

**CITY COUNCIL MEETING AGENDA - VERSION 1**

**REMOTE**

**MAY 26, 2020**

Link to join Webinar

<https://us02web.zoom.us/j/81708521781>

Or iPhone one-tap : US: +13017158592,,81708521781#

# Or Telephone: Dial(for higher quality, dial a number based on your current location): US: +1 301 715 8592

Webinar ID: 817 0852 1781

**7:00 PM**

**CIP Hearing**

**Capital Improvement Plan**

See the following Communication in Budget and Finance Committee Items:

COMM238\_04\_13\_2020 FY2021-FY2025 Capital Improvement Program Submission

**7:30 PM**

**Council Meeting**

**1. MOMENT OF SILENCE**

**2. CALL TO ORDER**

**3. LATE FILE ITEMS**

- ODNC058\_05\_26\_2020 LATE FILE Parks Commission Fees
- APPL013\_04\_27\_2020 Chocolate Tour Central Cong. Church 5/16/2020 (Revised 5/20/20)

**4.**

**5. PUBLIC COMMENT**

**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**

- May 11, 2020 (Approve)

**8. COMMUNICATIONS**

- COMM246\_05\_26\_2020 Ltr To City Council from A Calcagni re: ORDR180 (PS)

**9. TRANSFERS**

- TRAN070\_03\_09\_2020 Free Cash (Lib Sal rev. 5/18/20) \$25K to LIB Maint-Equipment \$25K (B&F)
- TRAN079\_05\_26\_2020 Rsv Appr-Legal Settlements \$26,500 to LGL City Solicitor \$26,500 (B&F)
- TRAN080\_05\_26\_2020 Gen Fund-Free Cash \$81,796.57 to Snow & Ice-Labor \$331.09, Snow & Ice-Expenses \$81,465.48 (B&F)

## 10. FIRST READING APPOINTMENTS

- APPT178\_05\_26\_2020 Ronald M. Thurlow 28A Hancock St Harbor Commission 6/1/2023

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

### Budget & Finance

- COMM238\_04\_13\_2020 FY2021-FY2025 Capital Improvement Program Submission
- TRAN076\_05\_11\_2020 Storm Water Test \$9,944.31, Storm Water Maint \$16,939.15, Streetlights Electricity \$14,576.54 to CIP Phillips Drive Drainage Improvement \$41,460
- TRAN077\_05\_11\_2020 Free Cash \$125K to Fire OT \$110K, Fire Dispatch OT \$15K
- TRAN078\_05\_11\_2020 Mult Accts \$\$42,928.37 to CIP Rail Trail Phase II \$42,928.37
- COMM245\_05\_11\_2020 DLS Ltr MJHandy Deficit 150K

### License & Permits

- APPT172\_04\_27\_2020 Craig G. Holt 33 Carter St Licensing Board 6/1/2026

### Planning & Development

- APPT173\_04\_27\_2020 Stephen G. DeLisle 195 High St ZBA 5/31/2021
- APPT175\_05\_11\_2020 Ronald DiCola 6 Shandel Dr Conservation Comm 6/1/2023
- APPT176\_05\_11\_2020 Jane Sender 9 Dalton St, #3 Conservation Comm 6/1/2023

### Public Safety

- ODNC055\_03\_09\_2020 Recycling and Yard Waste Disposal by City
- APPL013\_04\_27\_2020 Chocolate Tour Central Cong. Church 5/16/2020 (Revised 5/20/20)

## END OF CONSENT AGENDA REGULAR AGENDA

## 11. MAYOR'S UPDATE

## 12. SECOND READING APPOINTMENTS

- APPT174\_05\_11\_2020 Paul Swindlehurst 12 Spofford St Parks Commission 5/1/2025

## 13. ORDERS

- ORDR181\_05\_11\_2020 Resolution Recognizing NHS 2020 Graduates (TABLED)

## 14. ORDINANCES

- ODNC053\_03\_09\_2020 Establishment of Plum Island Beach Stabilization Fund (**2<sup>nd</sup> Reading**)
- ODNC057\_04\_27\_2020 Moratorium on Dog License Fines (**2<sup>nd</sup> Reading**)
- ODNC058\_05\_26\_2020 LATE FILE Parks Commission Fees

## 15. COMMITTEE ITEMS

NOTE: UNDERLINED COMMITTEE ITEMS WILL BE CONSIDERED AT THIS MEETING

## Ad Hoc Committee on Economic Revitalization & COTW

***In Committee:***

- ORDR180\_05\_11\_2020 Emergency Order - Economic Revitalization

**Budget & Finance**

***In Committee:***

- ORDR132\_07\_15\_19 CPC FY2020 Recommended Appropriations (COTW)  
Project No. 9 held in committee.
- ORDR136\_08\_19\_19 Fuller Track Phase II Loan Order
- COMM189\_09\_09\_19 CPC Revised Recommendation for FY2020 Appropriations
- TRAN070\_03\_09\_2020 Free Cash (Lib Sal rev. 5/18/20) \$25K to LIB Maint-Equipment \$25K
- COMM236\_03\_30\_2020 DLS Bulletin 2020-01 Emergency Expenditures and Borrowing
- **COMM238 04 13 2020 FY2021-FY2025 Capital Improvement Program Submission**
- ORDR178\_04\_27\_2020 Acts of 1987 (w/ Education)
- **TRAN076 05 11 2020 Storm Water Test \$9,944.31, Storm Water Maint \$16,939.15, Streetlights Electricity \$14,576.54 to CIP Phillips Drive Drainage Improvement \$41,460**
- **TRAN077 05 11 2020 Free Cash \$125K to Fire OT \$110K, Fire Dispatch OT \$15K**
- **TRAN078 05 11 2020 Mult Accts \$\$42,928.37 to CIP Rail Trail Phase II \$42,928.37**
- COMM244\_05\_11\_2020 Continuing Appropriation Budget 3 months
- **COMM245 05 11 2020 DLS Ltr MJHandy Deficit 150K**

**Education**

***In Committee:***

- COMM235\_03\_30\_2020 Ltr re: SC Apptmnt of Brett Murphy to Whittier Vo-Tech Cmte
- COMM240\_04\_27\_2020 Memo re: SOI Submission Info
- ORDR178\_04\_27\_2020 Acts of 1987 (w/ B&F)

**General Government**

***In Committee:***

- COMM241\_05\_11\_2020 Charter Review Final Report
- COMM242\_05\_11\_2020 Confirmatory Legal Opinion from KP Law re: Charter Changes

**License & Permits**

***In Committee:***

- ODNC047\_1\_27\_20 General Ordinance - Short Term Rental Units Rules
- COMM229\_02\_24\_2020 Ltr re: Implementation of Short-Term Rental Ordinance
- COMM230\_03\_09\_2020 Yearly Report, Section 16A of the Liquor Control Act
- **APPT172 04 27 2020 Craig G. Holt 33 Carter St Licensing Board 6/1/2026**

**Neighborhoods & City Services**

***In Committee:***

- COMM197\_10\_28\_19 Ltr re: Phillips Drive Neighborhood Drainage (COTW)
- ODNC050\_02\_24\_2020 Curb Cuts and Notice of Work Involving Sidewalks
- COMM233\_03\_09\_2020 Ltr re: MVRTA State Street Bus Stop Shelter
- COMM234\_03\_30\_2020 Ltr from Newburyport Livable Streets March 11, 2020

**Planning & Development**

***In Committee:***

- COMM214\_01\_13\_2020 Ltr from Central Cong Church re: CPA Funding, Historic Pres
- COMM215\_01\_13\_2020 Ltr re: Colby Farm Open Space Beautification
- ODNC046\_1\_27\_20 Zoning Amendment - Short Term Rental Units Definition

- ODNC048\_02\_10\_2020 Newburyport Historical Commission
- ODNC051\_02\_24\_2020 Fences in Downtown Overlay District
- COMM231\_03\_09\_2020 Ltr re: Short-Term Rental Ordinance
- ODNC054\_03\_09\_2020 Enforcement of the State Building Code
- APPT173\_04\_27\_2020 Stephen G. DeLisle 195 High St ZBA 5/31/2021
- APPT175\_05\_11\_2020 Ronald DiCola 6 Shandel Dr Conservation Comm 6/1/2023
- APPT176\_05\_11\_2020 Jane Sender 9 Dalton St, #3 Conservation Comm 6/1/2023
- APPT177\_05\_11\_2020 Alden Clark 15 Lunt St Planning Board 6/1/2025

## Public Safety

### *In Committee:*

- COMM216\_01\_13\_2020 Ltr re: Ban the Use of Glyphosate
- COMM221\_01\_27\_2020 Letter re: Sign at 43 Pine Hill Road
- COMM227\_02\_10\_2020 Update and Request from Waste Stream Task Force
- APPL004\_03\_09\_2020 Footsteps for Food - 4/14/2020
- APPL005\_03\_09\_2020 Cultural Survival Bazaar - 7/18-19 2020
- APPL006\_03\_09\_2020 Spring Invitation Night - 5/1/2020
- APPL007\_03\_09\_2020 Newburyport Spring Festival - 5/24-25 2020
- APPL008\_03\_09\_2020 Newburyport Car Show - 8/20/2020
- APPL009\_03\_09\_2020 Newburyport Fall Harvest Festival - 10/11-12 2020
- APPL010\_03\_09\_2020 Witches' Night Out - 10/23/2020
- APPL011\_03\_09\_2020 Downtown Trick or Treat - 10/30/2020
- APPL012\_03\_09\_2020 Invitation Nights - 12/4, 12/11, 12/18 2020
- ODNC055\_03\_09\_2020 Recycling and Yard Waste Disposal by City
- COMM237\_03\_30\_2020 21-23 Walnut St Public Safety Concern
- APPT165\_04\_13\_2020 Dr. Robin Blair 18 Market St Board of Health 4/30/2023
- APPL013\_04\_27\_2020 Chocolate Tour Central Cong. Church 5/16/2020 (Revised 5/20/20)
- COMM243\_05\_11\_2020 Ltr from Jane Rascal re: NMMCD

## Public Utilities

### *In Committee:*

- APPT156\_03\_09\_2020 John Tomasz 38 Storeybrooke Dr Water/Sewer Comm 3/31/2023
- APPT166\_04\_13\_2020 Robert A. Cook 19 Everette Dr Water/Sewer Comm 3/1/2023
- APPT166\_04\_13\_2020 Resume of Robert Cook, Water/Sewer Commission

## Rules

### *In Committee:*

- COMM220\_01\_27\_2020 Proposed City Council Rule 9F
- ORDR170\_02\_24\_2020 Amendment Council Rules 2020 (COTW)
- ORDR171\_02\_24\_2020 Amendment to Rule 17B (COTW)

## 16. GOOD OF THE ORDER

## 17. ADJOURNMENT

**CONSENT AGENDA**

## CITY COUNCIL MEETING MINUTES

### **REMOTE –**

Link to join Webinar

<https://us02web.zoom.us/j/81462146905>

Phone Dial-In Instructions:

Dial: (646) 558-8656 Webinar ID: 814 6214 6905

### MAY 11, 2020

#### **7:30PM**

The City Council President, Jared Eigerman, called the meeting to order at 7:30pm. The City Council President then instructed the City Clerk to call the roll. The following Councillors answered present: Khan, Lane, McCauley, Connell, Shand, Tontar, Vogel, Wallace, Zeid, Devlin, Eigerman. 11 present using Zoom as a platform.

#### **(Sound Check)**

##### **1. MOMENT OF SILENCE**

##### **2. CALL TO ORDER**

**3. LATE FILE ITEMS** – COMM244\_05\_11\_2020, COMM245\_05\_11\_2020, Mayor's Update  
Motion to table COMM245\_05\_11\_2020 by Councillor Eigerman, seconded by Councillor Connell. Motion to waive the rules and accept COMM244\_05\_11\_2020 as a late file, by Councillor Khan, seconded by Councillor McCauley. So voted (1 no – Zeid). Motion to remove COMM245\_05\_11\_2020 from table by Councillor Vogel, seconded by Councillor Khan. So voted. Motion to waive the rules and accept COMM245\_05\_11\_2020 as a late file, by Councillor Connell, seconded by Councillor Khan. So voted (1 no – SZ). Motion to accept Mayor's Update as a late file by Councillor Vogel, seconded by Councillor Tontar. So voted.

##### **4. PUBLIC COMMENT**

1. Jane Rascal, 51 Woodland Street #2, COMM 243
2. Brian Callahan, 29 Warren Street, ORDR 180
3. Meghan Kinsey, 1 Griffin Court, ORDR 180
4. Richard Goulet, 25 Phillips Drive, TRANS76
5. Philip Cootey, 22 Phillips Drive, TRANS76
6. Connie Preston, 18 Atwood Street, Dogs Off Leash

##### **5. MAYOR'S COMMENT**

The Mayor gave an update pursuant to her written communication.

### **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.

##### **6. APPROVAL OF MINUTES**

- April 27, 2020

(Approve)

##### **7. COMMUNICATIONS**

- COMM243\_05\_11\_2020 Ltr from Jane Rascal re: NMMCD  
Councillor Wallace changed from Neighborhood & City Services to Public Safety.

(PS)

##### **8. TRANSFERS**

- TRAN076\_05\_11\_2020 Storm Water Test \$9,944.31, Storm Water Maint \$16,939.15,

(B&F)

- Streetlights Electricity \$14,576.54 to CIP Phillips Drive Drainage Improvement \$41,460
- TRAN077\_05\_11\_2020 Free Cash \$125K to Fire OT \$110K, Fire Dispatch OT \$15K (B&F)
- TRAN078\_05\_11\_2020 Mult Accts \$\$42,928.37 to CIP Rail Trail Phase II \$42,928.37 (B&F)

**9. FIRST READING APPOINTMENTS**

- APPT174\_05\_11\_2020 Paul Swindlehurst 12 Spofford St Parks Commission 5/1/2025

**To be Referred to Planning & Development**

- APPT175\_05\_11\_2020 Ronald DiCola 6 Shandel Dr Conservation Comm 6/1/2023
- APPT176\_05\_11\_2020 Jane Sender 9 Dalton St, #3 Conservation Comm 6/1/2023
- APPT177\_05\_11\_2020 Alden Clark 15 Lunt St Planning Board 6/1/2025

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

**Budget & Finance**

- COMM232\_03\_09\_2020 Annual Audit of the City's FY2019 Financial Statements
- ORDR173\_03\_09\_2020 Acceptance of MGL Chapter 40, Section 5B (fourth paragraph)
- ORDR174\_03\_09\_2020 Plum Island Beach Fee Dedication
- ODNC053\_03\_09\_2020 Establishment of Plum Island Beach Stabilization Fund
- COMM239\_04\_27\_2020 Whittier Tech Approved Budget 2020-2021
- TRAN074\_04\_27\_2020 Free Cash 125K to Dump Truck Lease
- TRAN075\_04\_27\_2020 Bud Cont. \$104K to Fire SAL \$84K, Dep Ch SAL \$3,5K, Cloth \$16,5K

**Planning & Development**

- APPT161\_03\_30\_2020 Rick Taintor 10 Dexter St Planning Board 4/15/2025
  - APPT163\_04\_13\_2020 Glenn Richards 6 Kent St Historical Comm 5/1/2023
- APPT173\_04\_27\_2020 removed from Consent Agenda (by Councillor Shand)

**Public Safety**

- ODNC057\_04\_27\_2020 Moratorium on Dog License Fines

**END OF CONSENT AGENDA  
REGULAR AGENDA**

Motion to approve the Consent Agenda as amended by Councillor Zeid, seconded by Councillor Khan. So voted.

**10. MAYOR'S UPDATE**

Motion to receive and file by Councillor Zeid, seconded by Councillor Khan. So voted.

**11. SECOND READING APPOINTMENTS**

- APPT167\_04\_27\_2020 Madeline Nash 19 Arlington St Afford Housing Trust 5/1/2023
- APPT168\_04\_27\_2020 Barry J. McBride 5 Pine St, Salisbury Asst Wiring Inspector 5/15/2021
- APPT169\_04\_27\_2020 Cynthia Muir 10 Hancock St Council on Aging 5/31/2025
- APPT170\_04\_27\_2020 Robert Dow 185 Storey Ave Harbor Comm 5/1/2023
- APPT171\_04\_27\_2020 James Knapp 24 Cutting Dr Harbor Comm 5/1/2023

Motion to approve Second Reading Appointments collectively by Councillor Zeid, seconded by Councillor Tontar. Roll call vote, 11 yes. Motion passed.

## 12. COMMUNICATIONS

- COMM241\_05\_11\_2020 Charter Review Final Report  
Motion to refer to General Government by Councillor Tontar, seconded by Councillor Khan. So voted.
- COMM242\_05\_11\_2020 Confirmatory Legal Opinion from KP Law re: Charter Changes  
Motion to refer to General Government by Councillor Tontar, seconded by Councillor Connell. So voted.
- COMM244\_05\_11\_2020 LATE FILE Continuing Appropriation Budget 3 months  
Motion to refer to Budget & Finance by Councillor Tontar, seconded by Councillor Khan. So voted.
- COMM245\_05\_11\_2020 LATE FILE DLS Ltr MJHandy Deficit 150K  
Motion to refer to Budget & Finance by Councillor Tontar, seconded by Councillor Connell. So voted.

## 13. ORDERS

- ORDR180\_05\_11\_2020 Emergency Order - Economic Revitalization  
Motion to refer to Ad-Hoc Committee on Economic Development by Councillor McCauley, seconded by Councillor Zeid. Councillor Khan asked that Public Safety be added by friendly amendment. Councillor Vogel asked that it be sent to Committee of the Whole by Councillor also by friendly amendment. Councillor McCauley Councillor Zeid agreed to COTW (not Public Safety) being added. So voted
- ORDR181\_05\_11\_2020 Resolution Recognizing NHS 2020 Graduates  
Motion to Table by Councillor Zeid, seconded by Councillor Devlin. So voted.

## 14. ORDINANCES

- NONE

## 15. COMMITTEE ITEMS

NOTE: UNDERLINED COMMITTEE ITEMS WILL BE CONSIDERED AT THIS MEETING

### Budget & Finance

#### *In Committee:*

- ORDR132\_07\_15\_19 CPC FY2020 Recommended Appropriations (COTW)  
Project No. 9 held in committee.
- ORDR136\_08\_19\_19 Fuller Track Phase II Loan Order
- COMM189\_09\_09\_19 CPC Revised Recommendation for FY2020 Appropriations
- TRAN070\_03\_09\_2020 Free Cash \$25K to LIB Maint-Equipment \$25K
- **COMM232\_03\_09\_2020 Annual Audit of the City's FY2019 Financial Statements**  
Motion to receive and file (comm vote 3-0) by Councillor Tontar, seconded by Councillor Khan. So voted.
- **ORDR173\_03\_09\_2020 Acceptance of MGL Chapter 40, Section 5B (fourth paragraph)**  
Motion to approve ORDR173\_03\_09\_2020 and ORDR174\_03\_09\_2020 collectively by Councillor Tontar, seconded by Councillor Khan. Roll call vote, 10 yes, 1 no (Connell). Motion passed.
- **ORDR174\_03\_09\_2020 Plum Island Beach Fee Dedication**  
Motion to approve ORDR173\_03\_09\_2020 and ORDR174\_03\_09\_2020 collectively by Councillor Tontar, seconded by Councillor Khan. Roll call vote, 10 yes, 1 no (Connell). Motion passed.
- **ODNC053\_03\_09\_2020 Establishment of Plum Island Beach Stabilization Fund**  
Motion to approve first reading by Councillor Tontar, seconded by Councillor Khan. Roll call vote, 9 yes, 1 no (Connell), 1 absent (Vogel). Motion passed. Note: Councillor Vogel re-joined the meeting after this vote.
- COMM236\_03\_30\_2020 DLS Bulletin 2020-01 Emergency Expenditures and Borrowing
- COMM238\_04\_13\_2020 FY2021-FY2025 Capital Improvement Program Submission

- **COMM239 04 27 2020 Whittier Tech Approved Budget 2020-2021**  
Motion to receive and file by Councillor Tontar, seconded by Councillor Khan. So voted.
- **TRAN074 04 27 2020 Free Cash 125K to Dump Truck Lease**  
Motion to approve by Councillor Tontar, seconded by Councillor Khan. So voted.
- **TRAN075 04 27 2020 Bud Cont. \$104K to Fire SAL \$84K, Dep Ch SAL \$3.5K, Cloth \$16.5K**  
Motion to approve by Councillor Tontar, seconded by Councillor Khan. Roll call vote, 10 yes, 1 no (Devlin). Motion passed.
- **ORDR178\_04\_27\_2020 Acts of 1987 (w/ Education)**

### Education

Meeting Monday, May 18<sup>th</sup> at 5pm to discuss school budget.

#### *In Committee:*

- **COMM235\_03\_30\_2020** Ltr re: SC Apptmnt of Brett Murphy to Whittier Vo-Tech Cmte
- **COMM240\_04\_27\_2020** Memo re: SOI Submission Info
- **ORDR178\_04\_27\_2020** Acts of 1987 (w/ **B&F**)

### General Government

Charter Review Committee report is in General Government Cmte and Chair Eigerman will schedule meeting soon.

#### *In Committee:*

- 

### License & Permits

#### *In Committee:*

- **ODNC047\_1\_27\_20** General Ordinance - Short Term Rental Units Rules
- **COMM229\_02\_24\_2020** Ltr re: Implementation of Short-Term Rental Ordinance
- **COMM230\_03\_09\_2020** Yearly Report, Section 16A of the Liquor Control Act
- **APPT172\_04\_27\_2020** Craig G. Holt                      33 Carter St                      Licensing Board                      6/1/2026

Councillor Vogel stated he will have meeting for Appointment of Craig Holt soon.

### Neighborhoods & City Services

#### *In Committee:*

- **COMM197\_10\_28\_19** Ltr re: Phillips Drive Neighborhood Drainage (COTW)
- **ODNC050\_02\_24\_2020** Curb Cuts and Notice of Work Involving Sidewalks
- **COMM233\_03\_09\_2020** Ltr re: MVRTA State Street Bus Stop Shelter
- **COMM234\_03\_30\_2020** Ltr from Newburyport Livable Streets March 11, 2020

### Planning & Development

Councillor Shand stated that she will have a meeting Thursday, May 14<sup>th</sup> to discuss Safe Routes to School.

#### *In Committee:*

- **COMM214\_01\_13\_2020** Ltr from Central Cong Church re: CPA Funding, Historic Pres
- **COMM215\_01\_13\_2020** Ltr re: Colby Farm Open Space Beautification
- **ODNC046\_1\_27\_20** Zoning Amendment - Short Term Rental Units Definition
- **ODNC048\_02\_10\_2020** Newburyport Historical Commission
- **ODNC051\_02\_24\_2020** Fences in Downtown Overlay District
- **COMM231\_03\_09\_2020** Ltr re: Short-Term Rental Ordinance
- **ODNC054\_03\_09\_2020** Enforcement of the State Building Code
- **APPT161 03 30 2020** **Rick Taintor**                      **10 Dexter St**                      **Planning Board**                      **4/15/2025**

Motion to approve by Councillor Shand, seconded by Councillor Tontar. Roll call vote, 9 yes, 2 present (Zeid, Eigerman). Motion passed.

- APPT163 04 13 2020 Glenn Richards 6 Kent St Historical Comm 5/1/2023  
Motion to approve by Councillor Shand, seconded by Councillor Connell. Roll call vote, 11 yes. Motion passed.
- APPT173 04 27 2020 Stephen G. DeLisle 195 High St ZBA 5/31/2021

## Public Safety

### *In Committee:*

- COMM216\_01\_13\_2020 Ltr re: Ban the Use of Glyphosate
- COMM221\_01\_27\_2020 Letter re: Sign at 43 Pine Hill Road
- COMM227\_02\_10\_2020 Update and Request from Waste Stream Task Force
- APPL004\_03\_09\_2020 Footsteps for Food - 4/14/2020
- APPL005\_03\_09\_2020 Cultural Survival Bazaar - 7/18-19 2020
- APPL006\_03\_09\_2020 Spring Invitation Night - 5/1/2020
- APPL007\_03\_09\_2020 Newburyport Spring Festival - 5/24-25 2020
- APPL008\_03\_09\_2020 Newburyport Car Show - 8/20/2020
- APPL009\_03\_09\_2020 Newburyport Fall Harvest Festival - 10/11-12 2020
- APPL010\_03\_09\_2020 Witches' Night Out - 10/23/2020
- APPL011\_03\_09\_2020 Downtown Trick or Treat - 10/30/2020
- APPL012\_03\_09\_2020 Invitation Nights - 12/4, 12/11, 12/18 2020
- ODNC055\_03\_09\_2020 Recycling and Yard Waste Disposal by City
- COMM237\_03\_30\_2020 21-23 Walnut St Public Safety Concern
- APPT165\_04\_13\_2020 Dr. Robin Blair 18 Market St Board of Health 4/30/2023
- ODNC057 04 27 2020 Moratorium on Dog License Fines  
Motion to approve first reading by Councillor McCauley, seconded by Councillor Tontar. Roll call vote, 11 yes. Motion passed.
- APPL013\_04\_27\_2020 Chocolate Tour Central Cong. Church 5/16/2020

## Public Utilities

### *In Committee:*

- APPT156\_03\_09\_2020 John Tomasz 38 Storeybrooke Dr Water/Sewer Comm 3/31/2023
- APPT166\_04\_13\_2020 Robert A. Cook 19 Everette Dr Water/Sewer Comm 3/1/2023
- APPT166\_04\_13\_2020 Resume of Robert Cook, Water/Sewer Commission

## Rules

### *In Committee:*

- COMM220\_01\_27\_2020 Proposed City Council Rule 9F
- ORDR170\_02\_24\_2020 Amendment Council Rules 2020 (COTW)
- ORDR171\_02\_24\_2020 Amendment to Rule 17B (COTW)

## 16. GOOD OF THE ORDER

Council President Eigerman set a date to meet on ORDR180; 5/14 7:00pm. Councillor Tontar noted that the Capital Improvement Program Hearing will be on May 26<sup>th</sup> at 7:00 pm and there will be a Budget and Finance Cmte on this Thursday, May 14, 2020.

## 17. ADJOURNMENT

Motion to adjourn by Councillor Tontar, seconded by Councillor Connell. So voted. 9:43pm.

# COMMUNICATIONS

Ashlyn Calcagni  
Anchor Stone Deck Pizza  
44 State Street  
Newburyport, MA 01950

May 17, 2020

Jared J. Eigerman  
Newburyport City Council  
60 Pleasant Street  
Newburyport, Ma 01950

Dear Sir,

I am writing to you today with concern for an emergency measure to close both State and Pleasant Street to vehicle traffic in response to the economic impact of the partial shutdown brought on by both city and state imposed Covid-19 restrictions.

As the owner of a restaurant located in the downtown business district, my concern is the impact the closure of these two main throughways would have on our ability to conduct business, and the manners in which we do so.

It is my understanding the joint effort between the mayor's office and city council aims to close State and Pleasant Streets to convert these areas into a temporary walking mall in order to allow for downtown area restaurants and retail establishments additional outdoor space to conduct business.

Closure of these streets would have direct and indirect negative impacts on several factors that have allowed certain establishments, including my own, to remain in business during an unprecedented economic disaster brought on by the current health crisis.

First and foremost, my primary concern is not enough respect for the currently available space has been considered. There are alternative spaces in the downtown district which could be utilized by operating businesses instead of the main streets, which bring customers directly to our doors and have allowed for the implementation of the curbside pickup option - universally regarded as the best solution for getting product to consumers during this difficult time. For example, portions of Inn Street could be utilized by various businesses. Threadneedle Alley could be utilized by Ceia. The gravel area behind 8 Pleasant Street, which was once an outdoor dining area, could temporarily be used for this purpose again. Market Square has ample space to support multiple setups while respecting social distancing guidelines. These alternatives should be considered.

It should be taken into account that Newburyport is a high traffic tourist destination during the summer months, and creating a walking mall of its main streets would make it more enticing at a time when we don't want to be unwittingly attracting thousands of unregulated visitors into our community, the demographics of which skew toward the population most vulnerable to severe complications from Covid-19.

Other logistical concerns exist for businesses which offer delivery service or have elected to utilize 3<sup>rd</sup> party delivery services to supplement sales. In my own business, I have made significant investments to safely continue offering my delivery service. The inability to efficiently access my restaurant would impose yet another

obstacle and our ability to offer a quality service would certainly suffer, having a long term affect on this differentiating factor of our business. Those consumers who could not access our restaurant for curbside pickup would likely shop elsewhere in town where such barriers and restrictions would not exist.

In conclusion, I hope you will deny the motion to close State and Pleasant Streets. As an alternative to utilizing the spaces outlined above, I would suggest eliminating parking on either side of these street, dedicating the parking lanes to foot traffic on one side and curbside pickup on the other, allowing retail and restaurants to utilize the entire sidewalk in front of their buildings and/or alternative areas in the downtown district and reducing traffic to one lane on State Street if it is deemed absolutely necessary to use these vital public ways in this manner.

With the certain negative impact on existing, operating businesses so great and the safety of the constituency at an increased risk, I hope good sense will prevail and other measures will be taken to sustain our local economy.

Thank you for your consideration,

Ashlyn Calcagni  
Anchor Stone Deck Pizza  
(978) 478 - 8174

Stephen Luz  
Angies Food and Beer Inc.  
978-479-8913

Andreas Asprogianni's  
Stonecross Pizza  
978 578 9319

George Asprogianni's  
Famous Pizza  
978 397 0186

## TRANSFERS



# CITY OF NEWBURYPORT FY 2020

TRAN070\_03\_09\_2020  
CITY CLERK'S OFFICE  
NEWBURYPORT, MA

## TRANSFER/APPROPRIATION REQUEST

2020 MAY 19 PM 3:59

Revised 5/18/2020

**Department:** Library

**Submitted by:** Mayor Holaday, Giselle Stevens

**Date Submitted:** 3/9/2020

**Transfer From:**

Account Name:	<u>General Fund - Free Cash LIB Staff Salaries</u>	Balance:	<u>\$ 169,920.52</u>
Account Number:	<u>01 35910 01610001-51156</u>	Category:	<u>\$ 183,557.60</u>
Amount:	<u>\$25,000.00</u>	Trans I/O:	<u>\$ -</u>

**Why Funds Are Available:**

There will be a surplus in this account due to the elimination of pages, on-call substitutes and the Sunday pay differentials during the closure of municipal buildings to the public.

**Transfer To:**

Account Name:	<u>LIB Maint-Equipment</u>	Balance:	<u>\$ (12,578.98)</u>
Account Number:	<u>01610002-52401</u>	Category:	<u>\$ 37,668.11</u>
Amount:	<u>\$25,000.00</u>	Trans I/O:	<u>\$ -</u>

**Why Funds Are Needed:**

Over the past 8 months of FY20, the Library has spent \$50,137 on building/equipment repairs. The majority of the repairs were for the ADA automatic front door (\$2,693), the elevator (\$5,350), the HVAC system (\$29,628) and HVAC controls (\$6,925).

The Door and elevator repairs were not anticipated. Much of the HVAC repair was also not anticipated; though the repairs have addressed long-standing issues and completed many of the recommendations identified by the FY19 Library HVAC assessment.

This account is now depleted by (\$7,242) and we are anticipating an additional \$18,000 in planned expenses. Therefore, we are requesting an appropriation of \$25,000 to cover expenses through year-end. While there is still a healthy balance in the overall budget category, most of that is for spending on print and AV materials and subscriptions, which is required to maintain state certification.

Donna D. Holaday, Mayor:

Date: 5/18/20

Ethan R. Manning, Auditor:

Date: 5/18/2020

Sponsor: Charles F. Tontar, Councillor At-Large

City Council Approval:



**CITY OF NEWBURYPORT  
FY 2020**

RECEIVED  
CITY CLERK'S OFFICE  
NEWBURYPORT, MA

**TRANSFER/APPROPRIATION REQUEST**

MAY 19 3:59 PM '20

**Department:** Mayor's Office  
**Submitted by:** Donna D. Holaday, Mayor **Date Submitted:** 5/26/2020

**Transfer From:**

Account Name:	<u>Rsv Appr - Legal Settlements</u>	Balance:	<u>\$ 75,823.16</u>
Account Number:	<u>2745-59600</u>	Category:	<u>\$ -</u>
Amount:	<u>\$26,500.00</u>	Trans I/O:	<u>\$ (11,000.00)</u>

**Why Funds Are Available:**

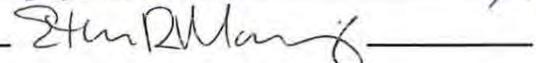
Proceeds from legal settlements are placed into a receipts reserved for appropriation account to be used for any legal municipal purpose at the recommendation of the Mayor and approval by the City Council.

**Transfer To:**

Account Name:	<u>LGL City Solicitor</u>	Balance:	<u>\$ 10,664.80</u>
Account Number:	<u>01191002-53020</u>	Category:	<u>\$ 10,664.80</u>
Amount:	<u>\$26,500.00</u>	Trans I/O:	<u>\$ -</u>

**Why Funds Are Needed:**

A deficit is anticipated at year-end due to litigation and other legal matters that arose during FY2020.

Donna D. Holaday, Mayor:  Date: 5/18/20  
 Ethan R. Manning, Auditor:  Date: 5/18/2020

Sponsor: Charles F. Tontar, Councillor At-Large

City Council Approval:



**CITY OF NEWBURYPORT  
FY 2020**

RECEIVED  
CITY CLERK'S OFFICE  
NEWBURYPORT, MA

**TRANSFER/APPROPRIATION REQUEST**

MAY 19 PM 3:59

**Department:** Mayor's Office  
**Submitted by:** Donna D. Holaday, Mayor **Date Submitted:** 5/26/2020

**Transfer From:**

Account Name:	<u>General Fund - Free Cash</u>	Balance:	<u>\$ 1,528,756.88</u>
Account Number:	<u>01-35910</u>	Category:	<u>\$ -</u>
Amount:	<u>\$81,796.57</u>	Trans I/O:	<u>\$ (343,914.12)</u>

**Why Funds Are Available:**

The Massachusetts Department of Revenue certified Free Cash for FY2020 at \$1,872,671. These funds are available for any legal expenditure with the approval of the Mayor and a vote of the City Council. Balance includes pending transfer(s) in committee.

**Transfer To:**

Account Name:	<u>Snow &amp; Ice - Labor</u>	Balance:	<u>\$ (331.09)</u>
Account Number:	<u>01423001-51301</u>	Category:	<u>\$ (331.09)</u>
Amount:	<u>\$331.09</u>	Trans I/O:	<u>\$ -</u>

**Why Funds Are Needed:**

Snow and ice expenses are variable depending on winter weather conditions. This account is used to pay the overtime for City employees during snow and ice events. State law allows communities to deficit spend in this category, however the deficit must be removed by fiscal year-end with available funds, or raise in FY2021.

**Transfer To:**

Account Name:	<u>Snow &amp; Ice - Expenses</u>	Balance:	<u>\$ (81,465.48)</u>
Account Number:	<u>01423002-52901</u>	Category:	<u>\$ (81,465.48)</u>
Amount:	<u>\$81,465.48</u>	Trans I/O:	<u>\$ -</u>

**Why Funds Are Needed:**

Snow and ice expenses are variable depending on winter weather conditions. This account is used to pay the cost of contractors hired to clear snow, equipment maintenance, as well as, materials such as salt and sand. State law allows communities to deficit spend in this category, however the deficit must be removed by fiscal year-end with available funds, or raise in FY2021.

Donna D. Holaday, Mayor: *Donna D. Holaday* Date: 5/18/20  
 Ethan R. Manning, Auditor: *Ethan R. Manning* Date: 5/18/2020

Sponsor: Charles F. Tontar, Councillor At-Large

City Council Approval:

**APPOINTMENTS  
FIRST READING**



CITY OF NEWBURYPORT  
OFFICE OF THE MAYOR  
DONNA D. HOLADAY, MAYOR

RECEIVED  
CITY CLERK'S OFFICE  
NEWBURYPORT, MA

2020 MAY 19 PM 1:09

60 PLEASANT STREET - P.O. Box 550  
NEWBURYPORT, MA 01950  
978-465-4413 PHONE  
978-465-4402 FAX

To: President and Members of the City Council  
From: Donna D. Holaday, Mayor  
Date: May 19, 2020  
Subject: Appointment

*Handwritten signature: Donna D. Holaday*  
*Handwritten signature: [illegible]*

-----  
I hereby appoint, subject to your approval, the following named individual as an alternate member of the Harbor Commission. This term will expire on June 1, 2023.

Ronald M. Thurlow  
28A Hancock Street  
Newburyport, MA 01950

## Harbor Commission Bio – Ronald Thurlow - Reappointment

I would like to continue to be a member of the Newburyport Harbor Commission. The harbor is a valuable part of what Newburyport is and the City's stewardship of the harbor is to be commended. I have been a life-time Newburyport resident, recognizing the value and importance of our harbor and waterfront. I have been a boater and long-time boat owner on the river.

I have supported the Newburyport community over the years through activities such as youth sports coach, religious education teacher, school building needs committee and other activities. In addition to City and harbor passion and commitment I bring extensive professional experience, including being the Maintenance Director for a large highly regulated facility managing a group of 170 people and a department budget of over forty million dollars a year, and a Master's of Science from the University of Lowell. Early in my career I served as Captain in the US Air Force. I have attached a resume with additional career details.

About eight years ago I was able to be part of the harbor stewardship efforts in action when the South Jetties at the mouth of the river needed rebuilding. Working with local contacts I was able to identify and secure the needed rocks that were used for the South Jetty. I hope as a member of the harbor commission I can support the city in maintaining the harbor for all to enjoy.

**RONALD M. THURLOW, CHP**  
**SENIOR DIRECTOR OF OPERATIONS**

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**CAREER PROFILE**

Mr. Thurlow has 37 years of experience and has held various technical and leadership positions in nuclear power facilities, including Radiation Protection Manager, Fleet Radiation Protection and Chemistry Manager, Maintenance Director, and Nuclear Oversight Manager. Mr. Thurlow also served as an officer in the United States Air Force where he was the officer in charge of worldwide radiological response and consultation for the Air Force. He has an M.S. and B.S. in Radiological Sciences and Protection and is certified by the American Board of Health Physics. Mr. Thurlow has served as the President of the Health Physics Society Power Reactor Section and has been a contributor and principle investigator for various EPRI Guideline documents. Mr. Thurlow has served 20 years on the Massachusetts Institute of Technology (MIT) Reactor Safeguards Committee Member, appointed by the MIT President, for senior level nuclear safety and surety of the Massachusetts Institute of Technology Reactor. Mr. Thurlow's specialties include operational radiation protection, leadership development, emergency response, independent oversight, industrial safety and human performance.

**PROFESSIONAL EXPERIENCE**

**May 2019 - Present**

Radiation Safety & Control Services (RSCS)

**Senior Director of Operations**

- Provide leadership for the following RSCS divisions; consulting services, environmental, manufacturing, calibration laboratory, and project management.
- Services and products include high level technical professional services, application of advanced technologies to support operational radiation protection and environmental engineering, and ISO Certified radiological calibrations.

**June 2018 – May 2019**

Radiation Safety & Control Services (RSCS)

**Consultant**

- Principle Investigator for two Electric Power Research Institute projects for the use of advanced technology for radiation protection and decommissioning. AP3 Certified Evaluator for all EPRI Radiation Protection Tasks.
- Industrial Safety and Human Performance leadership training and event response support. Historical Site Assessment for a large, Midwest commercial nuclear site.

**July 2017 – June 2018**

Seabrook Nuclear Power Station

**Nuclear Assurance and Assessment Manager**

- Provide independent assessment of Station performance in all functional areas. Assessments identify gaps, drivers and recommended actions. During this period Seabrook Station received the ninth consecutive Institute for Nuclear Power Operations



**RONALD M. THURLOW, CHP  
SENIOR DIRECTOR OF OPERATIONS**

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(INPO) exemplary (highest possible) rating of “1”. This represents an industry best 20 consecutive years of INPO 1 performance.

**January 2016 – July 2017**

NEXtera Energy

**Nuclear Oversight Rotational Assignment**

- Planned and performed independent assessments. Diverse experience such as CFAM in multiple functional areas, and senior positions such as Site Maintenance Director applied to provide high level insights and strategic and tactical recommendations to improve site and Fleet performance.

**2013 - 2016**

NEXtera Energy

**Safety and Human Performance Nuclear Fleet Director**

- Responsible for Fleet wide industrial safety and human performance. While CFAM the Fleet achieved the lowest injury rates of the Corporation and had the lowest rates in the Nuclear Division history.

**January 2010 – 2012**

NEXtera Energy, Seabrook Station

**Site Maintenance Director**

- Responsible for all aspects of Maintenance at a Nuclear Station, including managing five departments with 170 employees and an annual budget of 50 million dollars. Successful outage execution, INPO 1 rating, also supported and participated as Maintenance Director for the successful INPO training accreditation board.

**January 2008 – January 2010**

NEXtera Energy

**Radiation Protection and Chemistry, Fleet Director**

- Managed Radiation Protection, Chemistry, and Radioactive Waste Programs for the Fleet. Established long term disposal contracts saving NEE over 50 million dollars in life of plant disposal costs.
- Created a Fleet Outage Execution program that eliminated Chemistry related delays Fleet wide. NEE Fleet member of the Technical Advisory Committees for all Chemistry, Radiation Protection and Radioactive Waste research efforts by Electric Power Research Institute (EPRI).

**2005 – 2008**

NEXtera Energy, Seabrook Station

**Radiation Protection Manager**

- Managed all aspects of the radiation protection program including health physics staff, radioactive waste and decontamination staff, ALARA, instrumentation, waste disposal,

**RONALD M. THURLOW, CHP**  
**SENIOR DIRECTOR OF OPERATIONS**

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shipping, operational radiation protection, respiratory protection program, radiological environmental monitoring program and hazardous waste program.

**1997 – 2005**

Seabrook Station

**Health Physics Supervisor**

- Responsibilities included supervision of professional Health Physics Staff. Responsible for implementation of technical studies, ALARA, Waste Disposal, RAM Shipping, radiological investigations, internal dosimetry, equipment evaluations, procedure development and environmental monitoring program.

**1991 – 2005**

Seabrook Station

**Senior Health Physicist**

- Responsibilities included supervising HP personnel in the daily operation of the Station Radiation Protection Program during normal operations and refueling outages. Health Physicist responsibilities included providing technical and administrative support to the Health Physics Program.

**1994 – 2018**

Seabrook Station, Emergency Plan collateral duty position

**Emergency Operations Facility Coordinator**

- Senior emergency response position responsible for dose assessment, offsite monitoring, protective action recommendation formulation, State notification and State and Federal response coordination.

**October 1988 – August 1991**

Brooks Air Force Base, San Antonio, TX

Air Force Occupational and Environmental Health Laboratory

**Captain, USAF – Chief Ionizing Radiation Consulting Section**

- Provided onsite and consultative support to worldwide Air Force units. Team Chief for the Air Force Radiation Assessment Response Team. Performed worldwide response for radiological issues including treaty verification in the Soviet Union, accident response, support to NASA and other government agencies. USAF Intrinsic Radiation Officer for Air Force nuclear weapons systems. Entrusted with both a Top Secret and Critical Nuclear Weapons Design Information clearances and broad operational authority. Recognized as the Company Grade Officer of the Year for 1989 and 1990 for the entire unit.

**May 1985 – September 1988**

Seabrook Station

**Health Physicist**

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**RONALD M. THURLOW, CHP**  
**SENIOR DIRECTOR OF OPERATIONS**

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- Provided technical and administrative support for the internal and external dosimetry programs. Developed and provided emergency dose assessment training to station and state emergency response personnel.

**June 1983 – May 1985**

Seabrook Station

**Student Health Physicist**

- Developed dosimetry algorithms and performed software validation and verification.

**EDUCATION**

University of Lowell, Lowell, MA

Bachelor of Science; Radiological Health Physics, 1984

Master of Science; Radiological Sciences and Protection, 1986

INPO Senior Nuclear Plant Manager Course 2012.

**ACCREDITATIONS**

Certified by American Board of Health Physics

AP3 Certified Evaluator for all EPRI Radiation Protection Tasks

Six Sigma Certified

Certified Audit Team Leader

**PROFESSIONAL AFFILIATIONS**

National Health Physics Society, President, Power Reactor Section 2006-2008

American Academy of Health Physics, Certified Health Physicist, since 1992

New England Chapter of the Health Physics Society, President, 2005-2006

Massachusetts Institute of Technology (MIT) Reactor Safeguards Committee Member, appointed by the MIT President, for senior level nuclear safety and surety of the Massachusetts Institute of Technology Reactor, from 2000 - present.

**END OF CONSENT AGENDA  
BEGINNING OF REGULAR AGENDA**

**APPOINTMENTS  
SECOND READING**

## SECOND READING APPOINTMENTS

- APPT174\_05\_11\_2020 Paul Swindlehurst 12 Spofford St Parks Commission 5/1/2025

### **In City Council May 11, 2020:**

Motion to approve the Consent Agenda as amended by Councillor Zeid, seconded by Councillor Khan. So voted.

# ORDERS

Table 2

# CITY OF NEWBURYPORT



IN CITY COUNCIL

May 11, 2020

## ORDERED:

**A RESOLUTION CONGRATULATING ALL NEWBURYPORT STUDENTS ON THEIR 2019-2020 SCHOOL YEAR ACCOMPLISHMENTS WITH SPECIAL RECOGNITION OF LUCILLE GRACE GAGNON, THIS YEAR'S NEWBURYPORT HIGH SCHOOL GRADUATING CLASS VALEDICTORIAN AND CHLOE ANN LANGLEY THIS YEAR'S NEWBURYPORT HIGH SCHOOL GRADUATING CLASS SALUTATORIAN**

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

**WHEREAS**, The City of Newburyport highly values education as the ultimate investment in our collective futures

**WHEREAS**, The City's students have worked extremely hard throughout this school year to achieve excellence in all pursuits and deserve recognition for doing so

**WHEREAS**, The City seeks to recognize the achievements of the all of the City's students and the hard work of all those who work towards educating our children

**NOW, THEREFORE, BE IT RESOLVED** that:

1. Recognition of achievements. The City of Newburyport acknowledges and recognizes all students for their hard work and dedication towards their studies, extracurricular activities, sports, volunteer, work and all other pursuits
2. Sincere Congratulations. The City of Newburyport congratulates all students who will receive an award
3. Special Congratulations. The City of Newburyport offers special congratulations **Lucille Grace Gagnon**, Newburyport High School's Class of 2020 Valedictorian AND **Chloe Ann Langley**, Newburyport High School's Class of 2020 Salutatorian for their superior academic achievement.
4. Expression of Gratitude. The City of Newburyport wishes to extend its gratitude and appreciation to teachers, administrators, staff, coaches and other staff who work towards the education of our children

5. Best Wishes. The City of Newburyport wishes the entire Class of 2020 its best as its students move onto their next endeavors and pursuits. Know that the entire City is behind you and proud of you.

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Councillor Sharif I. Zeid

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Councillor Joseph H. Devlin

# ORDINANCES

# CITY OF NEWBURYPORT



IN CITY COUNCIL

**ORDERED:**

## **AN ORDINANCE ESTABLISHING THE PLUM ISLAND BEACH STABILIZATION FUND**

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

Chapter 2 Administration  
Article VI Finance

### **Sec. 2-395 -- Establishment of the Plum Island Beach Fund**

- a) There is hereby established a trust fund known as the Plum Island Beach Stabilization Fund ("Plum Island Fund").
- b) The Plum Island Fund shall consist of the City of Newburyport's share of continued proceeds from fees collected at the Plum Island Parking Lot, located at the northern point, in accordance with any validly approved City Council Order.
- c) The City Council may establish additional sources for proceeds in the future, amending this Ordinance Accordingly.
- d) The Plum Island Fund shall be ONLY be used to pay costs and expenses arising from or related to the Beach, including but not limited to the maintenance of the beach, river, including, but not limited to, beach nourishments, beach planting, the construction of soft or hard structures, dredging operations and sand placement, maintaining and cleaning the beach.
- e) Appropriations from this fund shall be made at the recommendation of the Mayor with the approval of a two-thirds vote of the City Council.
- f) This section is adopted pursuant to section 5B, chapter 40 of Massachusetts General Law.

Submitted:

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Councillor Sharif I. Zeid  
Ward 1 City Councillor

*pb*  
*2nd Rec'd 5/26/2020*

CITY OF NEWBURYPORT



IN CITY COUNCIL

ORDERED:

**TEMPORARY MODIFICATION OF ORDINANCE RELATING TO THE FINES  
IMPOSED AS LATE FEES ON DOG AND KENNEL LICENSES**

**ARTICLE II - DOGS  
SECTION 3-27 LICENSING OF DOGS AND KENNELS**

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

**WHEREAS** on March 10, 2020, due to the worldwide COVID-19 virus pandemic and pursuant to the Chapter 639 of the Acts of 1950, as amended, and Section 2A of Chapter 17 of the Massachusetts General Laws, Governor Charles D. Baker issued a proclamation that there exists in the Commonwealth of Massachusetts a state of emergency;

**WHEREAS** as of March 19, 2020, the Mayor of Newburyport, Massachusetts has declared a State of Emergency under advisement of the Director of Public Health and the Director of the Department of Emergency Management including closure of Newburyport's City Hall to the public;

**WHEREAS** as of April 20, 2020 the Fines and Fees Justice Center (FFJC) provided Policy Recommendations related to state and local governments in making changes to municipal ordinance fine and fees policies to ensure that fines and fees are not a barrier to people's basic needs through this emergency;

**WHEREAS** Section 2-5 of the Newburyport Charter provides that, except as otherwise provided by general law or by such 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;

**NOW, THEREFORE, THE CITY COUNCIL** of the City of Newburyport hereby declares a three month moratorium during the year two thousand and twenty (2020) on the imposition of fines associated with late fees by amending existing Section 3-27 (c) relating to the licensing of

dogs and kennels as follows, with additions *double-underlined and italicized*, and deletions ~~*double-stricken through and italicized*~~:

**Sec. 3-27(c). – Licensing of dogs and kennels.**

---

The owner or keeper of an unlicensed dog after ~~June~~ September first shall be fined ten dollars (\$10.00) per dog in addition to the license fee. The owner or keeper of an unlicensed dog after ~~July~~ October first shall be fined twenty dollars (20.00) per dog in addition to the license fee. The owner or keeper of an unlicensed dog after ~~August~~ November first shall be fined thirty dollars (30.00) per dog in addition to the license fee. All monies collected for licenses and fines shall be retained by the city.

Councillor Afroz Khan

**Sec. 3-27. – Licensing of dogs and kennels.**

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(a) ...

(b) ...

(c) (The following language shall be in effect through December 31, 2020.)

The owner or keeper of an unlicensed dog after September first shall be fined ten dollars (\$10.00) per dog in addition to the license fee. The owner or keeper of an unlicensed dog after October first shall be fined twenty dollars (\$20.00) per dog in addition to the license fee. The owner or keeper of an unlicensed dog after November first shall be fined thirty dollars (\$30.00) per dog in addition to the license fee. All monies collected for licenses and fines shall be retained by the city.

(The following language shall be in effect after December 31, 2020.)

The owner or keeper of an unlicensed dog after June first shall be fined ten dollars (\$10.00) per dog in addition to the license fee. The owner or keeper of an unlicensed dog after October first shall be fined twenty dollars (~~\$~~20.00) per dog in addition to the license fee. The owner or keeper of an unlicensed dog after November first shall be fined thirty dollars (~~\$~~30.00) per dog in addition to the license fee. All monies collected for licenses and fines shall be retained by the city.

CITY OF NEWBURYPORT



IN CITY COUNCIL

ORDERED:

Late File  
May 26th, 2020

**AN TIME-LIMITED ORDINANCE TO AMEND CHAPTER 11 OF THE MUNICIPAL CODE REGARDING PARKS AND RECREATION IN RESPONSE TO THE COVID-19 PANDEMIC**

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

***Add to Chapter 11, Subsection 11-7, a New Subsection C – "COVID19 Parks Permitting" to read as follows:***

In response to the COVID-19 pandemic, the City Council, in consultation with the Parks Commission, establishes a fee of \$0/hour in certain cases defined as follows:

- A) Recurring use of the following Parks:
  - a. Cashman Park Ballfield
  - b. Perkins Park Ballfield
  - c. Cashman Park Soccer Field
  - d. Cherry Hill Soccer Field Parcel A
  - e. Cherry Hill Soccer Field Parcel B
  - f. Bradley Fuller Park Infield
  - g. Bradley Fuller Park North Field
  - h. Woodman Park Multi-Use Field
  - i. Cashman Park Tennis
  - j. Perkins Park Tennis
  - k. Bartlett Mall Basketball Courts
  - l. Cashman Park Basketball Court
  - m. G.W. Brown School Playground Basketball
  - n. Perkins Park Basketball Courts
  - o. Woodman Park Basketball Courts
  - p. Atkinson Common, Lower, Founders Field
  - q. Atkinson Common, Lower, Pepe Field
  - r. Atkinson Common, Lower, Hawkes Field
  - s. Atkinson Common Tennis
  - t. Brown Square
  - u. Atkinson Common, Upper
  - v. Atkinson Common, Lower
  - w. Atwood/Garrison Gardens
  - x. Bartlett Mall (other than athletic fields or courts)
  - y. Cashman Park (other than athletic fields or courts)
  - z. Moseley Woods Pavilion
- B) 5 or fewer weekdays in any given week

- C) No more than 2 hrs. on any given day
- D) No tents or structures of any kind, temporary or permanent, are permitted
- E) Requests for usage on any weekend day may not be permitted under this subsection
- F) No more than 20 participants maximum (subject to other laws and regulations promulgated by other entities)

Any permit being requested under this specific subsection shall be made to the Parks Commission or its designee, which shall render a decision on the application within 7 days, with an application that shall include the following at minimum:

- A) Identification of the individual or organization
- B) Primary contact with contact information (including physical mailing address, phone number, and the cellphone number of the primary contact)
- C) A list of specific dates and time slot(s) requested
- D) A description of the proposed use
- E) A valid insurance binder with a minimum of \$1M of coverage indicating that the City of Newburyport is an additional named insured without limitation or any other additional requirement.

For the purposes of clarity, this subsection alters fees and permitting in specific cases for a defined period of time overriding 11-5v, 11-7 (specifically Group C) but shall not be construed to alter, eliminate, or supersede any other aspect of Chapter 11 or any rules promulgated by the Parks Commission.

Applicants are on notice that these are requests for fee-free usage of public Parks which belong to the residents of Newburyport. The Parks Commission must weigh this against any permit application and across all permit applications. In addition, the Parks Commission must also be mindful of congestion as permit applications are processed.

The Parks Commission may, at its sole discretion, approve or deny permits. Any such grant is a revocable license and, as such, may be revoked by the Parks Commission upon a supermajority vote during a public meeting.

This section and any permits approved under it shall expire on August 31<sup>st</sup>, 2020 at 11:59 PM unless this subsection is extended by the City Council or unless any individual permit is revoked by the Parks Commission at any time.

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Sharif I. Zeid, Ward 1 City Councillor

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Joseph H. Devlin, At Large City Councillor

**COMMITTEE ITEMS**

# Committee Items-May 26, 2020

## Budget & Finance

### **Budget & Finance**

#### *In Committee:*

- TRAN076\_05\_11\_2020 Storm Water Test \$9,944.31, Storm Water Maint \$16,939.15, Streetlights Electricity \$14,576.54 to CIP Phillips Drive Drainage Improvement \$41,460
- TRAN077\_05\_11\_2020 Free Cash \$125K to Fire OT \$110K, Fire Dispatch OT \$15K
- TRAN078\_05\_11\_2020 Mult Accts \$\$42,928.37 to CIP Rail Trail Phase II \$42,928.37
- COMM245\_05\_11\_2020 DLS Ltr MJHandy Deficit 150K
- COMM238\_04\_13\_2020 FY2021-FY2025 Capital Improvement Program Submission

**Removal from Committee Form**

**Instructions: Remit to [rjones@cityofnewburyport.com](mailto:rjones@cityofnewburyport.com); [pbarker@cityofnewburyport.com](mailto:pbarker@cityofnewburyport.com); [cgreen@cityofnewburyport.com](mailto:cgreen@cityofnewburyport.com) by Wednesday, 5 PM preceding Council meeting**

**Committee Name: Budget and Finance**

**Committee Chair: Tontar**

	Measure Identifier	Measure Title	Amended in Committee? (if yes, attach final version)	Consent Agenda or Regular Agenda?
1.	TRAN076_05_11_2020	Storm Water Test \$9,944.31, Storm Water Maint \$16,939.15, Streetlights Electricity \$14,576.54 to CIP Phillips Drive Drainage Improvement \$41,460.	No	Consent
2.	TRAN077_05_11_2020_REVISED	Free Cash <del>\$125K</del> \$165K to Fire OT <del>\$110K</del> \$150K Fire Dispatch OT \$15K.	Yes	Consent
3.	TRAN078_05_11_2020	Mult Accts \$\$42,928.37 to CIP Rail Trail Phase II \$42,928.37.	No	Consent
4.	COMM245	Ltr to DOR_DLS c44s31.	No	Consent
5.	COMM238_04_13_2020	FY2021-FY2-25 Capital Improvement Program Submission.	Yes	Consent
6.				
7.				
8.				
9.				
10.				
11.				
12.				
13.				



TRAN076\_05\_11\_2020

CITY CLERK'S OFFICE  
NEWBURYPORT, MA  
7:20 MAY -5 PM 3:22

# CITY OF NEWBURYPORT FY 2020 TRANSFER/APPROPRIATION REQUEST

**Department:** Department of Public Services  
**Submitted by:** Anthony J. Furnari, Director **Date Submitted:** 5/11/2020

**Transfer From:**

Account Name:	<u>Storm Water Testing</u>	Balance:	<u>\$ 9,944.31</u>
Account Number:	<u>01421002-53032</u>	Category:	<u>\$ 249,513.00</u>
Amount:	<u>\$9,944.31</u>	Trans I/O:	<u>\$ -</u>

**Why Funds Are Available:**

A reappropriation of funds to the Phillips Drive Drainage Improvements CIP account is recommended.

**Transfer From:**

Account Name:	<u>Storm Water Maint.</u>	Balance:	<u>\$ 16,939.15</u>
Account Number:	<u>01421002-52406</u>	Category:	<u>\$ 249,513.00</u>
Amount:	<u>\$16,939.15</u>	Trans I/O:	<u>\$ -</u>

**Why Funds Are Available:**

A reappropriation of funds to the Phillips Drive Drainage Improvements CIP account is recommended.

**Transfer From:**

Account Name:	<u>Streetlights - Electricity</u>	Balance:	<u>\$ 66,179.64</u>
Account Number:	<u>01421002-52103</u>	Category:	<u>\$ 249,513.00</u>
Amount:	<u>\$14,576.54</u>	Trans I/O:	<u>\$ (5,228.00)</u>

**Why Funds Are Available:**

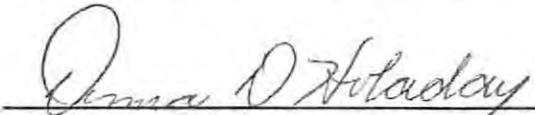
A surplus is anticipated at year-end.

**Transfer To:**

Account Name:	<u>CIP Phillips Drive Drainage Improv.</u>	Balance:	<u>\$ 56,850.00</u>
Account Number:	<u>3806-49700</u>	Category:	<u>\$ 56,850.00</u>
Amount:	<u>\$41,460.00</u>	Trans I/O:	<u>\$ -</u>

**Why Funds Are Needed:**

Funds are needed to conduct the Phillips Drive Roadway and Drainage Improvement Design. The lowest bid came in at \$93,310 plus a \$5,000 contingency brings the total design budget to \$98,310. There is \$56,850 remaining in the CIP account from the \$75,000 appropriated in June 2018.

Donna D. Holaday, Mayor:  Date: 5/5/20  
 Ethan R. Manning, Auditor:  Date: 5/5/2020

Sponsor: Charles F. Tontar, Councillor At-Large

City Council Approval:

**CITY OF NEWBURYPORT  
PHILLIPS DRIVE NEIGHBORHOOD  
ROADWAY AND DRAINAGE IMPROVEMENTS**

April 29, 2020

**Scope of Services**

BSC Group, Inc. (BSC) prepared a comprehensive scope of work for the proposed roadway and drainage improvements within the Phillips Drive Neighborhood in the City of Newburyport, Massachusetts which includes Phillips Drive, Sullivan Drive, Drew Street, and Ryan Road. The proposed services shall include the wetland resource area delineations, design, permitting, bidding and limited construction support of the roadway and drainage improvements as outlined in the RFP dated February 14, 2020.

BSC has prepared this proposal based upon the following understanding of your needs and circumstances that have affected the scope of services:

- An existing conditions survey of the area has been previously prepared and will be provided in AutoCAD file format for use in the execution of this scope.
- The neighborhood was originally built on wetlands and the soils are typically poorly draining causing high groundwater and drainage issues in the neighborhood. Improvements will need to consider subdrains, swales and other drainage features to direct stormwater runoff away from homes to improve existing poor drainage conditions.
- Based on the MassGIS Wetlands Viewer, there appears to be wetland resource areas and/or buffer zones located in and adjacent to the neighborhood. Thus, the delineation of these areas and the filing of a Notice of Intent with the Newburyport Conservation Commission along with the issuance of an Order of Conditions for the proposed improvements will be required.
- The design and construction of the improvements shall be in compliance with applicable federal, state, and local regulations, including the latest edition of the MassDOT Standard Specifications for Highways and Bridges, latest edition, 2/20/20, and the City's Stormwater Management Ordinance and Stormwater Rules and Regulations.
- The project is intended to be constructed in two phases as outlined in the RFP.
- The City will determine if the water distribution and/or sanitary sewer systems require upgrading. If required BSC can incorporate the upgrades as an Additional Service.

## **Scope of Work:**

### **Wetland Delineation**

BSC wetland scientists will update delineated wetland resource areas within and adjacent to the project limits. Because of trespass law, we are unable to delineate wetlands on property not owned by the City without approval from the property owners. However, we will sketch the estimated location of wetlands which extend from, or may be located within, 100-ft of the roadway right of way line.

Additionally, BSC will evaluate and flag the Mean Annual High-Water Mark/Top of Bank (whichever is higher) of the stream that runs from Ryan Road to Hoyt's Lane to establish the associated 200-foot Riverfront Area on plans. BSC assumes the Top of Bank will be consistent with the Mean Annual High-Water Mark. Flagging will be limited to the roadway right of way boundary. However, BSC will estimate the Top of Bank and assess the presence of other resource areas, such as Bordering Vegetated Wetlands, along the immediate limits of the right of way boundary. Wetland resource areas will be identified in accordance with the Massachusetts Wetlands Protection Act, its associated Regulations, the Department of Environmental Protection (DEP) Policy 95-1, the Army Corps of Engineers (ACOE) Wetland Delineation Manual (1987) and any local ordinance/bylaw requirements. Policy 95-1 specifically outlines the current DEP criteria and methodology for defining jurisdictional wetlands in Massachusetts. Both the ACOE Manual and Policy 95-1 allow for the use of the environmental characteristics of hydrophytic vegetation, hydric soils and hydrology in order to identify wetland areas.

As part of this task, BSC scientists will place sequentially numbered pink flagging tape in the field in order to demarcate the wetland/upland boundary onsite. The City will engage the surveyor of record to locate the wetland flagging and add to the existing conditions plan.

### **Pavement Evaluation and Soil Borings**

BSC will perform a visual evaluation of the pavement deterioration and the existing drainage issues. Additionally, BSC, with support from the City, will engage a contractor to provide one day of borings, approximately 8-10 borings to refusal or 10-12 feet deep, to help determine the best repair methods for each individual section of roadway. Test pits in critical areas off the sides of the roadway may be advisable to determine groundwater elevations to support the stormwater management improvements. The cost of the boring contractor has been included in our fee and it is assumed that the City will be able to perform the test pit excavation.

BSC will compile the results of the borings, our evaluation of the existing pavement, and recommended repair solutions in a letter report.

### **Schematic Design**

Working with the City, BSC will prepare a preliminary plan set showing proposed improvements to Phillips Drive, Sullivan Drive, Drew Street, and Ryan Road. BSC's plans will show preliminary roadway improvements, rough site grading, utilities, and stormwater management solutions for discussion and review with the City Departments. The BSC site plans will include:

- Cover Sheet
- Existing Conditions Plan (provided by others)
- Site Preparation Plan: Plan illustrating those existing Site elements to be removed or modified prior to new construction and general construction phase erosion control.

- Roadway Improvements Plans: Plan illustrating Site construction materials, dimensioned layout, utilities, existing and proposed contours, and general Site construction features.
- Roadway Profiles: Plan illustrating the proposed and existing roadway centerline profiles and utilities.
- Stormwater Management Plans: Plan illustrating the proposed and existing drainage structures and features to improve the stormwater management of the neighborhood.
- Signage Plan: Plan illustrating the proposed location and type of signage to be installed on the improved neighborhood roadway network.
- Details: Details at appropriate scale to support approval from the City including typical roadway sections.

BSC will submit the Schematic Plan set to the Client for review and comment. One set of revisions have been included in our budget to address review comments from the City.

BSC will attend project Team meetings, Team conference calls and a neighborhood meeting to support the project. For budgeting purposes, BSC has included 24 hours of meeting time during this phase of the project.

#### **75% Design Documents**

Based upon the approved Schematic Design and the Neighborhood meeting BSC will prepare 75% Construction Documents for the purpose of permitting the project with the City of Newburyport Conservation Commission. The 75% Design Documents will be prepared for both Phase I and Phase II of the project.

BSC will also prepare a set of project specifications, including technical and front-end specifications in CSI format to cover all elements of the construction described on the plans prepared above.

A construction cost estimate, using unit pricing, will be prepared based on the approved plans and using the estimated construction quantities for both Phase I and Phase II. The construction documents (plans, technical and front-end specifications, and construction cost estimate) will be submitted to the City for review and comments. Review comments will be satisfactorily addressed and/or incorporated into a final set of 75% construction documents as appropriate.

#### **Notice of Intent Package Preparation and Submittal**

Using the approved 75% Design Plans, BSC will prepare a Notice of Intent package (with associated plans and analysis) for approval of the project under the Massachusetts Wetlands Protection Act (310 CMR 10.00) and the City of Newburyport Wetlands Ordinance. The Notice of Intent will be submitted to the Newburyport Conservation Commission and the Department of Environmental Protection (DEP) in accordance with filing requirements. BSC will coordinate with the Commission to determine the responsibility for providing public notice in the newspaper. We will obtain an abutters list from the City and mail abutter notifications as required.

For projects of this nature, it is typical to receive input during the Conservation Commission processes. BSC has included a budget to provide up to 40 hours of written and engineering design plan revisions and responses to comments received during the Conservation Commission hearings. Additional time, if required, will be provided as an additional service on a time and materials basis.

BSC team will attend the Conservation Commission public hearing in support of the Project. BSC has estimated the attendance of two (2) Conservation Public Hearings in support of the Project. Upon receipt, we will review the Orders of Conditions (OOC) for any issues detrimental to the City's interests. After the OOC is found to be acceptable by the City, BSC will record the Order at the Essex County Registry of Deeds.

### **Final Design Documents**

Based upon the approved 75% Design Documents and the Order of Conditions BSC will prepare the 100% Construction Documents for the purpose of bidding and construction of the approved work. The documents will cover both Phase I and Phase II of the project with the understanding that the drainage improvements will be constructed first with the roadway improvements beginning the following construction season as a separate bid project. Careful attention will be given to the Phase I work and accommodating the existing Phase II infrastructure along with the bidding and constructing the drainage work separate from the roadway improvement work. The Phase II design will include the removal of any temporary infrastructure required in Phase I.

A set of bidding specification, including technical and front-end sections, to cover elements of the site construction described on the plans will be prepared to support Phase I and II.

The 75% Construction estimates will be updated and advanced to 100%. The construction documents (plans, technical specifications, and construction cost estimate) will be submitted to the City for review and comments. Review comments will be satisfactorily addressed and/or incorporated into a final set of construction documents as appropriate.

### **Bid Documents**

Based upon the approved Final Design, BSC will prepare two sets of Bid Documents for bidding and construction of the approved work associated with Phase I of the project. The documents will cover the Phase I scope of work of the project with the understanding that the drainage improvements will be constructed first with the roadway improvements beginning the following construction season as a separate bid project.

A set of bidding specification, including technical and front-end sections, to cover elements of the site construction described on the plans will be prepared to support both Bid packages for the Phase I scope of work.

The Construction estimates will be updated and advanced to 100%. The construction documents (plans, technical specifications, and construction cost estimate) will be submitted to the City for review and comments. Review comments will be satisfactorily addressed and/or incorporated into a final set of Bid documents as appropriate.

**Additional Services:**

The following services are not included as a part of this Agreement. These services may become necessary based upon the conclusions derived from the performance of the proposed services. If required, these services will be performed for an additional fee to be paid on an hourly basis in accordance with the attached Fee Schedule.

- Field Survey (with associated research, office calculations and data reduction). The field survey is to be provided to BSC by the City.
- Utility designation to verify record utility plans and non-intrusive vacuum excavation to determine depths to specific utility lines, including any contractor fees.
- Activities related to the collection, handling, or treatment of hazardous materials. For this work it is assumed that any excess material can be disposed of as cover material at an unlined landfill.
- Construction and Bidding support. BSC can provide support as requested by the City as an Additional Service.



# CITY OF NEWBURYPORT FY 2020

TRAN077\_05\_11\_2020

## TRANSFER/APPROPRIATION REQUEST

Revised 5/12/2020

**Department:** Fire Department  
**Submitted by:** Christopher J. LeClaire, Fire Chief      **Date Submitted:** 5/11/2020

**Transfer From:**

Account Name:	<u>General Fund - Free Cash</u>	Balance:	<u>\$ 1,693,756.88</u>
Account Number:	<u>01-35910</u>	Category:	<u>\$ -</u>
Amount:	<u><del>\$125,000.00</del> \$165,000.00</u>	Trans I/O:	<u>\$ (178,914.12)</u>

**Why Funds Are Available:**

The Massachusetts Department of Revenue certified Free Cash for FY2020 at \$1,872,671. These funds are available for any legal expenditure with the approval of the Mayor and a vote of the City Council. Above balance includes pending TRAN074\_04\_27\_2020 for \$125,825.

**Transfer To:**

Account Name:	<u>Fire Overtime</u>	Balance:	<u>\$ (66,211.61)</u>
Account Number:	<u>01220001-51301</u>	Category:	<u>\$ 397,931.31</u>
Amount:	<u><del>\$110,000.00</del> \$150,000.00</u>	Trans I/O:	<u>\$ -</u>

**Why Funds Are Needed:**

The FY2020 appropriation for Fire Overtime was \$300,000. Overtime is predominantly used to cover paid time off, including vacation, sick and personal time. An additional \$150,000 is needed to cover the current deficit, as well as, expenses through year-end.

**Transfer To:**

Account Name:	<u>Fire Dispatcher Overtime</u>	Balance:	<u>\$ (6,876.59)</u>
Account Number:	<u>01220001-51302</u>	Category:	<u>\$ 397,931.31</u>
Amount:	<u>\$15,000.00</u>	Trans I/O:	<u>\$ -</u>

**Why Funds Are Needed:**

The FY2020 appropriation for Fire Dispatcher Overtime was \$20,000. Overtime is predominantly used to cover paid time off, including vacation, sick and personal time. An additional \$15,000 is needed to cover the current deficit, as well as, expenses through year-end.

Donna D. Holaday, Mayor:

*Donna D. Holaday*

Date: 5/12/20

Ethan R. Manning, Auditor:

*Ethan R. Manning*

Date: 5/12/2020

Sponsor: Charles F. Tontar, Councillor At-Large

City Council Approval:

FY2020 Fire Overtime as of 4/30/2020

01220001-51301

Category	YTD Expended
VACATION DAY/NIGHT	\$ 150,005.00
PERSONAL DAY/NIGHT	\$ 8,995.00
ACTING LIEUTENANT	\$ 1,683.00
SICK COVERAGE	\$ 54,469.00
INJURY COVERAGE	\$ 95,090.00
BEREAVEMENT	\$ 953.00
CALL BACK	\$ 5,590.00
STORM COVERAGE	\$ -
TRAINING	\$ 6,590.00
MUTUAL AID	\$ 10,774.00
MEETINGS	\$ 3,421.00
FIRE ALARM	\$ 2,661.00
YANKEE HOMECOMING	\$ 6,216.00
MISCELLANEOUS	\$ 6,209.00
HAZMAT	\$ 16,159.00
REGULAR 3%	\$ 6,350.00
STATION COVERAGE	\$ 593.00
BOAT	\$ 1,484.00
APPARATUS MAINTENANCE	\$ 5,953.00
Total	\$ 383,195.00



CITY OF NEWBURYPORT  
OFFICE OF PLANNING AND DEVELOPMENT  
60 PLEASANT STREET • P.O. BOX 550  
NEWBURYPORT, MA 01950  
(978) 465-4400 • (978) 465-4452 (FAX)

DONNA D. HOLADAY  
MAYOR

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MEMORANDUM

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TO: NEWBURYPORT CITY COUNCIL  
FROM: GEORDIE VINING, SENIOR PROJECT MANAGER  
SUBJECT: PCB CLEANUP PROJECT; TRANSFER REQUEST  
DATE: 5/5/20

We are writing to respectfully request the City Council's approval of a transfer of \$42,928.37 from several closed-out DPS projects to support the PCB cleanup project in the old rail corridor and inside the Wastewater Treatment Facility (WWTF).

Cleanup of the PCB contaminated soil is required by state and federal law and regulation and is a prerequisite for protection of the WWTF and Rail Trail from storm surge and sea level rise.

The PCB cleanup project has experienced increased costs from originally projected due to finding additional deeper contamination after post-excavation sampling and analysis, which necessitated a second smaller phase of excavation, transport and disposal as well as associated Licensed Site Professional (LSP) costs. An additional pocket of soil contamination was found on the WWTF side of the fence. We are required to conduct a third smaller excavation, transport and disposal of this soil as well as some additional work to close out the rail corridor side. It is a long iterative process, but we are getting close to the end. The current projection for the cleanup in the WWTF including LSP support, sampling and analysis, excavation, transportation, disposal (34 tons) and backfill, and a contingency is \$55,808; the current projection for potential additional work in the old rail corridor is \$32,443, and there remains the backfill to complete. We are seeking an additional smaller Brownfields grant from the Merrimack Valley Planning Commission for the balance.

Available funding has been identified by the City's Finance Director from several closed out DPS projects as indicated on the transfer request.

Thank you for your consideration.



**CITY OF NEWBURYPORT  
FY 2020**

TRAN078\_05\_11\_2020

RECEIVED  
CITY CLERK'S OFFICE  
NEWBURYPORT, MA

*BFF*

**TRANSFER/APPROPRIATION REQUEST**

MAY -5 PM 3:23

**Department:** Mayor's Office  
**Submitted by:** Donna D. Holaday, Mayor **Date Submitted:** 5/11/2020

**Transfer From:**

Account Name:	<u>Multiple - See below</u>	Balance:	<u>\$42,928.37</u>
Account Number:	<u>Multiple - See below</u>	Category:	<u>\$ -</u>
Amount:	<u>\$42,928.37</u>	Trans I/O:	<u>\$ -</u>

**Why Funds Are Available:**

Closed out capital project accounts.

<b>Account</b>	<b>Description</b>	<b>Amount</b>	<b>Reason Available</b>
3805-59600	2 MACK DT W/PLOWING EQUIP	\$7,177.28	Surplus
3704-59600	CLEAN RIVER PROJECT	\$18,162.66	Did not use
3412-59600	VACUUM TRUCK	\$14,081.68	Surplus
4114-59600	BOBCAT LOADER	\$3,506.75	Surplus

**Transfer To:**

Account Name:	<u>CIP Rail Trail Phase 2</u>	Balance:	<u>\$ -</u>
Account Number:	<u>3608-49700</u>	Category:	<u>\$ -</u>
Amount:	<u>\$42,928.37</u>	Trans I/O:	<u>\$ -</u>

**Why Funds Are Needed:**

To continue cleanup of PCB contaminated soil as required by state and federal laws and regulations. See attached memorandum from Senior Project Manager, Georgie Vining.

Donna D. Holaday, Mayor: *Donna D. Holaday* Date: 5/5/20  
 Ethan R. Manning, Auditor: *Ethan R. Manning* Date: 5/5/2020

Sponsor: Charles F. Tontar, Councillor At-Large

City Council Approval:

B&F



CITY OF NEWBURYPORT  
OFFICE OF THE MAYOR  
DONNA D. HOLADAY  
60 PLEASANT STREET • P.O. BOX 550  
NEWBURYPORT, MA 01950  
(978) 465-4413 • (978) 465-4402 (FAX)  
WWW.CITYOFNEWBURYPORT.COM

May 8, 2020

Mary Jane Handy  
Director of Accounts  
Division of Local Services/MA DOR  
PO Box 9569  
Boston, MA 02114-9569

Dear Ms. Handy:

In accordance with Massachusetts General Law Chapter 44, Section 31, upon the declaration of the state of emergency by the Honorable Governor Charles Baker on March 10, 2020, the City of Newburyport respectfully requests authorization from the Director of the Bureau of Accounts to make payments of liabilities incurred from any available funds in the Treasury.

While the amount of the deficit spending is especially difficult to determine, the City of Newburyport estimates that costs incurred for personnel and overtime, cleaning supplies, PPE, mitigation measures, remote networking and other related expenditures will be between \$50,000 to \$150,000.

Sincerely,

Donna D. Holaday  
Mayor

cc: Ethan R. Manning, Finance Director/City Auditor



# DLS

DIVISION OF LOCAL SERVICES  
MA DEPARTMENT OF REVENUE

Geoffrey Snyder  
Commissioner of Revenue

Sean R. Cronin  
Senior Deputy Commissioner

May 11, 2020

Ms. Donna Holaday  
Mayor  
City of Newburyport  
Newburyport, MA 01950

Dear Ms. Holaday:

I am in receipt of your request on behalf of the city of Newburyport pursuant to G.L. c. 44, § 31, to deficit spend up to \$150,000 for an emergency situation in the city that affects the public's health and safety. I understand that the emergency is to support the City's response to COVID-19 (Coronavirus).

I approve your request. Per rules of this office, these emergency payments made in FY2020 must be provided for in the FY2021 tax rate recap. Thank you and if you have any further questions, please do not hesitate to contact the Bureau's field representative to the city, Sue Whouley, at 617-626-3086 [whouleys@dor.state.ma.us](mailto:whouleys@dor.state.ma.us).

Sincerely,

Marie Jane Handy  
Director of Accounts

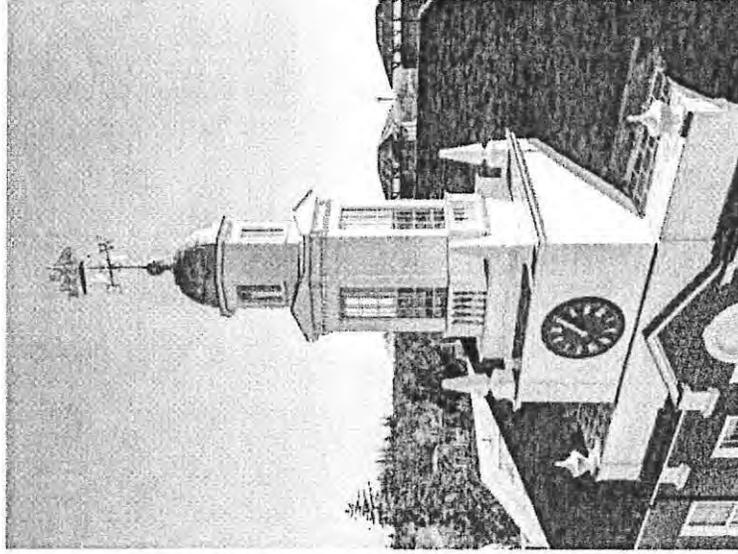
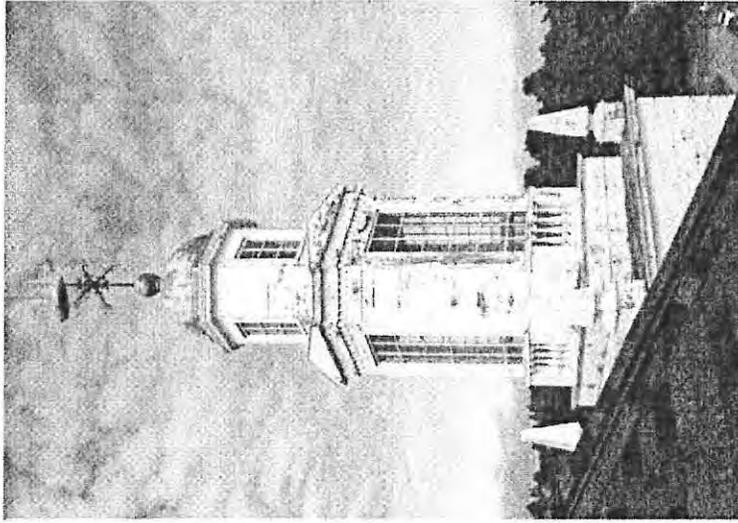
Cc: Jared Eigerman, City Council, President  
Ethan Manning, Finance Director/City Auditor  
Jill Brennan, City Assessor  
Tom Guilfoyle, BOA Supervisor, Springfield Office  
Sue Whouley, Bureau of Accounts Field Rep.

*Supporting a Commonwealth of Communities*

[mass.gov/DLS](http://mass.gov/DLS)  
P.O. Box 9569 Boston, MA 02114-9569  
(617) 626-2300

# FISCAL YEARS 2021-2025

## CAPITAL IMPROVEMENT PROGRAM



**Donna D. Holaday, Mayor**

**City of Newburyport**

**FY2021 Proposed Capital Projects as Amended in the Committee on Budget and Finance**

CIP #	Page	Project Description	AMOUNT	Funding Source	Amended Value
<b>Information Technology</b>					
IT001	16	IT Hardware	\$51,500	Free Cash	\$0
<b>Fire</b>					
FD003	19	Replacement of Fire Station # 2	\$5,000,000	General Fund Debt	\$500,000
FD005	21	SCBA Replacement	\$400,000	Grant, Free Cash	
<b>Police</b>					
PD009	32	Cruiser/Vehicle Replacements	\$75,000	Gen. Fund Budget	\$50,000
<b>Planning &amp; Development</b>					
PL001	34	Riverfront Critical Gap Trail Project/WWTF Resiliency	\$250,000	CPA	\$50,000
PL002	35	Clipper City Rail Trail Phase III	\$425,000	CPA, Grants	
PL004	37	Central Waterfront Park Expansion and Rail Trail Extension	\$500,000	CPA, Grants, NRA Revenue	
PL006	39	Newburyport Youth Services	\$500,000	General Fund Debt	\$0
<b>Parks</b>					
PK003	42	Joppa Park Improvement Project	\$300,083	Grant	
PK005	43	Field Improvement - Fuller Complex	\$1,011,006	CPA Debt	\$0
PK012	48	Master Plan for Lower Atkinson Common	\$25,000	CPA	
PK013	49	Bartlet Mall Hist. Restoration – NW Corner Improvements	\$192,915	CPA	
PK014	50	Parks Field Office	\$350,000	Donation, General Fund Debt	\$0
<b>Library</b>					
LI001	51	HVAC System Repair/Replacement - Archival Center	\$126,000	CPA	
<b>DPS - Highway</b>					
HW003	56	Drainage Improvement Projects Phase 1	\$172,769	General Fund Debt	
HW005	58	Roadway Paving Improvement	\$2,561,000	Ch. 90, Grants	
HW006	59	Sidewalk Replacement/New Construction Program	\$300,000	Meals Tax	
HW007	60	Downtown Utility Upgrades (Design)	\$500,000	Gen. Fund/Water/Sewer Debt	
HW008	61	Phillips Drive Roadwork and Drainage	\$200,000	General Fund Debt	\$41,460
HW010	63	Purchase of Two 6 Wheel Dump Truck with Plow	\$125,825	Free Cash	\$125,825
HW015	66	Tire Machine	\$20,000	RRFA Fuel, Water/Sewer Ret. Earnings	
HW016	67	Fuel Delivery System	\$20,000	RRFA Fuel, Water/Sewer Ret. Earnings	
<b>DPS - Water</b>					
WA001	69	Water Main Replacement	\$150,000	Available CIP Funds	
WA003	71	Meter Replacement Project (Water/Sewer)	\$150,000	Available CIP Funds	
WA005	72	Watershed/Public Water Supply Protection	\$175,000	CPA, Grants	
WA014	81	Water Storage Tanks/Cleaning Mixers	\$50,000	Water Enterprise Funds	
<b>DPS - Sewer</b>					
SW001	81	Purchase of Ten Wheel Dump Truck	\$48,056	Sewer Budget	
SW002	82	WWTF and Sewer System Resiliency Plan	\$300,000	Sewer Retained Earnings	
<b>Schools</b>					
SC003	90	NHS-Exterior Woodwork Project	\$127,000	CPA, Available CIP Funds	
SC006	93	NHS-Bleacher Seat Replacement	\$24,750	Free Cash	\$0
SC008	95	NHS-Energy Reduction Projects	\$237,433	Grants	
<b>Total FY2021 Project Costs</b>			<b>\$14,368,337</b>		

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**CAPITAL IMPROVEMENT PROGRAM: FY2021-FY2025**

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## **I. Executive Summary**

Dear President & Members of the City Council:

I am pleased to submit herewith the proposed Fiscal Years 2021-2025 Capital Improvement Program (CIP). All projects listed under FY2021 will be accompanied by a funding request prior to or during the next fiscal year. All projects listed under FY2022 through FY2025 will require funding through a combination of sources as noted on the project detail sheets. As you are aware, I have placed significant emphasis on the importance of developing an organized and coordinated CIP for the City, as required by City Charter. This has proved to be a useful tool for the City and is now embedded in the City's long-range financial planning process.

The format and organization of the CIP is designed to include: 1) a description and justification of each project, 2) the year in which the project or acquisition is planned, and 3) the recommended financing mechanism. The City is very active in seeking grants and alternative funding mechanisms before recommending an appropriation from General Fund or Enterprise Fund revenues. In accordance with City Financial Policies, the City seeks to avoid the issuance of debt for any projects less than \$500,000.

**Note:** During the submission of this document, the City was in the midst of the COVID-19 virus and pandemic state of emergency; of which the financial impacts were unclear and could substantially alter this plan as presented.

### **Development of the CIP**

Prior to the implementation of the CIP, individual departments maintained their own capital budgets. This practice provided an inventory of capital needs for each department but did not engender a comprehensive and holistic approach to capital planning. Prior to FY2013, the City was not able to offer an adequate long-term funding program to address important City-wide infrastructure improvements, replace deteriorating equipment, and repair and renovate facilities.

Since FY2013, I have prioritized the continued development and refinement of a comprehensive capital improvement plan that incorporates the capital needs of all City Departments with a practical funding plan for each year of the program. Department Heads have worked with the Mayor's Office to identify and/or update their most important capital needs for FY2021 through FY2025. Significant time has been spent on developing a realistic funding schedule within the confines of the City's financial resources and aligned with the City's financial policies.

On the following page is a breakdown of capital funding priorities for the coming fiscal year. My hope is that the City Council will continue to recognize the value and importance of committing to funding planned projects and acquisitions on an annual basis, while also acknowledging that the City is faced with new and unexpected capital challenges every year.

**CAPITAL IMPROVEMENT PROGRAM: FY2021-FY2025**

**FY2021 Proposed Capital Projects**

<b>CIP #</b>	<b>Page</b>	<b>Department</b>	<b>Project Description</b>	<b>FY2021</b>	<b>Funding Source</b>
IT001	16	Information Technology	IT Hardware	\$51,500	Free Cash
FD003	19	Fire	Replacement of Fire Station # 2	\$5,000,000	General Fund Debt
FD005	21	Fire	SCBA Replacement	\$400,000	Grant, Free Cash
PD009	32	Police	Cruiser/Vehicle Replacements	\$75,000	Gen. Fund Budget
PL001	34	Planning & Development	Riverfront Critical Gap Trail Project/WWTF Resiliency	\$250,000	CPA, Grants, Sewer Enterprise Fund
PL002	35	Planning & Development	Clipper City Rail Trail Phase III	\$425,000	CPA, Grants
PL004	37	Planning & Development	Central Waterfront Park Expansion and Rail Trail Extension	\$500,000	CPA, Grants, NRA Revenue
PL006	39	Planning & Development	Newburyport Youth Services	\$500,000	General Fund Debt
PK003	42	Parks	Joppa Park Improvement Project	\$300,083	Grant
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PK012	48	Parks	Master Plan for Lower Atkinson Common	\$25,000	CPA
PK013	49	Parks	Bartlet Mail Hist. Restoration - NW Corner Improvements	\$192,915	CPA
PK014	50	Parks	Parks Field Office	\$350,000	Donation, General Fund Debt
LI001	51	Library	HVAC System Repair/Replacement - Archival Center	\$126,000	CPA
HW003	56	DPS - Highway	Drainage Improvement Projects Phase 1	\$172,769	General Fund Debt
HW005	58	DPS - Highway	Roadway Paving Improvement	\$2,561,000	Ch. 90, Grants
HW006	59	DPS - Highway	Sidewalk Replacement/New Construction Program	\$300,000	Meals Tax
HW007	60	DPS - Highway	Downtown Utility Upgrades (Design)	\$500,000	Gen. Fund/Water/Sewer Debt
HW008	61	DPS - Highway	Phillips Drive Roadwork and Drainage	\$200,000	General Fund Debt
HW010	63	DPS - Highway	Purchase of Two 6 Wheel Dump Truck with Plow	\$125,825	Free Cash
HW015	66	DPS - Highway	Tire Machine	\$20,000	RRFA Fuel, Water/Sewer Ret. Earnings
HW016	67	DPS - Highway	Fuel Delivery System	\$20,000	RRFA Fuel, Water/Sewer Ret. Earnings
WA001	69	DPS - Water	Water Main Replacement	\$150,000	Available CIP Funds
WA003	71	DPS - Water	Meter Replacement Project (Water/Sewer)	\$150,000	Available CIP Funds
WA005	73	DPS - Water	Watershed/Public Water Supply Protection	\$175,000	CPA, Grants
WA014	81	DPS - Water	Water Storage Tanks/Cleaning Mixers	\$50,000	Water Enterprise Funds
SW001	82	DPS - Sewer	Purchase of Ten Wheel Dump Truck	\$48,056	Sewer Budget
SW002	83	DPS - Sewer	WWTF and Sewer System Resiliency Plan	\$300,000	Sewer Retained Earnings
SC003	90	Schools	NHS-Exterior Woodwork Project	\$127,000	CPA, Available CIP Funds
SC006	93	Schools	NHS-Bleacher Seat Replacement	\$24,750	Free Cash
SC008	95	Schools	NHS-Energy Reduction Projects	\$237,433	Grants
<b>Total FY2021 Project Costs</b>				<b>\$14,368,339</b>	

## Cassandra G. Green

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**From:** Ethan Manning  
**Sent:** Wednesday, April 01, 2020 12:49 PM  
**To:** 'Councillor Connell'; 'Councillor Devlin '; Jared Eigerman; Afroz Khan; 'Councillor Lane'; 'Councillor McCauley'; Heather Shand; 'Councillor Tontar'; 'Councillor Vogel '; 'Councillor Wallace'; Sharif Zeid  
**Cc:** Donna Holaday; Matthew Coogan; Richard Jones; Patricia Barker; Cassandra G. Green  
**Subject:** FY2021-2025 Capital Improvement Program

Council President & Councillors:

In accordance with Section 6-5 of the City Charter, the five-year capital improvement program is hereby submitted to the City Council and posted for viewing on the City website: <https://www.cityofnewburyport.com/fy21-25cip>.

We started developing this plan months ago and, as such, the financial impacts of COVID-19 are not fully reflected in this document. In the immediate term, we will request funding for only mandatory items, such as the final lease payment on the dump trucks that were purchased in 2019. All other capital requests are on hold until we have a better sense of the impact of this global pandemic on City revenue.

As always, if you have any questions, please do not hesitate to reach out to me.

Thank you,

Ethan

**Ethan R. Manning**  
Finance Director  
City of Newburyport  
60 Pleasant Street  
Newburyport, MA 01950  
(978) 465-4404  
[cityofnewburyport.com/finance](http://cityofnewburyport.com/finance)

Sign up for e-alerts and general City information on [CityofNewburyport.com](http://CityofNewburyport.com)



## **Committee Items-May 26, 2020**

### **License & Permits**

- APPT172\_04\_27\_2020      Craig G. Holt      33 Carter St      Licensing Board

L-28



CITY OF NEWBURYPORT  
OFFICE OF THE MAYOR  
DONNA D. HOLADAY, MAYOR

60 PLEASANT STREET - P.O. BOX 550  
NEWBURYPORT, MA 01950  
978-465-4413 PHONE  
978-465-4402 FAX

To: President and Members of the City Council  
From: Donna D. Holaday, Mayor  
Date: April 21, 2020  
Subject: Re-Appointment

I hereby re-appoint, subject to your approval, the following named individual as a member of the Licensing Board. This term will expire on June 1, 2026.

Craig G. Holt  
33 Carter Street  
Newburyport, MA 01950

RECEIVED  
CITY CLERK'S OFFICE  
NEWBURYPORT, MA  
2020 APR 21 PM 1:08

## CRAIG G. HOLT

33 Carter Street  
Newburyport, MA 01950

978-465-6212 (home)  
508-633-6366 (mobile)  
craigholt@reotr.com

### SUMMARY

An independent professional Realtor, who over the past 30 years recognized that living in this community, is not enough. I believe in giving back and making this an even better place to live in.

### SPECIALIST IN THE FOLLOWING AREAS

Masters of Marketing Presentation – Antique Home Marketing Specialist – New Construction Marketing Specialist  
Relocation Services – Condominium Sales – Sellers Representation – Buyers Representation  
Elegant Homes Marketing Specialist

---

### CAREER PROGRESSION

- RE/MAX On the River**, Newburyport, MA 2009 – Present  
*Real Estate Consultant for Sellers, Buyers, Landlords and Renters of Real Estate*
- Marketing Director for New Construction at The Residences at Turner Hill, Ipswich, MA.
  - Top #10 Agent Real Estate Sales Newburyport 2012.
  - 100% Club RE/MAX 2012.
  - Executive Club RE/MAX 2011.
- Carlson Real Estate**, Newburyport, MA 1988 – 2009  
*Marketing Director for New Construction at Frances Drive, Newburyport, MA*
- Consistent Member of Carlson GMAC Real Estate's Nationwide "Directors Club" presented to Carlson GMAC Brokers with annual sales between \$9 and \$13 Million.
- Sprint Telecommunication Sales**, Boston, MA 1986 – 1988  
*Sales Representative for Fiber Network Systems*
- Spaulding/ NBI Computer Systems**, Waltham, MA 1985 – 1988  
*Sales Representative covering South Shore and Rhode Island*
- Marketed stand alone and shared computer systems providing word processing, distributing sophisticated software and systems enhancements.
  - Provided the first integration of personal computers networked, or on a stand alone basis.
- Systems Automation/CPT**, Wakefield, MA 1982 – 1985  
*Marketing Representative*
- Vertical Markets for Banks, Accountants and Financial Institutions of Standalone and Shared Systems.
  - Specialized in hardware and software capabilities to meet each industry's requirements in Massachusetts and Rhode Island.

**Micom Computer Systems**, Boston, MA

1979 – 1982

*Marketing Representative for Word Processing Systems to companies in Eastern Massachusetts, Rhode Island and Southern New Hampshire*

- Specialized in pure play word processing systems with software communications to Data Processing Systems and specialized software for the scientific community

**Walsh Construction Company**, a Division of Guy F. Atkinson, Darien, CT

1977 – 1979

*Office Services Manager, Corporate Headquarters*

- Manager of office facilities.
- Created a records retention management program for all company wide related documents to meet government regulations.

**COMMUNITY INVOLVEMENT**

- Member Superintendent of Schools Relocation Task Force
- Past Member School Council Rupert Nock Middle School
- Past Member Newburyport Education and Business Council
- Past Board of Director O'Neil House
- Board of Directors Historical Society of Old Newbury
- Hospitality Chair for Historical Society Of Old Newbury's Antique Show/Auction
- Founded RE/MAX On the River Charitable Foundation
- Newburyport Licensing Commission, Member since 2014 & Chairman 2016 - Present

**PROFESSIONAL ACHIEVEMENTS**

- President Greater Newburyport Association of Realtors 2003, 2004 & 2012
- Realtor of the Year Greater Newburyport Association of Realtors 2004 & 2013

**EDUCATION**

- Bachelor of Science, Marketing, Fairfield University
- Licensed to Practice Real Estate in Massachusetts

# **Committee Items- Planning & Development May 26, 2020**

- APPT173\_04\_27\_2020 Stephen G. DeLisle 195 High St ZBA
- APPT175\_05\_11\_2020 Ronald DiCola 6 Shandel Dr Conservation Comm
- APPT176\_05\_11\_2020 Jane Sender 9 Dalton St, #3 Conservation Comm



CITY OF NEWBURYPORT  
OFFICE OF THE MAYOR  
DONNA D. HOLADAY, MAYOR

60 PLEASANT STREET - P.O. BOX 550  
NEWBURYPORT, MA 01950  
978-465-4413 PHONE  
978-465-4402 FAX

To: President and Members of the City Council  
From: Donna D. Holaday, Mayor  
Subject: Appointment  
Date: April 21, 2020

*Donna D. Holaday*

I hereby appoint, subject to your confirmation, the following named individual as a member of the Zoning Board of Appeals. This term will expire on May 31, 2021.

Stephen G. DeLisle  
195 High Street  
Newburyport, MA 01950

RECEIVED  
CITY CLERK'S OFFICE  
NEWBURYPORT, MA  
2020 APR 21 PM 1:08

# STEPHEN G. DELISLE

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195 High Street • Newburyport, MA 01950 • (617) 620-0251 • delisle.stephen@gmail.com

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## EXPERIENCE

**RUBIN AND RUDMAN LLP** – Boston, MA

April 2003 – Present

**Partner, Real Estate Department**

- Represent clients in commercial leasing transactions, including retail, office and industrial uses. Clients include national retailers and regional owners as well as operators and managers of commercial real estate. Additional representation of clients in the acquisition, disposition and financing of commercial real estate.
- Counsel to debtors, creditors, creditors' committees, and trustees in complex bankruptcy matters involving real estate. Debtor and creditor clients include banks and other lending institutions, Fortune 500 companies, closely held businesses, and individuals.
- Represent banks and other lending institutions, Fortune 500 companies, closely held businesses, and individuals in commercial disputes, U.C.C. matters and specialized transactional matters.
- Bankruptcy experience includes negotiation and development of Chapter 11 plans of reorganization; acquisition and disposition of assets through Section 363 of the Bankruptcy Code; acquisition of debtor-in-possession financing; usage of cash collateral; and requests for modification of automatic stay.
- Transactional experience includes formation of business entities; and negotiation and drafting of commercial agreements, merger agreements and related documents, commercial loan documents, and modifications to commercial loan documents in connection with work-outs or restructurings.

**FORD MARRIN ESPOSITO WITMEYER & GLESER** – New York, NY

Sept. 2001 – April 2003

**Associate, Litigation Group**

- Practiced in the areas of commercial litigation, environmental litigation, and insurance coverage litigation.
- Drafted discovery documents, motions, and legal memoranda in complex litigations.

## EDUCATION

**WASHINGTON AND LEE UNIVERSITY SCHOOL OF LAW** – Lexington, VA

Juris Doctor, May 2001

Activities: *Race and Ethnic Ancestry Law Journal*, Student Articles Editor  
Moot Court, Negotiation, Client Counseling, and Mock Trial Competitions.

**BLACK LUNG LEGAL PRACTICE CLINIC** – Lexington, VA

Aug. 2000 – May 2001

Caseworker. Competitively selected to participate in clinical program representing coal miners suffering from pneumoconiosis in Department of Labor administrative proceedings.

**BATES COLLEGE** – Lewiston, ME

Bachelor of Arts, English Literature, June 1995

Senior Thesis: "The *Bildung* of the Hero: Amory Blaine and Stephen Dedalus"

Activities: Lacrosse – Four-year letter winner.

## AFFILIATIONS

- Admitted in Massachusetts, New York, United States District Courts for the Districts of Massachusetts, and the Eastern and Southern Districts of New York.
- Massachusetts Bar Association and Boston Bar Association.

## SKILLS AND INTERESTS

Proficient in written and spoken French. Enjoy fly-fishing, skiing, and mountain biking.

PD



CITY OF NEWBURYPORT  
OFFICE OF THE MAYOR  
DONNA D. HOLADAY, MAYOR

APPT175\_05\_11\_2020

60 PLEASANT STREET - P.O. Box 550  
NEWBURYPORT, MA 01950  
978-465-4413 PHONE  
978-465-4402 FAX

2020 MAY -4 AM 10:35

RECEIVED  
CITY CLERK'S OFFICE  
NEWBURYPORT, MA

*Donna D. Holaday*

To: President and Members of the  
City Council  
From: Donna D. Holaday, Mayor  
Date: May 5, 2020  
Subject: Appointment

I hereby appoint, subject to your approval, the following  
named individual as a member of the Conservation  
Commission. This term will expire on June 1, 2023.

Ronald DiCola  
6 Shandel Drive  
Newburyport, MA 01950

April 24, 2020

Dear Donna,

Stephen Moore of the Newburyport Conservation Commission reached out to me recently and mentioned that there is an opening on the Newburyport Conservation Commission. I own a home in Newburyport and reside at 6 Shandel Drive.

I am a life long environmental professional at 4 different Fortune 100 Technology and Pharmaceutical Corporations occupying positions of increasing functional and geographic responsibility. I have held several other positions as well directly related to the conservation field including having owned my own Tree Expert Company and being a New Jersey Certified Tree Expert.

I have experience on several Boards including most recently becoming a member of the Friends of Parker River National Wildlife Refuge Board on February 8, 2020.

I have attached my resume outlining my experience and qualifications and would like to be considered for the Newburyport Conservation Commission opening.

I appreciate your help in providing my qualifications to the appropriate decision maker for the Conservation Commission and welcome any guidance you can provide related to this request.

Sincerely,

Ronald DiCola  
Cell 508-903-3062

## RONALD DI COLA

6 Shandel Drive  
Newburyport, MA 09510

508-903-3062 (mobile)  
rdicola10@gmail.com

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### EXPERIENCE

#### **Sanofi, Paris, France**

**July 2007 - Present**

#### **Sanofi, Waltham, Massachusetts: North America (NA) Health Safety Environment (HSE) Head, Associate Vice President (10/1/2016 – Present)**

Regional HSE leader responsible for starting a new HSE regional support function and building a new Team while providing direct support to 10 NA Region HSE Experts and approximately 60 dotted line HSE Team Members from Sanofi Canada and US sites and businesses. Responsibilities cover ~ 18,000 employees located at 11 manufacturing sites, 6 warehouses, 9 R&D locations, 4 field sales organizations and 7+ commercial operation office locations. Leadership goals include continuous HSE performance improvement in employee/contractor safety, environmental footprint reduction, HSE Compliance and Environmental Sustainability across all US and Canada Operations while building the Sanofi NA community of HSE Professionals. The key strategic leadership initiatives include the introduction of an HSE maturity model to standardize NA HSE operations around a unified HSE Management System and Culture based on prevention, the deployment of leading activities/behaviors and the successful/sustainable engagement of all Sanofi Employees in addressing HSE responsibilities.

#### **Genzyme, a Sanofi Company, Framingham, Massachusetts: Global Head of Biologics HSE (7/01/2014 – 10/01/2016)**

Global HSE Leader for the Sanofi's Biologics manufacturing Division (Rare Disease and tMAbs) responsible for leading the integration of Genzyme HSE into Sanofi, the reorganization of the Division's HSE function and providing strategic and tactical leadership of 9 manufacturing locations in the US and Europe. Through a unique blend of Site and Corporate HSE Leadership experience I successfully established a Division wide HSE Governance structure and site based HSE maturity model focused largely on leading performance indicators. This flexible, yet prescriptive, approach to HSE Governance has been universally successful in delivering a standard HSE Culture focused on proactive behaviors and preventive measures to engage employees/management and drive continuous and sustainable HSE performance improvement at all Sanofi Biologic manufacturing locations. Results include the achievement of top safety performance for the Sanofi Biologics Division, within 2 years, as compared to all other Sanofi manufacturing Divisions.

#### **Sanofi Pasteur, Swiftwater, Pennsylvania: Senior Director HSE (7/13/2007 – 6/30/2014)**

Site and regional HSE Leader responsible for a Team of ~ 25HSE employees and contractors for Sanofi Pasteur's North American Vaccines Division and HSE leadership to over 3,500 employees and contractors in manufacturing, R&D, commercial and logistic operations. Key accomplishments include ISO 14001 Environmental Management Systems recertification in 2008 and 2011 and the development of the site's OHSAS 18001 Health and Safety Management System that was certified in 2009 and recertified in 2011. Developed programs to evolve the HSE culture and achieved a 74% improvement in the total recordable injury rate between 2006 and 2013. Championed the establishment of cross organizational sustainable growth teams in Green Chemistry, Green Procurement, Climate Change and Energy, Waste and Water to reduce the business' environmental footprint and support Sanofi's Corporate Social Responsibility objectives. I also championed a focused initiative to improve operational efficiency by reducing spills, accidental alarms, accidental sprinkler activations, and broadly raising awareness to the prevention of all forms of security and HSE business interruptions. Responsibilities during this 7 year period also included Site Security and Business Continuity Planning.

**Senior Director, Corporate Environmental Affairs (1/1/06 – 7/2007)**

Environmental leader of Pfizer's corporate organization responsible for seven major programs, four directors and an extended network of ~40 environmental professionals located around the world. The most noteworthy programs associated with this position included the Green Building, Green Chemistry, Climate Changes and Energy, Air, Wastewater and Waste programs. Other programs managed included Pfizer's global EHS performance measurement and reporting program and supplier management program. Established Pfizer's 2<sup>nd</sup> Generation public Climate Change Goal and managed Pfizer's goal to eliminate Class I ozone depleting compounds in support of a public goal to protect the ozone layer. Developed Pfizer's EH&S Strategic Plan as a member of the senior management team.

**Director, Corporate Environmental Affairs (10/2004 – 12/2005)**

Led Pfizer's Corporate Environmental Affairs Team made up of experts and programs in energy management and policy, solvent use reduction, product regulation, air, water and waste management. Specific responsibilities included the development and implementation of strategies to manage existing compliance concerns while preparing the Corporation to address emerging environmental issues. In addition to these leadership responsibilities, the program responsibilities identified below continued to be supported.

**Assistant Director, Corporate Environmental Affairs (11/2001 – 9/2004)**

Supported the development and implementation of corporate environmental programs in the areas of ozone layer protection, waste management and minimization, change management, EHS performance data collection and reporting, supply chain environmental management, green chemistry and life cycle assessment. Developed IT solutions to improve compliance, increase efficiency, and reduce the cost of developing and implementing EHS programs.

**Lucent Technologies, Morristown, NJ****1997–August 2001****EH&S Director, Lucent Internetworking Systems (11/2000 – 8/2001)**

Developed and implemented a self-certified Environment, Health and Safety Management System and Product Stewardship program as the lead EH&S professional within Lucent's Data Networking equipment business. Responsible for bringing together a new global business group consisting of 5,000 employees and the products and technologies from 15 acquisitions, to ensure that operations and products meet regulatory and customer environmental requirements.

**EH&S Director (1998- 2000)**

Directed a team of 35 professionals in Corporate EHS operations. Responsibilities included environmental remediation, real estate due diligence, design for the environment and technical support (RCRA, CWA, CAA, OSHA, TSCA etc.). Developed and implemented an EH&S compliance and management systems audit program, an audit follow-up and closure program and an annual Officer level compliance assurance process. Provided operations level leadership to Bell Laboratories' environmental programs. Managed environmental liabilities (CERCLA, SARA). Contributed to a corporate tax rate reduction goal by creating a majority owned remediation subsidiary to aggressively manage a \$300 + million portfolio of remediation liabilities. Decreased remediation costs 4.7 % in the first full year of operation. Developed Lucent's EHS Strategic Plan as a member of the senior management team.

**EH&S Director North American Operations (1997)**

Directed a team of 30 EH&S professionals regionally deployed across the United States. Provided compliance and accident reduction support for over 15,000 installation technicians and compliance support to over 50,000 administrative employees in 900 locations around the country. Developed EH&S management systems for two Business Group clients and decreased lost workday case accidents by 17 % and annual cost to the business by over \$10 million by providing implementation support for the Company's safety improvement goal.

**Manager, EHS Audit and Environmental Teams (1996)**

Managed 30 EH&S professionals through the reorganization of AT&T's service businesses (after the spin off of AT&T's telephone equipment business). Developed a corporate audit and performance metrics program to annually perform 150 audits and measure and report internal and external EH&S performance. Managed a nationwide network of environmental professionals providing EH&S compliance support for the operations of AT&T's telecommunications network infrastructure.

**Manager, Global Compliance Assurance (1992 – 1995)**

Managed a team of 15 EHS professionals in the performance of compliance assurance audits. Led the reorganization and improvement of AT&T's Corporate Compliance Assurance Program in response to the criminal prosecution of the Company on an environmental matter. Engaged 300 EH&S professionals throughout AT&T's Corporate Center, Bell Laboratories and Business Groups in the analysis of EH&S programs; used quality improvement techniques to identify organizational and performance gaps and implemented countermeasures. Improved Audit operational performance by globalizing the audit program, decreasing the audit cycle time, increasing the number of annual audits and improving the overall quality and utility of the compliance information provided to management. Introduced root cause analysis and provided executive engagement opportunities through a new Audit Executive Summary Report. Managed the development and deployment of EHS programs and staff in regional offices in Spain, Singapore, Mexico and China.

**Superfund Manager (1989 – 1991)**

Managed a portfolio of over 100 Superfund sites with liability in excess of \$200 million; estimated cleanup liability reserves, provided technical support for insurance litigation and managed a staff of six engineers responsible for site investigations and cleanups.

**Superfund Engineer (1987 – 1989)**

Managed a case load of approximately 30 abandoned hazardous waste sites with responsibility for all aspects of the Company's Superfund liability including the negotiation of waste contribution to the sites, investigation and clean up financial liabilities, and technical clean up issues with the USEPA and other potentially responsible corporations.

**New Jersey Institute of Technology, Newark, NJ****1989-1992**

**Adjunct Professor in Physical Geology for evening undergraduate classes.**

**NJ Department of Environmental Protection, Trenton, N.J.****1986-1987**

**Senior Environmental Engineer** - Conducted comprehensive environmental assessments of industrial property prior to sale or closure as part of the State's implementation of the Environmental Cleanup Responsibility Act (ECRA).

**New Jersey Institute of Technology, Newark NJ****1984-1986**

**Research Assistant** - Set up a state-of-the-art laboratory and investigated the changes in soil properties and permeability resulting from Benzene, Phenol and TCE contamination.

**Hackensack Meadowlands Environment Center, Lyndhurst, NJ****1984-1985**

**Program Specialist** - Developed and delivered educational programs on estuary ecology, solid waste management and land use planning.

**Appalachian Tree Surgeons, Inc., Montclair, NJ, Owner/President****1980-1984****BOARD EXPERIENCE****Friends of Parker River National Wildlife Refuge****2/2020 – Present**

**Board Member** – Provide oversight and governance of volunteer activities and privately donated funds in support of the Parker River National Wildlife Refuge Mission with activities ranging from fund raising, STEM Internship Programs, habitat and infrastructure restoration and cleanup programs.

**Eastern School of Acupuncture and Traditional Medicine 6/2011 – 9/2013**

**Board Member** – Provide strategic direction and operational guidance to the School's Leadership Team in support of the long-term viability and success of the school, the highest quality educational experience for students and the enrichment of the broader community.

**USEPA Northeast Region Training and Technology Transfer Advisory Committee 1989–1999**

**Chairman** - Chaired a committee of public and private sector experts charged with setting training and technology transfer priorities in the area of hazardous waste management for the USEPA. Annually solicited proposals from research institutions within USEPA Regions 1 and 2 and awarded up to \$300,000 in funding annually.

**Front Street Remedial Action Corporation 1987–1991**

**Director and Treasurer** – Served as Director and Treasurer responsible for contracting and overseeing the implementation of \$30 million court ordered clean up of the Conservation Chemical Company Superfund Site in Kansas City, Missouri.

**EDUCATION**

Massachusetts Audubon Birder's Certificate Program	Aug. 2018 – June 2019
NYU Stern School of Business - Pfizer Legal Leadership Series	March 1-3, 2006 Oct 24-28, 2005
Penn State Executive Education - Lucent Technologies Leadership Training Leading with Impact: Linking People, Strategy and Results Financial Analysis for Strategic Management	Sept. 1999 - Oct. 1999 Oct. 19-29, 1998
New Jersey Institute of Technology, Newark, New Jersey MS Toxicology/ Environmental Science Thesis: The Effects of Toxic Substances on the Index Properties of Soil	1984-1986
Cook College/Rutgers University, New Brunswick, New Jersey BS Environmental Science, with Honors	1978-1979
Montclair State University, Montclair, New Jersey BS Biology, Cum Laude	1975-1978

**HABITAT DEVELOPMENT/RESTORATION PROJECTS**

Garret Mountain Rifle Camp Park Youth Conservation Corp. Trail Development Program Leader - Passaic County Park Commission	1979
Hackensack Meadowlands Environment Center Trail System Development	1984-1985
New Jersey Natural Lands Trust Volunteer – Purple Martin House Project (Barnegat, NJ), Limestone Ridge Trail Heron Rookery Project (Lafayette, NJ), Taylor Property Trail Project (Cinnaminson, NJ)	1986-1991
New Jersey Audubon Volunteer - Butterfly and Hummingbird Habitat Project - Lorimar Sanctuary	1996
Honey Bee Hive Project – 5 Sanofi Genzyme Sites in Europe and US	2015-2018
Screech Owl Conservation Project (Mass Audubon BCP Project) – 10 Nesting Boxes on Sanofi Genzyme Sites in North America	2019

## **HONORS/ACCREDITATIONS**

AT&T Champion of the Environment - 1996

National Association for Environmental Management Special Recognition Award - 1991

Exxon Research Fellowship - 1985

NJ Certified Tree Expert

psd

APPT176\_05\_11\_2020



CITY OF NEWBURYPORT  
OFFICE OF THE MAYOR  
DONNA D. HOLADAY, MAYOR

60 PLEASANT STREET - P.O. Box 550  
NEWBURYPORT, MA 01950  
978-465-4413 PHONE  
978-465-4402 FAX

RECEIVED  
CITY CLERK'S OFFICE  
NEWBURYPORT, MA  
2020 MAY -4 AM 10:35

To: President and Members of the  
City Council  
From: Donna D. Holaday, Mayor  
Date: May 5, 2020  
Subject: Appointment

I hereby appoint, subject to your approval, the following  
named individual as a member of the Conservation  
Commission. This term will expire on June 1, 2023.

Jane Sender  
9 Dalton Street, Unit 3  
Newburyport, MA 01950

Jane E. Sender  
9 Dalton Street  
Unit 3  
Newburyport, MA 01950

March 12, 2020

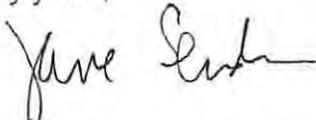
The Honorable Donna D. Holaday  
Mayor  
City of Newburyport  
60 Pleasant Street  
Newburyport, MA 01950

Dear Mayor Holaday,

Please accept this letter and enclosed resume in response to your posting of an opening on the City's website of a position on the Newburyport Conservation Commission. I am a retired lawyer, and served for five years as a member of the Conservation Commission in Newton, MA until I moved to Newburyport in March, 2017. The experience was interesting and rewarding. I have enclosed a brief resume which includes current and recent experience. I would welcome the opportunity to become more involved in my new community.

I look forward to discussing this with you.

Sincerely yours,



Jane Sender  
[janesender@verizon.net](mailto:janesender@verizon.net)  
617 462-8425

Jane E. Sender  
9 Dalton Street  
Newburyport, MA 01950  
Janesender@verizon.net  
617 462-8425

### **Community / Volunteer Experience**

Birding Trip Co-leader, MassAudubon Drumlin Farm Wildlife Sanctuary, Lincoln, MA, 2018 to present; Member, Newton Conservation Commission, 2012-2017; Chair and Member, Newton Community Preservation Committee 2014-2017; President, Newton Conservators, Inc. 2010-2014; NOAA Seabird Observer, Stellwagen Bank National Marine Sanctuary, 2010 to present.

### **Professional Experience**

Attorney, Boston, MA and Atlanta, GA, 1982-2008; Law Clerk, United States Court of Appeal for the Fifth Circuit, Shreveport, LA, 1981-82.

### **Education**

J.D., University of Florida College of Law 1981; B.A./M.A. University of Oxford 1976.

### **Bar admissions**

Massachusetts

# **Committee Items-May 26, 2020**

## **Public Safety**

*In Committee:*

ODNC055\_03\_09\_2020 Recycling and Yard Waste Disposal by City

APPL013\_04\_27\_2020 Chocolate Tour Central Cong. Church 5/16/2020 (Revised  
5/21/2020 Late File

## CITY OF NEWBURYPORT




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 IN CITY COUNCIL

ORDERED:

Revised May 20, 2020

**AN ORDINANCE TO REQUIRE USE OF RECYCLED PAPER, RECYCLING, AND PROPER DISPOSAL OF YARD WASTE BY THE CITY**

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

Amend existing Section 8-91 as follows, with additions double-underlined, and ~~deletions double-stricken out~~:

**Sec. 8-91. - City to recycle and dispose properly of yard waste.**

- (a) *Use of recycled paper products.* The City of Newburyport, including any and all departments, shall procure paper products such that no less than seventy-five percent (75%), calculated or by cost, of such paper products each fiscal year shall be labeled as "Recycled" by the Forest Stewardship Council (FSC), or its equivalent over the period of five (5) years from the date of adoption of this ordinance from which this article is derived increase the use of recycled paper products to seventy five (75) percent. Such increase shall not be less than fifteen (15) percent in any given year within the five-year period. It shall be the responsibility of each department head to ensure the implementation of this section.
- (b) *Recycling of recyclable materials paper products.* The City of Newburyport, including any and all departments, shall ~~over the period of five (5) years from the date of adoption of this ordinance from which this article is derived~~ develop and implement a recycling program for all recyclable materials paper products with the intent of recycling no less than seventy-five (75) percent of said recyclable materials paper products. The Board of Health may promulgate regulations regarding this section. It shall be the responsibility of each department head to ensure the implementation of this section.
- (c) *Disposal of yard waste.* The City of Newburyport, including any and all departments, shall dispose of all yard waste generated from city-owned properties using the Colby Farm Lane Facility, unless leaving such waste on site is merited by best practices for responsible forestry as promulgated by the National Association of Forestry, or unless otherwise directed by the Board of Health in response to a temporary emergency. The Board of Health may promulgate regulations regarding this section. It shall be the responsibility of each department head to ensure the implementation of this section. Any city-

operated compost facility shall be approved by the Sustainability Office and shall conform to M.G.L.A. c.111 s.150A.

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Councillor Jared J. Eigerman

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Councillor Christine E. Wallace

NEW/REVISED

NEWBURYPORT SPECIAL EVENT APPLICATION

Tel. 978 729-2263 Fax. 978 462-5646

(For Parades, Road Races and Walkathons Only - Please complete page 3 of this application)

NAME OF EVENT: CURBSIDE MINI CHOCOLATE TOUR!

Date: JUNE 20 2020 Time: from 12:00 PM to 4:00 PM
Rain Date: / Time: from to

2. Location: NEWBURYPORT SENIOR CENTER

3. Description of Property: USE OF FRONT SIDEWALK, DRIVE THROUGH PARKING LOT Public X Private

4. Name of Organizer: CENTRAL CONGREGATIONAL CHURCH City Sponsored Event: Yes No X

Contact Person: DIANE HAWKINS-CLARK (CO-CHAIR)
Address: 14 THICOMB ST. NBPT Telephone: 978 729-2263 (DIANE'S)

E-Mail: CLARKK@COMCAST.NET Cell-Phone: 978 465-0533 (CHURCH)

Day of Event Contact & Phone: SHANE DIANE HAWKINS-CLARK (978) 729-2263
ERIN KANAGA (203) 216-6829

5. Number of Attendees Expected: 50-60 TO DRIVE THROUGH PARKING LOT

6. MA Tax Number: 222 520 650 EXP. 1/31/29

7. Is the Event Being Advertised? YES Where? FACE BOOK COUNCILS ON AGING NEXT DOOR CENTRAL CHURCH

8. What Age Group is the Event Targeted to? ADULTS

9. Have You Notified Neighborhood Groups or Abutters? Yes No X Who? NOT NEEDED

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

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

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 X No

Rev. 12/15 TO NOT COMPLETELY CANCEL THE 17TH ANNUAL NEWBURYPORT CHOCOLATE TOUR, WE'D LIKE TO DO A SIMPLE DRIVE BY VERSION IN WHICH A SMALL DONATION HANDED OUT THE CAR WINDOWS WILL MEAN A GIFT BAG OF SPECIAL LOCALLY PRODUCED CHOCOLATES. ALL \$ RECEIVED WOULD GO TO THE 4 COUNCILS ON AGING THAT WOULD NORMALLY BENEFIT FROM THE FULL TOUR. IT'S A TOKEN FEE FOR A LIMITED TIME ONLY!

**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 PARADE, ROAD RACE AND WALKATHON EVENTS ONLY

PARADE \_\_\_\_\_

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

WALKATHON \_\_\_\_\_

1. Name of the Group or Person Sponsoring the Road Race, Parade, Walkathon: CHOCOLATE "CURBSIDE"  
CENTRAL CONGREGATIONAL CHURCH NBPT  
NEWBURYPORT ANNUAL CHOCOLATE TOUR

2. Name, Address & Daytime Phone Number of Organizer: \_\_\_\_\_  
DIANNE HAWKINS - CLARK (CO-CHAIR) 978 729-2263  
ERIN KENAGA (CO-CHAIR) 203 216-6827

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

4. Date of Event: JUNE 13, 2020 Expected Number of Participants: ~50 TO DRIVE BY

5. Start Time: 12:00 NOON Expected End Time: 4:00 PM

6. Road Race, Parade or Walkathon Route: (List street names & **attach map of route**): \_\_\_\_\_  
SENIOR CENTER OFF HIGH ST.  
NEWBURYPORT

7. Locations of Water Stops (if any): Ø

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

9. Formation Location & Time for Participants: Ø

10. Dismissal Location & Time for Participants: Ø

11. Additional Parade Information:

- Number of Floats: Ø
- Locations of Viewing Stations: Ø
- 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.

## 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>	
	<input type="checkbox"/> Yes: \$ _____ due on _____ <input type="checkbox"/> No Fee for Special Events applies	
	Other requirements/instructions per DPS _____	
_____	10. Recreation 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.**

### Limitations

- (a) *"Procedure"* All road racing, walkathon, bicycle, or swimming events shall, through that event's organizer, board of directors, charity foundation or designee apply for authorization to hold the event through the Office of the City Clerk. The City Clerk upon review of the completed form will place the application on the regular City Council agenda. 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 event will name one person responsible on the application and shall provide contact information to include name, address and telephone number.
- (b) *"Exemptions"* Each event organizer or organization shall comply with this ordinance and no exemptions will be permitted.
- (c) *"Course map"*, All applications shall be accompanied by a course map showing the event route, water stops, refreshment stops, and so-called "porta-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 Harbormasters Departments prior to submission to the City Clerk.
- (d) *"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 be used for public address announcements or music before 9:00 AM. This shall be deemed a requirement for all permitted events regardless of type or location.

- (e) *"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 ten (10) days in advance that neighborhood roads will be closed if no alternate route is available to those residents.
- (f) *"Insurance"* All events shall have an insurance policy or rider in effect for the event naming the "City of Newburyport" as an insured. The policy shall be no less than two million dollars (\$2,000,000.00).
- (g) *"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.
- (h) *"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 oversee the safety and security of the event. All special duty assignments will be paid by the event organizers.
- (i) *"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.

**13-101 Enforcement**

- (a) *"Regulations"* Consistent with this ordinance, the city shall promulgate regulations to enforce and otherwise implement the provisions of this ordinance upon passage by the City Council. Any event previously approved by City Council shall be deemed permitted.
- (b) *"Warning"* In the circumstance that this ordinance 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.
- (c) *"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 Subsection 1-17 of Chapter 1 of the Code or Ordinances of the City of Newburyport in the amounts set herein in 13-101(d)
- (d) *"Violation"* The non-criminal violation shall be \$100.00 for the first offense and \$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.

***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:**                     *Glenn H. Clark*                    

**Date:**                     5/20/20