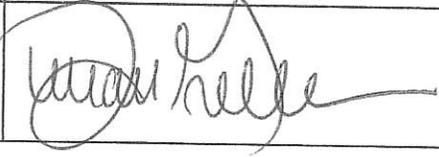
Pete Robbins 15 Summit Pl.	
Christine Fowler 5A Garrison Circle Newburyport MA 01950	
Karina Moltz 15 Summit Pl.	
Jen Groskin + DANIEL SORLING 11 MYRTLE AVE	
ROBERT FAGAN 110 STATE ST. 01950	
Katharine Pentling 11 Barker St.	
WILLIAM STARE 38 CHARLES ST.	
Pamela Armstrong 5 Buck St.	
Adam Armstrong 5 Buck St.	
Martin Desch 3 Knights Ln	
John Runers 11 Chain Bridge Dr.	

Jessica Rumore rumore.jessica2417@gmail.com	no Rumor
Carolyn Genegeben Cgenegeben@gmail.com	Carolyn Genegeben
Nathan Saddler nathan.saddler@yahoo.com	Nathan Saddler
Steven Genegeben SDG135@ALUMNI.PSU.EDU	Steven Genegeben
Anna Malenchini <del>MIKE BOLTON</del> amalenchini@gmail.com	Anna Malenchini
MIKE BOLTON mbolton@gmail.com	MIKE BOLTON
Timme Rea jimmierea9@gmail.com	Timme Rea
Dan Bukrey 24 Summit Pl Npvt danbukrey@gmail.com	Dan Bukrey
Steve Dowsett 7 Ryan RD SteveD004@yahoo.com	Steve Dowsett
Sasha Minahan sashaminahan@yahoo	use Bocce field @ Senior center!
Melanie Bligh M_pearson819@hotmail.com	Melanie Bligh

Name, address, email

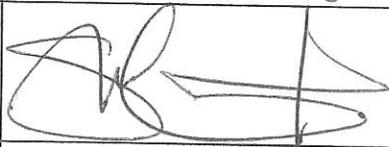
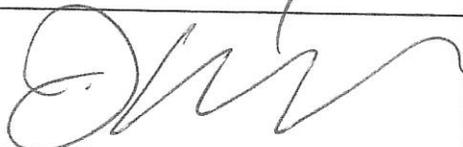
Signature

<p>Beth Buschini 36 Winter St. Nbpt <del>Just Beach</del></p>	<p>Beth Buschini buschinmbpt@comcast.net</p>
<p>Lian Fadil 33 Hill St. Nbpt</p>	<p>Lian Fadil lianfadil@gmail.com</p>
<p>38 Bayberry Rd Nbpt SARAH POWER → LOVE PICKLEBALL !!!</p>	<p>Smullee</p>
<p>38 Bayberry Rd NBPT Jawn Ruob</p>	<p>Jawn Ruob</p>
<p>Thuy Cirman 13 Mill St. Newburyport, MA 01950</p>	<p>Thuy Cirman</p>
<p>Steve Boselli 33 Turkey Hill Rd</p>	<p>Steve Boselli</p>
<p>DANIEL SPURLING 11 MYRTLE AVE NEWBURYPORT, MA 01950</p>	<p>Daniel Spurling</p>
<p>Dan Dunn 8 Cabot Ct Amesbury MA 01913</p>	<p>Dan Dunn</p>
<p>Phillipa Dunn 8 Cabot Ct Amesbury MA 01913</p>	<p>Phillipa Dunn</p>
<p>Steven Link 21 Cushing Ave, NBPT 01950</p>	<p>Steven Link</p>
<p>Jeff Keira 70 Marlboro St. Newburyport, MA</p>	<p>Jeff Keira</p>

John Routhier 8 Morris Road	
Josh Elgin 26 Bayberry Rd	
Shawn Todd 13 Virginia Lane	
Chris Carney 101 Lime St	
Chris Sheehan 1 Rawson Hill Rd	
Tyler Woon 9 Jay Berk	
Pat Foley 6 Lawton Dr	
Ashley Foley 6 Lawton Drive	
Pat Sheehan 267 Merrimac St	
Eric Grelle 14 Hoyts Lane	
Jillian Grelle 14 Hoyts Ln	

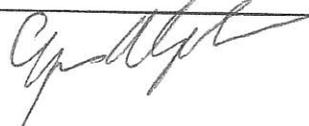
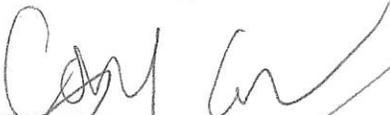
Name Address

Signature

Haley Corey 59 Jefferson St	Haley Corey
Marisa Fagan 110 State Street, Nbkpt.	Marisa Fagan
Scott Cuticchia 7 Sprink St	
Mark O'Connell Sudbury St	
14 60th St Newburyport	John McE
Samie Gagnon 17 Daniel Ludwig Way	
Bull White 4 Norman Ave	Bull White
Bridgette Walsh 4 Norman Ave	Bridgette Walsh
Kendra Winters 29 Myrtle Ave	Kendra
Melanie Beauvier 15 Newburyport MA	Melanie Beauvier
Jennifer Fox P113 15 Eagle St Newburyport MA	

Name Address Email

Signature

Ann Galesworthy 23 Woodland St <del>Ann Galesworthy</del>	→
2 McClintock St. <del>G. Alphonse</del> Newburyport, MA	
4 Carleton Dr Lily Fulmer Newburyport, Ma	Lillian Fulmer
4 Carleton Dr. Matthew NBPT, MA Fulmer	
Eric Fisher 12 Cutting Drive NBPT MA	
Raehael Scrapp 253 Merrimac St.	Dusa
Corey Scrapp 253 Merrimac St	
erin continue 10 Forrester Street	
Corey continue 10 Forrester Street	
150 Broad St Newburyport x	
Rene Charrel 4 Spring Street	

Hent Street ?

Name / Address / Email

Signature

Name / Address / Email	Signature
Cezrey 293 High Street	
RAEF Fahmy 420 MERRIMACK ST MERRIMACK 01950	
Rachel DeGraves 12 Moulton St. Unit 2 NBPT, MA russellmayer@comcast.com	
Michelle Houghton 5 Upland Rd NBPT mdhoughton@outlook.com	

# ORDERS

## CITY OF NEWBURYPORT



IN CITY COUNCIL

ORDERED:

March 13, 2023

**City of Newburyport Parks  
Memorial Bench Policy**

Effective January 1, 2023

Approved by the Parks Commission on December 15,  
2022**Scope:**

This policy applies to all existing and future benches located within the City of Newburyport's parks. This policy excludes benches located within State and privately-owned parks, which are under a separate jurisdiction. Residents and non-residents may apply to have a plaque installed on a City bench within a City park, under the lease agreement described below.

**Application Process:**

An application (see Appendix A) for the lease of a new or existing bench within the City of Newburyport's Parks may be submitted to the Parks Manager for internal review. Applicants should provide up to three (3) preferred locations for placement of a bench, understanding that bench locations will depend on current or future plans for the requested park, as well as capacity of the park to accept additional benches. After initial review by the Parks Manager, new benches must also be approved by the Parks Commission for style and location during a regularly scheduled Parks Commission meeting, with the recommendation of the Parks Manager. Existing benches will be reviewed and approved by the Parks Manager and need not seek Parks Commission approval if they follow the policy outlined in this document. A non-refundable application fee of \$50 shall be paid at the time of application and may be made payable to the City of Newburyport.

Once benches and plaques are approved by the Parks Manager and/or the Parks Commission, the applicant will be provided the final details of the approval, including bench style and material, plaque specifications, site selection, total cost and tentative schedule for installation. A check for the total project cost (\$5,000, pending approval and acceptance by City Council), minus the application fee, must be received prior to installation. Benches are ordered twice annually on September 15 and April 15, and applicants should target their requests appropriately. Applications are accepted from January 1 through April 1.

### Terms & Conditions:

From the date of installation, maintenance of the approved bench and plaque is limited to 10 years. Upon expiration of the 10-year period, applicants have the option to renew the leased bench at the current price. The plaque will be removed after the 10-year period unless renewed. Plaques will be available for pick up at the Department.

New benches can no longer be accepted at Joppa Park, the Clipper City Rail Trail from the Wastewater Treatment Facility to the Coast Guard Station, and some sections of Cashman Park. All other requests for benches will be considered on a first come, first served basis with a minimum timeline from application to installation of 3 months. This timeline may be extended based on volume of requests and every effort will be made to respond to requests in a timely manner.

New benches must be compliant with Federal law as delineated in the Americans with Disabilities Act (ADA). This means benches must be adjacent to an existing path or walkway that provides clear access to the bench for people of varying abilities.

Upon installation, all benches and plaques become the property of the City of Newburyport. Neither the donor, nor any former or present parks donation organization, has any claim to ownership of either the bench or the plaque.

This bench policy will be reviewed annually by the Parks Manager and Parks Commission, which may result in policy, procedural, or fee changes. Prices are not guaranteed beyond December 31st of each calendar year.

All proceeds from this program will go towards maintenance of the City of Newburyport's Parks.

### Plaque Specifications and Parameters:

In recognition an approved lease, a dedication plaque shall be affixed to the leased bench

under the parameters of this policy. Plaques shall measure 2"x10" in size with choice of inscription from options listed below. Personalization of plaques is not allowed.

In Honor  
of Name  
Dedicated Month &  
Year or:  
In  
Memory  
of Name  
Dedicated Month & Year

### Maintenance & Replacements:

Once a bench and plaque are installed, the Parks Manager will monitor and maintain it for a period of ten years. Maintenance may include a one-time application of oil sealer and/or paint for wood benches and paint for metal benches or bench components. It is understood that normal weathering of benches may occur and shall be acceptable to the donor. After ten years, the City will contact the lessee regarding renewal of the lease agreement, at which time further bench renovations and/or maintenance may commence, if desired, at the current pricing.

The City shall not be responsible for loss or damage of any kind. If a bench is stolen or destroyed it will be permanently removed. If possible, the donor will be notified as a courtesy that the bench is no longer in place. If the donor wishes to replace a damaged or stolen bench they will need to begin a new application process and pay for the cost of the bench plus shipping and transportation. The City shall cover the installation, administration, and general maintenance fee for the remainder of the original ten-year lease.

### Leasing and Renovations of Existing Benches:

The renovation of existing, available benches and benches that exist prior to this policy enactment on January 1, 2023, are available for the same rate as new benches (\$5,000, pending approval and acceptance by City Council).

Bench renovations shall consist of the removal of worn or damaged material, stripping and painting of legs, and installation of new material and hardware as needed.

### Memorial Benches Installed Prior to January 1, 2023:

Memorial benches that exist prior to the acceptance of this policy on January 1, 2023 shall be grandfathered until January 1, 2028 at which time every effort will be made to contact their

sponsors for renewal under the terms of this policy. Benches that are not renewed will have their plaques removed and will be available for new sponsorship.

---

Councillor Heather L. Shand

---

Councillor James J. McCauley

## Appendix A: Bench application

Name:

---

Address:

---

Phone number:

---

Email address:

---

Preferred location for bench (up to 3):

---

---

---

New or existing bench?: \_\_\_\_\_ new \_\_\_\_\_ existing

Plaque selection:

- In Honor of/Name/Dedicated month & year:

---

- In Memory of/Name/Dedicated month & year:

---

I have read the Memorial Bench Policy and agree to abide by its terms.

---

Signed

Please submit this application with a \$50 application fee made payable to the City of Newburyport. Applications and checks may be mailed to:

City of Newburyport  
c/o Mike Hennessey, Parks  
Manager 60 Pleasant Street/ PO  
Box 550  
Newburyport, MA 01950

---

For internal use only:

# CITY OF NEWBURYPORT



IN CITY COUNCIL

**ORDERED:**

March 13, 2023

**THAT** the CITY COUNCIL of the CITY OF NEWBURYPORT hereby amends the existing list of crosswalks as identified by the Department of Public Services and marked throughout the City of Newburyport by adding the following:

1. Addition of a crosswalk on Water Street to the east of Federal Street.

**AND** that the City Clerk and Department of Public Services shall maintain this list and make the same available to the public.

**AND** furthermore the City Clerk shall post this list on the appropriate City website.

---

Councillor Jennie L. Donahue



DRAFT - REVIEW ONLY



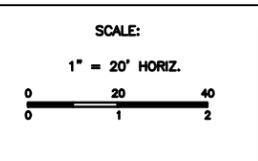
CITY OF NEWBURYPORT  
 DEPARTMENT OF PUBLIC SERVICES  
 16A PERRY WAY  
 NEWBURYPORT, MA 01950

Rev No	Date	Drawn	Chkd	Description
Revisions				

Designed By:  
N. FEDERICO

Checked By:  
J.E. WHITE

Date:  
FEB 24, 2023



**FEDERAL AT WATER STREET**  
 SITE PLAN

Sheet No.  
1 OF 3  
**C-1**

# CITY OF NEWBURYPORT



IN CITY COUNCIL

## ORDERED:

March 13, 2023

**WHEREAS**, the City of Newburyport Home Rule Charter provides at Section 2-5 that, except as otherwise provided by general law or by the charter, all powers of the City shall be vested in the City Council which shall provide for their exercise and for the performance of all duties and obligations imposed upon the City by law; and

**WHEREAS**, the Newburyport Code provides at Section 12-30 that the surveying and laying out, relocation or altering of a street, highway, or private way, or part thereof, shall be done under the supervision of the City Council; and

**NOW, THEREFORE**, the City Council shall review and approve the plan for the intersection of Federal and Water Streets submitted herewith, dated February 24, 2023 and entitled "Federal at Water Street, Site Plan", and authorize the Department of Public Service and the City Engineer to use said plan and complete the same. This plan shall be used to add bump outs to the sidewalks on the northern side of Water Street and to move the sidewalk north of Water Street crossing Federal Street further south toward Water Street.

---

Councillor Jennie L. Donahue



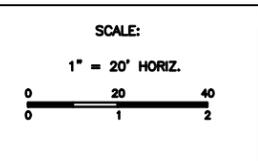
DRAFT - REVIEW ONLY



CITY OF NEWBURYPORT  
 DEPARTMENT OF PUBLIC SERVICES  
 16A PERRY WAY  
 NEWBURYPORT, MA 01950

Rev No	Date	Drawn	Chkd	Description
Revisions				

Designed By:  
 N. FEDERICO  
 Checked By:  
 J.E. WHITE  
 Date:  
 FEB 24, 2023



**FEDERAL AT WATER STREET**  
 SITE PLAN

Sheet No.  
 1 OF 3  
**C-1**

# **ORDINANCES**

CITY OF NEWBURYPORT



IN CITY COUNCIL

ORDERED:

March 13, 2023

**Appendix B Municipal Fee Schedule**

**Section 2 Municipal Fees by Category**

**Section 2-P – Water and sewer fees (department of public service – water and sewer).**

The City Council of the City of Newburyport hereby amends Appendix B Municipal Fee Schedule Ordinance Section 2-P Water and sewer fees (department of public service – water and sewer) with deletions ~~double-stricken and italicized~~ and additions double-underlined and italicized:

**Section 2-P – Water and sewer fees (department of public service – water and sewer).**

<b>Water Consumption Usage Rates</b>	<b>Fee</b>
First three thousand (3,000) cu-ft for Residential and Non-residential	\$6.61/100 cu-ft
Three thousand one (3,001) cu-ft and over for Residential and Non-residential	\$7.37/100 cu-ft
Residential Service Charge—Meters one (1) inch or smaller	\$25.00/quarter
Residential Service Charge—Meters larger than one (1) inch	\$125.00/quarter
Non-Res Service Charge—Meters one (1) inch or smaller	\$30.00/quarter
Non-Res Service Charge—Meters larger than one (1) inch	\$125.00/quarter
<b>Sewer Usage Rates</b>	<b>Fee</b>
First three thousand (3,000) cu-ft	\$9.84/100 cu-ft
Three thousand one (3,001) cu-ft and over	\$10.60/100 cu-ft

Customer Service Charge—All customers	\$25.00/quarter \$30.00/quarter (Newbury)
<b>Customer Service Charges</b>	<b>Fee</b>
Emergency Call	\$400.00
Water On/Off	\$50.00
Water off, Meter Out Water on, Meter In	\$75.00
Labor—Water	\$75.00
Cut & Cap Water Service	\$400.00
Water Reconnect	\$400.00
Property Transfer	\$60.00
<b>New Service Connections</b>	<b>Fee</b>
One (1) Inch	\$2,500.00
Two (2) Inch	<del>\$4,270.00</del> <u>\$5,000</u>
Four (4) Inch	<del>\$7,140.00</del> <u>\$10,000</u>
Six (6) Inch	<del>\$10,000.00</del> <u>\$15,000</u>
<b>Water Main Connections</b>	<b>Fee</b>
Eight (8) Inch	\$13,000.00
Twelve (12) Inch	\$16,000.00
Sixteen (16) Inch	\$20,000.00
<b>Tap Fees</b>	<b>Fee</b>
Tap one (1) to two (2) inch	\$400.00
Tap four (4) to six (6) inch	\$650.00

Tap eight (8) inch	\$800.00
Greater than eight (8) inch	\$1,200.00
<b>Meter Charge</b>	<b>Fee</b>
5/8 Inch	Market Cost (Variable) *
One (1) Inch	Market Cost (Variable) *
Greater than one (1) inch	Market Cost (Variable) *
Meter horns fittings	Market Cost (Variable) *
Meter Test	<del>\$150.00</del> <u>\$250</u>
Valve Repair	\$100.00
<b>Sewer Connection Fees</b>	<b>Fee</b>
Cut and Cap Service	\$1,500.00
Sewer Reconnect	\$225.00
Property Transfer	\$60.00
I/I Fee	\$300.00
<b>Contractor Services</b>	<b>Fee</b>
Hydrant Flow Test	\$150.00
Hydrant Charge	\$400.00
Hydrant Charge Newbury	<del>\$75.00</del> <u>\$150</u>
Inspection	\$60.00

TO: President Shand and Members of the City Council  
 FROM: Mayor Sean Reardon  
 CC: Julie Spurr Knight, DPS Business Manager  
 Chair Roger Jones and the Board of Water and Sewer Commissioners  
 DATE: March 7, 2023  
 SUBJECT: Proposed Updates to Water Service Fees

The Water Distribution Superintendent and the Business Manager conducted an analysis of the current fees associated with new service water connections. An assessment of direct and indirect costs identified that the current fee structure did not cover current and future expenses associated with the maintenance and expansion of the City's water system.

Bringing these service fees in line with the associated costs will help to offset future increases to rates and fees for all users. Continuing to provide services with fees that do not cover system expansion costs will continue to reduce retained earnings and drive further rate increases.

The below changes were presented to the Water and Sewer Commission on January 18, 2023 and unanimously approved.

Description	Current fee	Proposed fee	Change
1 Inch water service connection	\$2,500	\$2,500	No change
2-inch water service connection	\$4,270	\$5,000	\$730 increase
4-inch water service connection	\$7,140	\$10,000	\$2,860 increase
6-inch water service connection	\$10,000	\$15,000	\$5,000 increase
*System development fee	NEW	\$2,500 per housing unit	Multi family units
Meter test	\$150	\$250	\$100 (if failed in favor of customer)
Newbury hydrant charge	\$75	\$150	\$75 increase per hydrant

**\* System development fee:** This fee will be charged per unit for multiunit dwellings, in addition to the associated water service connection fee, based on size of the connection.

# CITY OF NEWBURYPORT



IN CITY COUNCIL

**ORDERED:**

March 13, 2023

AN AMENDMENT TO AN ORDINANCE DEFINING RESPONSIBILITIES THERETO  
PURUSANT TO VARIOUS SECTIONS OF CHAPTER 2 ADMINISTRATION OF THE  
MUNICIPAL CODE

Be it ordained by the City Council of the City of Newburyport as follows:

Chapter 2	Administration
Article VI	Finance
Section 2-394	Departmental Revolving Funds

***Amend Section 2-394 by deleting a clause, as follows, with deletions ~~double stricken through~~:***

**Sec. 2-394. Departmental revolving funds.**

- (a) *Purpose.* This section establishes and authorizes revolving funds for use by city departments, boards, committees, agencies or officers in connection with the operation of programs or activities that generate fees, charges or other receipts to support all or some of the expenses of those programs or activities. These revolving funds are established under and governed by M.G.L.A. c. 44, § 53E½.
- (b) *Expenditure limitations.* A department or agency head, board, committee or officer may incur liabilities against and spend monies from a revolving fund established and authorized by this section without appropriation subject to the following limitations:
  - (1) Fringe benefits of full-time employees whose salaries or wages are paid from the fund shall also be paid from the fund.
  - (2) No liability shall be incurred in excess of the available balance of the fund.
  - (3) The total amount spent during a fiscal year shall not exceed the amount authorized by city council on or before July 1 of that fiscal year, or any increased amount of that authorization that is later approved during that fiscal year by the city council and mayor.
  - (4) Any capital expenditure from the fund shall be made upon the recommendation of the mayor and approval of the city council. A capital expenditure is defined as a fixed asset costing fifteen thousand dollars (\$15,000.00) or more with an expected useful life of five (5) years or more.
- (c) *Interest.* Interest earned on monies credited to a revolving fund established by this section shall be credited to the general fund.

- (d) *Procedures and reports.* Except as provided in M.G.L.A. c. 44, § 53E½ and this section, the laws, charter provisions, ordinances, rules, regulations, policies or procedures that govern the receipt and custody of city monies and the expenditure and payment of city funds shall apply to the use of a revolving fund established and authorized by this section. The city auditor shall include a statement on the collections credited to each fund, the encumbrances and expenditures charged to the fund and the balance available for expenditure in the regular report the city auditor provides the department, board, committee, agency or officer on appropriations made for its use.
- (e) *Authorized revolving funds.* The table establishes:
- (1) Each revolving fund authorized for use by a city department, board, committee, agency or officer;
  - (2) The department or agency head, board, committee or officer authorized to spend from each fund;
  - (3) The fees, charges and other monies charged and received by the department, board, committee, agency or officer in connection with the program or activity for which the fund is established that shall be credited to each fund by the city auditor; and
  - (4) The expenses of the program or activity for which each fund may be used.

A Revolving fund	B Department, Board, Committee, Agency or Officer Authorized to Spend from Fund	C Fees, Charges or Other Receipts Credited to Fund	D Program or Activity Expenses Payable from Fund
Council on aging	Director of council on aging	Program fees	Senior citizen programs
Recreational services	Director of youth services	Program fees	Funds recreational services in the city including program supplies, materials and equipment, class instructor fees, fees for reservations and tickets related to trips and functions, other costs related to the provisions of recreational services and transfers to the general fund for the purpose of funding salaries
Historical commission	Director of planning and development	Application fees	Administration of the historical commission operations, including office supplies and technical assistance
Electrical inspector	Building commissioner	Electrical permit fees	Charges and/or salaries for wiring inspector, assistant wiring inspector, building inspector and

			related supplies and equipment for the department
Plumbing inspector	Building commissioner	Plumbing permit fees	Charges and/or salaries for plumbing inspector, assistant plumbing inspector, building inspector and related supplies and equipment for the department
Gas inspector	Building commissioner	Gas permit fees	Charges and/or salaries for gas inspector, assistant gas inspector, building inspector and related supplies and equipment for the department
Disabilities commission	Americans with Disabilities Act (ADA) coordinator	Handicapped parking fines and Massachusetts Architectural Access Board (MAAB)/ADA enforcement fines	Assist the commission on disabilities in their efforts to advise, assist, research, coordinate, review and make policy recommendations, provide information, referrals, guidance and technical assistance to individuals, public agencies, businesses and organizations in all matters pertaining to disability; and to coordinate activities of other local groups organized for similar purposes
Emma Andrews Library	Director of public services	Income received from the rental of the apartment located on the second floor of the South End Branch Library, commonly known as the Emma Andrews Library	Expenses associated with building maintenance, repairs, renovations, upkeep and security
Transient vendors	Director of public health	Permit fees	Offset health department expenses associated with special events, including, but not limited to, festivals, farmers markets, and temporary events
Planning and zoning	Director of planning and development	Planning and zoning service and application fees	Planning and zoning related purposes including consultant's fees, legal expenses and other costs associated with project reviews and planning activities
Animal control	Director of public health	Fees and charges associated with animal control and animal shelter activities	Offset city expenses associated with carrying out animal control and animal shelter operations
Tree commission	Newburyport Tree Warden	Fines, voluntary payments, fees, charges, contributions,	Plant, maintain, protect, and preserve public trees throughout

		donations, grants, insurance settlements, and other payments received from private individuals, businesses, government entities, and persons or business making payment to the city for damage caused to trees located on city property	the city in order to: contribute to the distinct character of the city; improve air quality; create habitats for wildlife, including various rare and protected species; reduce noise; provide privacy; protect soil from erosion; provide glare and heat protection; provide an aesthetic appeal that enhances property values; provides natural privacy to neighbors; and promotes civic pride and enjoyment
Health programs	Director of public health	Program fees and reimbursements from the state or federal Medicare/Medicaid programs and private insurers	Expenses associated with carrying out Health Department activities and programs
Veterans services	Director of veteran's services	Sale of grave markers, donations, gifts and grants received from the general public, government entities, private corporations, and charitable foundations	Expenses associated with goods and services benefiting veterans residing in the city and their families
City hall maintenance	Director of public services	Fees and charges paid to the city for the use and rental of city hall facilities	Expenses associated with city hall event coordination, maintenance, repairs, renovations, upkeep and security
Senior community center maintenance	Director of public services	Fees and charges paid to the city for the use and rental of the senior community center	Expenses associated with event coordination, maintenance, repairs, renovations, upkeep and security at the senior community center
Parks maintenance	<del>Parks director</del> <u>Director of public services</u>	Fees and charges paid to the city for the use and rental of parks by outside groups, organizations and individuals	Expenses associated with parks maintenance, repairs, renovations, upkeep and security
Solid waste	Recycling/energy manager	Fees collected for use of the yard waste facility, charges for disposal of household hazardous waste, bulk item/mattress disposal fees and recycling fees	Expenses associated with operating the yard waste facility and recycling center on Colby Farm Lane, chipper service, disposal of hazardous waste, as well as, disposal of bulk items/mattresses

Assessor's office	Assessor	Fees charged by the assessor's office for records requests and abutters lists	Office supplies and equipment
-------------------	----------	---	-------------------------------

(Ord. of 6-11-2018(1); Ord. of 6-13-22(1))

---

Councillor Heather L. Shand

# CITY OF NEWBURYPORT



IN CITY COUNCIL

**ORDERED:**

March 13, 2023

## AN AMENDMENT TO AN ORDINANCE SEC. 11-5 RULES AND REGULATIONS FOR ALL PUBLIC PARKS AND PLAYGROUNDS OF THE MUNICIPAL CODE

Be it ordained by the City Council of the City of Newburyport as follows:

Chapter 11 Administration  
Section 5 Rules and regulations for all public parks and playgrounds.

***Amend Sections 11-5(f), 11-5(h), 11-5(k), 11-5(l), 11-5(q), 11-5(t), 11-5(v), and 11-5(y) by deleting the clauses, as follows, with deletions ~~double stricken through~~:***

### **Sec. 11-5. Rules and regulations for all public parks and playgrounds.**

- (a) All other city ordinances applying to public areas also apply to the public parks and playgrounds listed in section 11-2, including but not limited to the following:
- (1) Dogs shall be leashed and animal waste cleaned up and disposed of pursuant to chapter 3 of the Code of Ordinances; provided, however, that pursuant to such chapter 3 dogs are permitted off leash certain locations, as set forth therein. Both the city marshal and the health director, and their designees, including, without limitation, the animal control officer, are expressly authorized to enforce these rules by issuing citations for civil infractions pursuant to M.G.L.A. c. 40, § 21D.
  - (2) No littering is permitted.
  - (3) No vandalism, damage or defacement or other acts of willful destruction of public property is permitted.
  - (4) Loud noise, music, and other sounds are prohibited from 10:00 p.m. to 7:00 a.m. pursuant to chapter 8 of the Code of Ordinances.
  - (5) No snowmobiles, motorcycles, motorbikes or other motorized vehicles, with the exception of wheelchairs, are permitted outside of designated driveways or parking lots, unless specifically authorized by city council vote.
  - (6) No smoking pursuant to chapter 8 of the Code of Ordinances.
  - (7) For other activities regulated by city ordinances, additional authorization may be required from the city officer or department designated under this Code of Ordinances.

- (8) No activities are permitted that would potentially endanger members of the public.
- (b) No activities are permitted that would interfere with the use and enjoyment of the city's public parks and playgrounds, without prior written authorization from the parks commission.
- (c) No commercial activities, including, without limitation, soliciting, are permitted without prior written authorization from the parks commission.
- (d) No commercial activities of any nature are permitted on any portion of the Bartlet Mall unless for specific, nonprofit events that benefit the Newburyport community, unless it is approved in advance by a majority vote of the city council.
- (e) No vehicular parking is permitted in areas other than designated parking lots, in accordance with posted signs. No unauthorized vehicles are allowed in areas other than designated driveways and parking lots.
- (f) No alcoholic beverages are permitted without prior written authorization from the parks commission and licensing commission.
- (g) Horses are not allowed except as expressly authorized by rules and regulations promulgated under this chapter 11, and with prior written authorization from the parks commission.
- (h) No dogs are permitted on athletic fields, ~~tennis~~ courts, in fountains, or in other restricted park areas.
- (i) No bicycling, rollerblading, snowboarding, or skateboarding is permitted on play equipment or site furnishings, including, without limitation, benches, curbs, walls, statuary, handrails, fountains, ponds, tennis courts, playing fields, etc., except as specifically authorized by the parks commission. Within those public parks and playgrounds, as indicated by signage approved by the parks commission, bicycling, rollerblading, and skateboarding are prohibited entirely.
- (j) Trash receptacles in public parks and playgrounds are intended for the collection of refuse related to public use of such facilities, and the disposal of other items in park trash receptacles is not permitted. Dumping of private yard waste is not permitted.
- (k) No unauthorized posting of bills, signs, or any other materials is permitted. No inflatable equipment, ground stakes to anchor equipment, or confetti is permitted.
- (l) No fires are permitted except in specific locations expressly authorized by rules and regulations promulgated under this chapter 11, or with prior written authorization from the parks commission and fire chief.
- (m) No fireworks are permitted without prior written authorization from the fire chief.
- (n) No firearms are permitted.
- (o) No camping is permitted, unless specifically authorized by parks commission vote.
- (p) No unauthorized change of any sort to the property, vegetation, equipment, or structures in is permitted, including, without limitation, trimming, pruning, removal or harming of plantings.
- (q) No use of water or electrical receptacles is permitted, with the specific exception of public drinking fountains, and as authorized under an individual license or permit issued by the parks ~~commission~~ manager.
- (r) Athletic field lighting shall be turned off by 10:00 p.m.
- (s) Fines for violation of any rules and regulations promulgated under this chapter 11 shall be established by ordinance of the city council.
- (t) The parks commission shall be the permitting authority for all of the city's public parks and playgrounds, and applications for activities therein shall be made to such commission. Solely for routine, ~~non-recurring~~ applications, as specified under "Policy & Procedure on Parks Reservations," the parks commission may delegate its authority to process such applications ~~to the parks director,~~ by promulgating a rule pursuant to section 11-6.

- (u) For Market Landing Park and other Newburyport Waterfront Trust property, the Newburyport Waterfront Trust shall be the permitting agency, and applications for activities therein shall be made to the Newburyport Waterfront Trust.
- (v) Permit applications for activities at parks and playgrounds, made pursuant to the rules and regulations of this chapter 11, shall be processed in the order of their receipt. The parks commission, or ~~the parks director as~~ its designee pursuant to subsection (t), shall determine whether to grant or deny an application within thirty (30) days of receipt of determining that such application is complete, in all respects, unless the applicant provides written consent to extend such period for a set period,
- (w) A granted application for authorization made pursuant to the rules and regulations of this chapter 11 may permit the applicant a revocable license with a duration of no more than six (6) months to use designated areas of the relevant public park or playground. All other rights of use to any public park or playground, whether by revocable license, lease, or otherwise, shall be invalid unless approved by the city council pursuant to all applicable laws. Notwithstanding the foregoing, the Newburyport Waterfront Trust may grant rights of use at Market Landing Park, and other property held by it in public trust, pursuant to its declaration of trust, as amended.
- (x) All fees for use of any public park or playground, regardless of type or duration, shall be established by ordinance of the city council, in consultation with the parks commission. Notwithstanding the foregoing, the Newburyport Waterfront Trust may grant rights of use at Market Landing Park, and other property held by it in public trust, pursuant to its declaration of trust, as amended.
- (y) Denial of an application for authorization shall be in writing, and shall set forth clearly the grounds upon which the permit was denied. Where feasible, the parks commission, or ~~the parks director as~~ its designee pursuant to subsection (u), shall suggest in such written denial those measures by which the applicant may cure any defects in its permit application, or otherwise procure a permit in a subsequent application.
- (z) An application for authorization may be denied on any of the following grounds:
  - (1) The application (including any required attachments and submissions) is not fully completed and executed;
  - (2) The application contains a material falsehood or misrepresentation;
  - (3) The applicant is legally incompetent to contract, or to sue and be sued;
  - (4) The applicant has on a prior occasion damaged public park or playground property, and has not paid full compensation for such damage, or has other outstanding and unpaid debts to the relevant authorizing agency;
  - (5) A fully completed and executed application for an activity at the same time and place has been received, and authorization has been or will be granted to such prior applicant authorizing uses or activities that do not reasonably permit multiple occupancy of the particular public park or playground, or part thereof;
  - (6) The use or activity intended by the applicant would conflict with a program or activity previously planned by the parks department, or by another city department or city official, for the same time and place; or
  - (7) The proposed use or activity is prohibited by or inconsistent with any rules and regulations of this chapter 11, or with the classifications and uses of the relevant public park or playground.

(Ord. of 9-19-18)

---

Heather L. Shand

# CITY OF NEWBURYPORT



IN CITY COUNCIL

**ORDERED:**

March 13, 2023

AN AMENDMENT TO AN ORDINANCE DEFINING RESPONSIBILITIES THERETO PURUSANT TO VARIOUS SECTIONS OF CHAPTER 2 ADMINISTRATION OF THE MUNICIPAL CODE

Be it ordained by the City Council of the City of Newburyport as follows:

Chapter 2	Administration
Article II	City Council
Section 2-34	Responsibilities of community service

***Amend Section 2-34 by deleting a clause, as follows, with deletions ~~double-stricken-through~~, and additions double-underlined:***

Sec. 2-34. - Responsibilities of community services.

The committee on Community Services shall be concerned with all the activities: regarding youth services, the public library, the veterans agent, the heath department, the animal control officer, the parks commission ~~and department~~, the council on aging, the commission on disabilities, and the sustainability department. Additionally, the committee will provide oversight to the interactions related to the fundraising arms of the above departments.

---

Councillor Heather L. Shand

# CITY OF NEWBURYPORT



IN CITY COUNCIL

ORDERED:

March 13, 2023

## Appendix B Municipal Fee Schedule

### Section 2 Municipal Fees by Category

#### Section 2-J – Parks and recreation fees.

The City Council of the City of Newburyport hereby amends Appendix B Municipal Fee Schedule Ordinance Section 2-J Parks and Recreation fees with deletions ~~double-stricken and italicized~~ and additions double-underlined and italicized:

#### 2-J Parks and recreation fees.

	Group Hourly Rate, see Municipal Code Reference							
Athletic Fields and Courts	A	B*	C	D	E	F**	G**	H**
Cashman Park Ballfield	N/C	\$5.00	\$15.00	N/C	N/A	\$25.00	\$100.00	\$200.00
Perkins Park Ballfield	N/C	\$5.00	\$15.00	N/C	N/A	\$25.00	\$100.00	\$200.00
Cashman Park Soccer Field	N/C	\$5.00	\$15.00	N/C	N/A	\$25.00	\$100.00	\$200.00
Cherry Hill Soccer Field Parcel A	N/C	\$5.00	\$15.00	N/C	N/A	\$25.00	\$100.00	\$200.00
Cherry Hill Soccer Field Parcel B	N/C	\$5.00	\$15.00	N/C	N/A	\$25.00	\$100.00	\$200.00
Bradley Fuller Park Track	N/C	\$5.00	\$15.00	N/C	N/A	\$25.00	\$100.00	\$200.00
Bradley Fuller Park Infield	N/C	\$5.00	\$15.00	N/C	N/A	\$25.00	\$100.00	\$200.00
Bradley Fuller Park North Field	N/C	\$5.00	\$15.00	N/C	N/A	\$25.00	\$100.00	\$200.00
Woodman Park Multi-use Field	N/C	\$5.00	\$15.00	N/C	N/A	\$25.00	\$100.00	\$200.00
Cashman Park Tennis	N/C	\$5.00	\$15.00	N/C	N/A	\$25.00	\$100.00	\$200.00

Perkins Park Tennis	N/C	\$5.00	\$15.00	N/C	N/A	\$25.00	\$100.00	\$200.00
Bartlet Mall Basketball Courts	N/C	\$5.00	\$15.00	N/C	N/A	\$25.00	\$100.00	\$200.00
Cashman Park Basketball Court	N/C	\$5.00	\$15.00	N/C	N/A	\$25.00	\$100.00	\$200.00
G.W. Brown School Playground Basketball	N/C	\$5.00	\$15.00	N/C	N/A	\$25.00	\$100.00	\$200.00
Perkins Park Basketball Courts	N/C	\$5.00	\$15.00	N/C	N/A	\$25.00	\$100.00	\$200.00
Woodman Park Basketball Courts	N/C	\$5.00	\$15.00	N/C	N/A	\$25.00	\$100.00	\$200.00
Moseley Woods Lawn	N/C	\$5.00	\$15.00	N/C	N/A	\$25.00	\$100.00	\$200.00
Atkinson Common, Lower, Founders Field	N/C	\$5.00	\$15.00	N/C	N/A	\$25.00	\$100.00	\$200.00
Atkinson Common, Lower, Pepe Field	N/C	\$5.00	\$15.00	N/C	N/A	\$25.00	\$100.00	\$200.00
Atkinson Common, Lower, Hawkes Field	N/C	\$5.00	\$15.00	N/C	N/A	\$25.00	\$100.00	\$200.00
Atkinson Common Tennis	N/C	\$5.00	\$15.00	N/C	N/A	\$25.00	\$100.00	\$200.00
<b>Small Parks</b>	<b>A</b>	<b>B</b>	<b>C</b>	<b>D</b>	<b>E</b>	<b>F*</b>	<b>G*</b>	<b>H*</b>
Brown Square	N/C	N/A	N/A	N/C	N/C	\$25.00	\$100.00	\$200.00
Cornelius Doyle Triangle	N/C	N/A	N/A	N/C	N/C	\$25.00	\$100.00	\$200.00
Joppa Park	N/C	N/A	N/A	N/C	N/C	\$25.00	\$100.00	\$200.00
Moulton Square	N/C	N/A	N/A	N/C	N/C	\$25.00	\$100.00	\$200.00
Washington Park (Eppa Way, Pond Street, High Street)	N/C	N/A	N/A	N/C	N/C	\$25.00	\$100.00	\$200.00
270 Water Street (Perkins Park)	N/C	N/A	N/A	N/C	N/C	\$25.00	\$100.00	\$200.00
Patrick Tracy Square (Tracy Place)	N/C	N/A	N/A	N/C	N/C	\$25.00	\$100.00	\$200.00
Newburyport Skate Park (Nock Schoolyard)	N/C	\$5.00	\$15.00	N/C	N/A	\$25.00	\$100.00	\$200.00
<b>Mid to Large Parks</b>	<b>A</b>	<b>B</b>	<b>C</b>	<b>D</b>	<b>E</b>	<b>F*</b>	<b>G*</b>	<b>H*</b>
Atkinson Common, Upper (other than athletic fields or courts)	N/C	N/A	N/A	N/C	N/C	\$25.00	\$100.00	\$200.00

Atkinson Common, Lower (other than athletic fields or courts)	N/C	N/A	N/A	N/C	N/C	\$25.00	\$100.00	\$200.00
Atwood Park/Garrison Gardens	N/C	N/A	N/A	N/C	N/C	\$25.00	\$100.00	N/A
Bartlet Mall (other than athletic fields or courts)	N/C	N/A	N/A	N/C	N/C	\$25.00	\$100.00	\$200.00
Cashman Park (other than athletic fields or courts)	N/C	N/A	N/A	N/C	N/C	\$25.00	\$100.00	\$200.00
Clipper City Rail Trail (any segments)	N/C	N/A	N/A	N/C	N/C	\$25.00	\$100.00	\$200.00
Cushing Park (other than athletic fields or courts)	N/C	N/A	N/A	N/C	N/C	\$25.00	\$100.00	\$200.00
Inn Street Mall	N/C	N/A	N/A	N/C	N/A	\$25.00	\$100.00	\$200.00
March's Hill	N/C	N/A	N/A	N/C	N/C	\$25.00	\$100.00	\$200.00
Market Landing Park	[per Newburyport Waterfront Trust]							
Market Square Bullnose	N/C	N/A	N/A	N/C	N/A	\$25.00	\$100.00	\$200.00
Moseley Woods Pavilion	N/C	N/A	N/A	N/C	N/C	\$25.00	\$100.00	\$200.00

\* Up to fifty (50) percent of the fee may be waived in exchange for in-kind services at the sole discretion of the parks commission.

\*\* Any charitable non-profit registered as a 501c3 ~~may apply for~~ will receive a 50% fee reduction with proof of non-profit status ~~or waiver from the parks commission.~~

A refundable security deposit of \$150 is required for all events with over 50 attendees (Groups G and H). Should damages be incurred during the event, or should cleanup be required by City staff after the event, the security deposit will be forfeited. Refunds of security deposits will be at the discretion of the Parks Manager, and will be approved or denied within 3 days after the completion of the event. Applicants will be invoiced for all damages that are in excess of the security deposit.

The parks commission is under no obligation to offer any reduction or waiver.

Any reduction or waiver is at the sole discretion of the parks commission.

**N/C = no charge, N/A = not applicable**

- (1) Group A: City of Newburyport departments, including Newburyport Public Schools; other non-profit and for-profit education located within the city; and active duty military.
- (2) Group B: Recurring use by exclusively youth leagues.
- (3) Group C: Recurring use by organizations, including adult sports leagues.
- (4) Group D: Recurring use by organizations that do not charge end-users any fee to participate, including pick-up leagues.
- (5) Group E: Special events held by individuals or groups with up to twenty-five (25) attendees.
- (6) Group F: Special events held by individuals or groups with twenty-six (26) to fifty (50) attendees.
- (7) Group G: Special events held by individuals or groups with fifty (50) to two-hundred (200) attendees.
- (8) Group H: Special events held by individuals or groups with greater than two-hundred (200) attendees

For Groups B, C, and D (recurring field use), a fee to utilize the concession stand/restroom at Atkinson Common, Lower, shall be fifty dollars (\$50.00) per month. Group E, F, G, and H (special events), may request use of the restrooms for a one-time fee of one-hundred dollars (\$100.00)

---

Councillor Heather L. Shand

## **COMMITTEE ITEMS**

## **Committee Items – March 13, 2023**

### **Ad Hoc Committee on Market Landing Park and COTW**

*In Committee:*

- ORDR00389\_11\_01\_2022          Naming Rights Market Landing Park

# CITY OF NEWBURYPORT



IN CITY COUNCIL

ORDERED:

November 1, 2022

## AN ORDER DETAILING THE MANNER IN WHICH INDIVIDUALS, ORGANIZATIONS OR BUSINESSES MAY PROVIDE SUPPORT FOR THE CONSTRUCTION AND MAINTENANCE OF MARKET LANDING PARK

**WHEREAS**, Order 385 is an order approving the final schematic plans for the expansion of Market Landing Park, et al. and,

**WHEREAS**, as the City of Newburyport moves from design phase into the construction phase, this order will create a mechanism for members of the public (individual, organization or business) to contribute to the financial support of the Market Landing Plan's costs to build and maintain the park while at the same time increasing their image and brand as well as promoting goodwill;

**WHEREAS**, the City Council will consider the issuing of Naming Rights for certain Park Amenities

**NOW THEREFORE**, the City Council will establish the following application process and evaluation criteria:

### *Purpose:*

*The intent of this process is to set forth criteria and parameters to guide naming rights opportunities for amenities within the Market Landing Park. This process provides the City Council the authority to consider and approve the naming of park amenities after an individual, an organization, or a business that has provided a financial contribution to support the park construction and its' ongoing maintenance needs.*

### *Definitions:*

- **A Park Amenity** in this context is defined as a smaller support structure or park feature within the larger Market Landing Park.
- **Naming Rights** refers to the opportunity to name an amenity, comes with a financial obligation, and expires every 5 years.
- **Naming Rights in Consideration** refer to consideration of significant financial contributions, sponsorships or other commercial transactions
- **Naming Rights in Memoria** in this context are defined as a classification of naming Rights in Consideration
- **Naming Rights in Recognition** refer to recognition of significant contributions to the City, be they financial or of meritorious service; have performed outstanding community service; or be an

*outstanding civic leader on a local, state or national level. Names in Recognition bestowed are intended to be permanent.*

### **Guidelines**

*All Park amenities eligible for naming rights shall be determined by the City Council or it's designee. The naming right opportunity application, as listed in Appendix A, must include the names, reason for requesting naming rights, and a detailed proposal of the signage requested, including design, layout, verbiage, and cost in writing for review and approval.*

*The City Council will evaluate applications based upon whether they are **in Consideration** or **in Recognition** as defined as following criteria:*

- *In Consideration: A Financial contribution to the construction and ongoing maintenance support.*
- *In Recognition: A distinguished resident and/or community leader who performed extraordinary public service or who made significant civic contributions,*

*The above procedures notwithstanding, no naming rights shall be granted to support commercial activity associated with tobacco, alcohol, illegal drugs, or weapons; which contains vulgar and plainly offensive, obscene, or sexually explicit language; advocates the violation of the law or city policy; advances any religious or political organization; promotes supporting or opposing of a candidate for elected office or a ballot measure; which discriminate on the basis of gender, ethnicity, religion, economic status, national origin, disability, medical condition, sexual orientation or age; which is associated with any company, group or individual whose actions are inconsistent with the City's mission or goals or community values.*

*The City Council will retain the right of early termination of naming rights if situations change, or if the City Council should discover information that would alter the original approval basis. Any prepaid fees will be refunded proportionally.*

### **Limit of Naming Rights**

*The named party after whom an amenity is named shall have no rights to the purpose to which the park amenity is applied unless provided for in a specific contract between the names party and the City. In turn, the named party shall bear no liability in respect of that entity unless provided for in a specific contract between the named entity and the City. Any such limits must be included in any naming right agreement.*

---

Councillor James J. McCauley

# Appendix A

## Application

Name of Individual/Organization/Business: \_\_\_\_\_  
(Please include D/B/A)

Address \_\_\_\_\_

City \_\_\_\_\_ State \_\_\_\_\_ Zip \_\_\_\_\_

### Contact Persons' Info

Name \_\_\_\_\_

Address (if different) \_\_\_\_\_ City \_\_\_\_\_ State \_\_\_\_\_

EMAIL \_\_\_\_\_

Phone \_\_\_\_\_

The Amenity Interested in Naming Rights for \_\_\_\_\_

Please state your reasons:

Please email or mail to Clerk's Office, 60 Pleasant St, Newburyport, MA 01950

Attachment A

List of Potential Amenities - SAMPLE

Amenities List	Rates per year for 5 years
Bicycle Racks	\$500/yr
EV Spots	\$500/yr
Picnic tables	\$500/yr
Benches	\$500/yr
Hammocks	\$500/yr
Swing Trellis - Seat	\$1000/yr
Swing Trellis - Lounge	\$2000/yr
Planting Areas	\$200 per sf/yr or 75% of mtce.
Plants - Trees	\$1200 per tree
Seating Area/amphitheater	\$500 per sf/yr
Sculpture Plaza	\$500 per sf/yr
Visitor Center	\$30k/yr
Plaza	\$500 per sf/yr
In memoria engraved brick or mounted plaque	TBD (1x fee only)

Level of Investment

Timeframe: 5yrs \_\_\_\_\_, 10yrs \_\_\_\_\_, other \_\_\_\_\_

# Committee Items – March 13, 2023

## Budget & Finance

### *In Committee:*

- COMM00463\_02\_27\_2023 NYS Facility Funding Discussion (COTW)
- ORDR00425\_02\_27\_2023 Exchange Club Gift Acceptance
- ORDR00426\_02\_27\_2023 Police Cruiser Equipment Lease
- ORDR00427\_02\_27\_2023 NYSA Gift Acceptance

# NYS Facility Funding Discussion

Committee on Budget and Finance

February 16, 2023

# NYS Facility – Funding Status

- **5/9/2022: \$30,000 approved for schematic design**
- 11/1/2022: Presentation to City Council outlining three design
  - Option A: \$8.1 million, Option B: \$5.7 million, Option 3: \$3.0 million (no gym)
  - \$5.7 million loan order requested to fund design/construction (ORDR00388\_11\_01\_2022)
- **2/13/2023: \$200,000 approved for full design/bidding**



Recommend that ORDR00388\_11\_01\_2022 be received and filed while costs and funding needs are reviewed further during the design process.

# Project Funding Sources

- Known:
  - General Fund Debt
  - Kelley School Sale Proceeds (balance: \$393,000)
- Potential/For Consideration:
  - Grants (very limited for brick & mortar, but potential for targeted elements)
  - CPA (recreation category)
  - Private donations (general or targeted)
  - Facility fee (added to recreation program registrations)
  - American Rescue Plan Funds
  - New local options available
  - Disposition of underutilized and/or vacant city properties
  - National opioid settlement payments



Can the City Afford New  
Debt for this Project?

# Borrowing Overview

- Annual Debt Payment
  - Borrowing Amount = Project Cost – Other Available Sources
  - Maturity (# of Years to Payoff): Maximum of 30 years
  - Interest Rate: Driven by market, tax exempt status, credit rating  
(currently ~3.5% for 30 yr tax exempt AAA bond)

- For example:

- Borrowing Amount = \$5,000,000 →  
(actual amount to be determined)
- Maturity = 30 Years
- Interest Rate = 4.0% (conservative)

"Option B"	\$5,700,000
Design Funds Approved	-\$200,000
Kelley School Funds	-\$393,000
Other Sources	-\$107,000
<b>Remainder</b>	<b>\$5,000,000</b>

- Annual Debt Payment of \$290,000 over 30 years  
(approx. \$58,000 per every \$1 million borrowed)

# Outstanding Debt - General Fund (excludes CPA, Enterprise Funds)

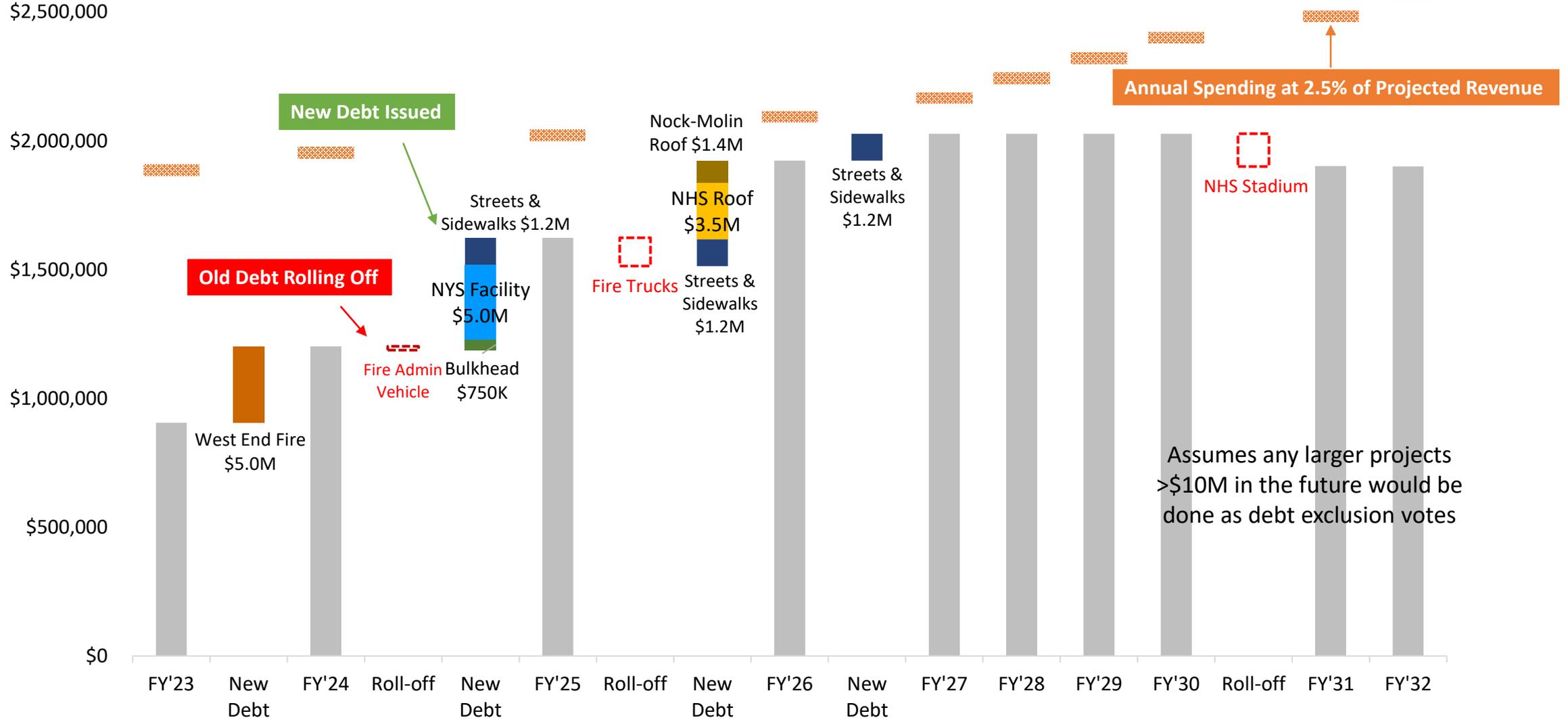
Project	Borrowing Amount	Annual Payment	Final Payment
<b>Ordinary (Non-Excluded)</b>			
Boardwalk	\$293,800	\$78,910	6/30/2017 *
School	\$218,700	\$38,482	6/30/2017 *
Equipment	\$576,000	\$70,780	6/30/2018 *
School Renovations	\$402,000	\$51,104	6/30/2018 *
School Demountables	\$150,500	\$34,431	6/30/2018 *
Drainage	\$425,000	\$48,313	6/30/2018 *
Land Acquisition	\$224,070	\$35,094	6/30/2018 *
Recreational Facility	\$75,000	\$8,859	6/30/2018 *
School Building Improvements	\$500,000	\$63,832	6/30/2019 *
Fire Truck	\$500,000	\$60,734	6/30/2019 *
Stormwater Management	\$420,000	\$51,969	6/30/2019 *
Paving State St. & Turkey Hill Rd.	\$500,000	\$60,734	6/30/2019 *
Inn Street Electrical	\$100,000	\$12,147	6/30/2019 *
Relocation of North Resv. Terrace	\$75,000	\$8,800	6/30/2019 *
City Hall	\$96,480	\$12,040	6/30/2020 *
<b>Paid off</b>	<b>\$4,556,550</b>	<b>\$636,227</b>	
Fire Trucks	\$908,000	\$109,900	6/30/2025
NHS Stadium	\$1,527,000	\$127,161	6/30/2030
<b>Paying Off &lt;10 Yrs</b>	<b>\$2,435,000</b>	<b>\$237,061</b>	

Project	Borrowing Amount	Annual Payment	Final Payment
<b>Ordinary (Non-Excluded) - Continued</b>			
Firehouse Renovation	\$400,000	\$24,687	6/30/2037
Drainage	\$400,000	\$23,499	6/30/2037
Drainage	\$434,000	\$25,541	6/30/2044
Fire Admin Vehicle	\$45,000	\$15,342	6/30/2024
Roof Replacements	\$413,000	\$22,216	6/30/2046
Fire Trucks	\$1,402,500	\$95,708	6/30/2040
Phillips Drive Drainage	\$1,474,500	\$134,960	6/30/2037
West End Fire Station	\$9,190,000	\$496,198	6/30/2053
<b>Paying Off &gt;10 Yrs</b>	<b>\$13,759,000</b>	<b>\$838,151</b>	
<b>Self-Supported</b>			
Parking Facility	\$6,344,500	\$370,013	6/30/2044
<b>Excluded from Levy Limit</b>			
Library	\$2,056,310	\$274,100	6/30/2020 *
High School	\$4,084,600	\$442,445	6/30/2025
Bresnahan School	\$19,752,000	\$1,220,261	6/30/2038
Nock/Molin School	\$13,235,398	\$790,579	6/30/2038
Senior/Community Center	\$6,238,000	\$420,451	6/30/2035
Nock/Molin Baseball Field	\$1,680,000	\$140,238	6/30/2030

\*Bonds that have rolled-off over past six years

# General Fund Non-Excluded Debt Service (10 Year Example)

## For Illustrative/Discussion Purposes Only



Note: Excludes Parking Garage and Excluded Debt

# Projected 10-Year Budget Impact

## For Illustrative/Discussion Purposes Only

Year	<u>To Fund Projected New Debt*</u>			<u>To Fund 2.5% of Annual Revenue</u>		
	Budget	\$ Change	% Change	Budget	\$ Change	% Change
FY2023	\$1,472,544			\$1,472,544		
FY2024	\$1,546,347	\$73,803	5.01%	\$1,591,095	\$118,551	8.05%
FY2025	\$1,623,848	\$77,502	5.01%	\$1,719,191	\$128,096	8.05%
FY2026	\$1,705,234	\$81,386	5.01%	\$1,857,599	\$138,408	8.05%
FY2027	\$1,790,699	\$85,465	5.01%	\$2,007,150	\$149,551	8.05%
FY2028	\$1,880,447	\$89,748	5.01%	\$2,168,741	\$161,591	8.05%
FY2029	\$1,974,694	\$94,246	5.01%	\$2,343,342	\$174,601	8.05%
FY2030	\$2,073,664	\$98,970	5.01%	\$2,531,999	\$188,657	8.05%
FY2031	\$2,177,594	\$103,930	5.01%	\$2,735,845	\$203,846	8.05%
FY2032	\$2,286,733	\$109,139	5.01%	\$2,956,101	\$220,257	8.05%

\*Based on example shown on previous slide

Bond anticipation notes would be used to stabilize increases from year to year

# Impact of Borrowing on Annual Tax Bill

## For Illustrative/Discussion Purposes Only

<b>Project</b>	<b>Amount</b>	<b>Debt Service</b>	<b>Portion of Tax Bill</b>	<b>% of Tax Bill</b>
West End Fire Station	\$9,190,000	\$496,198	\$67	0.8%
NYS Facility	\$5,000,000	\$289,150	\$39	0.4%
Bresnahan School	\$19,752,000	\$1,220,261	\$166	1.9%
Nock/Molin School	\$13,235,398	\$790,579	\$107	1.2%
Senior/Community Center	\$6,238,000	\$420,451	\$57	0.6%
Total Average Annual Single-Family Tax Bill			\$8,920	100.0%

(Based on Single-Family Home = \$830,500, FY'23 Tax Rate = \$10.74)

# CITY OF NEWBURYPORT



IN CITY COUNCIL

**ORDERED:**

February 27, 2023

**THAT, The CITY COUNCIL of the City of Newburyport** accepts with gratitude a gift from the Exchange Club of Greater Newburyport, in the amount of \$600.00 to be used for the purpose of sponsoring two camperships with Newburyport Youth Services in memory of member Bob McGrail, who passed in 2019. Said funds are accepted in accordance with M.G.L. Chapter 44, Section 53A.

---

Councillor Sharif I. Zeid

**In City Council February 27, 2023:**

Motion refer collectively ORDR00425, ORDR00426, and ORDR00427 to Budget & Finance by Councillor Zeid, seconded by Councillor Khan. Roll call vote. 11 yes. Motion passes.

# CITY OF NEWBURYPORT



## IN CITY COUNCIL

**ORDERED:**

February 27, 2023

**THAT**, the City Council of the City of Newburyport, in accordance with M.G.L. c. 44, §21C and upon the recommendation of the Mayor, hereby authorizes the following lease purchase financing agreements for the acquisition of equipment that may be acquired through the issuance of debt under M.G.L. c. 44 or improvement of a capital asset the improvement of which may be financed by the issuance of debt under M.G.L. c. 44, the term of such agreement not to exceed the useful life of the equipment or improvement as determined by the Mayor, and to authorize the departments specified below to enter into such agreements on behalf of the City or to take any other action relative thereto.

<u>Equipment/capital asset</u>	<u>Borrowing Amount</u>	<u>Maximum Term</u>	<u>Authorized Department</u>
Police Cruisers (2)	\$85,000	3 years	Police Department

---

Councillor Sharif I. Zeid

**In City Council February 27, 2023:**

Motion refer collectively ORDR00425, ORDR00426, and ORDR00427 to Budget & Finance by Councillor Zeid, seconded by Councillor Khan. Roll call vote. 11 yes. Motion passes.

# CITY OF NEWBURYPORT



## IN CITY COUNCIL

### ORDERED:

February 27, 2023

**THAT, The CITY COUNCIL of the City of Newburyport** accepts with gratitude a gift from the Newburyport Youth Soccer Association, in the amount of \$1,920.65, to be used for the purpose of installing two LED lights at the Cashman Park soccer fields as approved and recommended by the Parks Commission. Said funds are accepted in accordance with M.G.L. Chapter 44, Section 53A.

---

Councillor Sharif I. Zeid

### **In City Council February 27, 2023:**

Motion refer collectively ORDR00425, ORDR00426, and ORDR00427 to Budget & Finance by Councillor Zeid, seconded by Councillor Khan. Roll call vote. 11 yes. Motion passes.

# Committee Items – March 13, 2023

## Community Services

*In Committee:*

- ODNC00139\_02\_27\_2023 Amend Municipal Fee Schedule Food Truck
- ORDR00418\_01\_30\_2023 Resolution Purple Heart City

## CITY OF NEWBURYPORT



## IN CITY COUNCIL

ORDERED:

February 27, 2023

**Appendix B Municipal Fee Schedule****Section 2 Municipal Fees by Category****Sec. 2-G Licenses, permits, signs and business regulations**

**THAT** the City Council of the City of Newburyport hereby amends Appendix B, Section 2 Municipal Fees by Category, Section 2-G Licenses, permits, signs and business regulations specifically the following fee for food trucks with deletions ~~double-stricken and italicized~~ and additions double-underlined and italicized:

**2-G - Licenses, permits, signs and business regulations.**

<b>Lodging house licenses</b>	<b>Fees</b>
Lodging houses	\$2.00
Bed and Breakfast	\$20.00
<b>Transient Vendor/Food Trucks License</b>	<b>Fees</b>
Annual notice for transient vendor license applications	\$10.00
Transient vendors, excluding food trucks	<del>\$1,000.00</del> <u>\$350.00</u>
Food trucks	\$1,500.00

---

 Councillor James J. McCauley

**In City Council February 27, 2023:**

Motion refer to Community Services by Councillor McCauley, seconded by Councillor Preston. Roll call vote. 11 yes. Motion passes.

3/7 Amended in Community Services Committee. Corrected scrivener error. Transient Vendor changed to \$350, Food Truck stays unchanged.

# CITY OF NEWBURYPORT



## IN CITY COUNCIL

### ORDERED:

January 30, 2023

### RESOLUTION A PURPLE HEART CITY

WHEREAS, The City of Newburyport in the state of Massachusetts has always supported its military veteran population; and

WHEREAS, The Purple Heart is the oldest military decoration in present use and was initially created as the Badge of Military Merit by General George Washington in 1782; and

WHEREAS, The Purple Heart was the first American service award or decoration made available to the common soldier and is specifically awarded to members of the United States Armed Forces who have been wounded or paid the ultimate sacrifice in combat with a declared enemy of the United States of America; and

WHEREAS, The mission of the Military Order of the Purple Heart is to foster an environment of goodwill among the combat-wounded veteran members and their families, promote patriotism, support legislative initiatives, and most importantly – make sure we never forget; and

WHEREAS, the City of Newburyport has a large, highly decorated veteran population, including many Purple Heart recipients; and

WHEREAS, Newburyport appreciates the sacrifices our Purple Heart recipients made in defending our freedoms and believe it is important that we acknowledge them for their courage and show them the honor and support they have earned.

NOW, Therefore, the City of Newburyport, by and through its City Council, proclaim Newburyport ‘A PURPLE HEART CITY’ and encourage the citizens of the City of Newburyport to show their appreciation for the sacrifices that the Purple Heart recipients have made in defending our freedoms, to acknowledge their courage, and to show them the honor and support they have earned.

---

Councillor Byron J. Lane

---

Councillor James J. McCauley

**In City Council January 30, 2023:**

Motion to refer ORDR00414 to Budget & Finance, to refer ORDR00415 to General Government, and to refer ORDR00417, ORDR00418, and ORDR00419 to Community Services by Councillor McCauley, seconded by Councillor Preston. Roll call vote. 11 yes (1 remote, BL). Motion passes.

# Committee Items – March 13, 2023

## General Government

### *In Committee:*

- ORDR00415\_01\_30\_2023 Brown School Ad Hoc Update
- ORDR00429\_02\_27\_2023 Amended City Council Rules 2023 (COTW)
- ORDR00423\_02\_27\_2023 Resolution in Support of Changing the State Flag & Seal of Massachusetts

# CITY OF NEWBURYPORT



## IN CITY COUNCIL

**ORDERED:**

January 30, 2023

### **AN ORDER UPDATING THE AD HOC COMMITTEE ON ADAPTIVE REUSE OF BROWN SCHOOL PROPERTY**

**WHEREAS**, on April 11, 2022, the City Council approved Order 324 (ORDR00324\_03\_14\_2022), as amended, establishing the Ad Hoc Committee on Adaptive Reuse of the Brown School Property; and

**WHEREAS**, on September 27, 2022 the City Council approved Communication 432 (COMM00432\_09\_12\_2022) amending the Membership and Proposed Timeline referenced in the prior Order 324, including anticipated completion of the Committee's work by February 2023; and

**WHEREAS**, the Ad Hoc Committee on Adaptive Reuse of the Brown School Property has met several times since its establishment, and on December 15, 2022 a vote was taken to pursue issuance of a Request for Expressions of Interest (*or RFI*) in relation to future uses of the former Brown School property in advance of any formal vote of surplus property designation, authorization for disposition and issuance of a Request for Proposals (RFP);

**NOW, THEREFORE**, the City Council hereby updates the Membership and Proposed Timeline for said Ad Hoc Committee as follows:

#### **Members:**

1. Councillor Bruce Vogel, Councilor at Large (*Ad Hoc Chair*)
2. Councillor Jennie Donahue, Ward 2 City Councilor
3. Councillor Connie Preston, At-Large, Member of Planning and Development Committee
4. Councillor Byron Lane, Ward 6 City Councilor
5. Councillor Sharif Zeid, Ward 1 City Councilor

**Ex Officio (Non-Voting) Members:**

1. Sean Reardon, Mayor
2. Andrew Port, Director of Planning & Development
3. Designee of Mayor Reardon
4. Madeline Nash, Co-Chair, Newburyport Affordable Housing Trust
5. Karen Wiener, Member of Newburyport Affordable Housing Trust
6. Christine Madore, Facilitator, Massachusetts Housing Partnership

**Proposed Timeline (*prospective*):**

January/February 2023      Committee meetings to discuss and finalize draft Request for Expressions Interest (RFI) terms and provisions (*general outline*) with allowance for public comment in relation thereto.

The Committee shall determine the general format and terms for the RFI. This is not a formal procurement/disposition process intended to satisfy the statutory/regulatory prerequisites for legal disposition (*sale/lease*) of municipal property, and the results and any responses thereto shall not be binding on the City. The purpose of this RFI is to gather sufficient information from the private and non-profit sector as to what adaptive reuse options may be feasible and of interest in the current market.

March/April 2023            Office of Planning & Development to issue final and complete RFI in proper form based on the Committee’s outline for said RFI.

Upon formal issuance of said RFI the Council’s Ad Hoc Committee on Adaptive Reuse of the Brown School shall be dissolved forthwith and without a further vote of the Council.

Director of Planning & Development to provide compiled RFI responses (“Expressions of Interest”) and a summary thereof to the Mayor and Council for further consideration as to the appropriate scope of any adaptive reuse program applicable to the Brown School Property, terms and provisions for surplus property designation, authorization for disposition and/or the issuance of a formal Request for Proposals (RFP) in relation thereto.

---

Councillor Heather L. Shand

---

Councillor Bruce L. Vogel

**In City Council January 30, 2023:**

Motion to refer ORDR00414 to Budget & Finance, to refer ORDR00415 to General Government, and to refer ORDR00417, ORDR00418, and ORDR00419 to Community Services by Councillor McCauley, seconded by Councillor Preston. Roll call vote. 11 yes (1 remote, BL). Motion passes.

# CITY OF NEWBURYPORT



## IN CITY COUNCIL

### ORDERED:

### NEWBURYPORT CITY COUNCIL RULES (2023) As Amended

*Proposed Amendments as follows, with deletions ~~double-stricken through in bold~~, and additions double-underlined and in bold:*

#### PURPOSE

Pursuant to the City of Newburyport Home Rule Charter (Charter), except as otherwise provided by the General Laws of the Commonwealth of Massachusetts (General Laws) or by the Charter, the legislative powers of the City Council of the City of Newburyport (Council) may be exercised in a manner determined by it. The purpose of these rules of the Council (Rules) is to establish in writing the manner in which the Council shall exercise its legislative powers.

#### ORGANIZATION

**Rule 1.** No later than December 31 after each regular municipal election, the City Clerk (Clerk) shall provide notice to each member of the Council for the coming two-year legislative session of the date, time, and place of the first meeting of the Council in the next calendar year, to be known as the Inaugural Meeting.

**Rule 1A.** At the Inaugural Meeting, the Council shall, by majority vote of all its 11 members, notwithstanding any vacancies (Full Council), elect a President from within its membership. The City Clerk (Clerk) shall preside at the Inaugural Meeting until such time as a President is elected. The Full Council shall vote to set the date of its next regular meeting before it may vote to adjourn the Inaugural Meeting.

**Rule 1B.** No later than at its next meeting after the Inaugural Meeting, the Council shall, by majority vote of the Full Council, adopt its Rules for such calendar year.

**Rule 1C.** No later than at its next meeting after the Inaugural Meeting, the Council shall, by majority vote of the Full Council, adopt a schedule of regular meetings of the Council for the remainder of such calendar year.

**Rule 1D.** In the second year of each two-year legislative session, no Inaugural Meeting shall occur. Instead, at its first meeting of such calendar year, the Council shall, by majority vote of the Full Council: (1) elect a President from within its membership; (2) adopt its Rules for such calendar year; and (3) adopt a schedule of regular meetings of the Council for the remainder of such calendar year.

## MEETINGS

**Rule 2.** Council meetings shall be held in the Council Chamber of City Hall or as a hybrid meeting, unless the President, or a majority of the Full Council, determine by any means reasonable and practicable, and give written notice to all members, that such meeting will be held in an alternate location or as a remote meeting.

**Rule 2A.** Special meetings of the Council shall be held at the call of the President, or any six (6) or more members, for any lawful purpose, by causing a notice of such special meeting to be delivered in hand or by email to residence of each member. This notice shall, except in an emergency of which the President shall be the sole judge, be delivered at least forty-eight (48) hours in advance of the time set, and shall specify the purpose or purposes for which the special meeting is to be held. The Clerk shall cause a copy of each such notice to be posted immediately, including on the City's Website, in accordance with applicable laws.

**Rule 2B.** If any meeting of the Council is in session at 10:30 pm, said meeting shall be adjourned until 7:30pm of the following evening, unless another date and time is voted by a majority of the Full Council. The regular Council meeting shall start at 7:00 pm.

## HOLIDAYS

**Rule 3.** Except as otherwise provided in the Charter, whenever the day set by these Rules for any meeting of the Council, regular or special, shall fall upon a holiday, then such meeting shall be canceled or postponed to a date certain by majority vote of the Full Council.

## PRESIDING OFFICER

**Rule 4.** The President, if present, shall preside at all meetings. In the absence of the President, the senior-most member in terms of consecutive, uninterrupted service on the Council shall serve during the absence of the President. If more than one member has served the same length of time, the Council shall elect a President Pro Tem by majority vote from the most senior Councillors in terms of consecutive, uninterrupted service on the Council.

## DUTIES AND POWERS OF THE PRESIDING OFFICER

**Rule 5.** The presiding officer shall: preserve decorum and order; speak to points of order in preference to other members; decide all questions of order, subject to appeal to a super-majority of the Full Council; declare all votes, or permit the Clerk to do so; and perform any other duties consistent with the office that may be provided by charter, ordinance, or by other vote of the Council.

**Rule 5A.** If any member doubts a vote as declared, the presiding officer, without further debate on the question, shall require that a count be taken by roll call of the membership.

**Rule 5B.** During any meeting, whether regular or special, the presiding officer may, at any time, call for a five-minute recess.

## RELINQUISHING THE CHAIR

**Rule 6.** When the presiding officer desires to relinquish the Chair, they may call upon any Councillor to take the Chair, but such call to the Chair shall not continue beyond the will of the presiding officer so relinquishing the Chair, or beyond an adjournment of the Council, except as hereafter provided. If the presiding officer wishes to express an opinion on any subject under debate, they shall relinquish the Chair as above provided, and shall not resume the Chair until they are through speaking, and all points of order arising therefrom have been decided by the Councillor presiding in their place. Notwithstanding the foregoing, the presiding officer may, however, state facts and give opinions upon questions of order without relinquishing the Chair.

## COMMITTEES AND COMMITTEE BUSINESS

**Rule 7.** The President shall appoint all members to all City Council Committees, both standing and ad hoc, designate the Chair of each such Committee, who shall serve as its presiding officer, and fill any vacancies thereon as they arise. Likewise, the President may establish, dissolve, and/or reconfigure ad hoc Committees in his or her discretion, provided that such ad hoc Committees shall be re-established each two-year legislative session. Ad hoc committees may include members other than members of the Council for purposes of deliberation, but they may not vote. Except as otherwise provided in Rule 12, the Council shall, by a majority vote, refer each matter newly introduced through the Council agenda (Agenda) to a single Committee, either standing or ad hoc, for review at a public meeting of such Committee, before such matter may be acted upon again by the Council. Notwithstanding the foregoing, a Councillor may make all parliamentary motions, including a motion to receive and file the newly introduced matter.

**Rule 7A.** Pursuant to the Newburyport Code (Code), there shall be six (6) ~~nine (9)~~ standing committees of the Council, as follows, each consisting of three (3) members of the Council, and concerned with the matters specified for it in the Code:

- Committee on Budget & Finance
- ~~Committee on Education~~
- Committee on General Government
- Committee on Licenses & Permits
- Committee on Community Services ~~Neighborhoods & City Service;~~
- Committee on Planning & Development
- Committee on Public Works & Safety
- ~~Committee on Public Utilities~~
- ~~Committee on Rules~~

**Rule 7B.** Except as provided expressly otherwise in these Rules, a matter shall not be referred to more than one Committee, either separately or jointly, nor may a matter be referred to the Full Council sitting as the Committee-of-the-Whole except by super-majority vote.

**Rule 7C.** Committees may meet at any time, in open and/or executive session, at any place within the City of Newburyport, subject to the Massachusetts General Laws, the City Charter, and the Newburyport Code.

**Rule 7D.** Committees shall meet and review each matter referred to them by the Council no later than thirty (30) calendar days after such referral.

**Rule 7E.** Committee meetings may be cancelled when scheduled during any time when a declared snow emergency is in effect.

**Rule 7F.** During a meeting of the Council, the Chair of a Committee, whether regular or ad hoc, may remove any matter from such Committee to bring it to the floor for discussion by the Council, upon making a motion to do so, receiving a second from any other Councillor, regardless of Committee membership, and upon affirmative vote of the Full Council. Once such matter is before the Council (on the floor), any Councillor may then make a motion regarding such matter to approve it, not approve it, or refer it back to the original or to another Committee, and all parliamentary rules, including motions to amend, to table, and so on, shall be available, subject to these Rules.

**Rule 7G.** In the event that either: (a) the Committee has failed to meet and review a matter within the required 30 days under Rule 7D; or (b) the Chair of a Committee has failed to remove any matter from such Committee after (6) weeks of its original referral to such Committee, such matter may be removed from such Committee to bring it to the floor for discussion by the Council, provided that a petition signed by no fewer than two Councillors has been filed with the City Clerk--with copies to both the President and the relevant Committee Chair -- in accordance with Rule 16.

**Rule 7H.** Any matter that remains in Committee at the end of the Council's two-year legislative session shall die, unless a majority of the Full Council votes at its last meeting of such session to carry such item into the succeeding session. Any item that remains on the table at the end of the Council's two-year legislative term shall die, and may not be carried on.

**Rule 7I.** For any Committee item relating to the disposition of any real property, including, without limitation, purchase or sale, an appraisal of the fair market value of said real property, performed by a duly licensed professional based upon the requirements and guidelines of the current Uniform Standards of Professional Appraisal Practice (USPAP), shall be presented to the Council no fewer than seven (7) calendar days before such Committee item can be brought to the floor. The appraisal must be dated within twelve (12) calendar months of the date the relevant item is removed from Committee. The appraisal may be presented in Executive Session and/or may otherwise remain confidential in accordance with the City's Charter, and applicable law.

**Rule 7J.** Any Measure to authorize the issuance of a bond in an amount over \$500,000 shall not be removed from the committee to which it is first referred until the greater of thirty (30) calendar days or one (1) regular meeting of the City Council has elapsed since such referral.

### **SUFFICIENCY OF VOTE**

**Rule 8.** The affirmative vote of a majority of the members present shall be sufficient to adjourn any meeting of the Council or its Committees.

**Rule 8A.** Except as expressly provided in these Rules, the affirmative vote of a majority or super-majority, as may be required by law, of the Full Council, rather than of the quorum present, shall be required to adopt any ordinance, order, or other vote or proceeding adopted, or which might be adopted

(Measure). Consistent with the Charter, Measures include, without limitation, all transfers, expenditures, and acceptance of funds, which shall be put into effect by an order of the Full Council.

### MANNER OF VOTING

**Rule 9.** The Council and each of its Committees, standing and ad hoc, shall vote at a duly noticed public meeting, unless otherwise permitted under the Open Meeting Law.

**Rule 9A.** A vote to confirm Mayoral Appointments on a second reading shall be by roll call of the Full Council.

**Rule 9B.** Approval of any ordinance shall require two (2) readings and two (2) roll-call votes to be held at separate City Council meetings, while approval of any other Measure requires one (1) reading and one (1) vote, which, except in the case of bond order, may be by voice vote. Amendments to any motion to approve, not approve, or to refer back to Committee may be recorded by voice vote, including such parliamentary motions in regard to an ordinance. Following its passage on first reading, such ordinance shall be timely posted to the City's Website, as defined in the Charter, in a manner prescribed by the City Clerk. Notwithstanding the foregoing, pursuant to the Charter, votes regarding Mayoral Appointments shall be treated specially under Rule 20.

**Rule 9C.** At the Inaugural Meeting, the Clerk shall begin the order of roll-call voting throughout such meeting with that Councillor whose last name is first in alphabetical order. At each successive meeting that requires a roll call vote or votes, the Clerk shall begin roll calls throughout such meeting with the Councillor whose last name follows the previous Councillor in alphabetical order until the last meeting of the two-year legislative term. Notwithstanding the foregoing, the Clerk shall, for all votes at all meetings, call the President to vote last.

**Rule 9D.** In the event that a member of the Council or one of its Committees wishes to have his or her vote recorded differently after announcement of the results of a roll call vote by the Clerk or presiding officer, the member must receive unanimous consent from every other present member of the Council or the Committee, as the case may be.

**Rule 9E.** A motion to table once seconded is not debatable, but clarifying points of information shall be allowed for the purpose of understanding the effects of such proposed tabling.

### GAINING THE FLOOR

**Rule 10.** All Councillors, when desiring to speak on a matter, shall raise their hands and respectfully address the President, and wait until recognized by the presiding officer.

**Rule 10A.** Once recognized by the President, the Councillor shall stand to speak on the matter. A Councillor shall remain standing while speaking, and shall sit down to indicate to the President the conclusion of the Councillor's speech.

**Rule 10B.** No Councillor shall speak a second time on any motion until each Councillor has the opportunity to speak once, however the President may permit a Councillor to speak out of turn to respond to questions directed to them by another Councillor.

**Rule 10C.** In speaking, members shall at all times confine themselves to the motion in order, shall use parliamentary language and appropriate demeanor, and shall strive to refer to all other members by their ward or as an At-Large Councillor, or as the Chair or a member of a particular Committee, etc., rather than by their first or last names.

**Rule 10D.** No member shall leave a Council or Committee meeting while it is in session to seek or accept counsel, nor may such member while away from such meeting exchange information pertaining to an item on the meeting agenda, nor to conduct any other city business.

**Rule 10E.** The Council President and Committee Chairs, as the case may be, shall have the responsibility and discretion for recognizing speakers other than Council or Committee members. Any member of the Council or a Committee may request of the presiding officer recognition of a speaker other than a member, but the presiding officer's determination whether to grant such recognition shall not be appealed.

### SPONSORSHIP OF MATTERS

**Rule 11.** With the sole exception of a Mayoral Appointment, as described in Rule 20, no Measure or other matter beside a Communication, of any kind, shall be placed on the Agenda by any City official or other person, including, without limitation, the Mayor, nor may it be acted upon by the Council, unless it is sponsored by a member of the Council. Each such matter carried over from a previous, two-year legislative term must be sponsored by a current member of the Council.

**Rule 12.** Except in the case of an Emergency Measure, as regulated under the Charter, the Council shall not pass or otherwise adopt any Measure until it has first been reviewed at a public meeting of a Committee in accordance with Rule 7.

**Rule 12A.** Failure of by any person, including, without limitation, an applicant or a city official, to meet a deadline, specified by law, regulation, or rule shall not constitute an Emergency. For example, and without limitation, the Council shall not approve a license or permit, or otherwise authorize, any person to use public property for a road race or other event by Emergency Measure solely because such event is scheduled to occur before the Council's next meeting.

**Rule 12B.** Pursuant to the Charter, no Measure making a grant, renewal, or extension, whatever its kind or nature, or a franchise or special privilege, shall be passed as an emergency measure, and, except as provided by the laws of the Commonwealth, no such grant, renewal, or extension shall be made otherwise than by ordinance.

**Rule 12C.** Pursuant to the Charter, an Emergency Measure shall become effective immediately upon its adoption without signature by the Mayor, or at such later time as the emergency measure expressly provides.

**Rule 12D.** In the event that a sponsor of any Measure or other matter is not present physically or telephonically at a meeting of the Council when the Clerk reads such Measure or other matter, then the Council shall not consider such Measure or other matter, unless all sponsors of such measure have presented a written statement requesting the Council to proceed in the absence of such sponsor.

### WITHDRAWING ITEMS FROM THE AGENDA

**Rule 13.** After a Measure or other matter is reached on the Agenda and read aloud by the Clerk, it shall be deemed to be in possession of the Council, and shall be disposed of in some matter by vote. At any time prior to a Measure or other matter being brought before the Council through such reading, it may be withdrawn provided all sponsors so notify the President or the Clerk.

### RECONSIDERATION

**Rule 14.** Notwithstanding Rule 9D, after a vote has been taken on a Measure or other matter, it shall be in order for any member voting with the prevailing side to move reconsideration thereof at the same meeting at which the vote was taken, and such motion shall be disposed of accordingly. Alternatively, such member may file with the Clerk, not later than noon of the next business day following such meeting, written notice of a motion to reconsider such vote. After receiving such written notification from a member, the Clerk shall place the motion for reconsideration on the Agenda for the next regular meeting of the Council, and the Clerk shall forthwith, either verbally or in writing, notify the Full Council of such filing.

### DUTIES OF THE CLERK

**Rule 15.** The Clerk shall attend and keep all records of all meetings of the Council, shall record the names of the members present, shall record the vote of members on roll calls, and shall have the care and custody of the City records, and all documents, plans, and papers pertaining to the business of the Council. The Clerk shall also, at the request of a member, assist in the drafting of items to be presented at the meetings of the Council. The Clerk shall cause notice to be made to each Councillor of each meeting of the Council, regular and special, and of Committee meetings, and shall also post notice on the City Website at least 48 hours prior to commencement.

### DEADLINE FOR AGENDA ITEMS

**Rule 16.** Printed materials regarding any matter, including, without limitation, the full text of new Measures, to be considered by the Council at its next regular meeting shall be presented in complete form to the Clerk not later than 9:00 am on the Wednesday preceding such regular meeting. Notwithstanding the preceding sentence, not later than 4:00pm on the Wednesday preceding a regular meeting, Committee Chairs shall submit to the Clerk the text of any Measures they intend to remove from Committee and put into the possession of the full Council. Except as otherwise provided under Rule 18A, papers presented after these times shall be considered Late-Filed Items, which shall not be taken up without a suspension of these Rules, which requires a super-majority vote of the Council. The provisions of this Rule 16 apply to all persons, and in all cases, without exception, including to all members and other City officials, such as the Mayor and Department heads, as well as the public.

### AGENDA AND PACKET

**Rule 17.** For each meeting of the Council, the Clerk in consultation with the President shall compile the Agenda of all matters to come before the Council at such meeting, in accordance with the order of business listed below, and shall make available to the public such Agenda and all supporting documents (together, Packet) to be considered by the Council by 5:00 pm of the fourth (4<sup>th</sup>) calendar day prior to such meeting; provided, however, that in the case of a special meeting the Agenda shall be made available as otherwise provided by law and these Rules, and no Packet shall be required. The Clerk shall cause a digital ~~printed~~ copy of the Packet to

be delivered to each Councillor by their email ~~individually preferred means~~, and to be posted on the City Website at least 48 hours prior to commencement.

Items that are to be added to the Agenda as Late-Filed Items must be submitted for approval to be placed on the Agenda immediately following the Call to Order.

The order of business for the Agenda shall be as follows:

- ~~1.~~ Moment of Silence
- ~~2.~~ Pledge of Allegiance
- ~~3.~~ Call to Order
- ~~4.~~ Late-Filed Items
- ~~5.~~ Public Comment
- ~~6.~~ Proclamations
- ~~7.~~ Mayors Comment
- ~~8.~~ Consent Agenda
  - ~~a.)~~ Approval of Minutes
  - ~~b.)~~ Communications (including Applications)
    - Transfers
  - ~~c.)~~ Orders ~~(including Transfers/Appropriation Orders)~~ and Resolutions
  - ~~d.)~~ First Reading of Mayoral Appointments
  - Items to be removed from Committees with approval of the Consent Agenda
- ~~7.~~ Regular Agenda
  - Second Reading of Mayor's Appointments
  - ~~8.~~ Communications
    - Transfers
  - ~~9.~~ Orders ~~(including Transfers/Appropriation Orders)~~ and Resolutions
  - ~~10.~~ Ordinances
  - ~~11.~~ Committee Reports (including all Measures with any amendments or revisions for the Council to consider)
  - ~~12.~~ Good of the Order
  - ~~13.~~ Adjournment

**Rule 17A.** The Consent Agenda shall be reserved for routine and non-controversial matters that may be considered apart from the rest of the Agenda and approved collectively and without debate.

The President has the sole discretion to place matters on the Consent Agenda excepting Committee Measures. Pursuant to the deadlines set in Rule 16, Committee Chairs may ask the Clerk to place Committee Measures on the Consent Agenda. This rule shall not be construed to limit or alter other rules relating to removing measures from Committee including, without limitation, Rules 7F and 7G. The retention thereon of any measure in the Consent Agenda is subject to the unanimous consent of the members present when the Council reaches the Consent Agenda during its meeting. Committee items removed from the Consent Agenda shall be handled during the regular agenda under the measure's respective Committee report, under Rule 7F.

The Clerk shall read matters on the Consent Agenda by title only. At any time before the Council acts upon the Consent Agenda, any member of the Council may cause any matter or matters listed upon the Consent Agenda to be removed and then placed into the appropriate portion of the regular Agenda, either by providing written notice to the President and/or the Clerk, or, alternatively, by rising and so requesting by motion. The Council shall then, without debate permitted, vote collectively on all matters remaining on the Consent Agenda, by simple majority of the Full Council. Such vote may be conducted by voice vote at the discretion of the presiding officer.

**Rule 17B.** Supporting ~~copied (paper copy)~~ documents for Council agenda items shall be digitally placed in the Packet and provided to Council members ~~only the first time the item is introduced to the Council. Subsequently, as items are taken up for debate, whether in committee or during regular meetings, it shall be the responsibility of each Councillor to have retained the documents for reference.~~ Notwithstanding the foregoing, the electronic version of the packet, posted on the website, shall be complete.

## PUBLIC COMMENT

**Rule 18.** There shall be designated a Public Comment time during each meeting of the City Council. The procedure for this comment time is listed below:

1. Individuals who wish to speak before the Council, whether on their own behalf or on behalf of a group, must sign in on the door of the Council Chamber prior to the start of the Public Comment segment of the meeting. Each speaker must provide his or her name and the address where they reside permanently (i.e. legal domicile), and indicate which Agenda item they will be speaking on. The President will advise attendees of their right to speak and responsibility to sign-up.
2. Two minutes allotted to each speaker.
3. One opportunity per individual to speak.
4. Comment must be related to an Agenda item.
5. Speakers who are attorneys shall disclose the identity of all clients whose interests are materially affected by the Agenda item upon which they speak.

**Rule 18A.** There shall be designed a Mayor's Comment time during each regular meeting of the City Council. The procedure for this comment time is listed below:

1. To address the Council during the Mayor's Comment period, the Mayor may provide notice to the President at any time prior to the Call to Order.
2. The Mayor will be allowed to speak for a total of seven (7) minutes.
3. The Mayor will be offered reserved seating on the front bench of the Council Chambers
4. Notwithstanding the normal deadline for written materials to be submitted to the City Clerk under Rule 16, the Mayor may submit a written report to the Full City Council not later than 11:00am on the day of the Council meeting, and such report shall not be deemed a Late-Filed item.
5. Nothing in this rule prohibits the Mayor from speaking otherwise in compliance with the Charter and these Rules.

## PRESENTATIONS

**Rule 19.** To be included on the Council Agenda, presentations by individuals or groups must be sponsored by a Councillor ~~in~~ writing pursuant to Rule 16, and approved by the President, in which case such presentation shall be placed in the Communications segment of the Agenda, for a period not longer than twenty (20) minutes.

## MAYORAL APPOINTMENTS

**Rule 20.** Mayoral Appointments do not require sponsorship by a member of the Council, but shall require two (2) readings and two (2) votes by the Council, the second such vote by roll call. For its first reading, each such appointment, including reappointments, shall be accompanied by submittal to the Clerk of the appointee's resume in accordance with Rule 16. The first reading shall be placed in the Consent segment of the Council's Agenda for referral to the Council's next meeting, sitting as the Committee of the Whole.

**Rule 20A.** As with any Consent Agenda item, a single member of the Council may move such item to the regular Agenda. As provided in the Charter, the Council may elect to refer any proposed Mayoral Appointment to a standing or ad hoc Committee, which shall review such appointment and may make a recommendation to the Full Council not fewer than seven (7) nor more than 45 days after such referral. Such Committee may require any person whose name has been referred to it to appear before such Committee, or before the Full Council, to give any information relevant to the appointment that the Committee of the Full Council may require. Notwithstanding the optional referral of proposed appointments provided for in this Rule 20A, appointments and reappointments of the following officers shall always be referred through the Consent Agenda to the standing committee with oversight over such board or commission:

- Members of the Board of Health
- Building Commissioner;
- Building Inspector;
- City Auditor/Director of Finance;
- City Librarian;
- City Treasurer;
- Director of the Department of Public Services;
- Members of the Conservation Commission and Conservation Agent;
- Harbormaster;
- Members of the License Commission;
- Members of the Newburyport Waterfront Trust board;
- Members of the Planning Board, Planning Director, and Zoning Administrator;
- Members of the Water and Sewer Commission; and
- Members of the Zoning Board of Appeal.

**Rule 20B.** The Health Director, upon appointment by the Board of Health, shall be placed in the packet for referral to the Committee on Public Works & Safety for review and recommendation to the full Council as a receive and file.”

## MID-YEAR BUDGET REVIEW

**Rule 21.** Each calendar year, the Committee on Budget & Finance shall schedule and hold a public meeting to conduct a Mid-Year Budget Review as soon as practical after six (6) months of actual expenditures are available in written form, but no later than February 28. The Chair of the Committee shall cause the Finance Director to attend, pursuant to the Charter, the Chair shall invite all members of the Council, as well. Pursuant to the Charter, the Chair shall ask the Finance Director to distribute to the Full Council documentation in support of the Mid-Year Budget Review no less than two (2) weeks before such meeting, including a year-to-date actual budget summary. Further pursuant to the Charter, any member of

the Council may request that a Department Head be present at the Mid-Year Budget Review meeting, by making a request through the Chair of Budget & Finance.

## ELECTRONIC COMMUNICATION DEVICES

**Rule 22.** The audible use of mobile phones, radios, and other electronic communication devices by any person, including members of the Council, but excepting on-duty public safety officers, is strictly prohibited within the Council Chamber while the Council is in session, and all such devices shall be turned off or otherwise made to be silent.

**Rule 22A.** Members of the Council may read from or listen to or otherwise obtain information from a computer, tablet, or other electronic device within the Council Chamber while the Council is in session, such as by conducting computer searches online.

**Rule 22B.** Except as otherwise permitted under the Open Meeting Law, no member of the Council shall, at any time while the Council is in session, be permitted to communicate with other people, either located within or without the Chamber, using such any electronic device, whether verbally or otherwise, audibly or inaudibly.

## PARLIAMENTARY PRACTICE

**Rule 23.** In all matters of parliamentary practice not provided for in these rules, the Council shall use Robert's Rules of Order as a guide.

## RECUSAL

**Rule 24.** Upon his or her recusal regarding a matter, a member of the Council or a Committee shall leave the room where the meeting is being conducted, and such member shall not be counted as part of the quorum on that matter. Notwithstanding the foregoing, a recused member may, if permitted under applicable law, remain in the room solely if they wish to give testimony on the matter.

**Rule 24A.** If the matter is to be addressed in open session, then the recusal shall be made orally and shall be included as part of the official public record. The recused member may obtain and review any records of such public discussions and/or action by the Council or Committee on the matter.

**Rule 24B.** If the matter is to be addressed in executive session, then the recusal must be made orally during the open session before the Council or Committee goes into such executive session and shall be included as part of the official public record. A member so recused shall not knowingly obtain or review a recording, minutes, or any other non-public information regarding such matter, other than the fact of his or her own recusal.

## AMENDING THE RULES

**Rule 25.** Any amendment of these Rules shall require successful passage of an order by the Full Council, by simple majority, as provided in these Rules.

## **SUSPENDING THE RULES**

**Rule 26.** Except as otherwise, expressly provided in these Rules, a motion to suspend the rules shall require a two-thirds super-majority vote of the Full Council.

## **REMOTE PARTICIPATION**

### **Rule 27.**

**THAT, The CITY COUNCIL of the City of Newburyport** hereby authorizes remote participation in meetings held by all City of Newburyport public bodies subject to the Open Meeting Law and pursuant to 940 CMR 29.10. For the purposes of this order, remote participation shall be permitted under the following terms and conditions:

**Media:** Telephone, internet, satellite enabled audio/video conferencing, or other similar technology may be used for remote participation provided that the participant and all in attendance can hear each other. If videoconferencing is used, the member participating remotely must be visible to all in attendance.

**Quorum:** A quorum of the public body, including the chair or, in the chair's absence, the person authorized to chair the meeting, must be physically present at the meeting location before an absent member may participate remotely.

**Votes:** If any member of the public body is participating remotely, all votes of the body, including those taken in open session, are required to be by roll call and the results of the roll must be recorded in the minutes.

**Status:** A member participating remotely may vote, and is not deemed to be absent from the meeting, including for purposes of MGL Chapter 39 Section 23D.

**Reasons:** Acceptable reasons for participating remotely include one or more of the following: personal illness, personal disability, emergency, military service or geographic distance. A member cannot participate remotely for convenience.

**Notification:** A member who will not be present at a meeting must notify the chair as far in advance as possible. The chair must announce at the beginning of the meeting the name of the person participating remotely and the reason. The categories listed above under Reasons may be used for this announcement such that a member's privacy rights are protected, especially with respect to illness or disability.

**Technical Issues:** If technical issues arise with the media connection, the chair must decide how to address them. Deliberations shall be suspended while the difficulties are addressed. If the remote member is disconnected during the meeting, the minutes must reflect this fact.

**Use of Plans and Other Visuals:** The chair or, in the chair's absence, the person authorized to chair the meeting, shall distribute to remote participants, in advance of the meeting, copies of all relevant documents, exhibits, and presentation materials used during the meeting. If a member of the public body is remotely participating in a public hearing relative to the issuance of any permit involving a site plan or architectural drawings, that member must utilize video conferencing such that all maps, plans or other presentation materials used or referenced

during the meeting are visible. This requirement for video conferencing is not necessary where the member has already received a copy of all relevant maps, plans, or other presentation materials and no new materials are introduced during the meeting.

**Executive Session:** There shall be no remote participation in any executive session including, but not limited to, any vote to go into or out of said executive session.

**FURTHER,** any City of Newburyport public body utilizing remote participation is required to comply with all provisions of 940 CMR 29.10 as summarized above, as well as all other requirements of the Open Meeting Law and all of the Massachusetts Attorney General's Division of Open Government's regulations.

#### **COUNCIL GROUP EMAIL**

**Rule 28.** There shall be a group council email with an address of [citycouncil@cityofnewburyport.com](mailto:citycouncil@cityofnewburyport.com). The intended use is for the public to contact all councillors without the use of individual emails. ~~It is not to be used for any deliberation as defined in G.L. 30A et al.~~

---

Councillor Heather L. Shand

#### **In City Council February 27, 2023:**

Motion refer to General Government and COTW by Councillor Zeid, seconded by Councillor Preston. Roll call vote. 11 yes. Motion passes.

## CITY OF NEWBURYPORT



### IN CITY COUNCIL

#### ORDERED:

February 27, 2023

Resolution in Support of Changing the State Flag & Seal of Massachusetts

**Whereas** the history of the Commonwealth 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 settlers' first winters on their land;

**Whereas** Native Americans have long suffered the many abuses of racism, the appropriation of their symbols for public schools and sports teams, the loss of their ancestral lands and the encroachment of their cultural lifeways;

**Whereas** the area now known as the City of Newburyport shares a rich Native history with modern tribal Nations like the Massachusett, the Mi'kmaq, the Pennacook and the Wabanaki, who inhabited this area for thousands of years before the first colonial settlers arrived in 1635;

**Whereas:** On January 11, 2021 Gov. Charlie Baker signed (S.2848) creating a commission to recommend a new seal and motto for Massachusetts.

**Whereas:** The Special Commission on Massachusetts Flag and Seal (Special Commission to Investigate the Features of the Official Seal and Motto of the Commonwealth) first met in July 2021. In April 2022 the Commission voted to ask the state legislature to extend the deadline for completion of the Commission's work to 31 March 2023 (from Oct 1, 2021).

**Whereas:** In May 2022, the Commission recommended changing the seal, motto, and flag.

Now, therefore, BE IT RESOLVED that the City of Newburyport 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 city clerk shall forward a copy of this resolution to Sen. Marc Pacheco and Rep. Antonio Cabral, who serve as members of the Special Commission on the Seal and Motto of the Commonwealth, and to Sen. Bruce Tarr and Rep. Dawne Shand with the request that they support the work of the aforementioned Special Commission and advocate for a new flag and seal for the Commonwealth.

---

Councillor Heather L. Shand

**In City Council February 27, 2023:** Motion refer to General Government by Councillor Khan, seconded by Councillor Cameron. Roll call vote. 9 yes, 2 no (JM, SZ). Motion passes.

# Committee Items – March 13, 2023

## Licenses & Permits

*In Committee:*

- APPL00121\_02\_27\_2023      IPA5K Road Races 4/16/23, 7/16/23, & 10/1/23
- APPL00122\_02\_27\_2023      2nd Hand Vehicle License-Newburyport Sunoco

Tel.

Fax.

(For Street Closure or Any Use of a Public Way - Please complete page 3 of this application)

NAME OF EVENT: IPA5K Road Races

Date: 4/16/23, 7/16/23, 10/1/23 Time: from \_\_\_\_\_ to \_\_\_\_\_

Rain Date: \_\_\_\_\_ Time: from \_\_\_\_\_ to \_\_\_\_\_

2. Location\*: 40 Parker St. Newburyport, MA 01950

\*Please Note: If the location is a public park or the rail trail, please also contact the Parks Department

3. Description of Property: Mark Richey Properties / Riverwalk Brewing Co. Public \_\_\_\_\_ Private

4. Name of Organizer: YuKan Sports, LLC City Sponsored Event: Yes \_\_\_\_\_ No

Contact Person Rich Morrell

Address: PO Box 780 Rockport, MA 01950 Telephone: 978-879-9007

E-Mail: rmorrell@yukanrun.com Cell Phone: 978-879-9007

Day of Event Contact & Phone: Rich Morrell 978-879-9007

5. Number of Attendees Expected: 250

6. MA Tax Number: 27-3695540

7. Is the Event Being Advertised? Yes \_\_\_\_\_ Where? online \_\_\_\_\_

8. What Age Group is the Event Targeted to? 21-55

9. Have You Notified Neighborhood Groups or Abutters? Yes \_\_\_\_\_ No  Who? \_\_\_\_\_

ACTIVITIES: (Please check where applicable.) Subject to Licenses & Permits from Relevant City Departments

A. Vending\*: Food \_\_\_\_\_ Beverages \_\_\_\_\_ Alcohol \_\_\_\_\_ Goods \_\_\_\_\_ Total # of Vendors \_\_\_\_\_

\*If checked, signature from Health Director required (Page 3)

B. Entertainment: (Subject to City's Noise Ordinance.) Live Music \_\_\_\_\_ DJ \_\_\_\_\_ Radio/CD \_\_\_\_\_

Performers \_\_\_\_\_ Dancing \_\_\_\_\_ Amplified Sound  Stage \_\_\_\_\_

C. Games /Rides: Adult Rides \_\_\_\_\_ Kiddie Rides \_\_\_\_\_ Games \_\_\_\_\_ Raffle \_\_\_\_\_

Other \_\_\_\_\_ Total # \_\_\_\_\_

Name of Carnival Operator: \_\_\_\_\_

Address: \_\_\_\_\_

Telephone: \_\_\_\_\_

D. Organizer is responsible for clean-up during and after event. All trash must be collected and removed from event location immediately at the end of the event unless prior written agreement had been made with the Department of Public Services (DPS).

Will you be conducting the clean-up for this event? Yes  No \_\_\_\_\_

**If yes:**

- a) How many trash receptacles will you be providing? 4
- b) How many recycling receptacles will you be providing? 2
- c) Will you be contracting for disposal of : **Trash** Yes \_\_\_\_\_ No  **Recycling** Yes \_\_\_\_\_ No
- i. If yes, size of dumpster(s): **Trash** \_\_\_\_\_ **Recycling** \_\_\_\_\_
- ii. Name of disposal company: **Trash** \_\_\_\_\_ **Recycling** \_\_\_\_\_
- iii. If no, will you remove trash & recycling with organizers' cars or trucks? Yes \_\_\_\_\_ No \_\_\_\_\_
- iv. If no, where will the trash & recycling be disposed ? \_\_\_\_\_

**If no:**

- a) # of trash container(s) to be provided by DPS n/a
- b) # of recycling container(s) to be provided by Recycling Office n/a
- c) \$45.00/hr/DPS employee charge must be paid by the organizer to DPS in advance of the event (Fee for Special Events). The hours required for the event will be determined by DPS.

All fees must be paid prior to the event. Check or money order is payable to the City

of Newburyport. E. Portable Toilets: (Each cluster of portable toilets must include at least one ADA accessible toilet)

# 5 Standard # \_\_\_\_\_ ADA accessible

Name of company providing the portable toilets: United Site Services

# FOR STREET CLOSURE OR ANY USE OF A PUBLIC WAY

PARADE \_\_\_\_\_ ROAD RACE   X   WALKATHON \_\_\_\_\_

1. Name of the Group or Person Sponsoring the Road Race, Parade, Walkathon:  
  Yukan Sports, LLC  

2. Name, Address & Daytime Phone Number of Organizer: \_\_\_\_\_  
  Rich Morrell  978-879-9007    
  PO Box 780    
  Rockport, MA 01966  

3. Name, Address & 24/7 Telephone Number of Person Responsible for Clean Up \_\_\_\_\_  
  Rich Morrell  978-879-9007    
  PO Box 780    
  Rockport, MA 01966  

4. Date of Event:   4/16/23, 7/16/23, 10/1/23   Expected Number of Participants:   250  

5. Start Time:   10:00am   Expected End Time:   11:00am  

6. Road Race, Parade or Walkathon Route: (List street names & **attach map of route**): \_\_\_\_\_  
  Start and finish at 40 Parker St Newburyport, MA 01950    
  Parker St to Mulliken Way to Malcom Hoyt Dr to Scotland Rd    
  to Highfield Rd to Livingston Lane in Newbury. (see attached map)  

7. Locations of Water Stops (if any):   Newbury  

8. Will Detours for Motor Vehicles Be Required?   No   If so, where? \_\_\_\_\_

9. Formation Location & Time for Participants:   40 Parker St 9:00am  

10. Dismissal Location & Time for Participants:   40 Parker St 11:00am  

11. Additional Parade Information:
- Number of Floats:   n/a
  - Locations of Viewing Stations:   n/a
  - Are Weapons Being Carried: Yes \_\_\_\_\_ No   X
  - Are Marshalls Being Assigned to Keep Parade Moving: Yes \_\_\_\_\_ No   X

## APPROVAL SIGNATURES REQUIRED FOR STREET CLOSURE OR ANY USE OF A PUBLIC WAY

CITY MARSHAL \_\_\_\_\_   4 Green St.   FIRE CHIEF \_\_\_\_\_   0 Greenleaf St.  

DEPUTY DIRECTOR \_\_\_\_\_   16A Perry Way   CITY CLERK \_\_\_\_\_   60 Pleasant St.  

HEALTH DIRECTOR \_\_\_\_\_   60 Pleasant St. (only needed when Food & Beverage Vendors are included in the event)

**FOR STREET CLOSURE OR ANY USE OF A PUBLIC WAY**

PARADE \_\_\_\_\_ ROAD RACE   X   WALKATHON \_\_\_\_\_

1. Name of the Group or Person Sponsoring the Road Race, Parade, Walkathon:  
YuKan Sports, LLC

2. Name, Address & Daytime Phone Number of Organizer: \_\_\_\_\_  
Rich Morrell, YuKan Sports, LLC, PO Box 780, Rockport, MA 01966 978-879-9007

  X  

3. Name, Address & 24/7 Telephone Number of Person Responsible for Clean Up \_\_\_\_\_  
Rich Morrell 978-879-9007

4. Date of Event: 4/16/23, 7/16/23, 10/1/23 Expected Number of Participants: 250

5. Start Time: 10:00am Expected End Time: 11:00am

6. Road Race, Parade or Walkathon Route: (List street names & attach map of route): \_\_\_\_\_  
Start and finish at 40 Parker St. Newburyport, MA 01950.  
Parker St. to Mulliken Way to Malcom Hoyt Dr. to Scotland Rd  
to Highfield Rd to Livingston Lane in Newbury. Please see attached map.

7. Locations of Water Stops (if any): Newbury

8. Will Detours for Motor Vehicles Be Required? No If so, where? \_\_\_\_\_

9. Formation Location & Time for Participants: 40 Parker St. 9:00am

10. Dismissal Location & Time for Participants: 40 Parker St 11:00am

11. Additional Parade Information:
- Number of Floats: n/a
  - Locations of Viewing Stations: n/a
  - Are Weapons Being Carried: Yes \_\_\_\_\_ No X
  - Are Marshalls Being Assigned to Keep Parade Moving: Yes \_\_\_\_\_ No X

**APPROVAL SIGNATURES REQUIRED FOR STREET CLOSURE OR ANY USE OF A PUBLIC WAY.**

CITY MARSHAL [Signature] 4 Green St. FIRE CHIEF [Signature] 0 Greenleaf St.  
DEPUTY DIRECTOR [Signature] 16A Perry Way CITY CLERK \_\_\_\_\_ 60 Pleasant St.

# DEPARTMENT APPROVAL (for Committee Member use only):

It will be necessary for you to obtain permits or certificates from the following Departments: Please note that costs for some City support services during an event are an estimate only. Some Departments may forward an invoice for services rendered at the completion of the event, and others may require advance payment.

Approval Required \_\_\_\_\_ Date: 2-23-23 Signature: 

\_\_\_\_\_ 1. Special Events: \_\_\_\_\_

\_\_\_\_\_ 2. Police: \_\_\_\_\_  
Is Police Detail Required: \_\_\_\_\_ # of Details Assigned: \_\_\_\_\_

\_\_\_\_\_ 3. Traffic, Parking & Transportation: \_\_\_\_\_

\_\_\_\_\_ 4. ISD/Health: \_\_\_\_\_

\_\_\_\_\_ 5. Recycling: \_\_\_\_\_

\_\_\_\_\_ 6. ISD/Building: \_\_\_\_\_

\_\_\_\_\_ 7. Electrical: \_\_\_\_\_

\_\_\_\_\_ 8. Fire: \_\_\_\_\_  
Is Fire Detail Required: \_\_\_\_\_ # of Details Assigned: \_\_\_\_\_

\_\_\_\_\_ 9. Public Works: *Fee for Special Events: \$45/hr/DPS employee for trash handling/staging etc. may apply*  
Yes: \$ \_\_\_\_\_ due on \_\_\_\_\_ No Fee for Special Events applies  
Other requirements/instructions per DPS \_\_\_\_\_

\_\_\_\_\_ 10. Parks Department: \_\_\_\_\_

\_\_\_\_\_ 11. License Commission \_\_\_\_\_

**The departments listed above have their own application process.**  
**Applicants are responsible for applying for and obtaining all required permits & certificates from the various individual departments**

**Sec. 13-97.** - Road races, walkathons, bicycle and other multidisciplinary events.

(a) *Short title.* This section may be cited as the "road races, walkathons and bicycle events."

(b) *Purpose and intent.* The use of city streets and sidewalks for the purpose of road races, walkathons or bicycle tours are positive events that promote exercise, general good health and Newburyport as a destination. These events do from time to time create hardships, impacting neighborhoods and traffic. To create a balance between conflicting interests, by safeguarding participants, residents, visitors and the City of Newburyport, this section will define and codify the procedure for the benefit of all.

(c) *Definitions.*

(1) *Road race.* A competitive or non-competitive running event that utilizes the streets, sidewalks and/or crosses over streets or sidewalks within city limits and in which an entry fee is required or charitable donation is solicited or suggested.

(2) *Walkathon.* A competitive or non-competitive walk event that utilizes the streets, sidewalks and/or crosses over streets or sidewalks within city limits and in which an entry fee is required or charitable donation is solicited or suggested.

(3) *Bicycle race.* A competitive or non-competitive bicycling event that utilizes the streets, sidewalks and/or crosses over streets or sidewalks within city limits and in which an entry fee is required or charitable donation is solicited or suggested.

(4) *Multidisciplinary event.* A competitive or non-competitive event requiring or offering running, walking, biking, swimming or any combination thereof in which an entry fee is required or a charitable donation is solicited or suggested.

(5) *Event.* Any road race, walkathon, bicycle race, multi-disciplined event as defined above.

(d) *Limitations.*

(1) *Procedure.* All events shall, through that event's organizer, board of directors, charity foundation or designee ("organizer") apply for city council authorization to hold the event through the office of the city clerk no later than sixty (60) days before the event's proposed date. There shall be a grace period through December 31, 2017, during which applications will be accepted beyond the prescribed due date. Prior to application with the city council, the event shall file and receive approval from all applicable city departments, boards, and commissions. Copies of such approved applications, including along with documentation of any fees, donations, in-kind donations paid as part of said application(s), shall be included as part of the city council application.

The date of application is the date a completed application is submitted to the city clerk's office and stamped by the same. The city clerk, upon review of the completed form, will place the application on the next regular city council agenda, even if such submission is a late file. Upon following the procedures of the council, as deemed appropriated in the sole judgment of the council, the application will be considered approved if the council votes favorably by majority. The application shall name one (1) person responsible on the application and shall provide contact information to include name, address, email address, and telephone number.

(2) *Exemptions.* Each event organizer or organization shall comply with this ordinance and no exemptions will be permitted.

(3) *Course map.* All applications shall be accompanied by a legible, precise course map showing the event route, water stops, refreshment stops, and so-called "port-a-potties". The course map shall also include any road closures, detours and parking areas. The course map shall be approved by police, fire, department of public services, parks commission and harbor masters departments prior to submission to the city clerk.

(4) *Electronic amplifier.* Electronic amplifiers, loudspeakers and bullhorn use shall be requested at time of application. Under no circumstances will they be used for public address announcements or music before 8:00 a.m., except for Sundays when electronic amplifiers, loud speakers or bullhorns will not be used for public address announcements or music before 9:00 a.m.

(5) *Road closure.* No ways, public or private, boat ramps or parking lots controlled or patrolled by the city shall be closed without authorization. Authorization shall be considered granted only if said closure(s) are contained in the approved permit. It is the sole responsibility of the race organizers to notify residents fourteen (14) days in advance that neighborhood roads will be closed if no alternate route is available to those residents. Notification shall be made by race organizers by informational packet drop-off at all residences that may be impacted, including, but not limited to, road closures, restricted driveway access, parking restrictions, or noise. In the case of multi-family residences with so-called security doors, notification will be sufficient at said security door. A copy of the notification shall be provided to the city clerk and, when possible, posted on the city website and distributed via email. Further,

a list of all streets notified shall be provided to the city clerk to be date stamped and appended to the application record. Press releases and other media type notifications are encouraged.

(6) *Insurance.* All events shall have an insurance policy or rider in effect for the event naming the "City of Newburyport" as an additional insured. The policy shall be no less than two million dollars (\$2,000,000.00).

(7) *Event termination.* If in the judgment of the city marshal, fire chief or department of public services (DPS) director or designees thereof determine that an event is unsafe due to existing conditions, that event may be stopped, terminated or suspended. In the case of a multidiscipline event such as a triathlon, the harbormaster or his/her designee may likewise stop, terminate or suspend the swimming portion for cause.

(8) *Event and traffic security.* The city marshal, fire chief, DPS director or in the case of a triathlon, the harbormaster can require special duty personnel to assist in the organizing and coordinating the safety and security of the event. All special duty assignments will be paid by the event organizers.

(9) *Clean-up.* The event organizers shall be responsible for post event trash collection, removal of signage, directional arrows, advertisements or other promotional material associated with the event.

(10) *Parking.* The event organizers shall be responsible for including parking instructions in materials disseminated to event participants. If the event is happening within one-half mile of municipal parking, then participants shall be asked to park at such parking facilities.

(11) *Notification of previous event organizers.* To the extent reasonably possible, the city clerk shall notify all event organizers from events held from 2014—2016, inclusive, by a one-time phone, email, or letter of the new application timeline and other requirements.

(12) *Simplification.* Departments are encouraged to unify their respective applications into a singular application, managed and distributed by the city clerk's office.

(13) *Americans with Disabilities Act.* Event organizers are reminded of the importance of and expectation of adherence to the Americans with Disabilities Act of 1990 (42 U.S.C § 12101) and subsequent applicable amendments.

**(e) Enforcement.**

(1) *Regulations.* Consistent with this section, the city shall promulgate regulations to enforce and otherwise implement the provisions of this section upon passage by the city council. Any event previously approved by city council shall be deemed permitted.

(2) *Warning.* In the circumstance that this section is violated, the enforcement may consist of a warning. Any warnings issued for violation(s) will be reported to the city clerk and city council and may be used as a factor in future application approvals and denials.

(3) *Noncriminal disposition.* If the city determines that a violation has occurred in which a noncriminal violation is issued, the named event organizer shall be penalized by a non-criminal disposition as provided in Massachusetts General Law as adopted by the City of Newburyport as a general ordinance in section 1-17 of chapter 1 of the Code or Ordinances of the City of Newburyport in the amounts set herein in subsection (e)(4) below.

(4) *Violation.* The non-criminal violation shall be one hundred dollars (\$100.00) for the first offense and two hundred fifty dollars (\$250.00) for second and subsequent offenses. Any non-criminal citations issued for violation(s) will be reported to the city clerk and city council and shall be used as a factor in future application approvals and denials.

(5) *Failure to notify.* If the event fails to notify residents and provide documentation to the city clerk, pursuant to subsection (d)(5) above, shall render that organization ineligible to receive an event permit for a period of twelve (12) months unless special leave is granted by two-thirds supervote of the city council.

**I fully understand and agree to all the terms set forth in this application. The information that I have provided is truthful and accurate. I accept all responsibility related to this event.**

Signed: 

Date: 2/21/23

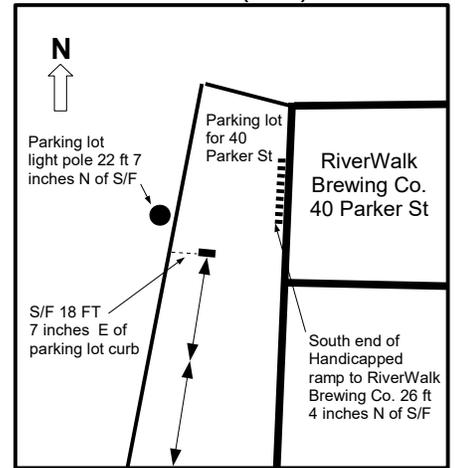
# RiverWalk IPA 5K

## Newburyport, Massachusetts

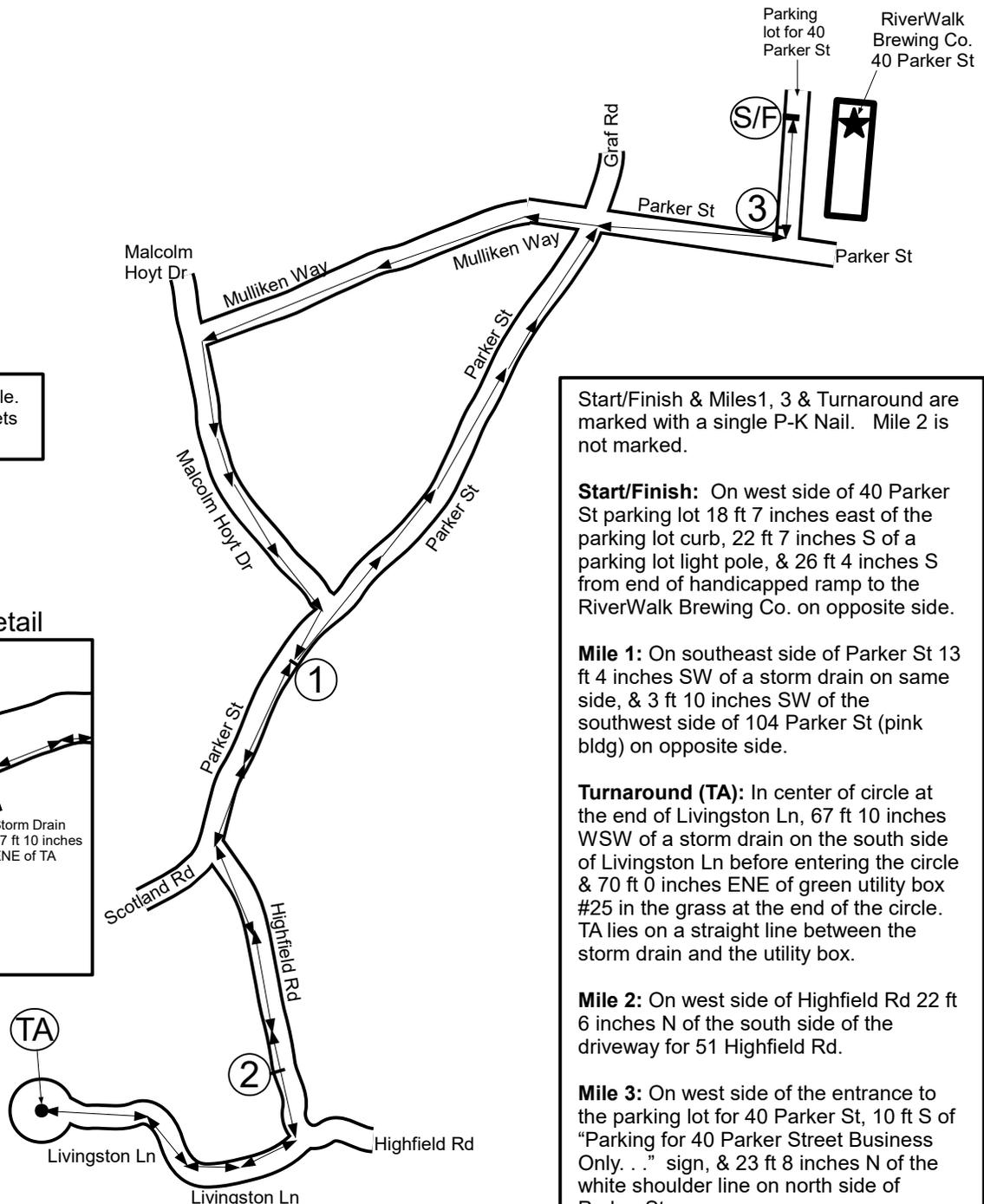


USATF Certificate MA18001BK  
Effective March 5, 2018 to December 31, 2028

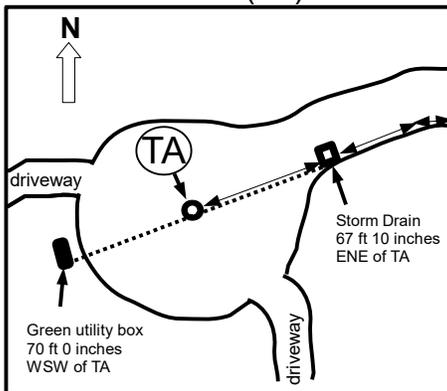
### Start/Finish (S/F) Detail



**Note:** Map not drawn to scale.  
Many streets and cross streets  
not on map.



### Turnaround (TA) Detail



Start/Finish & Miles 1, 3 & Turnaround are marked with a single P-K Nail. Mile 2 is not marked.

**Start/Finish:** On west side of 40 Parker St parking lot 18 ft 7 inches east of the parking lot curb, 22 ft 7 inches S of a parking lot light pole, & 26 ft 4 inches S from end of handicapped ramp to the RiverWalk Brewing Co. on opposite side.

**Mile 1:** On southeast side of Parker St 13 ft 4 inches SW of a storm drain on same side, & 3 ft 10 inches SW of the southwest side of 104 Parker St (pink bldg) on opposite side.

**Turnaround (TA):** In center of circle at the end of Livingston Ln, 67 ft 10 inches WSW of a storm drain on the south side of Livingston Ln before entering the circle & 70 ft 0 inches ENE of green utility box #25 in the grass at the end of the circle. TA lies on a straight line between the storm drain and the utility box.

**Mile 2:** On west side of Highfield Rd 22 ft 6 inches N of the south side of the driveway for 51 Highfield Rd.

**Mile 3:** On west side of the entrance to the parking lot for 40 Parker St, 10 ft S of "Parking for 40 Parker Street Business Only. . ." sign, & 23 ft 8 inches N of the white shoulder line on north side of Parker St.

# CERTIFICATE OF INSURANCE

PRINT DATE: 2/21/2023

CERTIFICATE NUMBER: 20230221960139

**AGENCY:**

Edgewood Partners Insurance Center  
5909 Peachtree Dunwoody Road, Suite 800  
Atlanta, GA 30328  
678-324-3300 (Phone), 678-324-3303 (Fax)

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW.

**NAMED INSURED:**

USA Track & Field, Inc. YuKan Sports LLC  
130 East Washington Street, Suite 800  
Indianapolis IN 46204

**INSURERS AFFORDING COVERAGE:**

INSURER A: Accredited Surety and Casualty Company, Inc. NAIC# 26379  
INSURER B: Allied World National Assurance Company NAIC# 19489

**EVENT INFORMATION:**

IPA 5K - Spring (4/16/2023 - 4/16/2023)

**POLICY/COVERAGE INFORMATION:**

THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. AGGREGATE LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INS	TYPE OF INSURANCE:	POLICY NUMBER(S):	EFFECTIVE:	EXPIRES:	LIMITS:
A	GENERAL LIABILITY				
	<input checked="" type="checkbox"/> Occurrence	1-TRE-IN-17-01338542-00	11/1/2022 12:01 AM	11/1/2023 12:01 AM	GENERAL AGGREGATE (Applies Per Event) \$4,000,000
	<input checked="" type="checkbox"/> Participant Legal Liability				EACH OCCURRENCE \$2,000,000
					DAMAGE TO RENTED PREMISES (Each Occ.) \$2,000,000
					MEDICAL EXPENSE (Any one person) EXCLUDED
					PERSONAL & ADV INJURY \$2,000,000
					PRODUCTS-COMP/OP AGG \$2,000,000
A	UMBRELLA/EXCESS LIABILITY				
	<input checked="" type="checkbox"/> Occurrence	1-TRE-IN-17-01338543-00	11/1/2022 12:01 AM	11/1/2023 12:01 AM	EACH OCCURRENCE \$3,000,000
					AGGREGATE \$3,000,000
B	OTHER				
	<input checked="" type="checkbox"/> EXCESS LIABILITY	0313-1301	11/1/2022 12:01 AM	11/1/2023 12:01 AM	EACH OCCURRENCE \$7,000,000
					AGGREGATE \$7,000,000

**DESCRIPTION OF OPERATIONS/LOCATIONS/VEHICLES/EXCLUSIONS ADDED BY ENDORSEMENT/SPECIAL PROVISIONS:**

The City of Newburyport is an additional insured.

**CERTIFICATE HOLDER:**

City of Newburyport  
60 Pleasant Street  
Newburyport MA 01950

**NOTICE OF CANCELLATION:**

Should any of the above described policies be cancelled before the expiration date thereof, notice will be delivered in accordance with the policy provisions.

**AUTHORIZED REPRESENTATIVE:**



# CERTIFICATE OF INSURANCE

PRINT DATE: 2/21/2023

CERTIFICATE NUMBER: 20230221960138

**AGENCY:**

Edgewood Partners Insurance Center  
5909 Peachtree Dunwoody Road, Suite 800  
Atlanta, GA 30328  
678-324-3300 (Phone), 678-324-3303 (Fax)

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW.

**NAMED INSURED:**

USA Track & Field, Inc. YuKan Sports LLC  
130 East Washington Street, Suite 800  
Indianapolis IN 46204

**INSURERS AFFORDING COVERAGE:**

INSURER A: Accredited Surety and Casualty Company, Inc. NAIC# 26379  
INSURER B: Allied World National Assurance Company NAIC# 19489

**EVENT INFORMATION:**

IPA5K - Summer (7/16/2023 - 7/16/2023)

**POLICY/COVERAGE INFORMATION:**

THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. AGGREGATE LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INS	TYPE OF INSURANCE:	POLICY NUMBER(S):	EFFECTIVE:	EXPIRES:	LIMITS:
A	GENERAL LIABILITY				
	<input checked="" type="checkbox"/> Occurrence	1-TRE-IN-17-01338542-00	11/1/2022 12:01 AM	11/1/2023 12:01 AM	GENERAL AGGREGATE (Applies Per Event) \$4,000,000
	<input checked="" type="checkbox"/> Participant Legal Liability				EACH OCCURRENCE \$2,000,000
					DAMAGE TO RENTED PREMISES (Each Occ.) \$2,000,000
					MEDICAL EXPENSE (Any one person) EXCLUDED
					PERSONAL & ADV INJURY \$2,000,000
					PRODUCTS-COMP/OP AGG \$2,000,000
A	UMBRELLA/EXCESS LIABILITY				
	<input checked="" type="checkbox"/> Occurrence	1-TRE-IN-17-01338543-00	11/1/2022 12:01 AM	11/1/2023 12:01 AM	EACH OCCURRENCE \$3,000,000
					AGGREGATE \$3,000,000
B	OTHER				
	<input checked="" type="checkbox"/> EXCESS LIABILITY	0313-1301	11/1/2022 12:01 AM	11/1/2023 12:01 AM	EACH OCCURRENCE \$7,000,000
					AGGREGATE \$7,000,000

**DESCRIPTION OF OPERATIONS/LOCATIONS/VEHICLES/EXCLUSIONS ADDED BY ENDORSEMENT/SPECIAL PROVISIONS:**

The City of Newburyport is an additional insured.

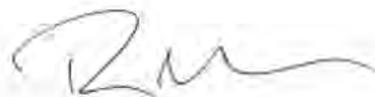
**CERTIFICATE HOLDER:**

City of Newburyport  
60 Pleasant Street  
Newburyport MA 01950

**NOTICE OF CANCELLATION:**

Should any of the above described policies be cancelled before the expiration date thereof, notice will be delivered in accordance with the policy provisions.

**AUTHORIZED REPRESENTATIVE:**



# CERTIFICATE OF INSURANCE

PRINT DATE: 2/21/2023

CERTIFICATE NUMBER: 20230221960137

**AGENCY:**

Edgewood Partners Insurance Center  
5909 Peachtree Dunwoody Road, Suite 800  
Atlanta, GA 30328  
678-324-3300 (Phone), 678-324-3303 (Fax)

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW.

**NAMED INSURED:**

USA Track & Field, Inc. YuKan Sports LLC  
130 East Washington Street, Suite 800  
Indianapolis IN 46204

**INSURERS AFFORDING COVERAGE:**

INSURER A: Accredited Surety and Casualty Company, Inc. NAIC# 26379  
INSURER B: Allied World National Assurance Company NAIC# 19489

**EVENT INFORMATION:**

IPA5K - Fall (10/1/2023 - 10/1/2023)

**POLICY/COVERAGE INFORMATION:**

THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. AGGREGATE LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INS	TYPE OF INSURANCE:	POLICY NUMBER(S):	EFFECTIVE:	EXPIRES:	LIMITS:
A	GENERAL LIABILITY				
	<input checked="" type="checkbox"/> Occurrence	1-TRE-IN-17-01338542-00	11/1/2022 12:01 AM	11/1/2023 12:01 AM	GENERAL AGGREGATE (Applies Per Event) \$4,000,000
	<input checked="" type="checkbox"/> Participant Legal Liability				EACH OCCURRENCE \$2,000,000
					DAMAGE TO RENTED PREMISES (Each Occ.) \$2,000,000
					MEDICAL EXPENSE (Any one person) EXCLUDED
					PERSONAL & ADV INJURY \$2,000,000
					PRODUCTS-COMP/OP AGG \$2,000,000
A	UMBRELLA/EXCESS LIABILITY				
	<input checked="" type="checkbox"/> Occurrence	1-TRE-IN-17-01338543-00	11/1/2022 12:01 AM	11/1/2023 12:01 AM	EACH OCCURRENCE \$3,000,000
					AGGREGATE \$3,000,000
B	OTHER				
	<input checked="" type="checkbox"/> EXCESS LIABILITY	0313-1301	11/1/2022 12:01 AM	11/1/2023 12:01 AM	EACH OCCURRENCE \$7,000,000
					AGGREGATE \$7,000,000

**DESCRIPTION OF OPERATIONS/LOCATIONS/VEHICLES/EXCLUSIONS ADDED BY ENDORSEMENT/SPECIAL PROVISIONS:**

The City of Newburyport is an additional insured.

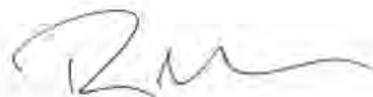
**CERTIFICATE HOLDER:**

City of Newburyport  
60 Pleasant Street  
Newburyport MA 01950

**NOTICE OF CANCELLATION:**

Should any of the above described policies be cancelled before the expiration date thereof, notice will be delivered in accordance with the policy provisions.

**AUTHORIZED REPRESENTATIVE:**



RECEIVED  
CITY CLERK'S OFFICE  
NEWBURYPORT, MA

THE COMMONWEALTH OF MASSACHUSETTS

2023 FEB 13 P 12:42

\_\_\_\_\_ OF \_\_\_\_\_

**APPLICATION FOR A LICENSE TO BUY, SELL, EXCHANGE  
OR ASSEMBLE SECOND HAND MOTOR VEHICLES  
OR PARTS THEREOF**

I, the undersigned, duly authorized by the concern herein mentioned, hereby apply for a \_\_\_\_\_ class license, to Buy, Sell, Exchange or Assemble second hand motor vehicles or parts thereof, in accordance with the provisions of Chapter 140 of the General Laws.

1. What is the name of the concern? GNFD inc DBA

Newburyport SUNOCO

Business address of concern. No. 59 stony Ave St.,

Newburyport MA 01950 City -- Town.

2. Is the above concern an individual, co-partnership, an association or a corporation? \_\_\_\_\_

S corporation

3. If an individual, state full name and residential address.

4. If a co-partnership, state full names and residential addresses of the persons composing it.

5. If an association or a corporation, state full names and residential addresses of the principal officers.

President George daaboul 44 clipper way Newburyport MA 01950

Secretary \_\_\_\_\_

Treasurer \_\_\_\_\_

6. Are you engaged principally in the business of buying, selling or exchanging motor vehicles? Yes

If so, is your principal business the sale of new motor vehicles? No

Is your principal business the buying and selling of second hand motor vehicles? yes

Is your principal business that of a motor vehicle junk dealer? No

7. Give a complete description of all the premises to be used for the purpose of carrying on the business.

Gas station, Repair facility, Parking lot, state inspection station. All mentioned facilities will be used as part of the Car dealer business.

8. Are you a recognized agent of a motor vehicle manufacturer? No  
(Yes or No)

If so, state name of manufacturer \_\_\_\_\_

9. Have you a signed contract as required by Section 58, Class 1? No  
(Yes or No)

10. Have you ever applied for a license to deal in second hand motor vehicles or parts thereof? Yes  
(Yes or No)

If so, in what city — town Newburyport

Did you receive a license? Yes (Yes or No) For what year? 2022-2021, 2020, 2019-2018-2017

11. Has any license issued to you in Massachusetts or any other state to deal in motor vehicles or parts thereof ever been suspended or revoked? No  
(Yes or No)

Sign your name in full \_\_\_\_\_  
(Duly authorized to represent the concern herein mentioned)

Residence 44 Clipperton, Newburyport MA 01970

**IMPORTANT**

EVERY QUESTION MUST BE ANSWERED WITH FULL INFORMATION, AND FALSE STATEMENTS HEREIN MAY RESULT IN THE REJECTION OF YOUR APPLICATION OR THE SUBSEQUENT REVOCATION OF YOUR LICENSE IF ISSUED.

NOTE: If the applicant has not held a license in the year prior to this application, he must file a duplicate of the application with the registrar. (See Sec. 59)

**APPLICANT WILL NOT FILL THE FOLLOWING BLANKS**

Application after investigation \_\_\_\_\_  
(Approved or Disapproved)

License No. \_\_\_\_\_ granted \_\_\_\_\_ Fee \$ \_\_\_\_\_

Signed \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

---

---

**CHAPTER 140 OF THE GENERAL LAWS, TER. ED., WITH AMENDMENTS THERETO (EXTRACT)**

**SECTION 57.** No person, except one whose principal business is the manufacture and sale of new motor vehicles but who incidentally acquires and sells second hand vehicles, or a person whose principal business is financing the purchase of or insuring motor vehicles but who incidentally acquires and sells second hand vehicles, shall engage in the business of buying, selling, exchanging or assembling second hand motor vehicles or parts thereof without securing a license as provided in section fifty-nine. This section shall apply to any person engaged in the business of conducting auctions for the sale of motor vehicles.

**SECTION 58.** Licenses granted under the following section shall be classified as follows:

**Class 1.** Any person who is a recognized agent of a motor vehicle manufacturer or a seller of motor vehicles made by such manufacturer whose authority to sell the same is created by a written contract with such manufacturer or with some person authorized in writing by such manufacturer to enter into such contract, and whose principal business is the sale of new motor vehicles, the purchase and sale of second hand motor vehicles being incidental or secondary thereto, may be granted an agent's or a seller's license; provided, that with respect to second hand motor vehicles purchased for the purpose of sale or exchange and not taken in trade for new motor vehicles, such dealer shall be subject to all provisions of this chapter and of rules and regulations made in accordance therewith applicable to holders of licenses of class 2.

**Class 2.** Any person whose principal business is the buying or selling of second hand motor vehicles may be granted a used car dealer's license.

**Class 3.** Any person whose principal business is the buying of second hand motor vehicles for the purpose of remodeling, taking apart or rebuilding the same, or the buying or selling of parts of second hand motor vehicles or tires, or the assembling of second hand motor vehicle parts, may be granted a motor vehicle junk license.

**SECTION 59.** The police commissioner in Boston and the licensing authorities in other cities and towns may grant licenses under this section which will expire on January first following the date of issue unless sooner revoked. The fees for the licenses shall be fixed by the licensing board or officer, but in no case shall exceed \$100. dollars. Application for license shall be made in such form as shall be approved by the registrar of motor vehicles, in sections fifty-nine to sixty-six, inclusive, called the registrar, and if the applicant has not held a license in the year prior to such application, such application shall be made in duplicate, which duplicate shall be filed with the registrar. No such license shall be granted unless the licensing board or officer is satisfied from an investigation of the facts stated in the application and any other information which they may require of the applicant, that he is a proper person to engage in the business specified in section fifty-eight in the classifications for which he has applied, that said business is or will be his principal business, and that he has available a place of business suitable for the purpose. The license shall specify all the premises to be occupied by the licensee for the purpose of carrying on the licensed business. Permits for a change of situation of the licensed premises or for addition thereto may be granted at any time by the licensing board or officer in writing, a copy of which shall be attached to the license. Cities and towns by ordinance or by-law may regulate the situation of the premises of licensees within class 3 as defined in section fifty-eight, and all licenses and permits issued hereunder to persons within said class 3 shall be subject to the provisions of ordinances and by-laws which are hereby authorized to be made. No license or permit shall be issued hereunder to a person within said class 3 until after a hearing, of which seven days' notice shall have been given to the owners of property abutting on the premises where such license or permit is proposed to be exercised. All licenses granted under this section shall be revoked by the licensing board or officer if it appears, after hearing, that the licensee is not complying with sections fifty-seven to sixty-nine, inclusive, or the rules and regulations made thereunder; and no new license shall be granted to such person thereafter, nor to any person for use on the same premises, without the approval of the registrar. The hearing may be dispensed with if the registrar notifies the licensing board or officer that a licensee is not so complying. Any person aggrieved by any action of the licensing board or officer refusing to grant, or revoking a license for any cause may, within ten days after such action, appeal therefrom to any justice of the superior court in the county in which the premises sought to be occupied under the license or permit applied for are located. The justice shall, after such notice to the parties as he deems reasonable, give a summary hearing on such appeal, and shall have jurisdiction in equity to review all questions of fact or law and may affirm or reverse the decision of the board or officer and may make any appropriate decree. The decision of the justice shall be final.

APPLICATION FOR A LICENSE TO BUY, SELL,  
EXCHANGE OR ASSEMBLE SECOND HAND  
MOTOR VEHICLES OR PARTS THEREOF.

---

---

APPLICANT WILL NOT FILL THE FOLLOWING BLANKS

Application No. \_\_\_\_\_

Class \_\_\_\_\_ License No. \_\_\_\_\_

Name \_\_\_\_\_

St. and No. \_\_\_\_\_

City — Town \_\_\_\_\_

Date Issued \_\_\_\_\_

---

---

Remarks \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

---

---

SELECTIVEN

MAY 16 2004  
RECEIVED

Memorandum

To: Municipal Licensing Authorities of Motor Vehicle Dealers  
From: William E. McVey, Deputy General Counsel  
Date: May 2004  
Re: Issues Relating to Class 2 Dealers under G.L. 140, Section 58

1. Purpose

The primary purpose of this Memorandum is to provide information to Cities and Towns about the amendments relative to Class 2 dealers that were made to G.L. c. 140, §58 by Chapter 422 of the Acts of 2002 (a copy of which is enclosed). The Legislature amended Section 58 to require Class 2 dealers to post and maintain a bond (or, if permitted, equivalent proof of financial responsibility, e.g., certificate of deposit or letter of credit) with the municipal licensing authority in the amount of \$25,000. The amendments also authorize the licensing of two additional types of businesses engaged in used vehicle sales. The amendment became effective almost a year ago, on March 24, 2003, but some municipalities may be unaware of it and some other issues remain to be clarified.

2. Bond Requirement

The bond requirement is only applicable to Class 2 dealers. It is not applicable to a Class 1 dealer who buys and sells used vehicles and it is not applicable to a Class 3 dealer who sells used vehicles. The bond is for the benefit of a person who purchases a vehicle from the Class 2 licensee and suffers a financial loss. The list of intended beneficiaries is contained within the Act. The bonding requirement modifies the municipal licensing process for Class 2 dealers (and affects the dealer's ability to retain the license). It also affects the RMV, since the agency is prohibited from knowingly issuing or renewing Dealer Plates if it becomes aware that a Class 2 dealer lacks the legally required bond. The RMV will revoke the General Registration and Dealer Plates when it becomes aware the dealer does not have a bond or when it is informed by a municipality that it has revoked a Class 2 license. The RMV has become aware that some municipalities are not enforcing the bond requirement and have been licensing Class 2 dealers without a bond. A municipality that fails to enforce the bond requirement faces potential liability from claimants under the bond.

3. Dealers Subject to Bond Requirement

All Class 2 dealer-licensees (no exceptions) renewing or obtaining a new license in 2004 (and in future years) are subject to the bonding requirement of \$25,000. This is true even if the dealer is not selling vehicles covered by the warranty requirements of G.L. c.90, §7N ¼. G.L. c.140, §58 (c)(1) states:

The person shall obtain a bond, or equivalent proof of financial responsibility as described in paragraph (5), and continue in effect a surety bond or other equivalent proof of financial responsibility satisfactory to the municipal licensing authority in the amount of \$25,000 executed by a surety company authorized by the insurance department to transact business in the commonwealth.

The law prohibits a city or town licensing authority from issuing or renewing a Class 2 license unless it is satisfied that a bond or the equivalent meeting the requirements of the law is in effect during the term under which the license shall be issued or renewed. Note also that if a dealer has more than one location in a City or Town and goes by a different name at the other location(s), the dealer needs a separate bond for each location

at which it uses a different name. If a dealer has locations in more than one City or Town, separate bonds must be obtained for each municipality.

#### 4. Bond Issue Clarifications

Two issues needing clarification have recently been raised as to the bond/equivalent requirement.

(a) **Certificates of Deposit and Letters of Credit:** The first has to do with the place where certificates of deposit or irrevocable letters of credit may be deposited. Section 58 (c)(1) states, in part:

In lieu of the bond required by this section, the municipal licensing authority may allow the dealer to deposit collateral in the form of a certificate of deposit or irrevocable letter of credit, as authorized by the banking laws of the commonwealth.... The collateral may be deposited with or executed through any authorized state depository designated by the commissioner....

The statute does not define "authorized state depository" but the Massachusetts Commissioner of Banks has issued an opinion to the Registrar, dated March 5, 2004, stating that "the definition covers any state or federally chartered bank or credit union with a banking office in the Commonwealth which has federal deposit insurance." The Commissioner has recommended that if a "Certificate of Deposit" is used, it should be titled:

"Commonwealth of Massachusetts, name of municipality, In Trust for (dealer) under Massachusetts General Laws chapter 140, section 58"

The Commissioner also recommends that an assignment should be executed, and that a municipality wishing to do so should contact the State Treasurer's Office to discuss the mechanics of that option. The Treasurer's Office is familiar with Certificates of Deposit and other alternative collateral since that office holds such collateral for certain licensees of the Commissioner of Banks.

(b) **Filing the Bond with Licensing Authorities:** The second issue relates to the manner in which the bond should be filed and filled out. The original of the bond needs to be filed with the City or Town when an initial Class 2 license is issued. On renewal, the licensing authority should insist on either a new original bond with power of attorney attached or an original continuation certificate showing that the existing bond is valid through the end of the next license period. Bonds may be written for more than one year so a municipality should be sure the bond covers the whole period during which the Class 2 license will be in effect. The amended statute does not specify the manner in which the bond should be filled out. However, a bond should clearly identify the parties and the purpose of the bond. For example:

Town of Willingboro, as obligee for the benefit of a person who purchases a vehicle from (name of dealer) and suffers a loss as defined by G.L. 140, Section 58.

#### 5. Class 2 Licensee Definition Expanded

The definition of a Class 2 dealer was expanded to include two additional categories of used vehicle sellers that were not previously required to obtain a Class 2 license. A Class 2 licensee had always been defined as a person whose principal business is the buying or selling of second hand motor vehicles. The amended law allows a license to be issued even though it is not the applicant's principal business or he/she is not actually a seller. G.L. c. 140, §58 (c) now reads, in part:

(c) Class 2. A person whose principal business is the buying or selling of second hand motor vehicles, a person who purchases and displays second hand motor vehicles for resale in retail transactions, and any other person who displays second hand motor vehicles not owned by him pursuant to an agreement in which he receives compensation, whether solely for displaying the vehicles, upon the sale of each vehicle, or otherwise, may be granted a used car dealer's license ....

#### 6. Comment on the Expanded Definition of Class 2 Licensee

(i) "... a person who purchases and displays second hand motor vehicles for resale in retail transactions."

This seller is a dealer of motor vehicles at retail even though it may not be his/her principal business and buys vehicles in order to sell them at retail to make a profit. A person who is selling or negotiating the casual sale of his/her own vehicle (one registered to him/her or to a spouse, another relative, a friend, etc.) is not required to obtain a Class 2 license, in the view of the RMV. Nor is a company that leases

vehicles for the use of its employees and then allows the employee to purchase the vehicle at the expiration of the lease. This provision may be applicable to a local garage or other business that purchases vehicles at auction (or from other sources) and repairs or reconditions them and offers them for sale. Any vehicles this licensee sells to a consumer will be subject to the state-mandated warranty protection of G.L. c.90, §7N¼, and the dealer must maintain or demonstrate access to repair facilities sufficient to enable him/her to satisfy the warranty repair obligations imposed by that section. The licensee must comply with the Consumer Protection Act, G.L. 93A and the Regulations of the Attorney General, and must post the required warranty notices on vehicles offered for sale. As a Class 2 licensee, this dealer is also required to maintain a Used Vehicle Record Book pursuant to G.L. 140, §62. The "authorized officers" identified in G.L. c.140, §66 (State Police, Attorney General, Chief of Police, Police Commissioner in Boston, the Selectmen of a Town, or police officers authorized by said officials) "may at any time enter upon any premises used by any person licensed under section fifty-nine for the purpose of carrying on his licensed business, ascertain how he conducts the same and examine all second hand motor vehicles or parts thereof kept or stored in or upon the premises, and all books, papers and inventories relating thereto."

(ii) "...any other person who displays second hand motor vehicles not owned by him pursuant to an agreement in which he receives compensation, whether solely for displaying the vehicles, upon the sale of each vehicle, or otherwise." This is a person who does not own the vehicles he displays on his property but he receives compensation for the display or the sale from the vehicle's owner. These are usually consignment sales and they should only involve privately owned vehicles. RMV regulations prohibit the holder of a dealer plate from offering vehicles for sale anywhere other than the licensed premises of the dealer (except for sales at recognized automobile auction facilities or at combined-dealer special sale events). Therefore, a dealer who has been issued Dealer Plates may not display other dealer's vehicles on his/her own lot or display his own vehicles on other dealers' lots. However, any licensed Class 2 dealer who has received Dealer Plates from the RMV may display vehicles for sale on the dealer's lot that are owned by a private party and held for consignment, but the vehicle must be entered in the dealer's Used Vehicle Record Book as a consignment vehicle. (The dealer cannot, however, attach its own Dealer Plate to allow a test drive of the consigned vehicle because the dealer does not own the vehicle. If a test drive is contemplated, the vehicle's owner may opt to leave his/her own valid registration plates on the vehicle if the owner's liability insurance will cover a test drive). The record keeping and inspection requirements as contained in 6.(i) (above) are applicable here also.

7. **Local Review Needed** Municipalities are urged to review the Class 2 licenses they have issued in 2004 to ensure that the bond requirement has been met for each license.

8. **A Note About Licensees Working From Home**

The RMV is aware that some municipalities have been issuing Class 2 licenses even though the applicant is doing business from his/her home. Class 2 licensees almost always apply to the RMV for Dealer Plates. The process is that the RMV asks the State Police to perform a site visit to determine if the dealer has a facility that is appropriate for the issuance of such plates. After the visit, the Trooper makes a report and recommendation to the RMV. If the licensed premises do not comply with the relevant provisions of G.L. c.90 and the Regulations of the Registrar at 540 CMR 18.00, the application for plates will be denied.

**Definition of "Dealer."** M.G.L. c. 90, 1, defines a "dealer" as: "any person who is engaged principally and substantially in the business of buying, selling or exchanging motor vehicles or trailers or motor vehicle bodies who maintains a facility dedicated to carrying out said business..." (Emphasis added). An applicant for General Registration Dealer Plates must be principally and substantially engaged in the business and have the required dedicated facility. Even a dealer who sells solely on a "wholesale basis" (although no such Class 2 license category exists) must have the required dedicated facility. The RMV will not issue Dealer Plates to an applicant if his/her business is located within the personal living

quarters of a residential building, whether or not the dealer or someone else actually resides there or whether no one resides there. The law regarding the issuance of dealer plates is clear and plates will not be issued even if the municipality has issued a dealer's license for that location.

Further, the regulations at 540 CMR 18.02(2)(a) were adopted under the Registrar's authority and contain the requirements that a dealer must meet to receive or retain Dealer Plates. These requirements indicate the nature of the required "facility." Generally, the following are relevant to a used vehicle dealer:

- > The dealer's business is situated within a permanent building or permanently affixed structure, including an office trailer, owned or leased by the dealer for his exclusive use and located at the address of record noted on the dealer's license issued under the provisions of M.G.L. 140, §59. Except for a dealer who exchanges vehicles or trailers solely on a wholesale basis, the dealer shall be open to the public.
- > The building, structure or office trailer must have adequate office space to conduct the business.
- > If more than one business is located within the same building or structure, the dealer shall maintain a separate and exclusive entrance, unless the multiple businesses are owned or controlled by the same principals.
- > Subject to local law, and except for a dealer who exchanges vehicles or trailers solely on a wholesale basis, the dealer shall display a permanently affixed exterior sign of sufficient size and design, to give the general public notice of the name and nature of the business.
- > The dealer must have a display area/lot to display the vehicles being offered for sale unless the dealer exchanges vehicles or trailers solely on a wholesale basis.

#### 9. Summary

Personal living quarters cannot be the site of a Class 2 dealer's business because the law requires a dealer to maintain a facility dedicated to carrying out that business and that facility must be used exclusively for the dealer's business. It is possible that a dealer may have premises either attached to or detached from a residential building that could be deemed suitable by the RMV. The State Police site inspection may help to determine suitability. The premises would have to be separate and distinct from any personal living quarters (e.g., it would have to be a secure facility with solid floor-to-ceiling walls, adequate office space to conduct the business, direct access from the outside of the building, not be used or shared with any other person or with any portion of personal living quarters and be licensed by the municipality at that location). The licensee must post and maintain reasonable business hours so that State and local police can accomplish the required facility and record book checks when required.

10. New License Application in Draft Stage G.L. 140, §59 states, in part: ... "application for license shall be made in such form as shall be approved by the registrar of motor vehicles..." The RMV is drafting a proposed new version of an *Application for a License as a Motor Vehicle Dealer*. The purpose is to update and standardize the *Application* to include significantly more information about the applicant (including background information on all principals) so that licensing authorities are better informed before issuing or renewing a license. The RMV is willing to receive and discuss suggestions for the proposed new *Application* that local licensing officials may wish to provide. Please email me with your suggestions at: [william.mcvey@state.ma.us](mailto:william.mcvey@state.ma.us) or write to me at the above address.

Thank you. If you have any questions about this Memorandum you may email or write. You may also call me at: 617-351-9950.



UTICA MUTUAL INSURANCE COMPANY  
 NEW HARTFORD, NEW YORK  
**EXECUTION REPORT FOR BOND**

U/W Code

CODING SOURCE 0# Acct Number:		EFFECTIVE DATE 12/19/2022
POLICY NUMBER SU4490005		EXPIRATION DATE 12/19/2023
<input type="checkbox"/> NEW <input checked="" type="checkbox"/> RENEWAL <input type="checkbox"/> ENDORSEMENT		TRANS. EFFECTIVE DATE
INSURED		BOND AMOUNT \$25,000.00
GNFD, Inc. dba Newburyport Sunoco		TOTAL PREMIUM \$250.00
ADDRESS		CSP/POLICY TYPE
59 Storey Avenue		TRANS. 2111 POLICY CT 1 UND. 4
Newburyport, MA 01950		SIC # 55211 BILL CODE 1
OBLIGEE (FULL ADDRESS REQUIRED)		LINE 2273
Commonwealth of MA, Registry of Motor Vehicles		STATE OR FOREIGN COUNTRY 20
One Copley Place		TAX TOWN (Required for AL, FL, GA, KY, LA, SC)
Boston, MA 02119		PLAN 01
NATURE OF RISK Dealer Bond		PLAN WITH SURCHARGE (Required for KY)
SERIES X	COMPANY CODE 1	COMMISSION 30%
REG. OFF. 04	AGENT NO. 70135	CLASS CODE 927
AGENT		FIDELITY FORM (Col. 48)
MACDONALD & PANGIONE		SURETY TYPE OF CONTRACT (Col. 50)
ADDRESS		GROSS LIMIT 000 TREATY LIMIT
104 MAIN ST		ENDORSEMENT
NORTH ANDOVER MA 01845		
RENEWAL METHOD: <input checked="" type="checkbox"/> COLLECTION OF PREMIUM <input type="checkbox"/> CONTINUATION CERTIFICATE <input type="checkbox"/> NEW BOND		
BOND APPROVED BY:		BOND SIGNED BY: DATE
		Lauri A. Emmerich (Attorney-in-Fact) 11/10/2022
REMARKS:		

*Repair Shop Requirement*

# Committee Items – March 13, 2023

## Planning & Development

### *In Committee:*

- ODNC00136\_01\_30\_2023      General Code Amendment Planning Board Membership (COTW)
- ODNC00137\_01\_30\_2023      Zoning Amendment Planning Board Membership (COTW)
- COMM00445\_11\_14\_2022      59 Low Street Plan (COTW)

# CITY OF NEWBURYPORT



## IN CITY COUNCIL

### ORDERED:

January 30, 2023

### A GENERAL ORDINANCE AMENDMENT TO ADDRESS PLANNING BOARD MEMBERSHIP:

Be it ordained by the City Council of the City of Newburyport as follows:

Amend the Code of Ordinances Chapter 2 Division 4 (Planning Board) as follows, with deletions ~~double-stricken and italicized~~, and additions double-underlined and italicized:

#### Sec. 2-116. - Established; membership; appointment.

The planning board for the city is hereby established under the provisions of M.G.L.A. c. 41, §§ 81A—81J inclusive. Such board shall consist of nine (9) members until such time as the transition to a seven-member board, as provided for in this Ordinance, is complete, upon which the board shall consist of seven (7) members. The members shall be appointed by the mayor and confirmed by the city council.

#### Sec. 2-117. - Terms of office; filling vacancies.

~~When the first appointment is made to the planning board, three (3) members shall be appointed for the term of one (1) year, three (3) for the term of two (2) years, one (1) for the term of three (3) years, one (1) for the term of four (4) years, and one (1) for the term of five (5) years, from the date of their appointment. As the term of each member expires, his successor shall be appointed for the term of five (5) years.~~ Planning board members shall be appointed

for terms of three (3) years. A vacancy occurring otherwise than by expiration of term shall be filled for the unexpired term in the same manner as in the case of an original appointment.

**Sec. 2-118. - Election of ~~chairman, clerk~~ officers.**

The planning board shall, ~~as soon as practicable, after the appointments of the members have become operative, and~~ annually ~~thereafter,~~ elect a chairman, vice chair and clerk secretary from its own membership.

**Sec. 2-119. - Members to serve without pay; powers and duties.**

The members of the planning board shall serve without pay and shall have the powers and authority to perform the duties set forth in ~~MGL M.G.L.A.~~ c. 41, §§ 81A—81J inclusive, relative to local planning boards, and in MGL c. 40A relative to special permit granting authorities.

**Sec. 2-119A. – Transition to Seven-member board.**

**Members of the nine-member board on the effective date of this section shall continue to serve until they resign or their terms expire. The board shall continue to consist of nine (9) members and act as a nine-member board until two seats become vacant due to resignation or expiration of term; at which time the board shall consist of seven members and become a seven-member board. A seat on the board that becomes vacant due to resignation or expiration of term shall not be filled until the number of members is less than seven (7).**

---

Councillor Edward C. Cameron, Jr.

**In City Council January 30, 2023:**

Motion to refer collectively ODNC00135, ODNC00136, ODNC00137 to Planning and Development by Councillor Cameron, seconded by Councillor Wright. Friendly amendment by Councillor Khan to refer ODNC00136 and ODNC00137 to COTW in addition to Planning & Development. Roll call vote. 11 yes (1 remote, BL). Motion passes.

# CITY OF NEWBURYPORT



IN CITY COUNCIL

January 30, 2023

ORDERED:

## A ZONING ORDINANCE AMENDMENT TO ADDRESS THE PLANNING BOARD WHEN ACTING AS SPECIAL PERMIT GRANTING AUTHORITY (SPGA)

Be it ordained by the City Council of the City of Newburyport as follows:

Amend the title of Section X-H as follows, with deletions ~~double-stricken and italicized~~, and additions double-underlined and italicized:

X-H - Board of ~~Appeals~~ and Planning Board.

Amend Section X-H.7.B.(9) as follows, with deletions ~~double-stricken and italicized~~, and additions double-underlined and italicized:

(9) The ~~zoning board~~ SPGA shall state in its conditions whether the special permit which has been granted runs with the land or the owner of the property.

Amend the second paragraph of Section X-H.8 as follows, with deletions ~~double-stricken and italicized~~, and additions double-underlined and italicized:

Within ninety (90) days following the date of the public hearing, the SPGA shall take final action on the special permit application or petition. Issuance of a special permit shall require a positive vote of the number of no less than four (4) members of the SPGA ~~zoning board of appeals~~ required pursuant to MGL c. 40A §9. If the SPGA fails to act within ninety (90) days, the petition or application for a special permit shall be deemed granted.

Amend Section X-I as follows, with deletions ~~double-stricken and italicized~~, and additions double-underlined and italicized:

No appeal, application or petition which has been unfavorably and finally acted upon by the SPGA or permit granting authority ~~zoning board of appeals~~ shall be acted favorably upon within two (2) years after the date of final unfavorable action unless said SPGA or permit granting authority

~~the zoning board of appeals~~ finds, by a vote of four (4) members of a board of five members or two-thirds vote of a board of more than five members, specific and material changes in the conditions upon which previous unfavorable action was based, and describes such changes in the record of its proceedings, and unless all but one of the members of the planning board consents thereto and after notice is given to parties in interest of the time and place of the proceedings when the question of such consent will be considered.

Any petition for a variance or application for a special permit which has been transmitted to the SPGA or permit granting authority ~~zoning board of appeals~~ may be withdrawn, without prejudice by the petitioner prior to the publication of the notice of a public hearing thereon, but thereafter be withdrawn without prejudice only with the approval of the SPGA or permit granting authority ~~zoning board of appeals~~.

**Insert the following new Section X-K as follows:**

**X-K Planning Board as Special Permit Granting Authority (SPGA)**

1. *Associate members.* The planning board shall have two (2) associate members who shall be appointed by the mayor and confirmed by the city council for terms of three (3) years.
2. *Designation by the chair.* The chair of the planning board may designate an associate member to 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 of the planning board or in the event of a vacancy on the board.

---

Councillor Edward C. Cameron, Jr.

**In City Council January 30, 2023:**

Motion to refer collectively ODNC00135, ODNC00136, ODNC00137 to Planning and Development by Councillor Cameron, seconded by Councillor Wright. Friendly amendment by Councillor Khan to refer ODNC00136 and ODNC00137 to COTW in addition to Planning & Development. Roll call vote. 11 yes (1 remote, BL). Motion passes.



# 59 Low Street Plan supporting NYS

PRESENTATION TO CITY COUNCIL

NOVEMBER 1, 2022

---



# Presentation Overview

---



BACKGROUND AND  
HOW WE GOT HERE



THREE OPTIONS WITH  
COST ESTIMATES



NEXT STEPS AND TIME  
FOR QUESTIONS

# Goals

---

- Major objective in Mayor's Strategic Plan is to provide high quality public services that serve children and families with educational and youth services programming
- Also to invest in medium to long-term capital assets to meet the City's needs
- Shared goal of Newburyport residents to support our youth and find a home for NYS

# Process

---

- March 2022: Administration presented a 'proof plan' to City Council showing components of a new buildout fitting within the constraints of the site (wetlands, zoning/parking, stormwater/soil test pits)
- April-May 2022: wetlands were flagged and RDA approved with Conservation Commission to set lines for 3 years
- April-September 2022: EGA Architects hired to perform conceptual design for property, several meetings with EGA, NYS and MSP to design site/floorplans and review cost estimates

**NOTES:**

1. THE INFORMATION SHOWN HEREIN IS FROM "SECTION PLAN OF LAND", 57 LOW STREET PROJECTED FOR CITY OF NEWBURYPORT BY MORRIS HERRON(1) OF NEWBURY, MA, DATED JUNE 30, 2018.
2. METERS DELINEATED BY "MAGES ENVIRONMENTAL CONSULTING APRIL 2022"



# Existing conditions

# Option A

---

- Floor plan
- Site plan
- Cost estimate



NYS began in 2005 with a summer of 212 participants. In 2015, NYS had 1,583 summer registrations. In 2022, there were 2,765 summer registrations (not including waitlists).



23 Parking Spaces x 500sf = 11,500sf Max Area +/-  
 Allowance for rounding of 0.48 parking spaces = 249sf  
 Total Allowable area = 11,749sf

Existing + Gymnasium = 9960sf  
 Area of Addition shown = 1573sf  
 Service area shown = 115sf  
 Total footprint - 11,533sf (216sf below limit)

Gross Area of Existing Building - 5920sf

Option A: floor plan

# Option A: site plan



# Option A: cost estimate (11,533 sf)

▪ Renovate existing building:	\$2,098,174
▪ Office additions:	\$1,052,821
▪ Gym addition:	\$1,615,791
▪ Remove hazardous materials:	\$ 86,920
▪ Site work:	\$ 642,344
▪ Design & contingency:	\$ 659,526
▪ Escalation (Aug 2023 start):	\$ 329,763
▪ General conditions:	\$ 824,408
▪ Bonds & insurance:	\$ 164,469
▪ Overhead & fee:	\$ 597,937
▪ TOTAL:	\$8,072,153



Newburyport Youth Services  
Renovation and Addition  
Newburyport, MA  
Schematic Design

3-Aug-22

## MAIN CONSTRUCTION COST SUMMARY

		Gross Floor Area	\$/sf	Estimated Construction Cost
<b>EXISTING BUILDING WITH ADDITION</b>				
RENOVATE EXISTING BUILDING		9,742	\$215.37	\$2,098,174
OFFICE ADDITIONS		1,705	\$617.49	\$1,052,821
GYM ADDITION		3,904	\$413.88	\$1,615,791
REMOVE HAZARDOUS MATERIALS (Credera associates 2021 costs escalated)				\$86,920
SITework				\$642,344
<b>SUB-TOTAL</b>		<b>11,447</b>	<b>\$480.13</b>	<b>\$5,496,050</b>
DESIGN AND PRICING CONTINGENCY	12%			\$659,526
ESCALATION (August 2023 start)	6%			\$329,763
<b>SUB-TOTAL</b>				<b>\$6,485,339</b>
GENERAL CONDITIONS	15%			\$824,408
<b>SUB-TOTAL</b>				<b>\$7,309,747</b>
BONDS	1.00%			\$73,097
INSURANCE	1.25%			\$91,372
PERMIT				NIC
<b>SUB-TOTAL</b>				<b>\$7,474,216</b>
OVERHEAD AND FEE	8.0%			\$597,937
<b>TOTAL OF ALL CONSTRUCTION</b>		<b>11,447</b>	<b>\$705.18</b>	<b>\$8,072,153</b>

# Option B

---

- Floor plan
- Site plan
- Cost estimate

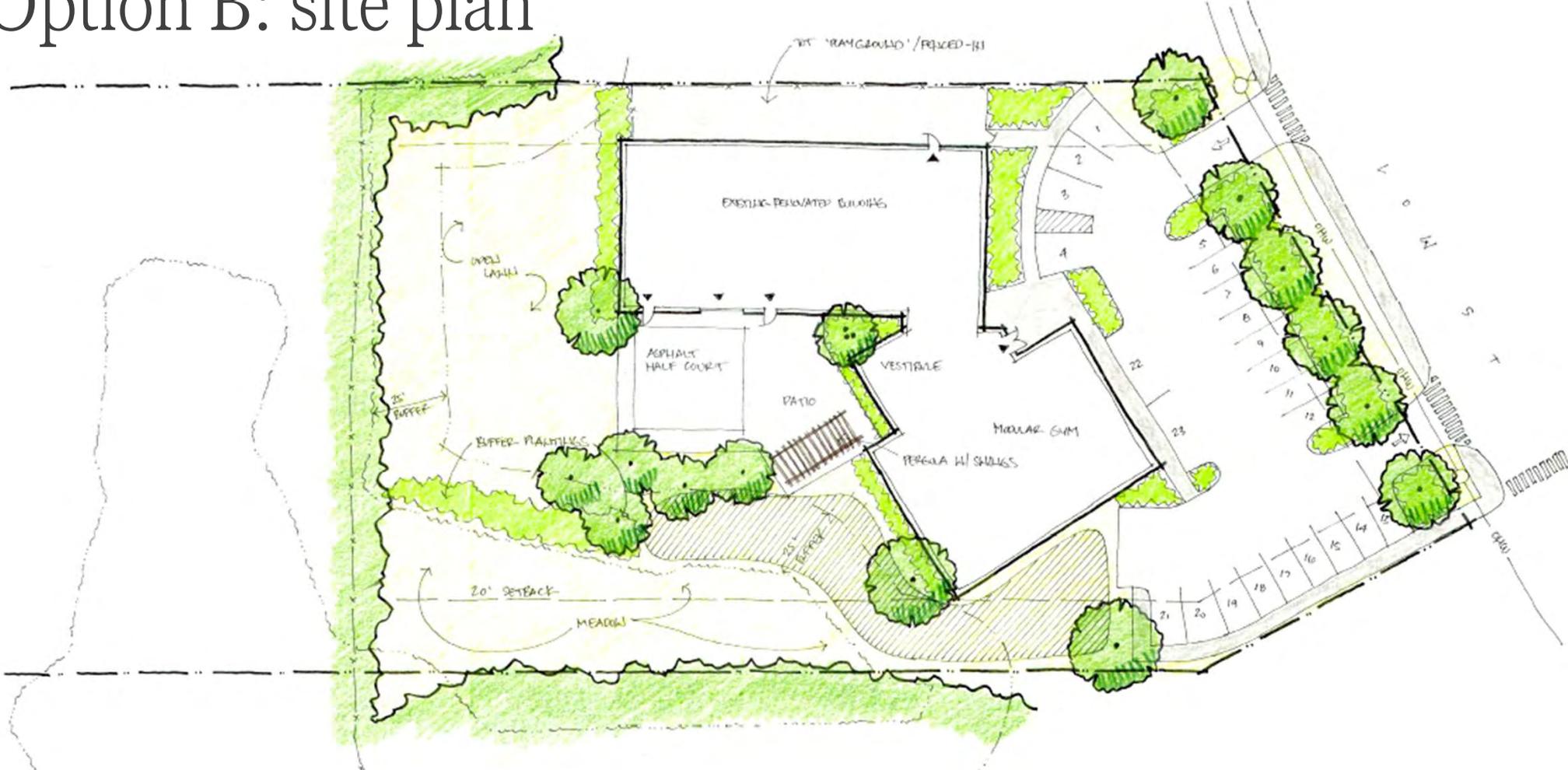


Prior to COVID, the Rec Center Gym was booked 75% of operating hours during the school year. Programs for infants through adults & community groups utilize the gym.



Option B: floor plan

# Option B: site plan



# Option B: cost estimate (10,985 sf)

Renovate existing building:	\$1,505,025
Office additions:	\$ 558,707
Gym addition:	\$1,319,335
Remove hazardous materials:	\$ 86,920
Site work:	\$ 442,844
Design & contingency:	\$ 469,540
Escalation (Aug 2023 start):	\$ 234,770
General conditions:	\$ 586,925
Bonds & insurance:	\$ 117,092
Overhead & fee:	\$ 425,693
<b>TOTAL:</b>	<b>\$5,746,851</b>



Newburyport Youth Services  
Renovation and Addition  
Newburyport, MA  
Schematic Design

3-Aug-22

## MAIN CONSTRUCTION COST SUMMARY

	Gross Floor Area	\$/sf	Estimated Construction Cost
<b>EXISTING BUILDING WITH ADDITION</b>			
RENOVATE EXISTING BUILDING	9,742	\$215.37	\$2,098,174
OFFICE ADDITIONS	1,705	\$617.49	\$1,052,821
GYM ADDITION	3,904	\$413.88	\$1,615,791
REMOVE HAZARDOUS MATERIALS (Credeire associates 2021 costs escalated)			\$86,920
SITWORK			\$642,344
Value Engineering	Net Zero	Possible Savings	
RENOVATION	430,599	\$162,550.00	
OFFICE ADDITION	245,750	\$248,364.00	
GYM ADDITION	32,808	\$263,648.00	
SITWORK	15,000	\$184,500.00	
Total Savings	724,157	859,062	
SUB-TOTAL LESS SAVINGS	11,447	\$341.82	\$3,912,831
DESIGN AND PRICING CONTINGENCY	12%		\$469,540
ESCALATION (August 2023 start)	6%		\$234,770
SUB-TOTAL			\$4,617,141
GENERAL CONDITIONS	15%		\$586,925
SUB-TOTAL			\$5,204,066
BONDS	1.00%		\$52,041
INSURANCE	1.25%		\$65,051
PERMIT			NIC
SUB-TOTAL			\$5,321,158
OVERHEAD AND FEE	8.0%		\$425,693
<b>TOTAL OF ALL CONSTRUCTION</b>	<b>11,447</b>	<b>\$502.04</b>	<b>\$5,746,851</b>





# Option C: site plan



# Option C: cost estimate (6,485 sf)

---

▪ Renovate existing building & add toilets:	\$1,000,000
▪ Addition (toilets):	\$ 300,000
▪ Remove hazardous materials:	\$ 86,920
▪ Site work:	\$ 442,844
▪ Design & contingency:	\$ 300,000
▪ Escalation (Aug 2023 start):	\$ 100,000
▪ General conditions:	\$ 450,000
▪ Bonds & insurance:	\$ 80,000
▪ Overhead & fee:	\$ 240,000
▪ <b>TOTAL:</b>	<b>\$2,999,764</b>
▪ Gym addition (phased in: \$1,750,000):	\$4,749,764
▪ Gym addition (not phased in: \$1,319,335):	\$4,319,099

# How do these options support NYS: programming

---

- Options A & B: 30% more participants than option C (116 options A & B vs 85 option C)(+100 in gym=critical element of programming)
- All options hold 5 programming spaces: option C are flexible/shared spaces
- Options A & B: larger, more connected spaces for middle and high school aged youth, separate from younger kids vs option C
- Options A & B: cooking space

# How do these options support NYS: administration

---

- Options A & B: utilize more of existing building vs open lobby space (15% wasted space)
- Options A & B: administrative spaces are larger and more efficient

# How do these options support NYS: safety

---

- Options A & B: entry lobby with check in area/snack bar that can be monitored, single point of entry
- Options A & B: allow to block off parts of the building when unused
- Options A & B: line of sight in teen areas, freedom of movement within hangout space, homework room and art room
- Options A & B: more protected outdoor play area, building creates barrier between road, parking lot & play space

# How will we pay for this?

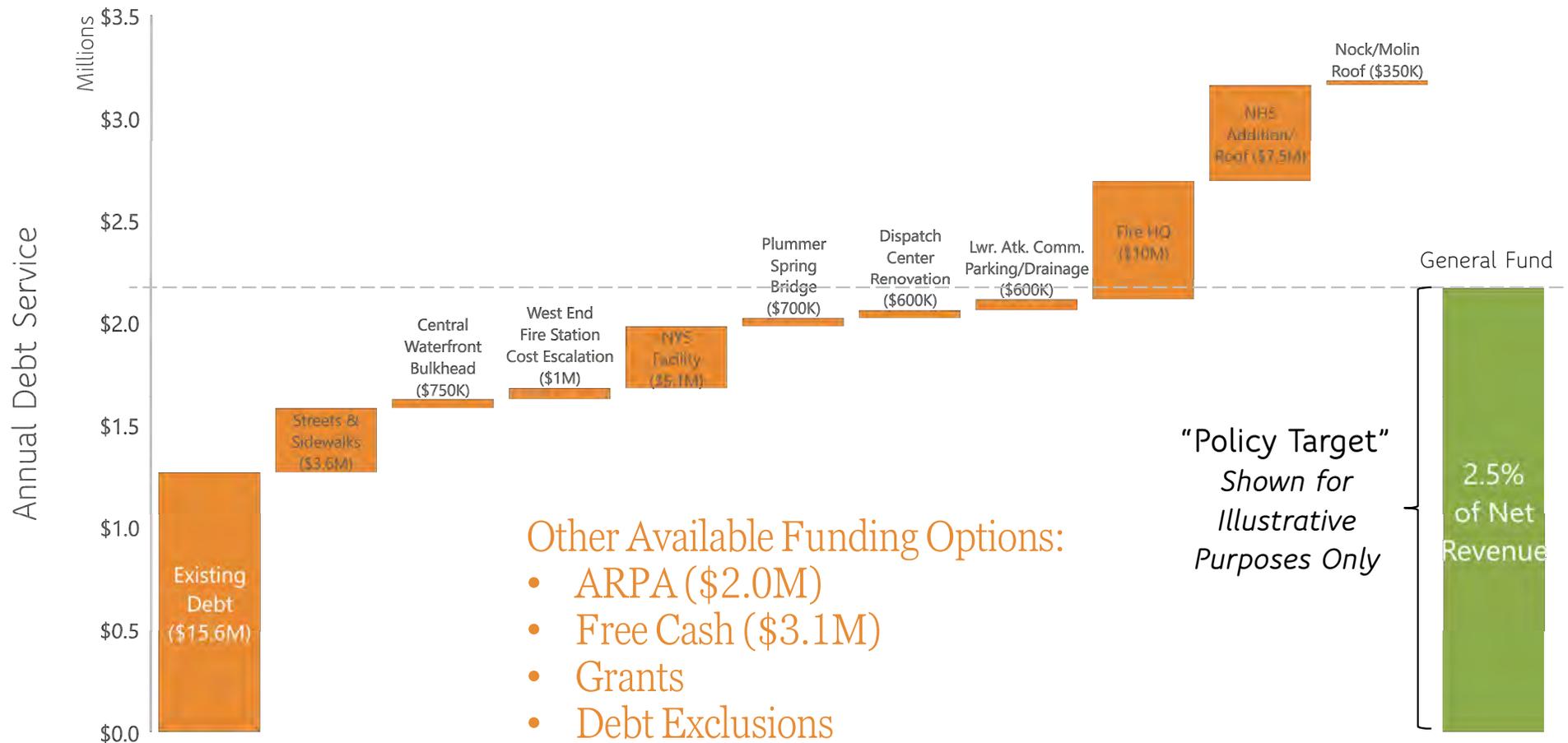
---

- \$600K Kelley School Sale Proceeds
- Borrowing Authorization

Proposal	Project Cost	Available Funds	Borrowing Amount	Est. Annual Payment*
Option A	\$8.1M	(\$600K)	\$7.5M	\$432K
Option B	\$5.7M	(\$600K)	\$5.1M	\$298K
Option C no gym	\$3.0M	(\$600K)	\$2.4M	\$139K
Option C w/ phased gym	\$4.7M	(\$600K)	\$4.1M	\$240K
Option C w/ gym	\$4.3M	(\$600K)	\$3.7M	\$215K

\*30 Year G.O. Bond, 4.0% Interest

# How does this fit in with other borrowing needs?



# Which option has the best value?

---

Proposal	Project Cost	Price per square foot
Option A	\$8.1M	\$700/sf
Option B	\$5.7M	\$523/sf
Option C* no gym	\$3.0M	\$463/sf
Option C* w/ phased gym	\$4.7M	\$450/sf
Option C* w/ gym	\$4.3M	\$409/sf

\*Option C does not meet program needs

The Senior/Community Center cost \$768/sf to build in today's dollar  
(\$11.9M for 15,524 square feet)\*\*

# Next steps

---

- Zoning change:  
community center  
district
- Request funding:  
bond order





Questions?

# Committee Items – March 13, 2023

## Public Works & Safety

### *In Committee:*

- APPT00384\_02\_27\_2023      Jon-Eric White   Temporary DPS Director
- ODNC00138\_02\_27\_2023      Amend Municipal Fee Schedule - Inn Permit



CITY OF NEWBURYPORT  
OFFICE OF THE MAYOR  
SEAN R. REARDON, MAYOR

60 PLEASANT STREET - P.O. BOX 550  
NEWBURYPORT, MA 01950  
978-465-4413 PHONE  
MAYOR@CITYOFNEWBURYPORT.COM

February 21, 2023

Dear Clerk Jones,

As you know, Director of Public Services Jamie Tuccolo will be resigning effective March 3, 2023. I am designating Jon-Eric White to perform the duties of the office of Director of Public Services on a temporary basis until the office can be filled. We are currently engaged in the process to pick the permanent director and I anticipate bringing forward the selected candidate to the Council for approval in the coming weeks. I certify that Mr. White is qualified to perform the duties which will be required and that I make this designation solely in the interests of the city of Newburyport.

Sincerely,

A handwritten signature in cursive script that reads 'Sean R. Reardon'.

Sean R. Reardon  
Mayor

# **JON-ERIC WHITE, P.E.**

---

*Newburyport, MA 01950 • cell 978-417-1969*

**REGISTRATION:** Registered Professional Civil Engineer, Massachusetts, No. 37227  
LEED Accredited Professional

**EXPERIENCE:** **DEPARTMENT OF PUBLIC SERVICES, CITY OF NEWBURYPORT, MA**  
City Engineer, March 2009 – Present

City Engineer for City of Newburyport – a coastal community of approximately 18,000 residents and more than 700 businesses. The position manages the Engineering Department with assistant engineers and interns to provide general civil engineering consultation for all City Departments and for both public and private projects. The Engineering Department is also responsible for:

- The City's compliance with EPA NPDES MS4 Permit and creation of the City's Stormwater Ordinance
- Design and preparation of construction bid documents for various roadway, utility, and miscellaneous infrastructure improvement projects throughout the city
- Review of projects being permitted through the Planning Department
- Creation and implementation of design and construction standards for the Department of Public Services (aka DPW)
- Management of various public works projects

**BORREGO SOLAR SYSTEMS, INC., CHELMSFORD/LOWELL, MA**  
Regional Engineering Manager, January 2008 – September 2008

Regional Engineering Manager for the new east coast branch of Borrego's expanding solar design and installation firm. Responsibilities included:

- Creation of engineering department; managing/hiring of staff
- Create alliances with structural and electrical engineering sub-consultants
- Quality, accuracy, and financial success of design projects produced by the department
- Provided design support to Sales Department and Construction Project Managers
- Building Permit approval of all projects
- Assist with the creation of company-wide design standards and processes

**BSC GROUP, INC., BOSTON, MA**  
Project Manager/Associate, November 1999 – January 2008

Project Manager/Associate for the planning, design, permitting, and construction phase services for a wide variety of civil/site and highway/roadway design projects for both private and public clients. Responsibilities included:

- Maintain client and public agency contact throughout the projects
- Management of project's engineering and administrative staff; monitor project progress for compliance with budget and schedule
- Permit approvals of all projects

**GUERTIN & ASSOCIATES, INC., STONEHAM, MA**  
Project Manager, August 1998 – October 1999

Project Manager for the design of a number of MassHighway highway design projects for various municipalities throughout Massachusetts. Responsible for:

- Management of project's engineering and administrative staff; monitor project progress for compliance with budget and schedule
- Design of highways and roadways for MassHighway Projects
- Local and state permit approvals of all projects

**SVERDRUP CIVIL, INC., BOSTON, MA**  
Senior Civil Engineer, July 1995 - July 1998

- Deputy Project Manager and Senior Civil Engineer for multiple public works projects. Responsible for:
- Engineering Services During Construction for the \$377M CA/T Mainline Tunnel Contract C15A1 Management of engineering and administrative staff; maintaining schedule
  - Construction administration of work orders and engineering drawing updates
  - Design and construction management of parking facilities for the MBTA Old Colony Railroad Project
  - Maintain client and public agency contact

**BRYANT ASSOCIATES, INC., BOSTON, MA**  
Senior Civil Engineer, June 1988 - July 1995

Senior Civil Engineer on a number of municipal site developments, highways/roadways, and parking facilities on both public and private projects. Responsibilities included the management and design of projects for the MWRA, BWSC, MassHighway, Boston Children's Hospital, and a number of private retail and site development projects

**MAGUIRE GROUP, INC., WALTHAM, MA**  
Civil Engineer - Transportation/Highway Design, June 1986 - June 1988

Civil Engineer responsible for highway and roadway design, environmental permit layouts, quantity take-offs, and specification writing for a number of public and private clients

**EDUCATION:** University of Massachusetts, Amherst, MA  
Bachelor of Science Civil Engineering and Management, 1986  
SEI PV Design/Installation Training Course

**RELATED SKILLS:** AutoCAD, HydroCAD, MS Office/Project, Survey Experience

**AFFILIATIONS:** American Society of Civil Engineers, Boston Society of Civil Engineers

**COMMUNITY SERVICE:** Boxford Baseball Board member, Babe Ruth Baseball League Director and coach, Little League coach, Committee Chairman Cub Scouts Pack 41, various awareness events and fundraisers

**REFERENCES:** Available upon request

# CITY OF NEWBURYPORT



## IN CITY COUNCIL

### ORDERED:

February 27, 2023

**THAT** pursuant to the CITY OF NEWBURYPORT Code of Ordinances Section 13-180.1.(f)(1) hereby amends and approves the following schedule of parking fees and fines in the municipal parking garage as shown in Appendix B below:

Amended as follows, with deletions ~~double stricken and italicized~~, and additions double-underlined and italicized:

<u>Inn Daily Permit for the Garage</u>	<u>\$16.00/per day</u>
--	------------------------

Inn is defined as a hotel/inn including conference and meeting facilities and bed and breakfast. Visitors may park overnight up to a maximum of seven (7) days.

\_\_\_\_\_  
Councillor James J. McCauley

### In City Council February 27, 2023:

Motion refer collectively ODNC00138 and ODNC00140 to Public Works & Safety by Councillor McCauley, seconded by Councillor Cameron. Roll call vote. 11 yes. Motion passes.