

CITY COUNCIL MEETING

AGENDA

January 29, 2024 7:00 pm
City Council Chambers, City Hall
60 Pleasant Street, Newburyport

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

Or One tap mobile:

US: +19292056099,81299990548#

Or Telephone US: +1 929 205 6099

Webinar ID: 812 9999 0548

1. MOMENT OF SILENCE
2. PLEDGE OF ALLEGIANCE
3. CALL TO ORDER
4. LATE FILE
5. RESOLUTION FOR OFFICER JASON KOHANE
6. PUBLIC COMMENT
7. 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.

8. APPROVAL OF MINUTES

January 8, 2024

(Approve)

January 18, 2024

(Approve)

9. COMMUNICATIONS

- APPL00173_01_29_2024 Plum Autoworks 2nd Hand Motor Vehicle License (L&P)
- COMM00528_01_29_2024 Design and Cost Estimates Youth and Recreation Center (CS/COTW)
- COMM00529_01_29_2024 Letter from Jim McCarthy re: Request to update codified sign ordinances (P&D)
- COMM00530_01_29_2024 Update Regarding Zoning Studies & Amendments
Related to Storey Ave & "MBTA Communities" (P&D/COTW)
- COMM00531_01_29_2024 FY2024 Mid-Year Budget Report (B&F)
- COMM00532_01_29_2024 Email from Councillor Zeid re Phillips Dr. (PW&S)

10. TRANSFERS

- TRAN00177_01_29_2024 Mayor: General Fund Free Cash \$27,046 to Fire: Injured-on-Duty \$27,046 (B&F)
- TRAN00178_01_29_2024 Parking: RRFA-Paid Parking Fund \$33,006 to PKG LPR System \$33,006 (B&F)
- TRAN00179_01_29_2024 DPS: General Fund Free Cash \$43,300 to
Roadway & Sidewalk Improvements \$43,300 (B&F)
- TRAN00180_01_29_2024 Fire Dept.: CIP Radio Equipment \$13,000 to
Fire Maint-Buildings & Grounds \$13,000 (B&F)

11. APPOINTMENTS

- APPT00462_01_29_2024 Murphy Hesse Toomey & Lehane City Solicitor 1/31/2025 (GG)
50 Braintree Hill Office Park Suite 410
Braintree, MA 02184

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3. CALL TO ORDER
4. LATE FILE
5. COMMENDATION FOR OFFICER JASON KOHANE
6. PUBLIC COMMENT
7. MAYOR'S COMMENT

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BUDGET & FINANCE

- APPT00452_01_08_2024 Jill Brennan 24 Webster St., Haverhill Assessor 2/15/2027
- ORDR00529_01_08_2024 Gift Acceptance \$2500 David Volz to DPS Parks Bench Renovation Market Sq.
- ORDR00530_01_08_2024 FY2425 CVA Program Grant Acceptance \$16,000

COMMUNITY SERVICES

- APPT00447_01_08_2024 Christine Chapman 28 Dorothy Lucey Dr. Council on Aging 2/15/2027
- APPT00457_01_08_2024 Charles Griffin 3 Vernon St. CPC rep/Parks Comm. 2/15/2027
- APPT00458_01_08_2024 Kimberly Emmons 9 Doe Run Dr. Waterfront Trust 2/15/2026
- APPT00456_01_08_2024 Charles Griffin 3 Vernon St. Parks Commission 2/15/2027

LICENSES & PERMITS

- APPL00167_12_11_2023 State Automotive Repair Second Hand Vehicle License
- APPL00168_12_11_2023 RL Currie Corp. Second Hand Vehicle License
- APPL00170_01_08_2024 LCA Motors Second Hand Vehicle License
- APPL00171_01_08_2024 GNFD Inc. DBA Newburyport Sunoco Second Hand Vehicle License

PLANNING & DEVELOPMENT

- APPT00446_01_08_2024 Elaine King Nickerson 16 Purchase St. Affordable Housing Trust 2/15/2026
- APPT00448_01_08_2024 Biff Bouse 6 Iona Ave. Historical Comm. Rep/CPC 2/15/2026
- APPT00449_01_08_2024 Thomas O'Brien 11 Moseley Ave. CPC rep/HA 2/15/2027
- APPT00450_01_08_2024 Thomas O'Brien 11 Moseley Ave. Housing Authority 2/15/2029
- APPT00453_01_08_2024 Dennis Morel, Jr. 83 Bow Ridge Rd., Lynn Bldg Inspctr. 2/15/2027
- APPT00461_01_08_2024 Jeffrey Mattheson 12 Hart Rd. Electrical Inspctr. 2/15/2025

PUBLIC WORKS & WORKS

- APPT00445_01_08_2024 Mark Spencer 129 Merrimac St. Water /Sewer Comm. 2/15/2026
- APPT00460_01_08_2024 Timothy Rooney 9 Marshview Circle, Asst. Harbormaster/
Seabrook Shfh Const. 2/15/2027
- APPT00451_01_08_2024 Paul Hogg 4 Wildwood Dr. Shellfish Constable 2/15/2027
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END OF CONSENT AGENDA

REGULAR AGENDA

9. MAYOR'S UPDATE

10. FIRST READING APPOINTMENTS

11. COMMUNICATIONS

- APPL00172_01_29_2024 Frigid Fiver 2/4/24 12pm-1pm

12. TRANSFERS

13. SECOND READING APPOINTMENTS

- APPT00459_01_08_2024 Marianne Vesey 10 Kent St. Human Rights Comm. 2/15/2028

14. ORDERS

- ORDR00526_01_08_2024 City Council Calendar *Amended*
- ORDR00532_01_29_2024 Gift Acceptance \$10,012 Newburyport Black History Initiative
- ORDR00533_01_29_2024 NHS Statement of Interest Vote
- ORDR00534_01_29_2024 Nock Statement of Interest Vote

15. ORDINANCES

16. COMMITTEE ITEMS

Budget & Finance

In Committee:

- APPT00452 01 08 2024 Jill Brennan 24 Webster St., Haverhill Assessor 2/15/2027
- ORDR00529 01 08 2024 Gift Acceptance \$2500 David Volz to DPS Parks Bench Reno. Market Sq.
- ORDR00530 01 08 2024 FY2425 CVA Program Grant Acceptance \$16,000

Community Services

In Committee:

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- APPT00456 01 08 2024 Charles Griffin 3 Vernon St. Parks Commission 2/15/2027
- COMM00525_01_08_2024 Letter from Joe Morgan re: Frog Pond Restoration Project
- ORDR00515_11_27_2023 Gift Acceptance Morrill Foundation \$110,000
- ORDR00474_07_10_2023 Plan Approval Bartlett Mall Improvement Project (COTW)

General Government

In Committee:

- ORDR00527_01_08_2024 Council Rules 2024
- ORDR00528_01_08_2024 Local Acceptance of G.L. 41 s.110A

Licenses & Permits

In Committee:

- APPL00167 12 11 2023 State Automotive Repair Second Hand Vehicle License
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- APPL00170 01 08 2024 LCA Motors Second Hand Vehicle License
- APPL00171 01 08 2024 GNFD Inc. DBA Newburyport Sunoco Second Hand Vehicle License
- APPL00169_01_08_2024 5K & 13.1 YuKan Sports 6/9/24, 7/21/24, 9/29/24 Riverwalk Brewing
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- ODNC00164_10_30_2023 Zoning-Amendment-Global-R3-Multi-Family (COTW)

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In Committee:

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- COMM00527_01_08_2024 Letter from Philip Cootey
- ORDR00449_04_24_2023 Approving Shared Streets Grant, High Street Traffic Calming

17. GOOD OF THE ORDER

18. ADJOURNMENT

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1. **MOMENT OF SILENCE** Remembering Sue Shefte Connell and Lenny Chaisson
2. **PLEDGE OF ALLEGIANCE**
3. **CALL TO ORDER** 7:00pm the City Clerk called the roll; the following City Councillors answered present: Donahue (remote), Granas, Harman, Khan, Lane, McCauley, Preston, Shand, Wright, Zeid, and Cameron. 11 present
4. **LATE FILE**
 - COMM00527_01_08_2024 Letter from Philip Cootey PW&S
Motion to waive the rules, accept the late file, and refer to PW&S by Councillor Zeid, seconded by Councillor Lane. Roll call vote, 11 yes, motion passes.
5. **PUBLIC COMMENT**
Richard Goulet 25 Phillips Dr.
Phil Cootey 22 Phillips Dr.
6. **MAYOR'S COMMENT**

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December 11, 2023

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| • APPL00170_01_08_2024 | LCA Motors | | Second Hand Vehicle License | L&P |
| • APPL00171_01_08_2024 | GNFD Inc. DBA Newburyport | | Sunoco Second Hand Vehicle License | L&P |
| • COMM00524_01_08_2024 | PERAC | | FY2025 Appropriation | R&F |
| • COMM00525_01_08_2024 | Letter from Joe Morgan re: | | Frog Pond Restoration Project | CS |
| • COMM00526_01_08_2024 | 2024 Committee assignments | | | R&F |

9. TRANSFERS

10. APPOINTMENTS

- | | | | | | |
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| • APPT00447_01_08_2024 | Christine Chapman | 28 Dorothy Lucey Dr. | Council on Aging | 2/15/2027 | CS |
| • APPT00448_01_08_2024 | Biff Bouse | 6 Iona Ave. | Historical Comm. Rep/CPC | 2/15/2026 | P&D |
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- Re-Appointments:**
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 - APPT00461_01_08_2024 Jeffrey Mattheson 12 Hart Rd. Electrical Inspector 2/15/2025 P&D

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

END OF CONSENT AGENDA

COMM00524_01_08_2024 removed from the Consent Agenda at the request of Councillor McCauley. Motion to approve the consent agenda as amended by Councillor Zeid, seconded by Councillor Preston. Roll call vote, 11 yes, motion passes.

REGULAR AGENDA

9. MAYOR'S UPDATE

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

10. FIRST READING APPOINTMENTS

11. COMMUNICATIONS

- COMM00524_01_08_2024 PERAC FY2025 Appropriation
Motion to receive and file by Councillor McCauley, seconded by Councillor Lane. Roll call vote, 11 yes, motion passes.

12. TRANSFERS

13. SECOND READING APPOINTMENTS

14. ORDERS

- ORDR00526_01_08_2024 City Council Calendar
Motion to waive the rules, declare an emergency, and collectively approve ORDR00526 and ORDR00527 pending review in General Government of ORDR00527 by Councillor Zeid, seconded by Councillor Lane. Roll call vote, 11 yes, motion passes.
- ORDR00527_01_08_2024 Council Rules 2024
Motion to waive the rules, declare an emergency, and collectively approve ORDR00526 and ORDR00527 pending review in General Government of ORDR00527 by Councillor Zeid, seconded by Councillor Lane. Roll call vote, 11 yes, motion passes.
- ORDR00528_01_08_2024 Local Acceptance of G.L. 41 s.110A
Motion to refer to General Government by Councillor Zeid, seconded by Councillor Preston. Roll call vote, 11 yes, motion passes.

- ORDR00529_01_08_2024 Gift Acceptance \$2500 David Volz to DPS Parks Bench Renovation Market Sq. Motion to collectively refer ORDR00529 and ORDR00530 to Budget & Finance by Councillor Zeid, seconded by Councillor Lane. Roll call vote, 11 yes, motion passes.
- ORDR00530_01_08_2024 FY2425 CVA Program Grant Acceptance \$16,000 Motion to collectively refer ORDR00529 and ORDR00530 to Budget & Finance by Councillor Zeid, seconded by Councillor Lane. Roll call vote, 11 yes, motion passes.

15. ORDINANCES

16. COMMITTEE ITEMS

Budget & Finance

In Committee:

Community Services

In Committee:

- ORDR00515_11_27_2023 Gift Acceptance Morrill Foundation \$110,000
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General Government

Licenses & Permits

In Committee:

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Planning & Development

In Committee:

- ODNC00164_10_30_2023 Zoning-Amendment-Global-R3-Multi-Family (COTW)

Public Works & Safety

In Committee:

- ORDR00449_04_24_2023 Approving Shared Streets Grant, High Street Traffic Calming

17. GOOD OF THE ORDER

18. ADJOURNMENT

Motion to adjourn at 7:38 pm by Councillor Zeid, seconded by Councillor Preston. Roll call vote, 11 yes, motion passes.

SPECIAL CITY COUNCIL MEETING

MINUTES

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1. CALL TO ORDER

At 6:00 pm the City Clerk called the roll. The following Councillors answered present Granas (remote), Harman, Khan (remote), Lane (remote), McCauley, Preston, Shand, Wright, Zeid, Donahue (remote), and Cameron. The City Council President Cameron called the meeting to order and made a declaration of the emergency as follows:

“As Council President I would like to make an emergency declaration, that due to the emergency flood conditions and the Tuesday morning vote, a decision on a changed, safe polling place and then publication of that decision is time critical. As a result, the 48-hour notice period was not able to be met”.

2. PUBLIC COMMENT None

3. ORDER

- ORDR00531_01_18_2024 Ward 1P Polling Location Change EP
Motion to waive the rules by Councillor Zeid, seconded by Councillor Preston. Roll call vote, 11 yes, motion passes.
Motion to declare an emergency by Councillor Zeid, seconded by Councillor Harman. Roll call vote, 11 yes, motion passes.
- ORDR00531_01_18_2024 Ward 1P Polling Location Change
Motion to approve by Councillor Zeid, seconded by Councillor Preston. Roll call vote, 11 yes, motion passes.

4. ADJOURNMENT

Motion to adjourn at 6:22 pm by Councillor Zeid, seconded by Councillor McCauley. Roll call vote, 11 yes, motion passes.

THE COMMONWEALTH OF MASSACHUSETTS RECEIVED
CITY CLERK'S OFFICE
NEWBURYPORT, MA

_____ OF _____

2024 JAN -9 A 10:47

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

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

1. What is the name of the concern? Plum Autoworks Inc

Business address of concern. No. 71 Storey Ave St.,
Newburyport MA 01950 City - Town.

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

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

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

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

President Nancy J London
Secretary " "
Treasurer " "

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

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

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

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

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

lot on Storey Ave #71 consisting of Approx 100ft Frontage Depth of Approx 100ft with building on premises consisting of 2 offices Bldg Approx 25x60

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

If so, state name of manufacturer _____

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

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

If so, in what city — town Newburyport

Did you receive a license? Yes For what year? Past 16 YRS
(Yes or No)

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

Sign your name in full John Power Gen Mgr
(Duly authorized to represent the concern herein mentioned)

Residence 11 Warrenton Rd Haverhill MA 01830

IMPORTANT

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

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

APPLICANT WILL NOT FILL THE FOLLOWING BLANKS

Application after investigation _____
(Approved or Disapproved)

License No. _____ granted _____ Fee \$ _____

Signed _____

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

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

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

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

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

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

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

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

APPLICANT WILL NOT FILL THE FOLLOWING BLANKS

Application No. _____

Class _____ License No. _____

Name _____

St. and No. _____

City — Town _____

Date Issued _____

Remarks _____

SELECTMEN

MAY 16 2004

RECEIVED

Memorandum

To: Municipal Licensing Authorities of Motor Vehicle Dealers
From: William E. McVey, Deputy General Counsel
Date: May 2004
Re: Issues Relating to Class 2 Dealers under G.L. 140, Section 58

1. **Purpose**

The primary purpose of this Memorandum is to provide information to Cities and Towns about the amendments relative to Class 2 dealers that were made to G.L. c. 140, §58 by Chapter 422 of the Acts of 2002 (a copy of which is enclosed). The Legislature amended Section 58 to require Class 2 dealers to post and maintain a bond (or, if permitted, equivalent proof of financial responsibility, e.g., certificate of deposit or letter of credit) with the municipal licensing authority in the amount of \$25,000. The amendments also authorize the licensing of two additional types of businesses engaged in used vehicle sales. The amendment became effective almost a year ago, on March 24, 2003, but some municipalities may be unaware of it and some other issues remain to be clarified.

2. **Bond Requirement**

The bond requirement is only applicable to Class 2 dealers. It is not applicable to a Class 1 dealer who buys and sells used vehicles and it is not applicable to a Class 3 dealer who sells used vehicles. The bond is for the benefit of a person who purchases a vehicle from the Class 2 licensee and suffers a financial loss. The list of intended beneficiaries is contained within the Act. The bonding requirement modifies the municipal licensing process for Class 2 dealers (and affects the dealer's ability to retain the license). It also affects the RMV, since the agency is prohibited from knowingly issuing or renewing Dealer Plates if it becomes aware that a Class 2 dealer lacks the legally required bond. The RMV will revoke the General Registration and Dealer Plates when it becomes aware the dealer does not have a bond or when it is informed by a municipality that it has revoked a Class 2 license. The RMV has become aware that some municipalities are not enforcing the bond requirement and have been licensing Class 2 dealers without a bond. **A municipality that fails to enforce the bond requirement faces potential liability from claimants under the bond.**

3. **Dealers Subject to Bond Requirement**

All Class 2 dealer-licensees (no exceptions) renewing or obtaining a new license in 2004 (and in future years) are subject to the bonding requirement of \$25,000. This is true even if the dealer is not selling vehicles covered by the warranty requirements of G.L. c.90, §7N ¼. G.L. c.140, §58 (c)(1) states:

The person shall obtain a bond, or equivalent proof of financial responsibility as described in paragraph (5), and continue in effect a surety bond or other equivalent proof of financial responsibility satisfactory to the municipal licensing authority in the amount of \$25,000 executed by a surety company authorized by the insurance department to transact business in the commonwealth.

The law prohibits a city or town licensing authority from issuing or renewing a Class 2 license unless it is satisfied that a bond or the equivalent meeting the requirements of the law is in effect during the term under which the license shall be issued or renewed. Note also that if a dealer has more than one location in a City or Town and goes by a different name at the other location(s), the dealer needs a separate bond for each location

at which it uses a different name. If a dealer has locations in more than one City or Town, separate bonds must be obtained for each municipality.

4. **Bond Issue Clarifications**

Two issues needing clarification have recently been raised as to the bond/equivalent requirement.

(a) **Certificates of Deposit and Letters of Credit:** The first has to do with the place where certificates of deposit or irrevocable letters of credit may be deposited. Section 58 (c)(1) states, in part:

In lieu of the bond required by this section, the municipal licensing authority may allow the dealer to deposit collateral in the form of a certificate of deposit or irrevocable letter of credit, as authorized by the banking laws of the commonwealth... The collateral may be deposited with or executed through any authorized state depository designated by the commissioner...

The statute does not define "authorized state depository" but the Massachusetts Commissioner of Banks has issued an opinion to the Registrar, dated March 5, 2004, stating that "the definition covers any state or federally chartered bank or credit union with a banking office in the Commonwealth which has federal deposit insurance." The Commissioner has recommended that if a "Certificate of Deposit" is used, it should be titled:

"Commonwealth of Massachusetts, name of municipality, In Trust for (dealer) under Massachusetts General Laws chapter 140, section 58"

The Commissioner also recommends that an assignment should be executed, and that a municipality wishing to do so should contact the State Treasurer's Office to discuss the mechanics of that option. The Treasurer's Office is familiar with Certificates of Deposit and other alternative collateral since that office holds such collateral for certain licensees of the Commissioner of Banks.

(b) **Filing the Bond with Licensing Authorities:** The second issue relates to the manner in which the bond should be filed and filled out. The original of the bond needs to be filed with the City or Town when an initial Class 2 license is issued. On renewal, the licensing authority should insist on either a new original bond with power of attorney attached or an original continuation certificate showing that the existing bond is valid through the end of the next license period. Bonds may be written for more than one year so a municipality should be sure the bond covers the whole period during which the Class 2 license will be in effect. The amended statute does not specify the manner in which the bond should be filled out. However, a bond should clearly identify the parties and the purpose of the bond. For example:

Town of Willingboro, as obligee for the benefit of a person who purchases a vehicle from (name of dealer) and suffers a loss as defined by G.L. 140, Section 58.

5. **Class 2 Licensee Definition Expanded**

The definition of a Class 2 dealer was expanded to include two additional categories of used vehicle sellers that were not previously required to obtain a Class 2 license. A Class 2 licensee had always been defined as a person whose principal business is the buying or selling of second hand motor vehicles. The amended law allows a license to be issued even though it is not the applicant's principal business or he/she is not actually a seller. G.L. c. 140, §58 (c) now reads, in part:

(c) Class 2. A person whose principal business is the buying or selling of second hand motor vehicles, a person who purchases and displays second hand motor vehicles for resale in retail transactions, and any other person who displays second hand motor vehicles not owned by him pursuant to an agreement in which he receives compensation, whether solely for displaying the vehicles, upon the sale of each vehicle, or otherwise, may be granted a used car dealer's license

6. **Comment on the Expanded Definition of Class 2 Licensee**

(i) "... a person who purchases and displays second hand motor vehicles for resale in retail transactions."

This seller is a dealer of motor vehicles at retail even though it may not be his/her principal business and buys vehicles in order to sell them at retail to make a profit. A person who is selling or negotiating the casual sale of his/her own vehicle (one registered to him/her or to a spouse, another relative, a friend, etc.) is not required to obtain a Class 2 license, in the view of the RMV. Nor is a company that leases

vehicles for the use of its employees and then allows the employee to purchase the vehicle at the expiration of the lease. This provision may be applicable to a local garage or other business that purchases vehicles at auction (or from other sources) and repairs or reconditions them and offers them for sale. Any vehicles this licensee sells to a consumer will be subject to the state-mandated warranty protection of G.L. c.90, §7N¼, and the dealer must maintain or demonstrate access to repair facilities sufficient to enable him/her to satisfy the warranty repair obligations imposed by that section. The licensee must comply with the Consumer Protection Act, G.L. 93A and the Regulations of the Attorney General, and must post the required warranty notices on vehicles offered for sale. As a Class 2 licensee, this dealer is also required to maintain a Used Vehicle Record Book pursuant to G.L. 140, §62. The "authorized officers" identified in G.L. c.140, §66 (State Police, Attorney General, Chief of Police, Police Commissioner in Boston, the Selectmen of a Town, or police officers authorized by said officials) "may at any time enter upon any premises used by any person licensed under section fifty-nine for the purpose of carrying on his licensed business, ascertain how he conducts the same and examine all second hand motor vehicles or parts thereof kept or stored in or upon the premises, and all books, papers and inventories relating thereto."

(ii) "... any other person who displays second hand motor vehicles not owned by him pursuant to an agreement in which he receives compensation, whether solely for displaying the vehicles, upon the sale of each vehicle, or otherwise." This is a person who does not own the vehicles he displays on his property but he receives compensation for the display or the sale from the vehicle's owner. These are usually consignment sales and they should only involve privately owned vehicles. RMV regulations prohibit the holder of a dealer plate from offering vehicles for sale anywhere other than the licensed premises of the dealer (except for sales at recognized automobile auction facilities or at combined-dealer special sale events). Therefore, a dealer who has been issued Dealer Plates may not display other dealer's vehicles on his/her own lot or display his own vehicles on other dealers' lots. However, any licensed Class 2 dealer who has received Dealer Plates from the RMV may display vehicles for sale on the dealer's lot that are owned by a private party and held for consignment, but the vehicle must be entered in the dealer's Used Vehicle Record Book as a consignment vehicle. (The dealer cannot, however, attach its own Dealer Plate to allow a test drive of the consigned vehicle because the dealer does not own the vehicle. If a test drive is contemplated, the vehicle's owner may opt to leave his/her own valid registration plates on the vehicle if the owner's liability insurance will cover a test drive). The record keeping and inspection requirements as contained in 6.(i) (above) are applicable here also.

7. **Local Review Needed** Municipalities are urged to review the Class 2 licenses they have issued in 2004 to ensure that the bond requirement has been met for each license.

8. **A Note About Licensees Working From Home**

The RMV is aware that some municipalities have been issuing Class 2 licenses even though the applicant is doing business from his/her home. Class 2 licensees almost always apply to the RMV for Dealer Plates. The process is that the RMV asks the State Police to perform a site visit to determine if the dealer has a facility that is appropriate for the issuance of such plates. After the visit, the Trooper makes a report and recommendation to the RMV. If the licensed premises do not comply with the relevant provisions of G.L. c.90 and the Regulations of the Registrar at 540 CMR 18.00, the application for plates will be denied.

Definition of "Dealer." M.G.L. c. 90, 1, defines a "dealer" as: "any person who is engaged principally and substantially in the business of buying, selling or exchanging motor vehicles or trailers or motor vehicle bodies who maintains a facility dedicated to carrying out said business...." (Emphasis added). An applicant for General Registration Dealer Plates must be principally and substantially engaged in the business and have the required dedicated facility. Even a dealer who sells solely on a "wholesale basis" (although no such Class 2 license category exists) must have the required dedicated facility. The RMV will not issue Dealer Plates to an applicant if his/her business is located within the personal living

quarters of a residential building, whether or not the dealer or someone else actually resides there or whether no one resides there. The law regarding the issuance of dealer plates is clear and plates will not be issued even if the municipality has issued a dealer's license for that location.

Further, the regulations at 540 CMR 18.02(2)(a) were adopted under the Registrar's authority and contain the requirements that a dealer must meet to receive or retain Dealer Plates. These requirements indicate the nature of the required "facility." Generally, the following are relevant to a used vehicle dealer:

- > The dealer's business is situated within a permanent building or permanently affixed structure, including an office trailer, owned or leased by the dealer for his exclusive use and located at the address of record noted on the dealer's license issued under the provisions of M.G.L. 140, §59. Except for a dealer who exchanges vehicles or trailers solely on a wholesale basis, the dealer shall be open to the public.
- > The building, structure or office trailer must have adequate office space to conduct the business.
- > If more than one business is located within the same building or structure, the dealer shall maintain a separate and exclusive entrance, unless the multiple businesses are owned or controlled by the same principals.
- > Subject to local law, and except for a dealer who exchanges vehicles or trailers solely on a wholesale basis, the dealer shall display a permanently affixed exterior sign of sufficient size and design, to give the general public notice of the name and nature of the business.
- > The dealer must have a display area/lot to display the vehicles being offered for sale unless the dealer exchanges vehicles or trailers solely on a wholesale basis.

9. Summary

Personal living quarters cannot be the site of a Class 2 dealer's business because the law requires a dealer to maintain a facility dedicated to carrying out that business and that facility must be used exclusively for the dealer's business. It is possible that a dealer may have premises either attached to or detached from a residential building that could be deemed suitable by the RMV. The State Police site inspection may help to determine suitability. The premises would have to be separate and distinct from any personal living quarters (e.g., it would have to be a secure facility with solid floor-to-ceiling walls, adequate office space to conduct the business, direct access from the outside of the building, not be used or shared with any other person or with any portion of personal living quarters and be licensed by the municipality at that location). The licensee must post and maintain reasonable business hours so that State and local police can accomplish the required facility and record book checks when required.

10. New License Application in Draft Stage G.L. 140, §59 states, in part: ...“application for license shall be made in such form as shall be approved by the registrar of motor vehicles...” The RMV is drafting a proposed new version of an *Application for a License as a Motor Vehicle Dealer*. The purpose is to update and standardize the *Application* to include significantly more information about the applicant (including background information on all principals) so that licensing authorities are better informed before issuing or renewing a license. The RMV is willing to receive and discuss suggestions for the proposed new *Application* that local licensing officials may wish to provide. Please email me with your suggestions at: william.mcvey@state.ma.us or write to me at the above address.

Thank you. If you have any questions about this Memorandum you may email or write. You may also call me at: 617-351-9950.

Issued Through:

A.A. Dority Company, Inc.

CONTINUATION CERTIFICATE

The NGM Insurance Company, hereinafter called the Company, hereby continues in force its MA Used Car Dealer, Bond Number 148623

in the sum of Twenty-Five Thousand dollars (\$25,000.00)

on behalf of

Plum Auto Works, Inc.

located at

71 Storey Ave
Newburyport, MA 01950

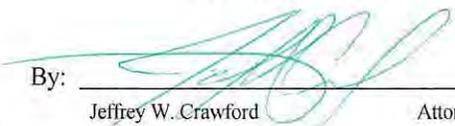
in favor of **City of Newburyport, MA**

for the term beginning December 31, 2023 and ending on December 31, 2024, subject to all covenants and conditions of said bond.

This Continuation is executed upon the express condition that the Company's liability shall not be cumulative and shall be limited at all times by the amount of the penalty stated in the bond.

In witness whereof, the Company has caused this instrument to be signed by its duly authorized Attorney-in-Fact and its Corporate Seal to be hereto affixed this day, January 3, 2024

NGM Insurance Company

By: 

Jeffrey W. Crawford

Attorney-in-Fact

Producer: A.A. Dority Company, Inc.

226 Lowell Street; Suite B-4

Wilmington, MA 01887

617-523-2935

Fax: 617-523-1707



CITY OF NEWBURYPORT
OFFICE OF THE MAYOR
SEAN R. REARDON

60 PLEASANT STREET • P.O. BOX 550
NEWBURYPORT, MA 01950
(978) 465-4413 • (978) 465-4452 (FAX)
WWW.CITYOFNEWBURYPORT.COM

Ed Cameron, Council President
City of Newburyport
60 Pleasant St.
Newburyport, MA 01950

January 22, 2024

Dear Councillor Cameron,

The Mayor's office is pleased to present the latest design and cost estimates for a new Youth and Recreation Center at 59 Low Street. We look forward to the opportunity to review these documents with you at an upcoming meeting. Since the Council authorized the allocation of \$200K to hire EGA to design the new Rec Center, we have worked diligently to design a building project that supports the needs of the community and the Department, while remaining fiscally and environmentally responsible. We are now at 100% Design Development, which is a good time to pause, present the design and budget, and seek input from the Council and the community, before we move into the Construction Document phase of the project. To date, we have spent \$80K of the \$200K allocation, leaving \$120K for Construction Documents, Bidding Assistance and Construction Administration.

Attached to this memo, you will find a partial Design Development set (the full set is posted to the Mayor's page of the City website) and a cost estimate. Of note, we received a cost estimate from PM&C, the same company who estimated the schematic design, and thought the estimates were conservatively high. In order to double check the estimate, we also asked a contractor with experience in these types of building projects for a second estimate. Attached you will find an excel sheet that compares the two cost estimates. The second tab provides greater detail and breakdown of costs from PM&C. The cost estimates also include a breakdown of costs for Low Street safety improvements to allow students to safely access a new Recreation Center, as well as the cost to relocate the Parks Division of DPS to Perry Way.

Our consultant team looks forward to presenting these plans to the Council and the public, and to answer any questions about the project. We look forward to continuing this conversation. In the meantime, please do not hesitate to contact me with any additional questions or concerns.

Sincerely,

A handwritten signature in black ink, appearing to read 'Kim Turner'.

Kim Turner, Manager of Special Projects

DESIGN DEVELOPMENT COST ESTIMATES
12/5/2023

PM&C

Item	Amount
RENOVATION	\$ 2,255,568.00
Foundations	\$ 4,000.00
Superstructure	\$ 39,600.00
Exterior closure	\$ 241,125.00
Roofing	\$ 43,637.00
Interior construction	\$ 441,530.00
Staircases	\$ 21,500.00
Interior finishes	\$ 208,919.00
Plumbing	\$ 112,304.00
HVAC	\$ 423,876.00
Fire protection	\$ 70,400.00
Electrical	\$ 329,296.00
Equipment	\$ 15,000.00
Furnishings	\$ 168,117.00
Special construction	\$ -
Selective building demolition	\$ 136,264.00
SITE WORK	\$ 637,854.00
Site prep and demolition	\$ 85,395.00
Site improvements	\$ 322,984.00
Civil mechanical utilities	\$ 97,075.00
Electrical utilities	\$ 132,400.00
REMOVE HAZARDOUS MATERIALS (Credeire Assoc 2021 costs escalated)	\$ 127,920.00
NEW OFFICE AND MECHANICAL ADDITIONS	\$ 864,699.00
Foundations	\$ 66,261.00
Superstructure	\$ 36,399.00
Exterior closure	\$ 150,890.00
Roofing	\$ 75,047.00
Interior construction	\$ 126,000.00
Interior finishes	\$ 86,487.00
Plumbing	\$ 94,184.00
HVAC	\$ 105,334.00
Fire protection	\$ 13,588.00
Electrical	\$ 99,691.00
Equipment	\$ 7,000.00
Furnishings	\$ 3,818.00
Special construction	\$ -
Hazmat removals	\$ -
GYM	\$ 1,369,652.00
Foundations	\$ 187,261.00
Interior construction	\$ 23,236.00
Interior finishes	\$ 109,610.00
Plumbing	\$ 42,525.00
HVAC	\$ 233,275.00
Fire protection	\$ 25,313.00
Electrical	\$ 124,182.00
Equipment	\$ 37,000.00
Furnishings	\$ -
Special construction	\$ 587,250.00
Hazmat removals	\$ -
PROJECT COSTS	\$ 1,714,745.00
Design & pricing contingency	\$ 136,648.00
Escalation (July 2024 start)	\$ 131,392.00
General conditions	\$ 788,354.00
Bonds	\$ 63,121.00
Insurance	\$ 78,901.00
Permit	NIC
Overhead & fee	\$ 516,329.00
TOTAL	\$ 6,970,438.00

DESIGN DEVELOPMENT COST ESTIMATES

1/11/2024

PM&C

SOUTH COAST

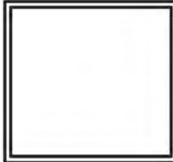
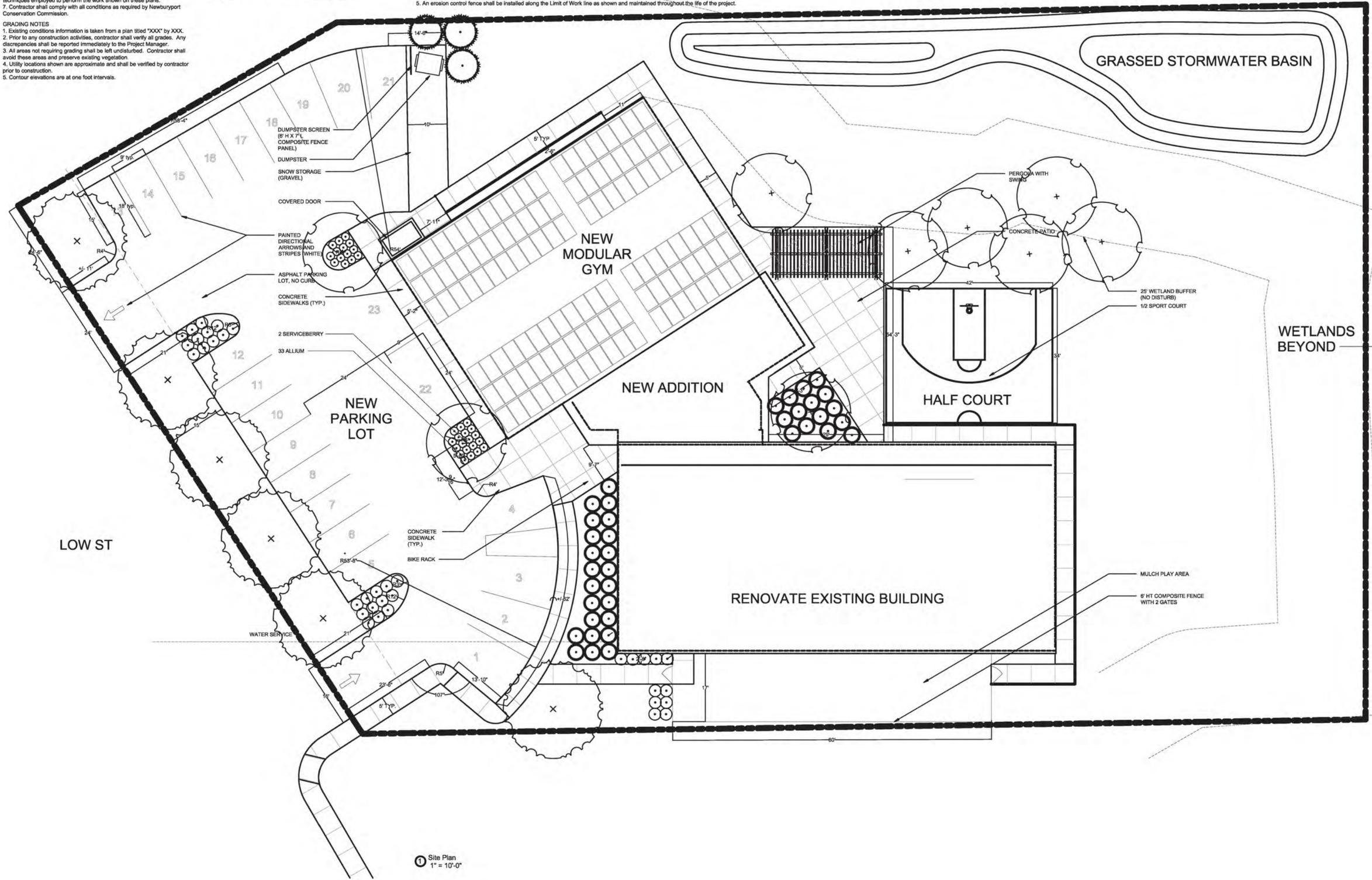
Item	Amount	Amount
SITE WORK	\$ 774,118.00	\$ 666,488.00
Site prep and demolition	\$ 221,659.00	\$ 164,667.00
Site improvements	\$ 322,984.00	\$ 501,821.00
Civil mechanical utilities	\$ 97,075.00	\$ -
Electrical utilities	\$ 132,400.00	\$ -
REMOVE HAZARDOUS MATERIALS (Credere Assoc 2021 costs escalated)	\$ 127,920.00	\$ 144,517.00
BUILDING CONSTRUCTION: RENOVATION, NEW CONSTRUCTION, GYM	\$ 4,353,655.00	\$ 4,123,809.00
Foundations	\$ 257,522.00	\$ 276,109.00
Superstructure	\$ 75,999.00	\$ 359,197.00
Exterior closure	\$ 392,015.00	\$ 514,284.00
Roofing	\$ 118,684.00	\$ 115,317.00
Interior construction	\$ 612,266.00	\$ 932,604.00
Interior finishes	\$ 405,016.00	\$ 483,239.00
Plumbing	\$ 249,013.00	\$ 205,717.00
HVAC	\$ 762,485.00	\$ 593,717.00
Fire protection	\$ 109,301.00	\$ 101,217.00
Electrical	\$ 553,169.00	\$ 371,324.00
Equipment	\$ 59,000.00	\$ 19,073.00
Furnishings	\$ 171,935.00	\$ 57,517.00
Special construction	\$ 587,250.00	\$ 94,494.00
Hazmat removals	\$ -	\$ -
PROJECT COSTS	\$ 1,714,745.00	\$ 1,294,412.00
Design & pricing contingency	\$ 136,648.00	\$ 370,561.00
Escalation (July 2024 start)	\$ 131,392.00	\$ -
General conditions	\$ 788,354.00	\$ 425,628.00
Bonds	\$ 63,121.00	NIC
Insurance	\$ 78,901.00	\$ 110,224.00
Permit	NIC	\$ 50,713.00
Overhead & fee	\$ 516,329.00	\$ 337,286.00
PEDESTRIAN SAFETY & INFRASTRUCTURE	\$ 148,000.00	\$ 148,000.00
Design	\$ 35,000.00	\$ 35,000.00
Sidewalk construction	\$ 85,000.00	\$ 85,000.00
RFB installation pedestal mounted (solar)	\$ 28,000.00	\$ 28,000.00
MOVE PARKS DIVISION TO PERRY WAY	\$ 106,700.00	\$ 106,700.00
TOTAL	\$ 7,225,138.00	\$ 6,483,926.00
FUNDING SOURCES	\$ 418,000.00	\$ 418,000.00
Kelley School funds	\$ 393,000.00	\$ 393,000.00
State earmark Senator Tarr	\$ 25,000.00	\$ 25,000.00
TOTAL	\$ 6,807,138.00	\$ 6,065,926.00

- GENERAL NOTES**
1. All work shall be in conformance with local and state standards.
 2. Contractor shall verify locations of existing utilities with appropriate utility companies prior to start of construction.
 3. Contractor shall secure all necessary permits for work shown on these plans.
 4. All work shall comply with all local, State, and Federal safety regulations.
 5. Contractor shall coordinate work with respective utility companies in a timely fashion.
 6. The contractor shall be solely responsible for all means, methods and techniques employed to perform the work shown on these plans.
 7. Contractor shall comply with all conditions as required by Newburyport Conservation Commission.

- GRADING NOTES**
1. Existing conditions information is taken from a plan titled "XXX" by XXX.
 2. Prior to any construction activities, contractor shall verify all grades. Any discrepancies shall be reported immediately to the Project Manager.
 3. All areas not requiring grading shall be left undisturbed. Contractor shall avoid these areas and preserve existing vegetation.
 4. Utility locations shown are approximate and shall be verified by contractor prior to construction.
 5. Contour elevations are at one foot intervals.

- LAYOUT NOTES**
1. All dimensions shall be verified in the field by the contractor. Any discrepancies shall be reported immediately to the Project Manager.
 2. Do not scale the drawings. Any omissions in dimensioning shall be reported immediately to the Project Manager.
 3. All angles are 90 degrees unless otherwise shown.
 4. All edges of paving shall be staked out by the contractor and reviewed by the Project Manager prior to construction.
 5. Provide a smooth transition where new work meets existing.
 6. All areas not otherwise treated shall be loamed and seeded.

- EROSION CONTROL NOTES**
1. All work within areas of construction to be stabilized, loamed, seeded and/or planted as shown. Erosion controls to remain in place until sufficient stabilization by seed and/or planting/mulching.
 2. Disturbed areas shall be limited to only those areas under active construction. Permanent seeding or stabilization shall be carried out immediately after final grading is completed or temporary measures shall be applied such as mulching or seeding until permanent measures are in place.
 3. Topsoil shall be stockpiled in areas which have a minimal potential for erosion. The contractor shall stabilize any stockpiles which will remain unused for over 15 days.
 4. All erosion control measures shall be maintained by the contractor for the life of the project until all areas are stabilized with final surface finishes or until sign-off by Town of Wellesley.
 5. An erosion control fence shall be installed along the Limit of Work line as shown and maintained throughout the life of the project.



CITY OF NEWBURYPORT
60 PLEASANT ST.
NEWBURYPORT, MA 01950

ARCHITECT:
EGA Architects
STRUCTURAL ENGINEER:
Shelley Engineering
MEP ENGINEER:
BLW Engineers
INTERIOR DESIGNER:
WDC Interiors

Newburyport Youth Services
59 Low Street
Newburyport, MA 01950

Issued For:	Date:
PROGRESS	09/29/2023

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Building Key:

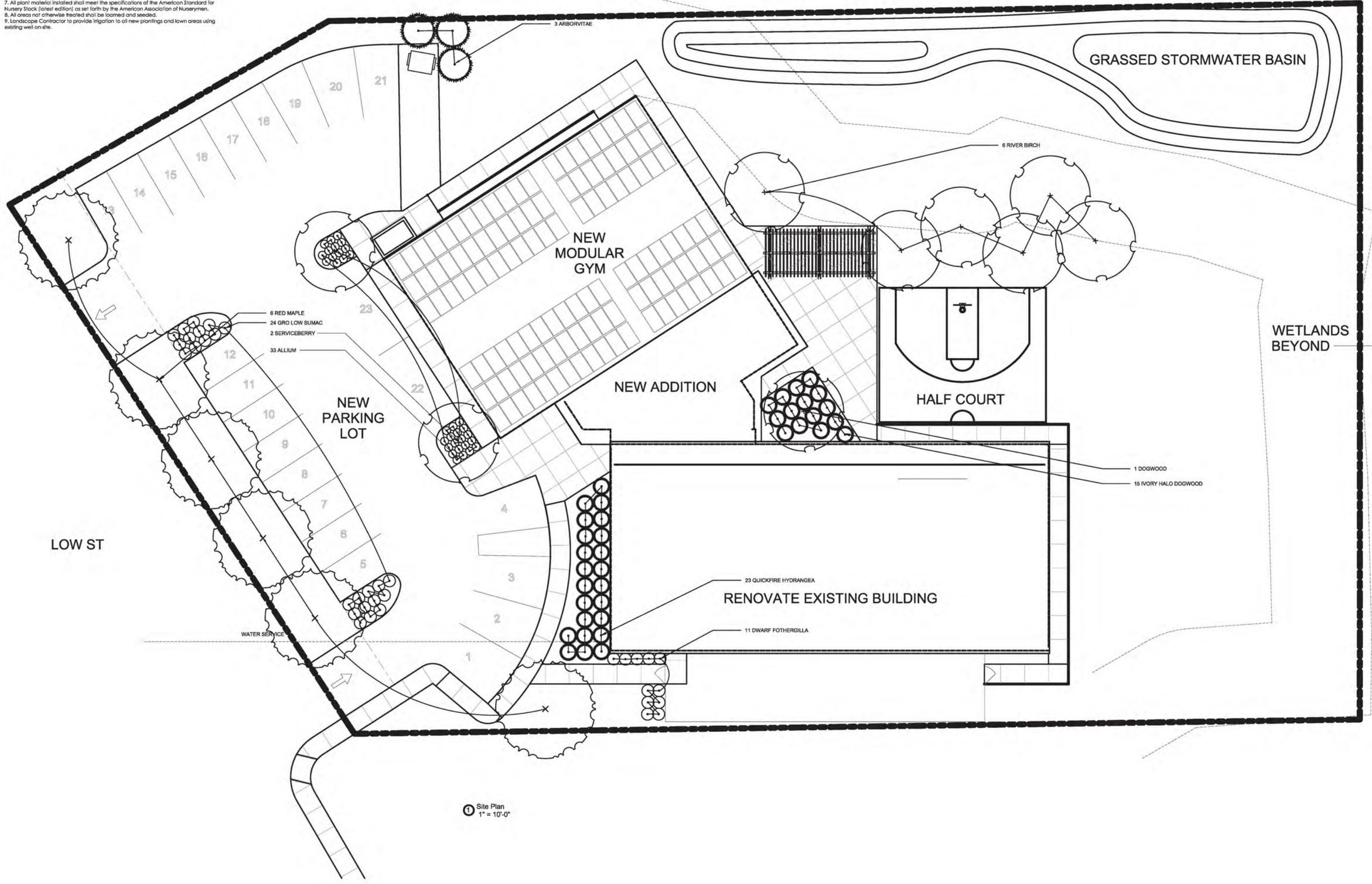
Sheet Title:
Site Plan

Sheet Number:
L-100.0

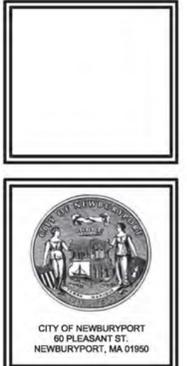
- GENERAL NOTES**
- All work shall be in conformance with local and state standards.
 - Contractor shall verify locations of existing utilities with appropriate utility companies prior to start of construction.
 - Contractor shall secure all necessary permits for work shown on these plans.
 - All work shall comply with all local, State, and Federal safety regulations.
 - Contractor shall coordinate work with respective utility companies in a timely fashion.
 - The contractor shall be solely responsible for all means, methods and techniques employed to perform the work shown on these plans.
 - Contractor shall comply with all conditions as required by Newburyport Conservation Commission.
- PLANTING NOTES**
- The landscape contractor shall supply all plants in quantities sufficient to complete the work shown on the plan.
 - Any plant substitutions must be approved by the Landscape Architect.
 - The landscape contractor is advised of the existence of underground utilities, the location of which shall be verified by the contractor prior to any operations. Should the location of proposed plantings conflict with any of said utilities, the Landscape Architect shall be notified immediately for decision.
 - The landscape contractor shall relocate or repair to original condition any and all utilities, paving, etc. damaged as a result of their operations at no additional cost to the Owner.
 - Mulch planting and tree pits with 3" shredded pine bark mulch.
 - Lawn areas shall have a 4" min. of topsoil.
 - All plant material installed shall meet the specifications of the American Standard for Nursery Stock (latest edition) as set forth by the American Association of Nurserymen.
 - All areas not otherwise treated shall be seeded and seeded.
 - Landscape Contractor to provide irrigation to all new plantings and lawn areas using existing well on-site.

59 Low St Plant List

Qty.	Scientific Name	Common Name	Size	Notes
Shade Trees				
6	Acer rubrum	Red Maple	2-5' cal.	
2	Amelanchier canadensis	Serviceberry	2-2.5' cal.	
6	Betula nigra	River Birch	2-2.5' cal.	
1	Cornus florida	Dogwood	2-2.5' cal.	
3	Thuja 'Green Giant'	Arborvitae	6-8' ht.	
Shrubs				
15	Cornus alba 'Bailhalo'	Ivory Halo Dogwood	7 gal.	
11	Fothergilla gardenii	Dwarf Fothergilla	3 gal.	
23	Hydrangea paniculata 'Quickfire'	Panicle Hydrangea	7 gal.	
24	Rhus aromatica 'Gro-Low'	Gro-Low Sumac	3 gal.	
Perennials				
33	Allium 'Summer Beauty'	Flowering Onion	1 gal.	



Site Plan
1" = 10'-0"



ARCHITECT:
EGA Architects
STRUCTURAL ENGINEER:
Shelley Engineering
MEP ENGINEER:
BLW Engineers
INTERIOR DESIGNER:
WDC Interiors

Newburyport Youth Services
59 Low Street
Newburyport, MA 01950

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Building Key:

Sheet Title:
Planting Plan

Sheet Number:
L-200.0



NEWBURYPORT YOUTH SERVICES
59 LOW STREET
NEWBURYPORT, MA 01950

DESIGN DEVELOPMENT SUBMISSION 09-07-2023

OWNER:

CITY OF NEWBURYPORT
 60 PLEASANT ST
 NEWBURYPORT, MA 01950
 (978) 465-4413

ARCHITECT:

EGA ARCHITECTS, P.C.
 12 AUBURN STREET
 NEWBURYPORT, MA 01950
 (978) 462-5515

STRUCTURAL ENGINEER:

SHELLEY ENGINEERING
 PO BOX 1030,
 GRAY, ME 04039
 (207) 657-8031

MEP ENGINEER:

BLW ENGINEERS, INC.
 311 GREAT ROAD
 PO BOX 1551
 LITTLETON, MA 01460
 (978) 486-4301

ACOUSTICAL ENGINEER:

CAVANAUGH TOCCI ASSOC.
 327 Boston Post Rd # F,
 Sudbury, MA 01776
 (978) 443-7871

INTERIOR DESIGNER:

WELLESLEY DESIGN CONSULTANTS
 200 MERRIMACK ST, 4TH FLOOR
 HAVERHILL, MA 01830
 (978) 965-8185



CIVIL ENGINEER:
 STRUCTURAL ENGINEER:
 Shelley Engineering
 MEP ENGINEER:
 BLW Engineers
 INTERIOR DESIGNER:
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Newburyport Youth Services
 59 Low Street
 Newburyport, MA 01950

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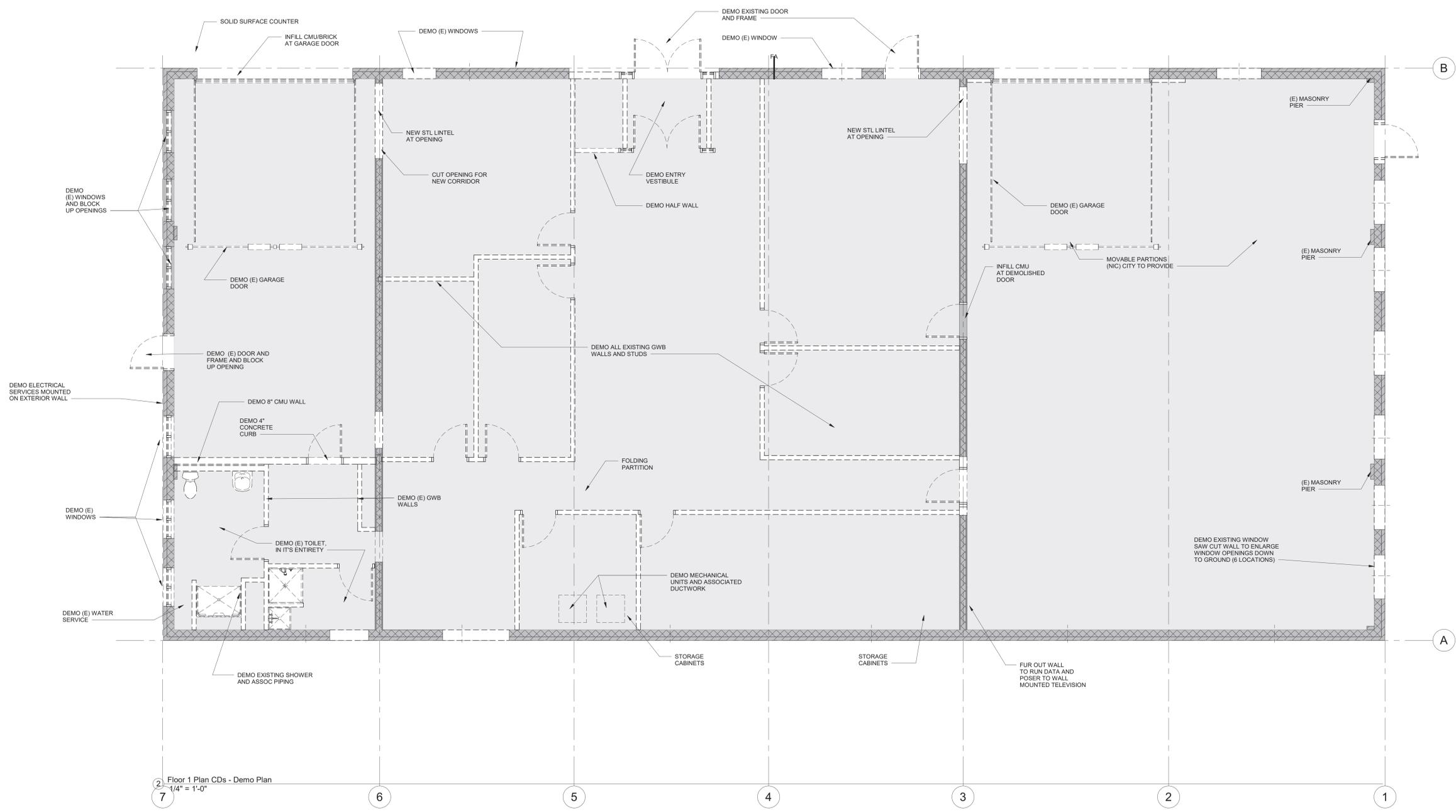
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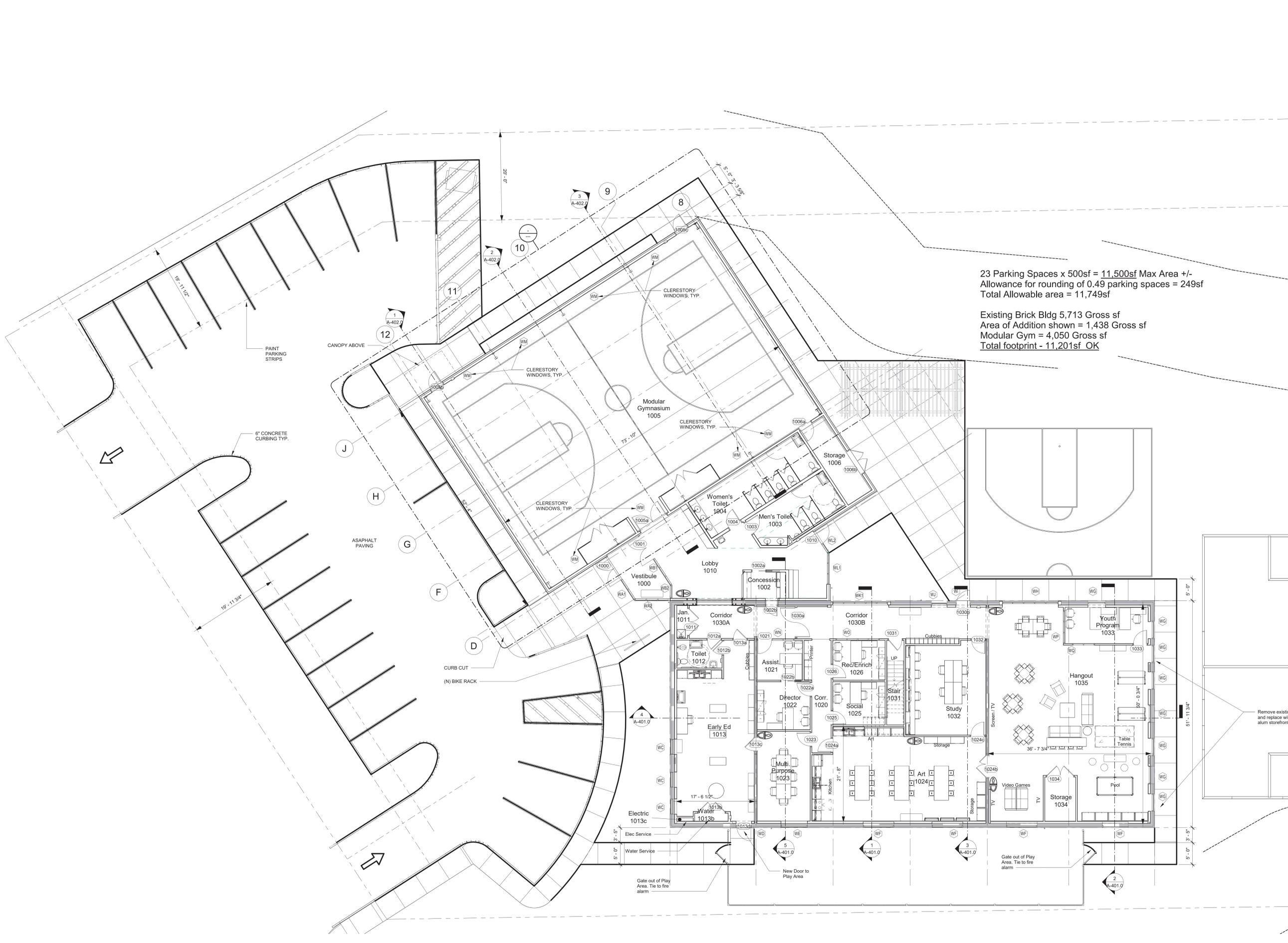
Sheet Title:
Cover

Sheet Number:
A-000.0

- NOTES:
- 1) DEMO ENTIRE EXISTING MECHANICAL SYSTEM
 - 2) DEMO ALL PLUMBING AND PIPING THROUGHOUT EXISTING BUILDING CUT AND CAP WASTE LINES BELOW SLAB
 - 3) DEMO ALL ELECTRICAL ITEMS INCLUDING SERVICE, PANELS, BRANCH WIRING, CONDUIT, WIRING DEVICES AND BOXES AS WELL AS ALL LIGHTING
 - 4) DEMO ALL ACOUSTICAL TILE CEILINGS IN ALL ROOMS AS WELL AS 10" BATT INSULATION LAYING ON TOP OF CEILINGS (GARAGE AREAS HAVE NO CEILINGS)
 - 5) DEMO GAS SERVICE AND ALL GAS LINES.



2 Floor 1 Plan CD's - Demo Plan
1/4" = 1'-0"



1 Floor 1 Plan CDs
1/8" = 1'-0"

FIXTURE TYPE LEGEND

- RECESSED DOWNLIGHT
- ⊗ WALL WASHER
- ⊕ SURFACE MOUNTED CEILING LIGHT
- ⊖ WALL SCONCE
- ⊗ 2x4' FLUORESCENT TROFFER
- ⊗ 4' FLUORESCENT STRIP
- ⊗ 8' FLUORESCENT STRIP
- ⊗ VANTY LIGHT

ACoustICAL TILE KEY

- TILE TYPE - SEE SPEC.
- ↑ SUSPENSION TYPE - SEE SPEC.
- 2x-#

CEILING TAG KEY

- 1A → MATERIAL - SEE CEILING TYPE LEGEND
- HEIGHT ABOVE FINISHED FLOOR
- # → INDICATED SECOND
- CEILING TYPE ABOVE

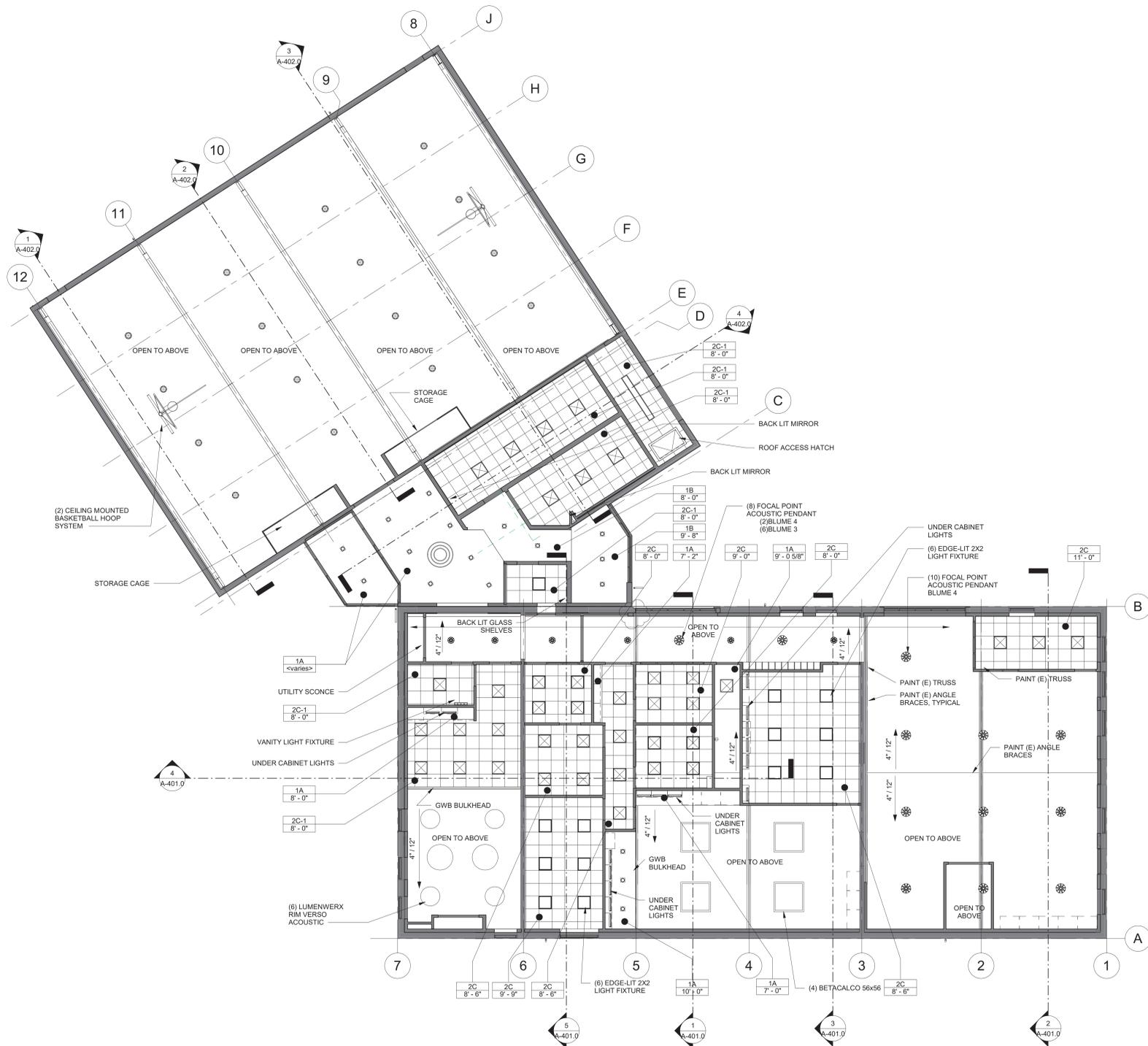
1. FOR ACoustICAL CEILING TILE TYPES AND SUSPENSION SYSTEM TYPES, REFER TO SPECIFICATIONS.

CEILING TYPE LEGEND

- 1A GYPSUM BOARD CEILING - NOT PART OF RATED ASSEMBLY
- 1B GYPSUM BOARD CEILING - PART OF RATED ASSEMBLY - REFER TO A.6.1
- 2x-# ACoustICAL TILE CEILING - REFER TO A.C.T. KEY
- 3 FINISHED UNDERSIDE OF STRUCTURE - REFER TO SPECIFICATIONS
- 4 EXTERIOR SOFFIT SYSTEM
- 5 OPEN TO ABOVE
- 6 LIGHT COVE - REFER TO DETAIL X/A-X-X
- 7 OTHER?

REFLECTED CEILING PLAN NOTES:

1. SPRINKLER HEADS ARE NOT SHOWN. SPRINKLER CONTRACTOR TO SUBMIT LAYOUT FOR REVIEW & COORDINATION W/ OTHER TRADES.
2. ELECTRICAL FIXTURES SHOWN ARE FOR LOCATION & COORDINATION ONLY. REFER TO ELECTRICAL DRAWINGS.
3. PROVIDE ATTIC ACCESS PANELS TO ALL CONCEALED ROOF TRUSS SMOKE COMPARTMENTS. COORDINATE LOCATIONS WITH ARCHITECT IF NOT LOCATED PER DRAWINGS.
4. LAYOUT & LOCATION OF EQUIPMENT TO BE AS FOLLOWS
 - 4.A. SPRINKLER HEAD IN A.C.T. - CENTERED IN PANEL
 - 4.B. SPRINKLER HEAD IN GYPSUM WALLBOARD - ALIGN WITH NEARBY LIGHT FIXTURES
 - 4.C. CORRIDOR FIXTURES - CENTERED IN TILE PANEL
 - 4.D. REGISTERS, DIFFUSERS, EXIT LIGHTS, SMOKE DETECTORS, ETC. - CENTERED IN TILE PANEL
 - 4.E. LIGHT FIXTURES, ETC. IN GYPSUM WALLBOARD CEILING - LOCATION INDICATED ON RCPS
5. G.C. & ELECTRICAL SUBCONTRACTOR SHALL COORDINATE LOCATION OF EXIT SIGNS SO THAT THEY ARE NOT OBSTRUCTED BY PENDANT MOUNTED LIGHT FIXTURES OR OTHER CEILING SUSPENDED ITEMS.



③ Floor 1
1/8" = 1'-0"

EGA
ARCHITECTS

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Fax: 978-462-5525

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MEP ENGINEER:
BLW Engineers
INTERIOR DESIGNER:
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Newburyport Youth Services
59 Low Street
Newburyport, MA 01950

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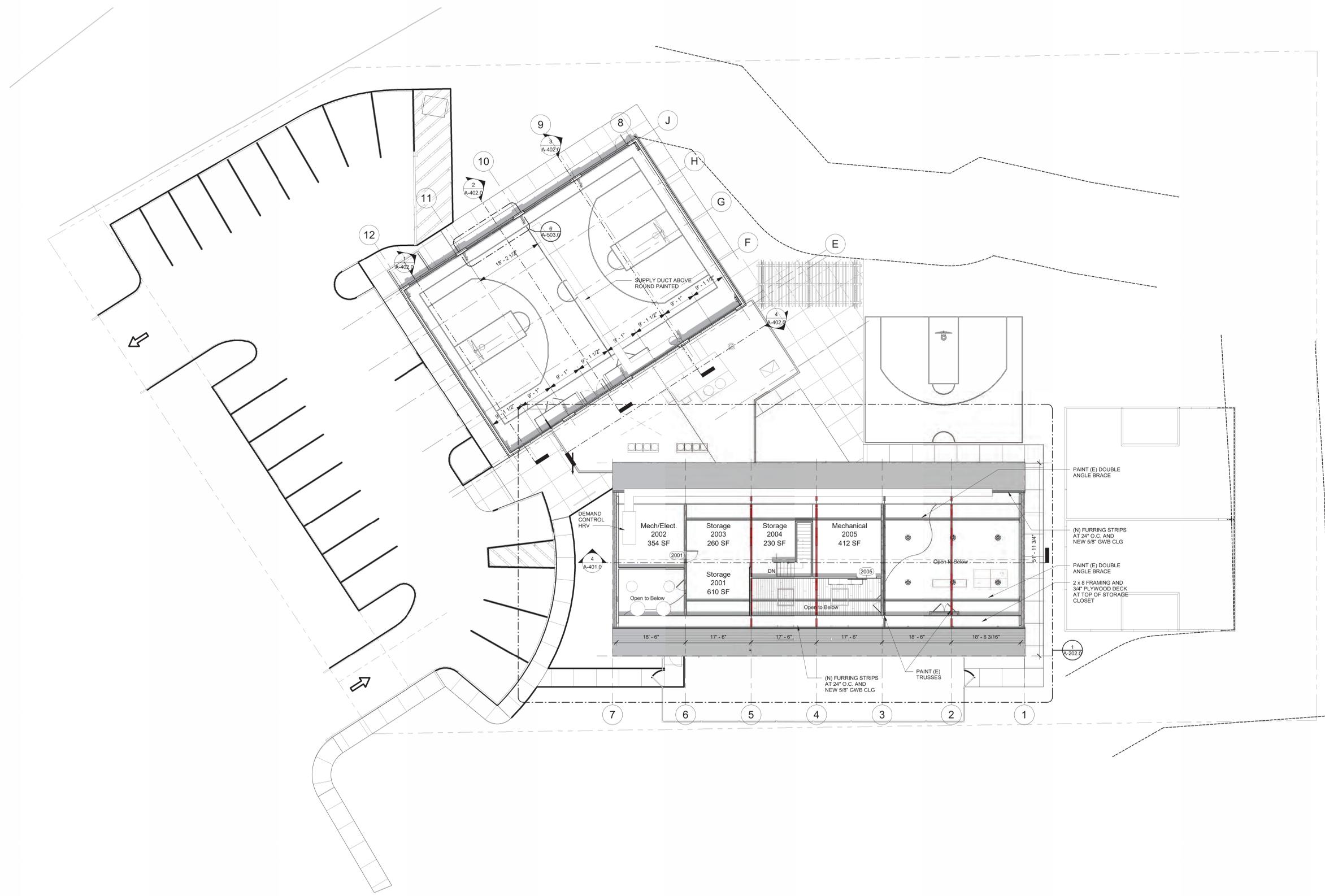
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Building Key:

Sheet Title:
Floor 1 Reflected Ceiling Plan

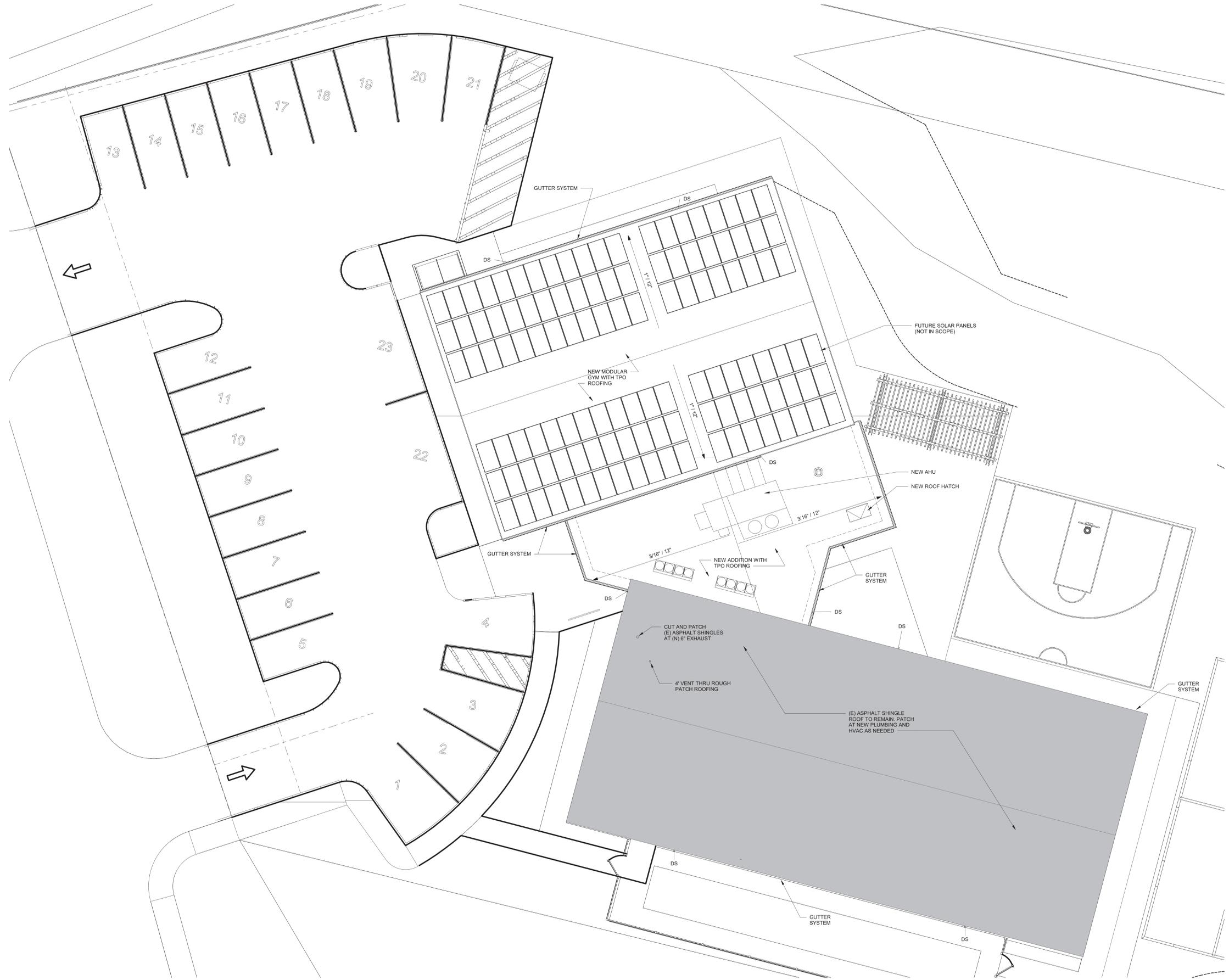
Sheet Number:
A-104.0

1 Floor 2 Plan
3/32" = 1'-0"



GENERAL ROOF PLAN NOTES:

1. R.D. REPRESENTS ROOF DRAIN, O.D. REPRESENTS OVERFLOW DRAIN. REFER TO PLUMBING DRAWINGS FOR SIZES AND COORDINATE LOCATIONS WITH TAPERED INSULATION. REFER TO DETAILS ON A.5.XX.
2. COORDINATE LOCATIONS OF ROOF TOP UNITS, DUCTS, PENETRATIONS, AND PIPING WITH MEP DRAWINGS.
3. ICE AND WATER SHIELD TO BE CONTINUOUS UNDER ALL ASPHALT ROOF SHINGLE ROOF EDGES.
4. DS = GUTTER SYSTEM DOWNSPOUT



① Overall Roof Plan
1/8" = 1'-0"

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Newburyport, MA 01950

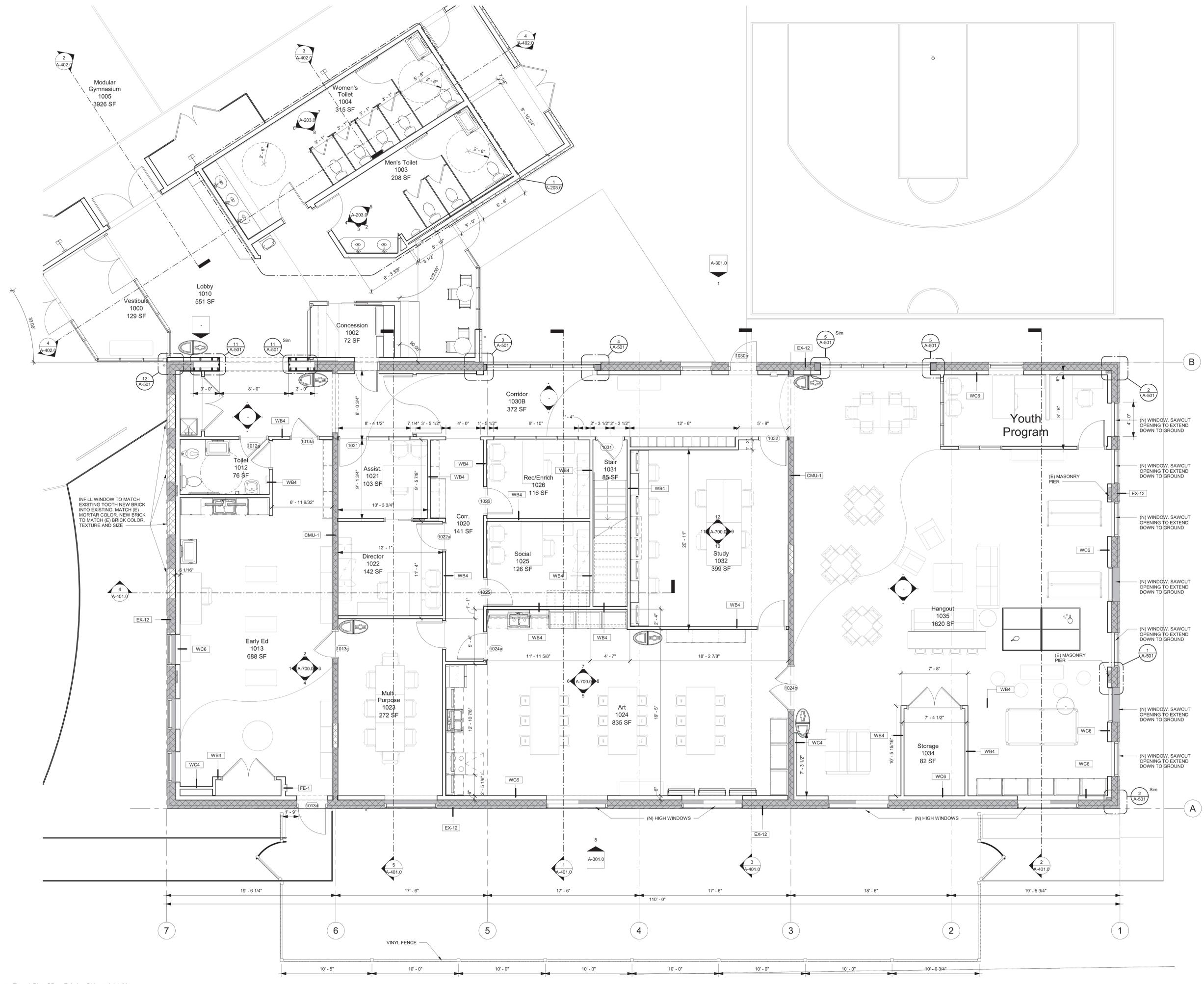
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Building Key:

Sheet Title:
Roof Plan

Sheet Number:
A-106.0



1 Floor 1 Plan CDs - Existing Bldg and Addition
1/4" = 1'-0"

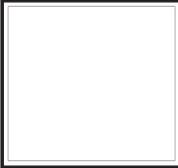
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Building Key:

Sheet Title:
First Floor Existing Building

Sheet Number:
A-201.0



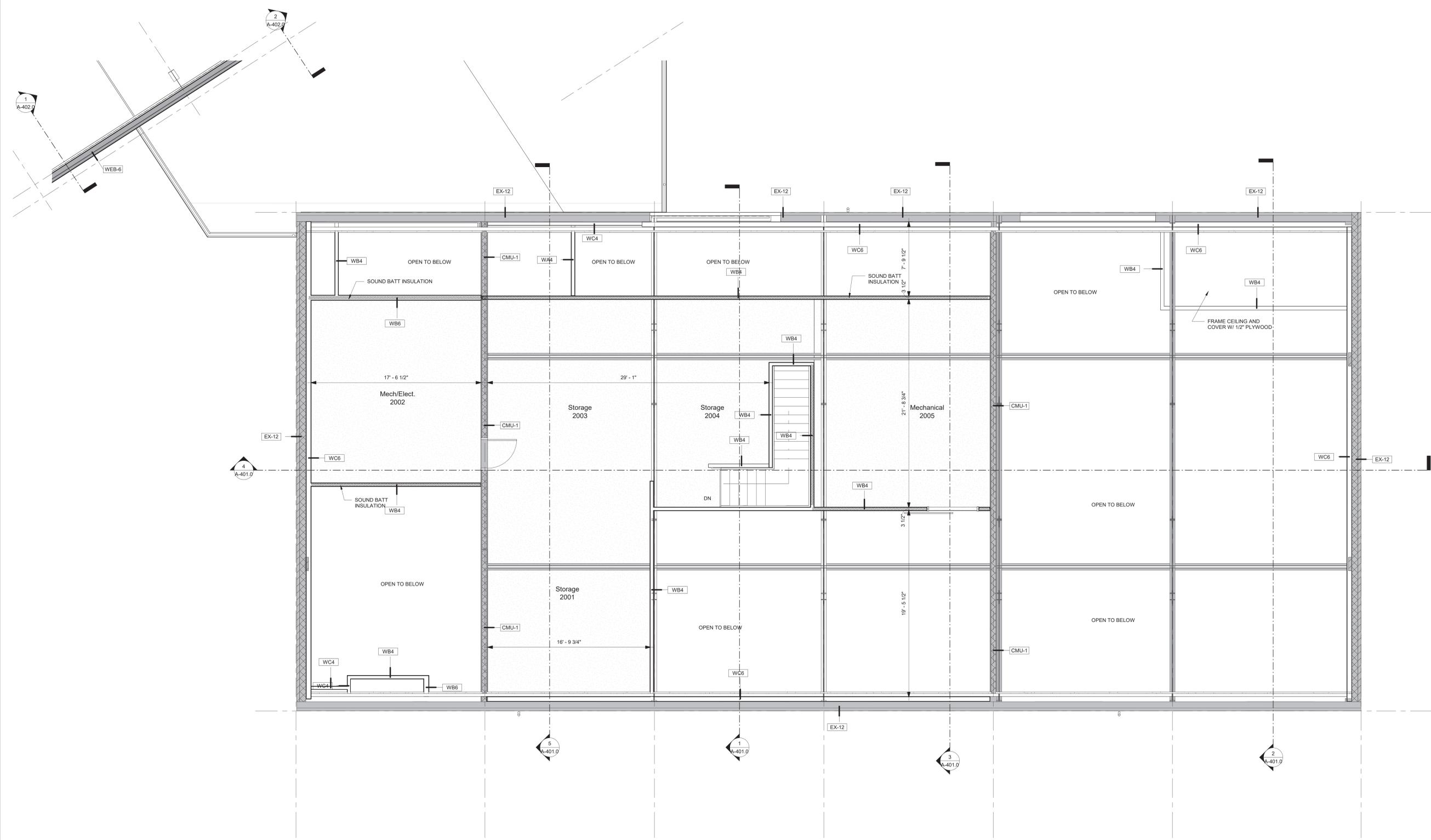
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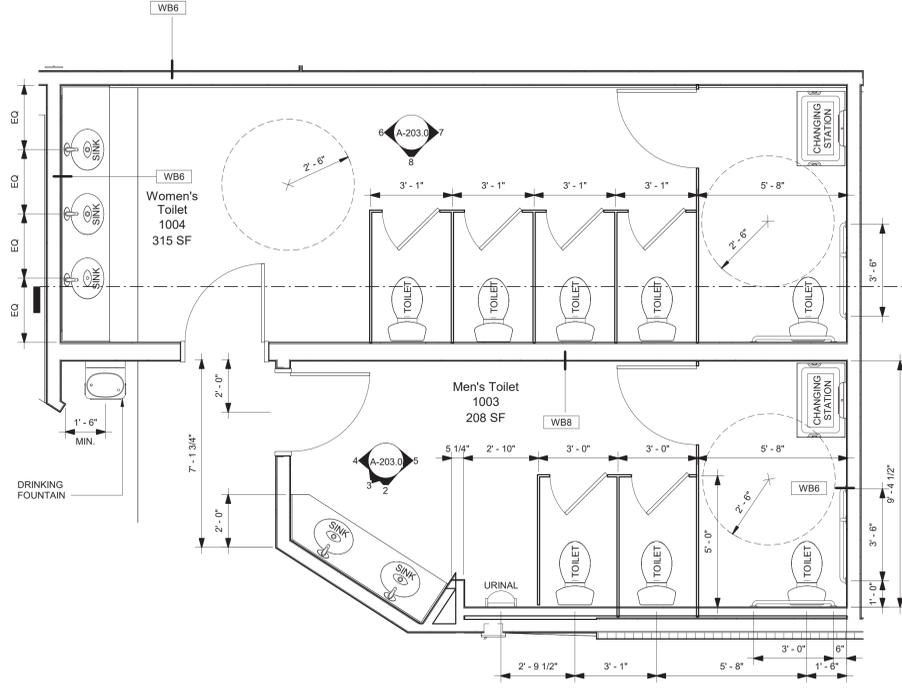
Building Key:

Sheet Title:
Second Floor Existing Building

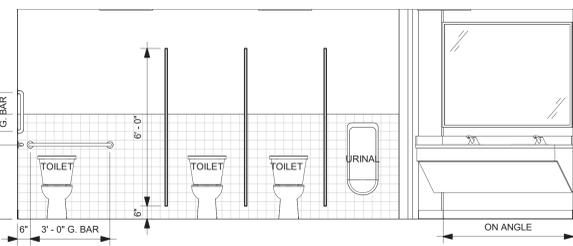
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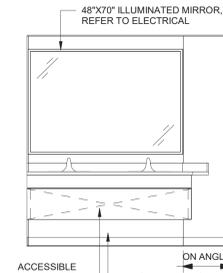
1 Floor 2 Plan - Callout 1
1/4" = 1'-0"



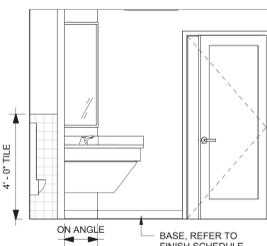
1 Floor 1 Plan CDs - Toilets Partial Plan
3/8" = 1'-0"



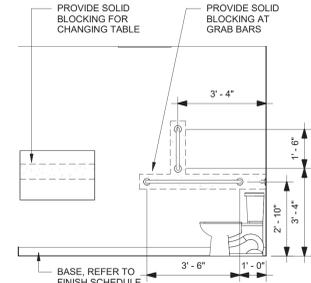
2 Men's Toilet Elevation
3/8" = 1'-0"



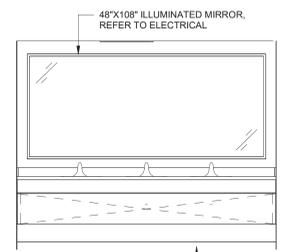
3 Men's Toilet Elevation
3/8" = 1'-0"



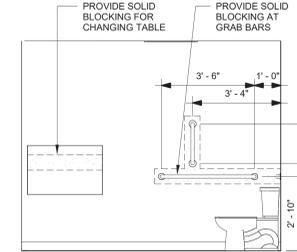
4 Men's Toilet Elevation
3/8" = 1'-0"



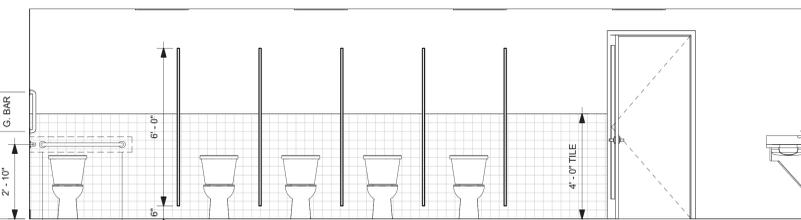
5 Men's Toilet Elevation
3/8" = 1'-0"



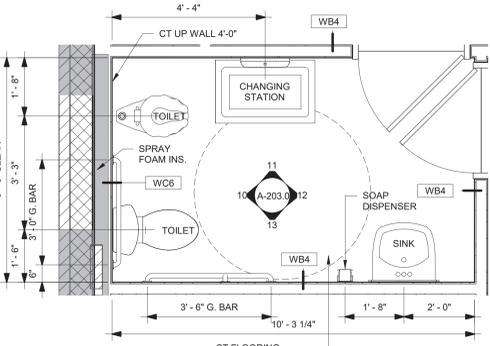
6 Women's Toilet Elevation
3/8" = 1'-0"



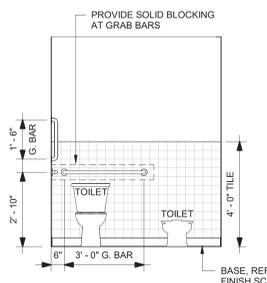
7 Women's Toilet Elevation
3/8" = 1'-0"



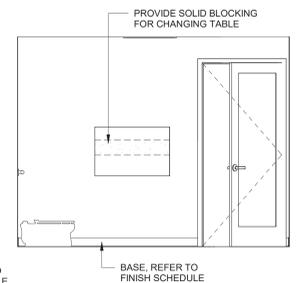
8 Women's Toilet Elevation
3/8" = 1'-0"



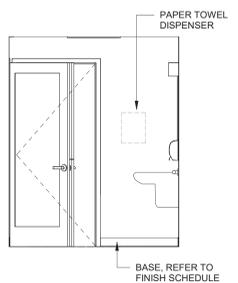
9 Preschool Toilet Plan
1/2" = 1'-0"



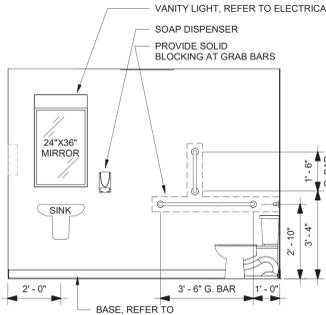
10 Preschool Toilet Elevation
3/8" = 1'-0"



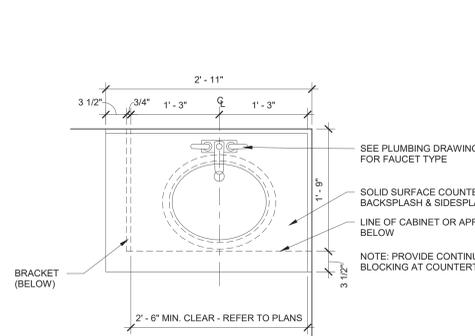
11 Preschool Toilet Elevation
3/8" = 1'-0"



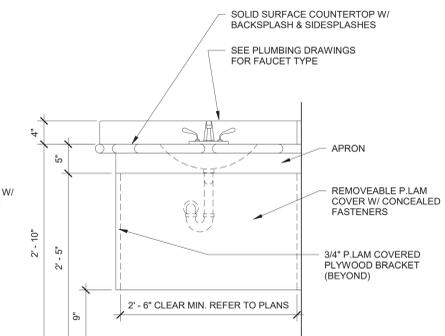
12 Preschool Toilet Elevation
3/8" = 1'-0"



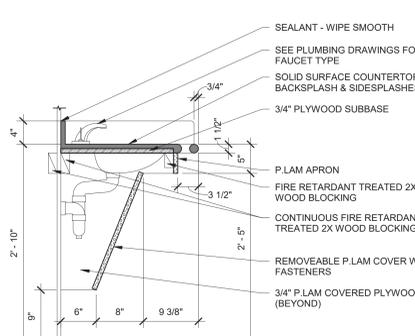
13 Preschool Toilet Elevation
3/8" = 1'-0"



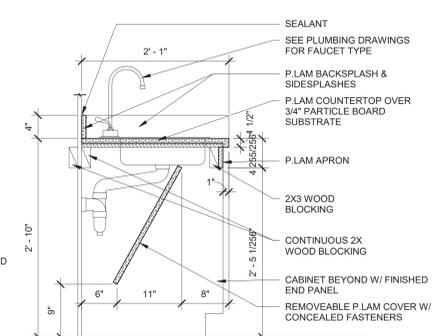
14 Detail Bathroom Countertop Plan - Solid Surface w/ Integral Grab Rail
1" = 1'-0"



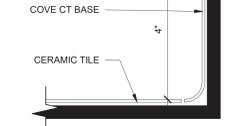
15 Detail Bathroom Countertop Elevation - Solid Surface w/ Integral Grab Rail
1" = 1'-0"



16 Detail Bathroom Countertop Section - Solid Surface w/ Integral Grab Rail
1" = 1'-0"



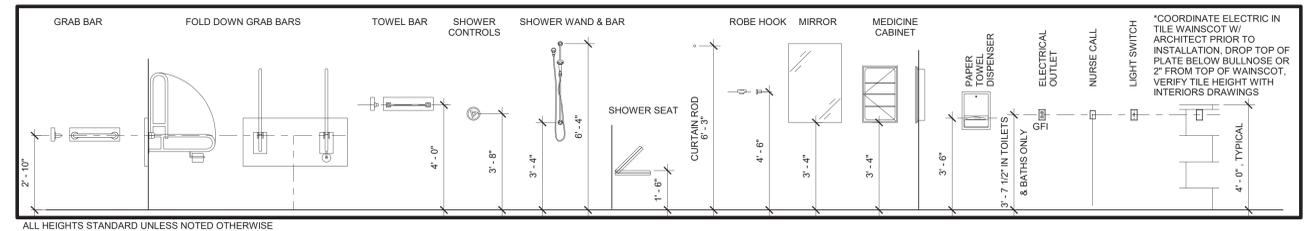
17 Detail Kitchen Accessible Sink Base Section - P.Lam
1" = 1'-0"



18 Detail Bathroom Flash Cove Detail
6" = 1'-0"

GENERAL BATH NOTES:

- ALL DIMENSIONS ARE CLEAR DIMENSIONS FROM FINISHED FACE OF WALL TO FINISHED FACE OF WALL OR FIXTURE CENTERLINE UNLESS OTHERWISE NOTED.
- ALL EXPOSED PIPING (THAT IS NOT ENCLOSED WITHIN A VANITY OR OTHERWISE PROTECTED) IS TO BE INSULATED.
- ALL BLOCKING, OTHER THAN THAT REQUIRED WITHIN SHOWER/TUB ENCLOSURES, BY CONTRACTOR.
BLOCKING TYPE AS FOLLOWS:
A. WHERE BLOCKING IS REQUIRED WITHIN NON-COMBUSTIBLE CONSTRUCTION, PROVIDE A 20 GA. CONTINUOUS METAL PLATE OR AT CONTRACTOR'S OPTION PROVIDE FIRE RETARDANT TREAT WOOD BLOCKING.
B. WHERE BLOCKING IS REQUIRED OVER RESILIENT CHANNELS, PROVIDE 20 GA. CONTINUOUS METAL PLATE.
- ALL BLOCKING SHALL BE ADEQUATE TO SATISFY LOADING STANDARDS OF AT LEAST 250 LBS. PER APPLICABLE CODES.
- PROVIDE BACKSPLASH AND SIDESPLASHES AS REQUIRED OF MATERIAL TO MATCH COUNTERTOPS UNLESS OTHERWISE NOTED.
- PROVIDE ADEQUATE BLOCKING TO ALLOW FOR SINKS TO BE RELOCATED VERTICALLY ALONG WALL WITHOUT STRUCTURAL CHANGES.
- FLOORING TO CONTINUE UNDER ALL REMOVABLE BASE CABINETS.
- WHERE PLAM IS SURFACE FINISH - PROVIDE ON ALL EXPOSED SURFACES.
- REFER TO SPECIFICATIONS FOR CABINET HARDWARE REQUIREMENTS.



Bath Mounting Height Key
3/8" = 1'-0"

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Newburyport Youth Services
59 Low Street
Newburyport, MA 01950

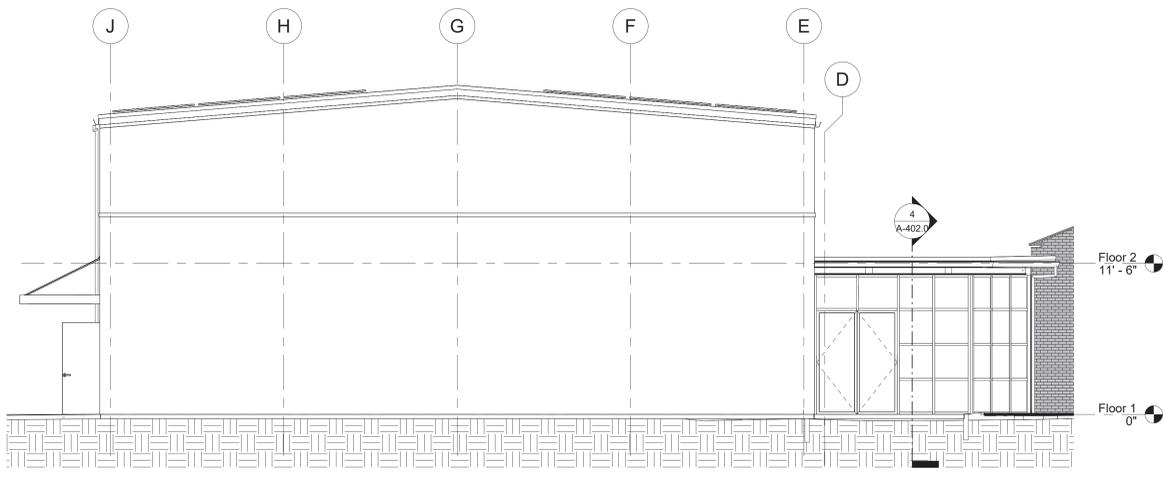
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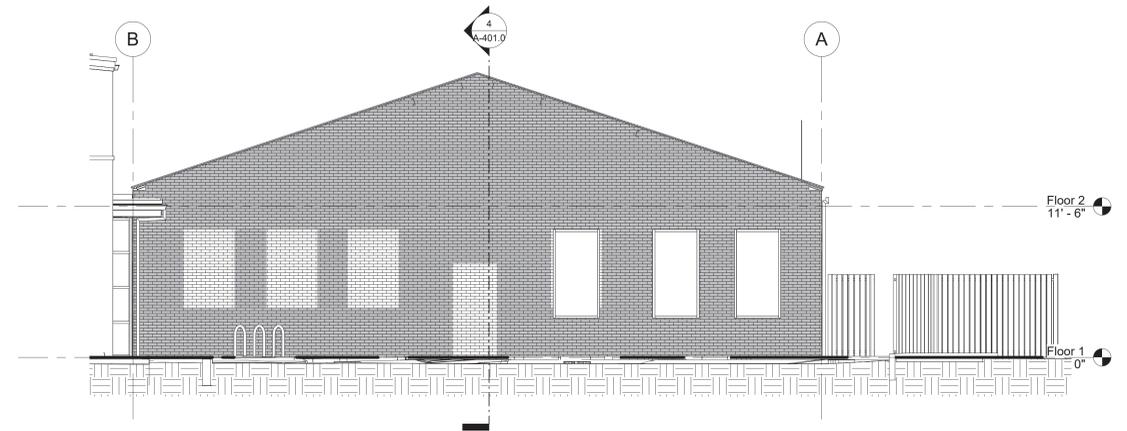
Building Key:

Sheet Title:
Bath Elevations

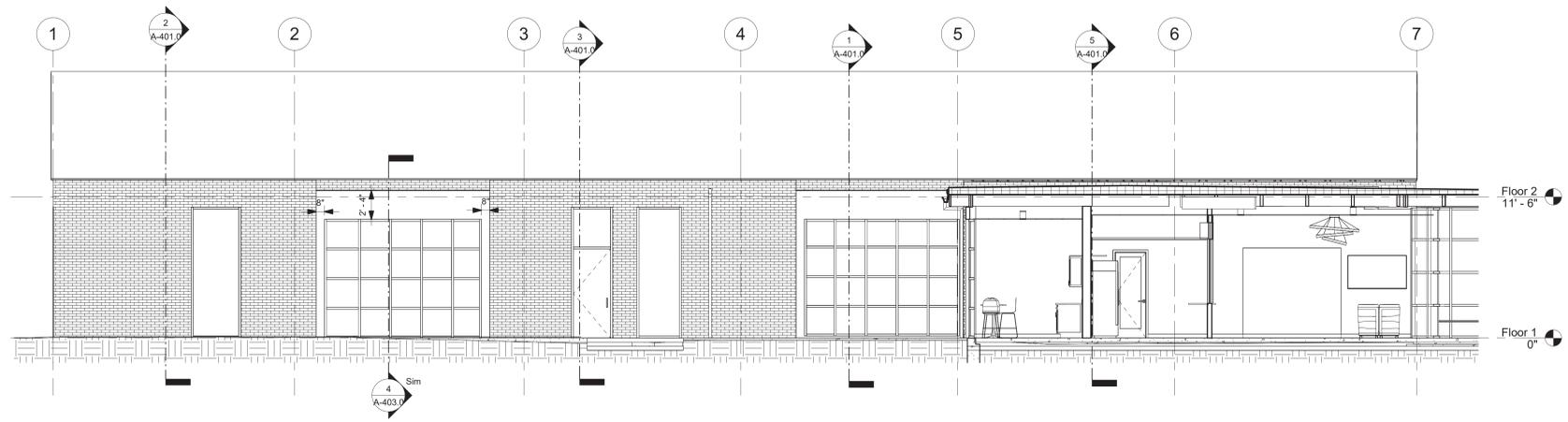
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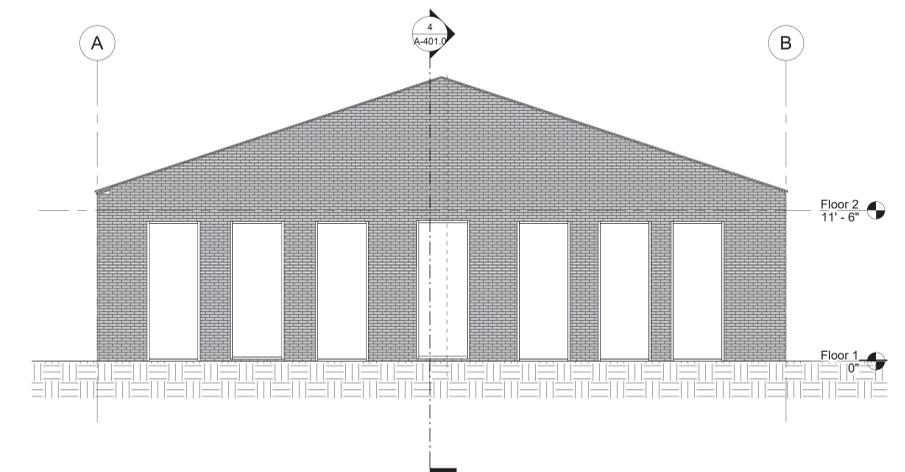
4 Elevation 3 - a
3/16" = 1'-0"



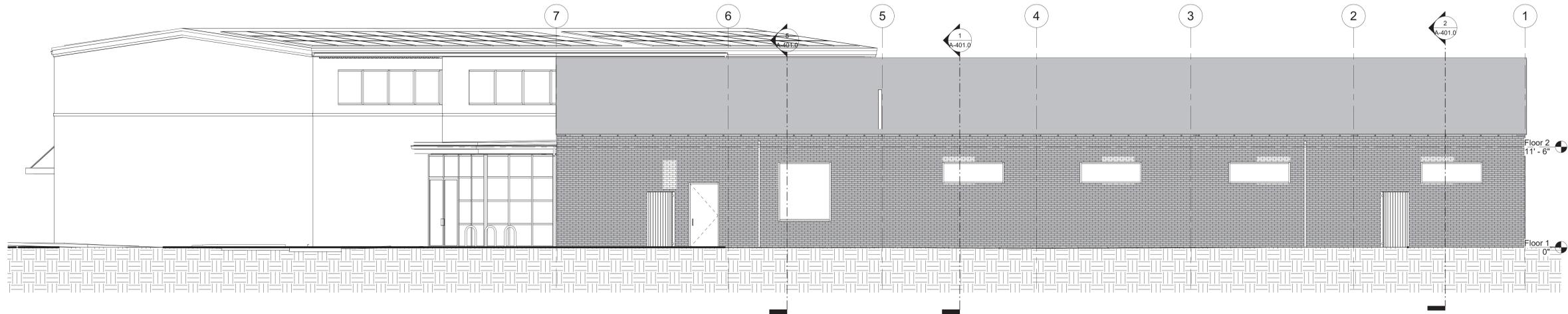
2 Classroom Wing North Elevation
3/16" = 1'-0"



1 Classroom Wing East Elevation
3/16" = 1'-0"



3 Classroom Wing South Elevation
3/16" = 1'-0"



8 Classroom Wing West Elevation
3/16" = 1'-0"

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One Vernon Street
Newburyport, MA 01950
Phone: 978-462-5515
Fax: 978-462-5525

CIVIL ENGINEER:
STRUCTURAL ENGINEER:
Shelley Engineering
MEP ENGINEER:
BLW Engineers
INTERIOR DESIGNER:
WDC Interiors

Newburyport Youth Services
59 Low Street
Newburyport, MA 01950

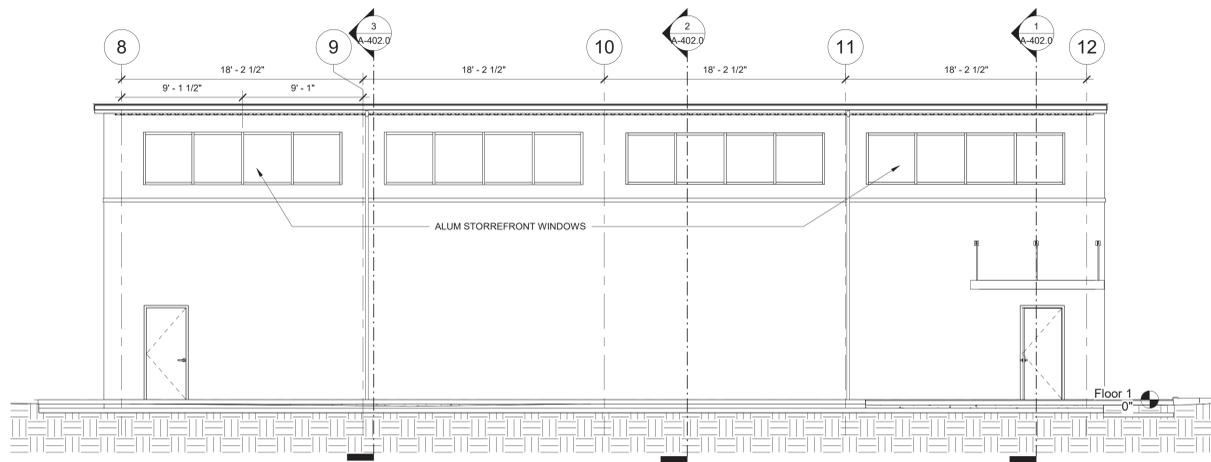
Issued For:	Date:
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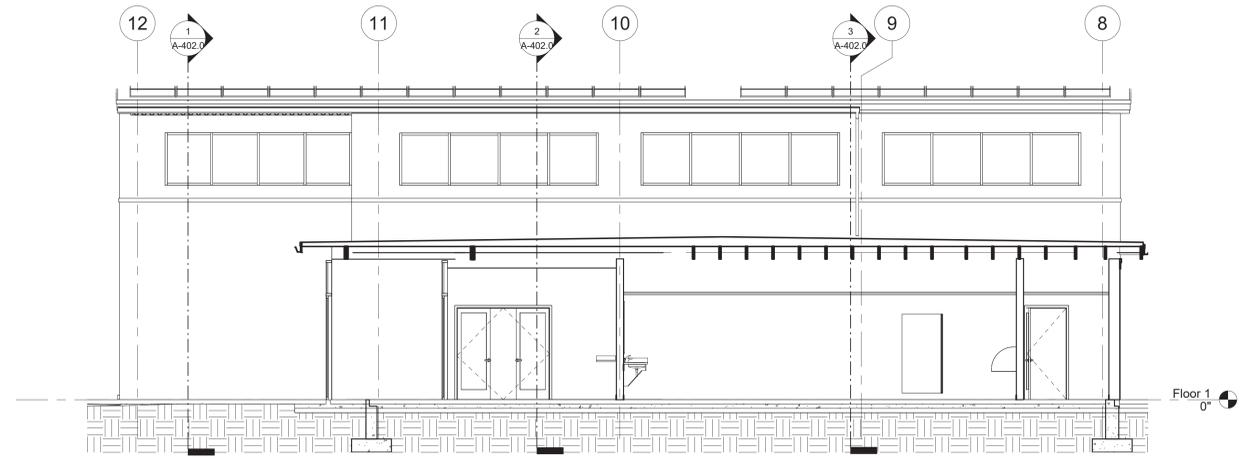
Building Key:

Sheet Title:
Elevations

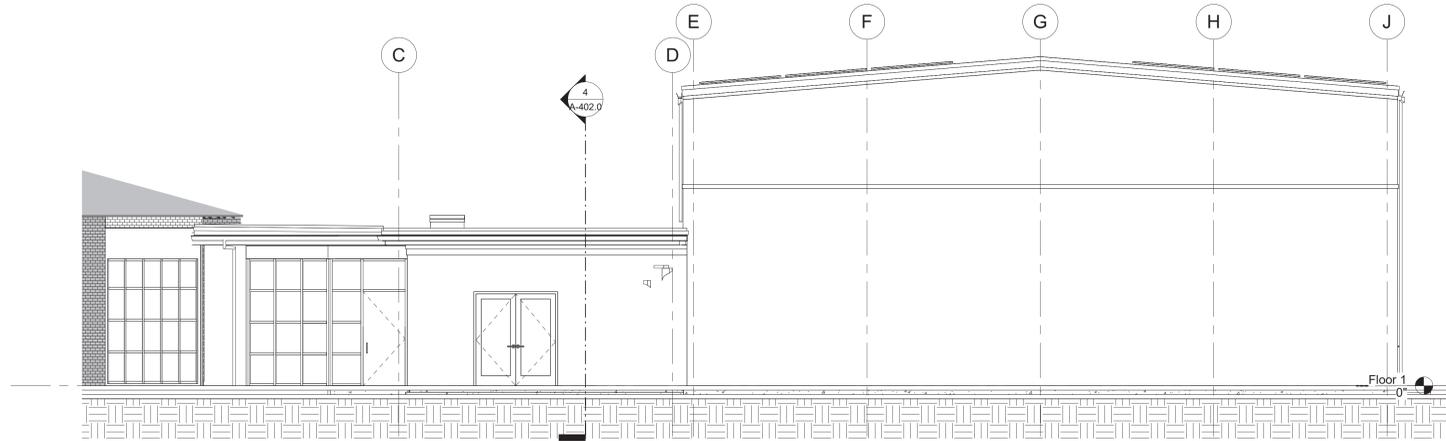
Sheet Number:
A-301.0



① 1 - a
3/16" = 1'-0"



③ 4 - a
3/16" = 1'-0"



② 3 - a
3/16" = 1'-0"



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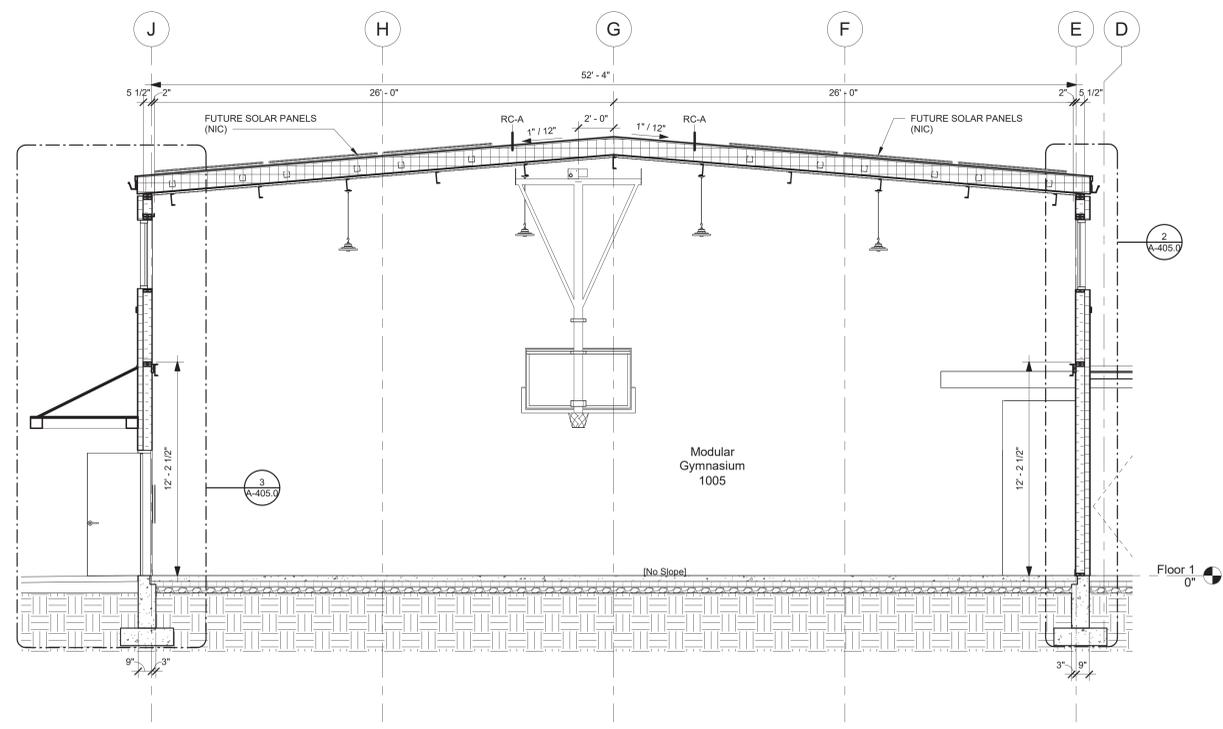
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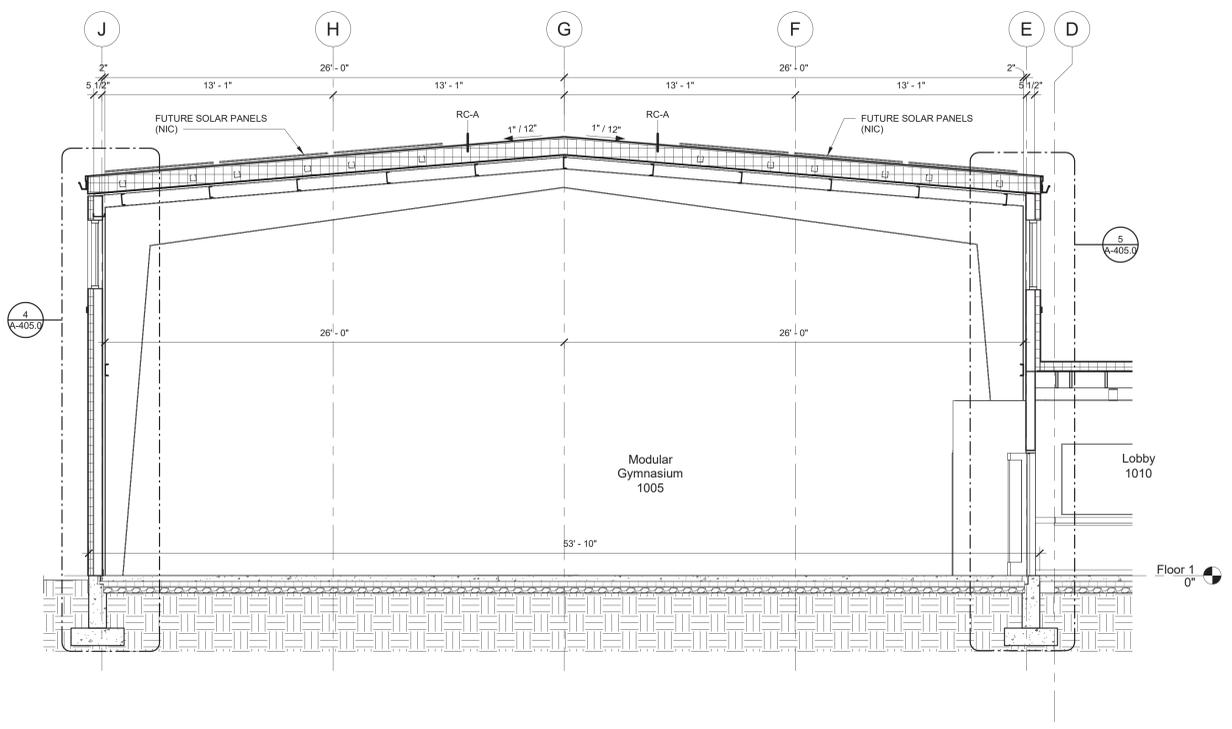
Building Key:

Sheet Title:
Elevations

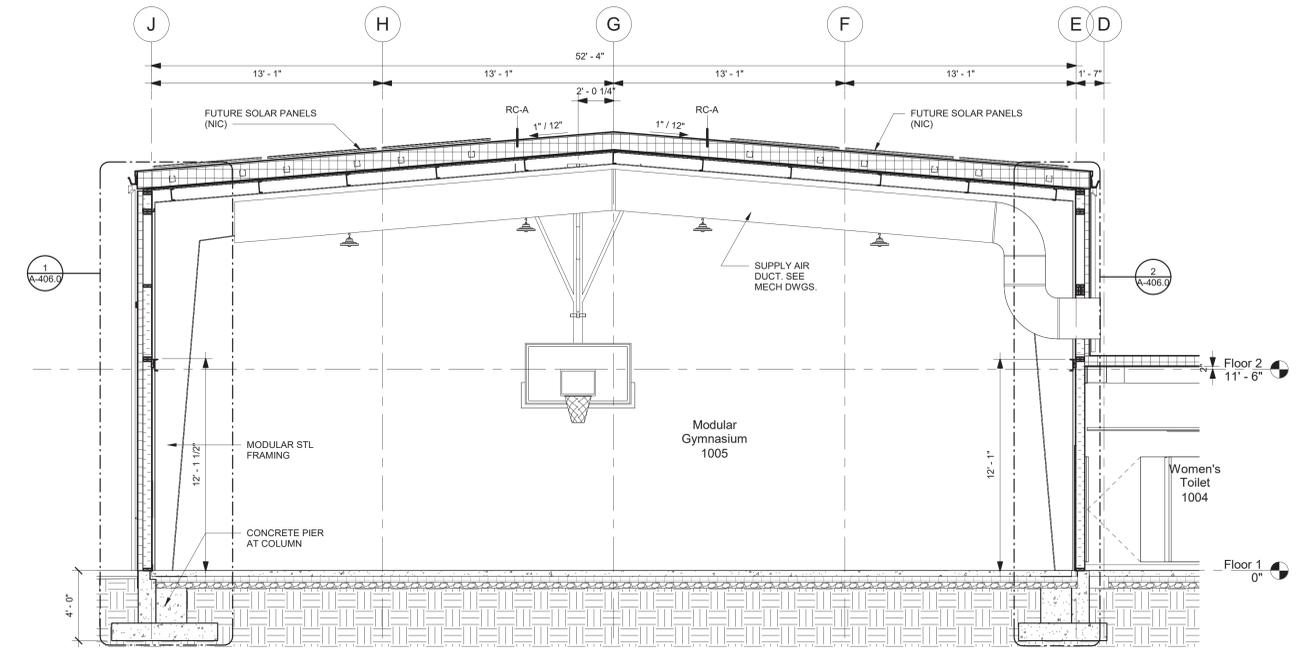
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A-302.0



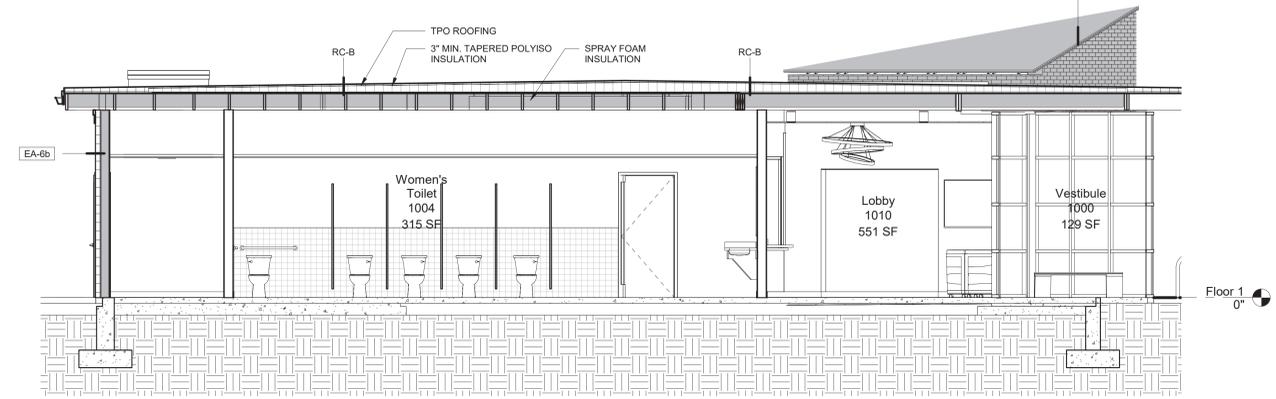
1 Section 5
1/4" = 1'-0"



2 Section 1
1/4" = 1'-0"



3 Section 3
1/4" = 1'-0"



4 Section 2
1/4" = 1'-0"



FURNITURE NOTES:

1. THE FURNITURE SHOWN ON WDC DRAWINGS ARE CONCEPTUAL AND WILL BE SPECIFIED BY THE DESIGNER AND COORDINATED WITH THE ARCHITECT.
2. THE NEWBURYPORT YOUTH SERVICES WILL BE RESPONSIBLE FOR PURCHASING THE FURNITURE PER THE DESIGNER'S SPECIFICATIONS.
3. THE PLACEMENT OF FURNITURE SHALL BE COORDINATED WITH THE ELECTRICAL ENGINEERS FOR POWER AND DATA CONNECTIVITY.

1 FURNITURE PLAN

 1/4" = 1'-0"

RECEIVED
CITY CLERK'S OFFICE
NEWBURYPORT, MA

2024 JAN -5 A 9:07

Newburyport City Council
Ed Cameron, President
60 Pleasant St
Newburyport, MA 01950.

5 January 2024

Re: Request to Update Codified Sign Ordinances

In 2017 the Council amended the sign rules of Section 12 of the general ordinance that apply to signs in our rights of way. That effort had a tremendously positive effect. I ask that we revisit Sections 12 of the general ordinance and Section 8 of the zoning code for signs. The goals are to improve the distinction of public versus private property signs, to make the rules fair and legal, and to allow practical enforcement that aligns with how we operate.

As we work through the changes, we should engage the Mayor's office to make clear who enforces what.

Please consider sending this request to Public Works and Safety because some of the main issues I want to address are in Councilor Granas' ward.

Thank you.



Sincerely,

Jim McCarthy
17 Russia St
Newburyport, MA 01950
(978) 417-9373



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

MEMORANDUM

TO: Newburyport City Council

FROM: Andrew R. Port, Director of Planning & Development

**CC: Sean R. Reardon, Mayor
Newburyport Planning Board**

RE: Update Regarding Zoning Studies & Amendments Related to Storey Ave & “MBTA Communities”

DATE: January 23, 2024

With this communication, I hereby request that the Council schedule a meeting as P&D/COTW (*Planning & Development Committee, posted as Committee of the Whole*) wherein I can present an overview of the above two – somewhat interrelated – zoning update efforts now underway. Recognizing the importance of Council consensus for any zoning changes to be adopted for these two areas (*Storey Ave, and in/around our 40R Smart Growth District*), I request this forum as an opportunity to obtain early input from the Council on a conceptual level, in advance of submitting any formal draft zoning or map amendments in relation thereto. My presentation will cover these areas in more depth, with various illustrative maps and graphics, and will allow for discussion about the pros and cons of various options available to us. This input will allow us to better address these questions or concerns as part of any package of zoning changes ultimately brought forward. Following is a brief summary of key parameters we should keep in mind, for each study area:

Zoning Updates Necessary to Comply with “MBTA Communities” Guidelines Issued by the State

Newburyport is obligated, like many other communities around the Boston area, to adopt new zoning which will comply with mandates adopted by the state legislature and codified into the state Zoning Act, which effectively delegated authority to the Executive Office of Housing and Livable Communities (*EOHLC, formerly DHCD*) to determine “*reasonable size*”, *density and overall buildout* required by the subject local zoning. This is a notable departure from “home rule” authority, which is the typical basis for local zoning throughout the Commonwealth. In this case the key parameters for local zoning must address the following:

An MBTA community shall have at least one zoning district of reasonable size in which multi-family housing is permitted as of right and meets other criteria set forth in the statute:

- *Minimum gross density of 15 units per acre*

- *Located not more than 0.5 miles from a commuter rail station, subway station, ferry terminal or bus station, if applicable*
- Minimum Multifamily Unit Capacity of zoning district(s) used to satisfy the new guidelines: **1,292 units** *(Note: For comparison purposes, our existing 40R District, which was developed under a slightly different set of state parameters, projected newly enabled residential buildout at 540 units.)*
- Minimum Land Area: **35 acres** *(Note: For comparison purposes, our existing 40R District is about 49 acres.)*
- Minimum Percentage of District(s) within 0.5 Mile Station Area: **20%**
- District Density: roughly **36.9 units/acre** *(Note: For comparison purposes, our existing 40R District – e.g. the 1 and 3 Boston Way developments – permits up to 40 units/acre)*
- No age restrictions and suitable for families with children (the zoning district cannot have limits on the size of units or caps on the number of bedrooms or occupants)
- Existing multifamily units count toward the zoned capacity (zoning map/provisions must allow compliant density/permitting/development, even though the subject properties may already be developed and near-term redevelopment seems unlikely to occur)
- Deadline for Council adoption of “compliant” new zoning: 12/31/2024

As of this time, and for starters, we are proposing to qualify (*and update as may be necessary*) the City’s existing 40R Smart Growth District around the MBTA Commuter Rail Station, where credit for this existing zoning around the MBTA Station can be obtained under the new guidelines. We have benefited substantially in recent years from the 25% affordability requirement within this District, and would like to maintain this moving forward.

It should be noted that the new MBTA Communities Guidelines would preclude a 25% affordability requirement moving forward, for any areas used to satisfy the new state guidelines. The regulations set a baseline allowance as high as 10%, and the ability to submit an “Economic Feasibility Analysis” to the EOHLC in an effort to raise that percentage higher, but in no case higher than 20%. This seems counterintuitive to be sure, and would have adverse impact on our ability to reach and maintain a 10% Citywide affordable housing stock for purposes of “safe harbor” under MGL Chapter 40B. Nevertheless, the state has in essence: (a) accepted arguments from developers that a 25% threshold is “uneconomical” or “financially infeasible” (*notwithstanding the success of recent projects like 1 and 3 Boston Way*); and (b) decided to focus on a “saturation” of market-rate housing units for the Commonwealth, and in close proximity to transit facilities, with the presumption that free market competition will indirectly result in lower overall housing prices for the region/commonwealth. Notwithstanding any objections we may have to these assumptions, we are now statutorily obligated to adopt complaint zoning changes before the end of 2024, and the percentage of affordable units required must be determined absent clear guidance from the Commonwealth (*at this time at least*) as to what will make for an “economically feasible” development proforma (*something communities are paying consultants to analyze in order to go higher than 10%*).

Our goal is to fulfill state requirements, while achieving local objectives for overall development patterns, forms, densities and community character within the City. It is likely that we will use both: (a) a combination of

updates to qualify/utilize the existing 40R District; and (b) new zoning for the Storey Ave area (*see below*), to satisfy the applicable “MBTA Communities” Guidelines.

Storey Ave Village Center (Re)Zoning – Planning Assistance Grant

Like other communities, we will be making changes to local zoning before the end of 2024 to provide further *as-of-right* permitting of multi-family housing development surrounding the MBTA Station, and other eligible locations, in accordance with new state requirements. Newburyport has another so-called “village node” along Storey Ave (*where Route 113 intersects with I-95*) which is presently comprised primarily of isolated land uses and auto-dependent commercial establishments. In recent years there has been growing interest about the prospect of *re-envisioning* and redeveloping this area as a proper walkable mixed-use district, integrating multi-family housing with commercial uses. To leverage these changes in the coming years (*of benefit to both the City and State*) we must first develop new zoning for this area which would better accommodate multi-family housing and the proper mixture of uses that a village center provides. Concentrating future growth and redevelopment in this manner could replace large swaths of parking with multi-story buildings bearing closer resemblance to downtown Newburyport or new multi-family development within our 40R Smart Growth District. This more efficient use of previously developed land will concentrate a mix of uses, expand housing opportunities, and provide for economic development and “new growth.” Permitting multi-family and mixed-use housing in this area, along with the 40R/MBTA area, can also help to alleviate the pressure for further infill within our densely developed areas like the National Register Historic District.

We applied for a so-called “Planning Assistance Grant” from the Commonwealth last year to assist in this zoning work, given the limited staff hours and resources available in-house. A \$50K grant was awarded for the purpose of engaging three types of consultant assistance:

1. Drafting new zoning provisions (text) for the Storey Ave area, accompanied by new zoning districts/overlays (map boundaries), consistent with City objectives.
2. Generating renderings and/or a 3D “massing” model to illustrate the urban design improvements (e.g. the spatial relationship between architecture and site layout) we would expect to see over time, based on phased redevelopment of this area in accordance with the new zoning.
3. An assessment of the City’s overall capacity to support the newly anticipated residential and mixed-use “buildout” corresponding to the above, with a particular focus on our Water and Sewer Treatment Plant infrastructure, and with full consideration for potential new growth expected elsewhere in the City (*e.g. 40R/MBTA and Waterfront West*) as well as outside the City (e.g. Intermunicipal Agreements with Newbury and West Newbury for water and sewer service to these adjacent communities).

As noted above, our decisions relative to Storey Ave rezoning must contemplate potential [partial] satisfaction of MBTA Community Guidelines for the City.

Suggestions & Requests for Council Input Moving Forward

Generally speaking, it is fair to assume that Newburyport’s approach to MBTA Communities Compliance, and the Storey Ave Rezoning will be based on regulations and permitting procedures parallel to our existing 40R District. In particular, this is because the District allows multi-family uses “as-of-right” as required by the

Commonwealth, but also imposes reasonable site and architectural design standards through Planning Board review of development plans thereunder.

In the coming days I will be pulling together an informal advisory group to discuss the above in further detail, and to assist this Department (*and consultants engaged*) in the review of draft zoning text, maps and visualization materials that will ultimately be returned to the Council as formal zoning changes recommended for your consideration and adoption. This group, comprised of a few key staff and members of the Council and Planning Board, will allow us to vet the full range of considerations and some finer grain details before the Council is expected to spend time in formal public hearings to address sponsored zoning amendments intended to address the above areas in the coming months. Aside from this working group, we and our selected consultants would appreciate your thoughts and preferences for these specific zoning changes, and potentially others like “housekeeping” updates and improvements to our existing Business Park zoning. I request, and strongly encourage, all members of the Council to reach out to convey any thoughts, concerns or preferences regarding zoning and development patterns at a time of your convenience. These may be conveyed verbally, with an emailed bullet list, or in the form of specific “markup” to existing zoning ordinances.

To frame the related question(s) better, I would encourage Councilors to review our existing 40R Smart Growth District zoning, and those uses presently permitted within the Storey Ave B-1 District, in order to provide your input on desired changes or improvements to same, for purposes of the above. For example:

1. What should we allow for Permitted Uses?
2. What dimensional requirements/allowances should apply?
3. What parking ratios/requirements should apply?
4. What Architectural & Site Design Standards should apply?

Thank you in advance, and I look forward to discussing these zoning updates further with you in the weeks and months ahead.



CITY OF NEWBURYPORT FINANCE DEPARTMENT

60 PLEASANT STREET
NEWBURYPORT, MA 01950
PHONE: 978-465-4404

WWW.CITYOFNEWBURYPORT.COM/FINANCE

SEAN R. REARDON
MAYOR

ETHAN R. MANNING
FINANCE DIRECTOR/CITY AUDITOR

To: Mayor Sean R. Reardon
President and Members of the Newburyport City Council

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

Date: January 23, 2024

Subject: FY2024 Mid-Year Budget Report

Attached is the FY2024 Mid-Year Budget Report, which provides a summary of budget expenditures for the period of July 1, 2023, through December 31, 2023. The report covers expenditures within the General Fund and the Water, Sewer, and Harbormaster Enterprise Funds, along with an update on the City's revenue collections.

FY2024 Mid-Year Expenditures

Mid-year expenditures were at 48.6% of the approved budget for the General Fund, 50.6% for the Water Enterprise Fund, 45.2% for the Sewer Enterprise Fund, and 61.4% for the Harbormaster Enterprise Fund. It is typical for expenditure levels not to be exactly 50% at mid-year due to major expenditures occurring throughout the year. Detailed mid-year expenditures by fund and department are provided in the following reports.

Expenditures Through 12/31/2023

	REVISED BUDGET	YTD EXPENDED	REMAINING BUDGET	% USED
001 GENERAL FUND	\$85,024,530	\$41,306,808	\$43,717,722	48.6%
060 WATER ENTERPRISE FUND	\$6,894,013	\$3,490,002	\$3,404,011	50.6%
061 SEWER ENTERPRISE FUND	\$8,185,554	\$3,695,996	\$4,489,557	45.2%
6520 HARBORMASTER ENTERPRISE FUND	\$540,228	\$331,942	\$208,286	61.4%
TOTAL BUDGETARY FUNDS	\$100,644,325	\$48,824,749	\$51,819,577	48.5%

While most department/cost centers show expenditures below or near 50% of appropriations, those exceeding 60% include:

- **General Administration (68.6%):** Municipal insurance premiums, paid at the start of the fiscal year.

- **Human Resources (60.8%):** Workers’ compensation insurance premiums, paid at the start of the fiscal year.
- **Board of Registrar’s (67.1%):** Higher election-related expenditures in the first half of the fiscal year.
- **Retirement Board (100.0%):** City’s appropriation to the Newburyport Retirement System, paid on July 1st.
- **Harbormaster (61.4%):** Seasonal nature of the department leads to higher costs in the first half of the fiscal year.

Additional funding may be required in some accounts, such as snow and ice, legal services, fuel, utilities, and overtime. The City is allowed to exceed the budgetary appropriation for snow and ice removal for public safety, but any deficit must be removed prior to year-end.

FY2024 Mid-Year Revenue

Mid-year revenue was at 47.6% of the FY24 estimate for the General Fund, 50.7% for the Water Enterprise Fund, 50.9% for the Sewer Enterprise Fund, and 56.4% for the Harbormaster Enterprise Fund. Detailed mid-year revenue by fund is available in the following reports.

Receipts Through 12/31/2023

	ESTIMATE	ACTUAL	REMAINING	% COLL
001 GENERAL FUND	\$81,911,780	\$39,004,245	\$42,907,535	47.6%
060 WATER ENTERPRISE FUND	\$6,521,120	\$3,308,845	\$3,212,275	50.7%
061 SEWER ENTERPRISE FUND	\$8,073,012	\$4,106,105	\$3,966,907	50.9%
6520 HARBORMASTER ENTERPRISE FUND	\$538,625	\$303,822	\$234,803	56.4%
TOTAL BUDGETARY FUNDS	\$97,044,537	\$46,723,017	\$50,321,519	48.1%

A full copy of this report is available in the [Financial Reports Center](#).



City of Newburyport FY2024 Mid-Year Budget Report Overview

Expenditures:

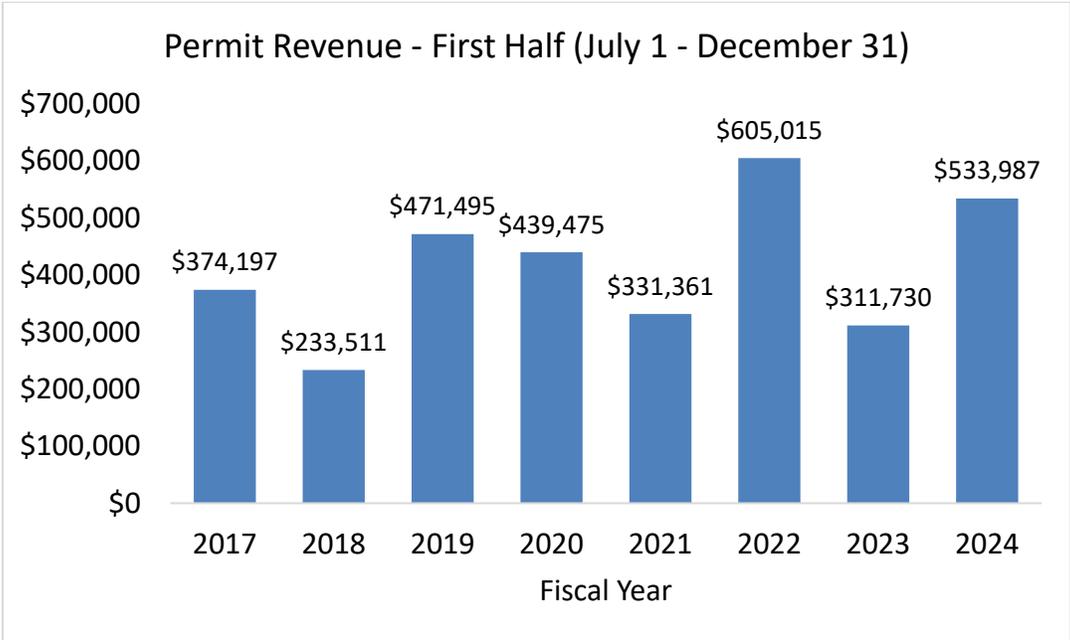
- Mid-year expenditures were at 48.6% of budget for the General Fund, 50.6% for the Water Ent. Fund, 45.2% for the Sewer Ent. Fund, 61.4% for the Harbormaster Ent. Fund.
- We anticipate the potential for operating budget transfers in the following line items by year-end:

Line Item	Potential Transfer	Reason
Water Consultant Fees	\$60,000	To hire an OPM to help with capital planning
Fire Coverage/Overtime	\$50,000	Variable, dependent on minimum staffing coverage for vacation and medical leave
Snow & Ice	\$50,000	Variable; \$250,918 remaining as of 1/23/2024
Health Insurance	\$50,000	Variable based on actual enrollment
Fire Injured-on-Duty	\$32,000	Pending medical leave status for former fire chief
Legal Services	\$30,000	Variable based on activity
Sewer Consultant Fees	\$25,000	To hire an OPM to help with capital planning
IT Software/Licensing	\$20,000	Short-term rentals licensing software
Harbormaster Labor	\$15,000	Variable by season
Elections	\$10,000	Pending costs of presidential primary
Fire Maint-Buildings	\$10,000	Due to boiler replacement
Highway Line Painting	\$10,000	Currently 103% spent due to higher costs
Police Injured-on-Duty	\$5,000	Variable based on activity
Downtown Parklets	\$5,000	Pending final planning for summer parklets
Total	\$372,000	

Revenue:

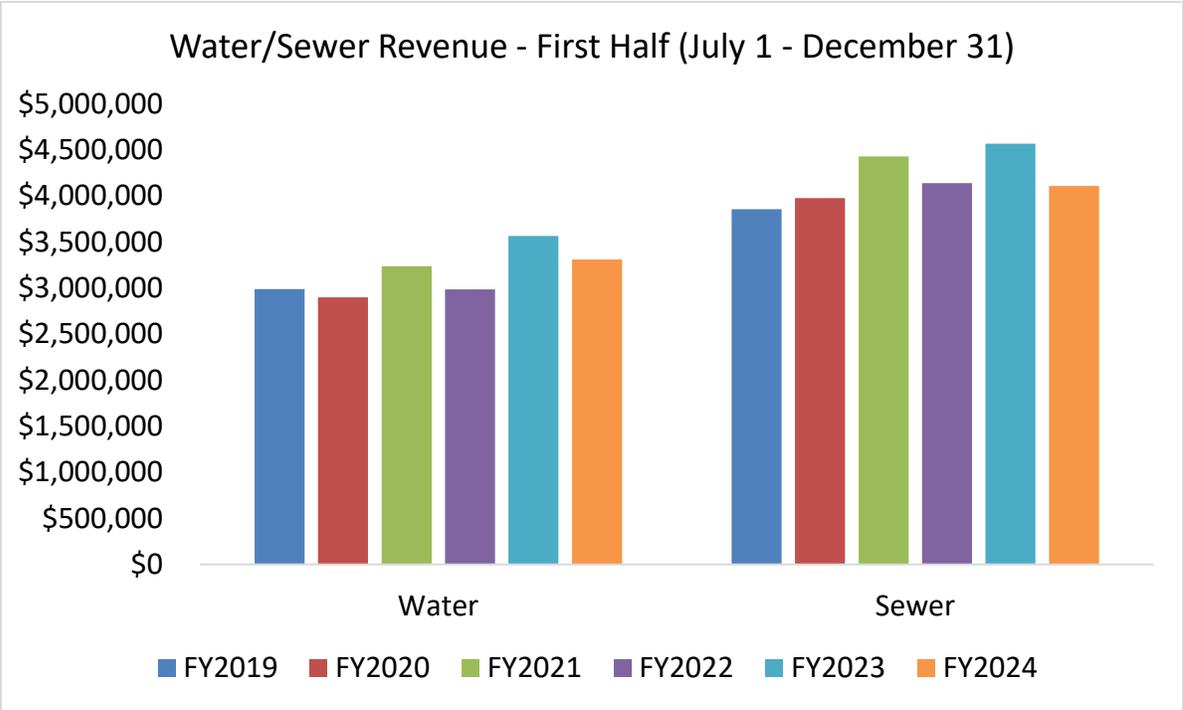
- Mid-year revenue was at 47.6% of the FY2024 estimate for the General Fund, 50.7% for the Water Ent. Fund, 50.9% for the Sewer Ent. Fund and 56.4% for the Harbormaster Ent. Fund.
- Overall local receipts for the General Fund were up 18.7% compared to the first half of FY2023 buoyed by higher than estimated investment income (backing out investment income, local receipts were up 7.7% year-over-year). Excluding motor vehicle excise, which is billed in the 2nd half of the year, 75.4% expected revenue had been collected as of 12/31/2023 and we, therefore, expect to surpass the FY2024 revenue estimate by fiscal year-end.

- Personal Property Tax collections were at 49.6% of the FY2023 estimate. Revenue is variable based on business activity; first half collections were down 8.7% year-over-year, however were up 10.5% from the first half of the year prior.
- Motor Vehicle Excise tax collections during the first half of the fiscal year predominantly comprise of taxes assessed on new vehicle purchases since tax bills on existing vehicles are not assessed until the end of February. For the first half of FY2024, collections were down 12.1% year-over-year, indicative of fewer vehicle transactions during that period compared to the first half of the year prior.
- Meals Excise Tax collections were up 3.1% primarily driven by higher pricing.
- Room Occupancy Excise Tax collections were up 22.8% due to an increased number of establishments, including short-term rental units.
- Fee collections down 44.0% due to a decrease in tax title receipts (1H tax title revenue for the past three years: FY22 \$29,726, FY23 \$83,008, FY24 \$72,667).
- Building permits were up 71.3% driven by an uptick in the value of alterations combined with new construction activity. For context, below is the first half building permit revenue for the past 8 fiscal years:



- Other licenses and permits were down 14.6%, primarily driven by the timing of receipts for alcohol licenses and Health Department permits.
- Investment income was up 262.3% driven by high interest rates and improved investment returns compared to the first half of the prior fiscal year.

- Miscellaneous recurring revenue was up 125.9%, which fluctuates primarily due to the timing of receipts from participants in the intermunicipal agreement for Veterans Services, which comprises the majority of collections in this revenue center.
- The Water Fund was down 7.2% and the Sewer Fund was down 10.0%, however at this time last year, collections were up 19.4% and 10.3%, respectively for the two enterprise funds. Both funds surpassed 50.0% of estimated revenue and are anticipated to meet or exceed the FY2024 revenue estimates. For context, below is the first half water/sewer revenue for the past 6 fiscal years:



- The Harbormaster Fund was down 2.6% based on slightly reduced activity from the year prior. Nonetheless, the Fund had collected 56.4% of expected revenue and is, therefore, anticipated to meet or exceed its FY2024 revenue estimate.



City of Newburyport FY2024 Mid-Year Expenditure Summary

	ORIGINAL APPROP.	TRANSFERS/ ADJUST.	REVISED BUDGET	YTD EXPENDED	REMAINING BUDGET	% USED
001 GENERAL FUND						
111 CITY COUNCIL	128,120	0	128,120	61,807	66,314	48.2%
121 MAYOR'S DEPARTMENT	450,058	25,000	475,058	223,549	251,509	47.1%
129 GENERAL ADMINISTRATION	373,606	329	373,935	256,693	117,242	68.6%
132 BUDGET CONTINGENCY	105,000	(75,103)	29,897	0	29,897	0.0%
135 AUDITOR'S DEPARTMENT	376,329	4,233	380,562	143,911	236,651	37.8%
141 ASSESSORS DEPARTMENT	295,509	2,385	297,894	145,523	152,371	48.9%
145 TREASURER'S DEPARTMENT	421,994	2,983	424,977	192,296	232,681	45.2%
151 INFO TECHNOLOGY DEPT	858,658	8,447	867,105	324,036	543,068	37.4%
152 HUMAN RESOURCES	342,579	3,172	345,751	210,303	135,448	60.8%
161 CITY CLERK'S DEPARTMENT	334,205	0	334,205	160,388	173,817	48.0%
163 BOARD OF REGISTRARS	72,138	0	72,138	48,414	23,724	67.1%
165 LICENSE COMMISSION	11,691	0	11,691	5,795	5,896	49.6%
171 CONSERVATION COMMISSION	7,200	0	7,200	2,400	4,800	33.3%
175 PLANNING BOARD	7,200	0	7,200	1,800	5,400	25.0%
176 ZONING BOARD	7,200	0	7,200	3,000	4,200	41.7%
182 PLANNING & DEVELOPMENT	493,770	0	493,770	233,740	260,030	47.3%
191 LEGAL DEPARTMENT	175,000	16,908	191,908	49,402	142,506	25.7%
210 POLICE DEPARTMENT	4,627,016	115,460	4,742,476	2,357,087	2,385,389	49.7%
220 FIRE DEPARTMENT	4,643,268	71,923	4,715,191	2,305,834	2,409,357	48.9%
241 BUILDING DEPARTMENT	194,242	0	194,242	94,317	99,925	48.6%
291 EMERGENCY MANAGEMENT	20,000	0	20,000	9,121	10,879	45.6%
292 ANIMAL CONTROL	92,184	0	92,184	41,316	50,869	44.8%
293 PARKING CLERK DEPARTMENT	550,099	275	550,374	222,818	327,556	40.5%
300 SCHOOL DEPARTMENT	36,733,619	1,280,871	38,014,490	15,934,796	22,079,694	41.9%
398 ESSEX NORTH SHORE TECH SCHOOL	141,349	0	141,349	67,693	73,656	47.9%
399 WHITTIER VO TECH SCHOOL	611,669	0	611,669	305,836	305,833	50.0%
421 PUBLIC SERVICES DEPARTMENT	3,871,122	114,516	3,985,637	2,146,127	1,839,510	53.8%
423 SNOW & ICE	330,000	0	330,000	18,715	311,285	5.7%
510 HEALTH DEPARTMENT	230,776	104	230,880	99,955	130,925	43.3%
519 SUSTAINABILITY	2,387,240	776	2,388,016	1,014,285	1,373,731	42.5%
541 COUNCIL ON AGING	374,636	0	374,636	172,613	202,022	46.1%
542 YOUTH SERVICES	462,682	0	462,682	216,293	246,390	46.7%
543 VETERANS' DEPARTMENT	307,294	0	307,294	147,706	159,589	48.1%
610 LIBRARY DEPARTMENT	1,489,350	0	1,489,350	730,031	759,319	49.0%
630 PARKS COMMISSION	503,600	5,036	508,636	202,925	305,711	39.9%
691 HISTORICAL COMMISSION	7,200	0	7,200	1,500	5,700	20.8%
710 DEBT EXCLUSION	3,182,660	0	3,182,660	1,238,668	1,943,993	38.9%
720 ORDINARY DEBT SERVICE	1,615,611	0	1,615,611	525,694	1,089,917	32.5%
911 RETIREMENT BOARD	5,352,828	0	5,352,828	5,352,289	539	100.0%
914 INSURANCE GROUP	10,524,500	0	10,524,500	5,304,121	5,220,379	50.4%
990 INTERFUND TRANSFERS OUT	0	734,012	734,012	734,012	0	100.0%
001 GENERAL FUND Total	82,713,202	2,311,328	85,024,530	41,306,808	43,717,722	48.6%
060 WATER ENTERPRISE FUND Total	6,520,029	373,985	6,894,013	3,490,002	3,404,011	50.6%
061 SEWER ENTERPRISE FUND Total	8,071,921	113,633	8,185,554	3,695,996	4,489,557	45.2%
6520 HARBORMASTER ENTERPRISE FUND Total	538,625	1,603	540,228	331,942	208,286	61.4%
Total Budgetary Funds	97,843,777	2,800,548	100,644,325	48,824,749	51,819,577	48.5%



City of Newburyport FY2024 Mid-Year Expenditures by Category

	ORIGINAL APPROP.	TRANSFERS/ ADJUST.	REVISED BUDGET	YTD EXPENDED	REMAINING BUDGET	% USED
001 GENERAL FUND						
111 CITY COUNCIL						
001 PERSONNEL SERVICES	109,620	0	109,620	55,729	53,892	50.8%
002 PURCHASE OF SERVICES	18,500	0	18,500	6,078	12,422	32.9%
111 CITY COUNCIL Total	128,120	0	128,120	61,807	66,314	48.2%
121 MAYOR'S DEPARTMENT						
001 PERSONNEL SERVICES	359,806	0	359,806	163,298	196,508	45.4%
002 PURCHASE OF SERVICES	85,252	25,000	110,252	58,634	51,618	53.2%
004 SUPPLIES	5,000	0	5,000	1,617	3,383	32.3%
121 MAYOR'S DEPARTMENT Total	450,058	25,000	475,058	223,549	251,509	47.1%
129 GENERAL ADMINISTRATION						
001 PERSONNEL SERVICES	2,000	0	2,000	0	2,000	0.0%
002 PURCHASE OF SERVICES	155,974	329	156,303	63,525	92,778	40.6%
004 SUPPLIES	5,000	0	5,000	3,009	1,991	60.2%
007 OTHER CHARGES & EXPENSES	210,632	0	210,632	190,159	20,473	90.3%
129 GENERAL ADMINISTRATION Total	373,606	329	373,935	256,693	117,242	68.6%
132 BUDGET CONTINGENCY						
007 OTHER CHARGES & EXPENSES	105,000	(75,103)	29,897	0	29,897	0.0%
132 BUDGET CONTINGENCY Total	105,000	(75,103)	29,897	0	29,897	0.0%
135 AUDITOR'S DEPARTMENT						
001 PERSONNEL SERVICES	327,424	0	327,424	129,366	198,057	39.5%
002 PURCHASE OF SERVICES	47,200	4,233	51,433	13,850	37,583	26.9%
004 SUPPLIES	1,250	0	1,250	294	956	23.5%
007 OTHER CHARGES & EXPENSES	455	0	455	400	55	87.9%
135 AUDITOR'S DEPARTMENT Total	376,329	4,233	380,562	143,911	236,651	37.8%
141 ASSESSORS DEPARTMENT						
001 PERSONNEL SERVICES	246,285	0	246,285	117,789	128,496	47.8%
002 PURCHASE OF SERVICES	43,284	2,385	45,669	26,719	18,950	58.5%
004 SUPPLIES	5,300	0	5,300	375	4,925	7.1%
007 OTHER CHARGES & EXPENSES	640	0	640	640	0	100.0%
141 ASSESSORS DEPARTMENT Total	295,509	2,385	297,894	145,523	152,371	48.9%
145 TREASURER'S DEPARTMENT						
001 PERSONNEL SERVICES	362,294	2,983	365,277	170,021	195,257	46.5%
002 PURCHASE OF SERVICES	55,850	0	55,850	18,540	37,310	33.2%
004 SUPPLIES	1,750	0	1,750	1,711	39	97.8%
007 OTHER CHARGES & EXPENSES	2,100	0	2,100	2,025	75	96.4%
145 TREASURER'S DEPARTMENT Total	421,994	2,983	424,977	192,296	232,681	45.2%



City of Newburyport FY2024 Mid-Year Expenditures by Category

	ORIGINAL APPROP.	TRANSFERS/ ADJUST.	REVISED BUDGET	YTD EXPENDED	REMAINING BUDGET	% USED
151 INFO TECHNOLOGY DEPT						
001 PERSONNEL SERVICES	220,320	0	220,320	106,819	113,501	48.5%
002 PURCHASE OF SERVICES	636,838	8,447	645,285	216,369	428,916	33.5%
004 SUPPLIES	1,500	0	1,500	848	652	56.5%
151 INFO TECHNOLOGY DEPT Total	858,658	8,447	867,105	324,036	543,068	37.4%
152 HUMAN RESOURCES						
001 PERSONNEL SERVICES	168,246	0	168,246	74,416	93,829	44.2%
002 PURCHASE OF SERVICES	172,933	3,172	176,105	135,533	40,573	77.0%
004 SUPPLIES	1,000	0	1,000	79	921	7.9%
007 OTHER CHARGES & EXPENSES	400	0	400	275	125	68.8%
152 HUMAN RESOURCES Total	342,579	3,172	345,751	210,303	135,448	60.8%
161 CITY CLERK'S DEPARTMENT						
001 PERSONNEL SERVICES	319,705	0	319,705	153,200	166,505	47.9%
002 PURCHASE OF SERVICES	4,500	0	4,500	3,614	886	80.3%
004 SUPPLIES	8,000	0	8,000	1,886	6,114	23.6%
007 OTHER CHARGES & EXPENSES	2,000	0	2,000	1,689	311	84.4%
161 CITY CLERK'S DEPARTMENT Total	334,205	0	334,205	160,388	173,817	48.0%
163 BOARD OF REGISTRARS						
001 PERSONNEL SERVICES	4,638	0	4,638	2,425	2,213	52.3%
007 OTHER CHARGES & EXPENSES	67,500	0	67,500	45,989	21,511	68.1%
163 BOARD OF REGISTRARS Total	72,138	0	72,138	48,414	23,724	67.1%
165 LICENSE COMMISSION						
001 PERSONNEL SERVICES	10,691	0	10,691	5,795	4,896	54.2%
007 OTHER CHARGES & EXPENSES	1,000	0	1,000	0	1,000	0.0%
165 LICENSE COMMISSION Total	11,691	0	11,691	5,795	5,896	49.6%
171 CONSERVATION COMMISSION						
001 PERSONNEL SERVICES	7,200	0	7,200	2,400	4,800	33.3%
171 CONSERVATION COMMISSION Total	7,200	0	7,200	2,400	4,800	33.3%
175 PLANNING BOARD						
001 PERSONNEL SERVICES	7,200	0	7,200	1,800	5,400	25.0%
175 PLANNING BOARD Total	7,200	0	7,200	1,800	5,400	25.0%
176 ZONING BOARD						
001 PERSONNEL SERVICES	7,200	0	7,200	3,000	4,200	41.7%
176 ZONING BOARD Total	7,200	0	7,200	3,000	4,200	41.7%
182 PLANNING & DEVELOPMENT						
001 PERSONNEL SERVICES	474,470	0	474,470	228,119	246,351	48.1%
002 PURCHASE OF SERVICES	16,300	0	16,300	3,792	12,508	23.3%
004 SUPPLIES	3,000	0	3,000	1,828	1,172	60.9%
182 PLANNING & DEVELOPMENT Total	493,770	0	493,770	233,740	260,030	47.3%



City of Newburyport FY2024 Mid-Year Expenditures by Category

	ORIGINAL APPROP.	TRANSFERS/ ADJUST.	REVISED BUDGET	YTD EXPENDED	REMAINING BUDGET	% USED
191 LEGAL DEPARTMENT						
002 PURCHASE OF SERVICES	175,000	16,908	191,908	49,402	142,506	25.7%
191 LEGAL DEPARTMENT Total	175,000	16,908	191,908	49,402	142,506	25.7%
210 POLICE DEPARTMENT						
001 PERSONNEL SERVICES	4,257,449	75,103	4,332,552	2,133,480	2,199,072	49.2%
002 PURCHASE OF SERVICES	193,957	35,482	229,439	145,412	84,027	63.4%
004 SUPPLIES	63,800	3,519	67,319	24,510	42,809	36.4%
007 OTHER CHARGES & EXPENSES	22,085	0	22,085	20,125	1,960	91.1%
008 CAPITAL OUTLAY	89,725	1,356	91,081	33,559	57,522	36.8%
210 POLICE DEPARTMENT Total	4,627,016	115,460	4,742,476	2,357,087	2,385,389	49.7%
220 FIRE DEPARTMENT						
001 PERSONNEL SERVICES	4,342,918	64,305	4,407,223	2,171,942	2,235,281	49.3%
002 PURCHASE OF SERVICES	234,000	295	234,295	110,885	123,410	47.3%
004 SUPPLIES	62,000	7,323	69,323	19,125	50,198	27.6%
007 OTHER CHARGES & EXPENSES	4,350	0	4,350	3,882	468	89.2%
220 FIRE DEPARTMENT Total	4,643,268	71,923	4,715,191	2,305,834	2,409,357	48.9%
241 BUILDING DEPARTMENT						
001 PERSONNEL SERVICES	194,242	0	194,242	94,317	99,925	48.6%
241 BUILDING DEPARTMENT Total	194,242	0	194,242	94,317	99,925	48.6%
291 EMERGENCY MANAGEMENT						
001 PERSONNEL SERVICES	18,000	0	18,000	7,731	10,269	42.9%
004 SUPPLIES	500	0	500	0	500	0.0%
007 OTHER CHARGES & EXPENSES	1,500	0	1,500	1,390	110	92.7%
291 EMERGENCY MANAGEMENT Total	20,000	0	20,000	9,121	10,879	45.6%
292 ANIMAL CONTROL						
001 PERSONNEL SERVICES	83,484	0	83,484	40,182	43,303	48.1%
002 PURCHASE OF SERVICES	4,950	0	4,950	470	4,480	9.5%
004 SUPPLIES	2,100	0	2,100	600	1,500	28.6%
007 OTHER CHARGES & EXPENSES	1,650	0	1,650	64	1,586	3.9%
292 ANIMAL CONTROL Total	92,184	0	92,184	41,316	50,869	44.8%
293 PARKING CLERK DEPARTMENT						
001 PERSONNEL SERVICES	268,999	0	268,999	106,056	162,943	39.4%
002 PURCHASE OF SERVICES	252,500	77	252,577	107,833	144,744	42.7%
004 SUPPLIES	28,600	198	28,798	8,929	19,869	31.0%
293 PARKING CLERK DEPARTMENT Total	550,099	275	550,374	222,818	327,556	40.5%
300 SCHOOL DEPARTMENT						
002 PURCHASE OF SERVICES	36,733,619	1,280,871	38,014,490	15,934,796	22,079,694	41.9%
300 SCHOOL DEPARTMENT Total	36,733,619	1,280,871	38,014,490	15,934,796	22,079,694	41.9%



City of Newburyport FY2024 Mid-Year Expenditures by Category

	ORIGINAL APPROP.	TRANSFERS/ ADJUST.	REVISED BUDGET	YTD EXPENDED	REMAINING BUDGET	% USED
398 ESSEX NORTH SHORE TECH SCHOOL						
002 PURCHASE OF SERVICES	141,349	0	141,349	67,693	73,656	47.9%
398 ESSEX NORTH SHORE TECH SCHOOL Total	141,349	0	141,349	67,693	73,656	47.9%
399 WHITTIER VO TECH SCHOOL						
002 PURCHASE OF SERVICES	611,669	0	611,669	305,836	305,833	50.0%
399 WHITTIER VO TECH SCHOOL Total	611,669	0	611,669	305,836	305,833	50.0%
421 PUBLIC SERVICES DEPARTMENT						
001 PERSONNEL SERVICES	2,356,102	24,764	2,380,865	1,172,737	1,208,128	49.3%
002 PURCHASE OF SERVICES	562,520	61,264	623,784	335,325	288,459	53.8%
004 SUPPLIES	250,000	2,412	252,412	191,691	60,721	75.9%
008 CAPITAL OUTLAY	702,500	26,077	728,577	446,374	282,203	61.3%
421 PUBLIC SERVICES DEPARTMENT Total	3,871,122	114,516	3,985,637	2,146,127	1,839,510	53.8%
423 SNOW & ICE						
001 PERSONNEL SERVICES	120,000	0	120,000	517	119,483	0.4%
002 PURCHASE OF SERVICES	210,000	0	210,000	18,198	191,802	8.7%
423 SNOW & ICE Total	330,000	0	330,000	18,715	311,285	5.7%
510 HEALTH DEPARTMENT						
001 PERSONNEL SERVICES	186,853	0	186,853	88,053	98,800	47.1%
002 PURCHASE OF SERVICES	38,923	0	38,923	7,740	31,183	19.9%
004 SUPPLIES	4,000	104	4,104	4,002	102	97.5%
007 OTHER CHARGES & EXPENSES	1,000	0	1,000	160	840	16.0%
510 HEALTH DEPARTMENT Total	230,776	104	230,880	99,955	130,925	43.3%
519 SUSTAINABILITY						
001 PERSONNEL SERVICES	134,690	0	134,690	67,204	67,485	49.9%
002 PURCHASE OF SERVICES	2,250,800	776	2,251,576	946,614	1,304,962	42.0%
004 SUPPLIES	1,750	0	1,750	467	1,283	26.7%
519 SUSTAINABILITY Total	2,387,240	776	2,388,016	1,014,285	1,373,731	42.5%
541 COUNCIL ON AGING						
001 PERSONNEL SERVICES	347,636	0	347,636	162,755	184,881	46.8%
002 PURCHASE OF SERVICES	18,500	0	18,500	7,565	10,935	40.9%
004 SUPPLIES	8,500	0	8,500	2,293	6,207	27.0%
541 COUNCIL ON AGING Total	374,636	0	374,636	172,613	202,022	46.1%
542 YOUTH SERVICES						
001 PERSONNEL SERVICES	404,137	0	404,137	192,972	211,165	47.7%
002 PURCHASE OF SERVICES	56,545	0	56,545	22,620	33,925	40.0%
007 OTHER CHARGES & EXPENSES	2,000	0	2,000	700	1,300	35.0%
542 YOUTH SERVICES Total	462,682	0	462,682	216,293	246,390	46.7%



City of Newburyport FY2024 Mid-Year Expenditures by Category

	ORIGINAL APPROP.	TRANSFERS/ ADJUST.	REVISED BUDGET	YTD EXPENDED	REMAINING BUDGET	% USED
543 VETERANS' DEPARTMENT						
001 PERSONNEL SERVICES	175,966	0	175,966	81,593	94,373	46.4%
002 PURCHASE OF SERVICES	7,268	0	7,268	2,249	5,019	30.9%
007 OTHER CHARGES & EXPENSES	124,060	0	124,060	63,864	60,196	51.5%
543 VETERANS' DEPARTMENT Total	307,294	0	307,294	147,706	159,589	48.1%
610 LIBRARY DEPARTMENT						
001 PERSONNEL SERVICES	1,090,683	0	1,090,683	493,579	597,104	45.3%
002 PURCHASE OF SERVICES	398,667	0	398,667	236,452	162,215	59.3%
610 LIBRARY DEPARTMENT Total	1,489,350	0	1,489,350	730,031	759,319	49.0%
630 PARKS COMMISSION						
001 PERSONNEL SERVICES	342,250	(126)	342,124	151,595	190,529	44.3%
002 PURCHASE OF SERVICES	53,000	5,162	58,162	18,881	39,282	32.5%
004 SUPPLIES	87,750	0	87,750	20,918	66,832	23.8%
007 OTHER CHARGES & EXPENSES	600	0	600	0	600	0.0%
008 CAPITAL OUTLAY	20,000	0	20,000	11,531	8,469	57.7%
630 PARKS COMMISSION Total	503,600	5,036	508,636	202,925	305,711	39.9%
691 HISTORICAL COMMISSION						
001 PERSONNEL SERVICES	7,200	0	7,200	1,500	5,700	20.8%
691 HISTORICAL COMMISSION Total	7,200	0	7,200	1,500	5,700	20.8%
710 DEBT EXCLUSION						
009 DEBT SERVICE	3,182,660	0	3,182,660	1,238,668	1,943,993	38.9%
710 DEBT EXCLUSION Total	3,182,660	0	3,182,660	1,238,668	1,943,993	38.9%
720 ORDINARY DEBT SERVICE						
009 DEBT SERVICE	1,615,611	0	1,615,611	525,694	1,089,917	32.5%
720 ORDINARY DEBT SERVICE Total	1,615,611	0	1,615,611	525,694	1,089,917	32.5%
911 RETIREMENT BOARD						
001 PERSONNEL SERVICES	5,352,828	0	5,352,828	5,352,289	539	100.0%
911 RETIREMENT BOARD Total	5,352,828	0	5,352,828	5,352,289	539	100.0%
914 INSURANCE GROUP						
001 PERSONNEL SERVICES	10,524,500	0	10,524,500	5,304,121	5,220,379	50.4%
914 INSURANCE GROUP Total	10,524,500	0	10,524,500	5,304,121	5,220,379	50.4%
921 COMMISSION ON DISABILITY Total	0	0	0	0	0	
990 INTERFUND TRANSFERS OUT						
010 OTHER FINANCING USES	0	734,012	734,012	734,012	0	100.0%
990 INTERFUND TRANSFERS OUT Total	0	734,012	734,012	734,012	0	100.0%
001 GENERAL FUND Total	82,713,202	2,311,328	85,024,530	41,306,808	43,717,722	48.6%



City of Newburyport FY2024 Mid-Year Expenditures by Category

	ORIGINAL APPROP.	TRANSFERS/ ADJUST.	REVISED BUDGET	YTD EXPENDED	REMAINING BUDGET	% USED
<u>060 WATER ENTERPRISE FUND</u>						
450 WATER DEPARTMENT						
001 PERSONNEL SERVICES	2,572,883	1,091	2,573,974	1,356,519	1,217,455	52.7%
002 PURCHASE OF SERVICES	1,249,723	155,016	1,404,739	582,886	821,853	41.5%
004 SUPPLIES	307,214	720	307,934	155,360	152,573	50.5%
007 OTHER CHARGES & EXPENSES	111,655	0	111,655	97,357	14,298	87.2%
008 CAPITAL OUTLAY	440,000	87,157	527,157	88,143	439,015	16.7%
009 DEBT SERVICE	1,838,555	0	1,838,555	1,079,738	758,817	58.7%
450 WATER DEPARTMENT Total	6,520,029	243,985	6,764,013	3,360,002	3,404,011	49.7%
060 WATER ENTERPRISE FUND Total	6,520,029	373,985	6,894,013	3,490,002	3,404,011	50.6%
<u>061 SEWER ENTERPRISE FUND</u>						
440 SEWER DEPARTMENT						
001 PERSONNEL SERVICES	2,628,937	1,091	2,630,028	1,374,300	1,255,728	52.3%
002 PURCHASE OF SERVICES	1,422,770	106,301	1,529,071	737,343	791,728	48.2%
004 SUPPLIES	621,975	5,334	627,309	275,747	351,562	44.0%
007 OTHER CHARGES & EXPENSES	108,280	250	108,530	89,764	18,766	82.7%
008 CAPITAL OUTLAY	308,500	657	309,157	44,781	264,376	14.5%
009 DEBT SERVICE	2,981,460	0	2,981,460	1,174,062	1,807,398	39.4%
440 SEWER DEPARTMENT Total	8,071,921	113,633	8,185,554	3,695,996	4,489,557	45.2%
061 SEWER ENTERPRISE FUND Total	8,071,921	113,633	8,185,554	3,695,996	4,489,557	45.2%
<u>6520 HARBORMASTER ENTERPRISE FUND</u>						
295 HARBORMASTER DEPARTMENT						
001 PERSONNEL SERVICES	333,256	0	333,256	212,799	120,457	63.9%
002 PURCHASE OF SERVICES	62,250	1,603	63,853	22,558	41,295	35.3%
004 SUPPLIES	21,400	0	21,400	10,579	10,821	49.4%
007 OTHER CHARGES & EXPENSES	20,390	0	20,390	13,644	6,746	66.9%
008 CAPITAL OUTLAY	20,000	0	20,000	11,789	8,211	58.9%
009 DEBT SERVICE	81,330	0	81,330	60,574	20,756	74.5%
295 HARBORMASTER DEPARTMENT Total	538,625	1,603	540,228	331,942	208,286	61.4%
6520 HARBORMASTER ENTERPRISE FUND Total	538,625	1,603	540,228	331,942	208,286	61.4%
Total Budgetary Funds	97,843,777	2,800,548	100,644,325	48,824,749	51,819,577	48.5%



City of Newburyport FY2024 Mid-Year Revenue Summary

CATEGORY	FY2023 Mid-Year Revenue				FY2024 Mid-Year Revenue				FY23 vs. FY24 +/-		
	ESTIMATE	6MO ACTUAL	REMAINING	% COLL	ESTIMATE	6MO ACTUAL	REMAINING	% COLL	\$	%	
Tax Revenue											
Real Estate Tax	65,647,367	31,447,383	34,199,984	47.9%	68,118,023	32,412,095	35,705,928	47.6%	964,713	3.1%	↑
Personal Property Tax	737,943	400,015	337,928	54.2%	735,891	365,048	370,843	49.6%	(34,967)	-8.7%	↓
Total Tax Revenue	66,385,310	31,847,398	34,537,912	48.0%	68,853,914	32,777,143	36,076,771	47.6%	929,745	2.9%	↑
Local Receipts											
Motor Vehicle Excise (1)	2,850,000	467,591	2,382,409	16.4%	3,075,752	411,153	2,664,598	13.4%	(56,437)	-12.1%	↓
Other Excise											
a.Meals Excise	662,750	500,938	161,812	75.6%	795,250	516,459	278,791	64.9%	15,521	3.1%	↑
b.Room Occupancy Excise	371,000	294,015	76,985	79.2%	445,000	361,122	83,878	81.2%	67,107	22.8%	↑
Pen & Int on Tax & Exc	300,000	160,924	139,076	53.6%	317,000	164,957	152,043	52.0%	4,033	2.5%	↑
Payments in Lieu of Taxes (2)	27,000	0	27,000	0.0%	25,000	0	25,000	0.0%	0	na	↔
Fees (3)	245,000	183,621	61,379	74.9%	295,000	102,852	192,148	34.9%	(80,769)	-44.0%	↓
Other Dept. Revenue (4)	70,000	38,353	31,647	54.8%	72,500	30,057	42,443	41.5%	(8,296)	-21.6%	↓
Licenses and Permits											
a.Building Permits	700,000	311,730	388,270	44.5%	600,000	533,987	66,013	89.0%	222,257	71.3%	↑
b.Other Licenses & Permits	251,000	248,195	2,805	98.9%	360,000	212,056	147,944	58.9%	(36,139)	-14.6%	↓
Fines & Forfeits	7,500	2,395	5,105	31.9%	5,500	1,380	4,120	25.1%	(1,015)	-42.4%	↓
Investment Income	45,000	105,435	(60,435)	234.3%	69,000	382,010	(313,010)	553.6%	276,575	262.3%	↑
Medicaid Reimbursement	110,000	50,286	59,714	45.7%	127,000	56,701	70,299	44.6%	6,415	12.8%	↑
Miscellaneous Recurring (5)	200,000	36,007	163,993	18.0%	179,000	81,355	97,645	45.4%	45,348	125.9%	↑
Miscellaneous Non-Recurring	0	38,550	(38,550)	100.0%	0	39,379	(39,379)	100.0%	829	2.2%	↑
Total Local Receipts	5,839,250	2,438,040	3,401,210	41.8%	6,366,002	2,893,468	3,472,534	45.5%	455,428	18.7%	↑
<i>Local Receipts Excluding MV Excise</i>	<i>2,989,250</i>	<i>1,970,449</i>	<i>1,018,801</i>	<i>65.9%</i>	<i>3,290,250</i>	<i>2,482,315</i>	<i>807,935</i>	<i>75.4%</i>	<i>511,866</i>	<i>26.0%</i>	<i>↑</i>
Net State Aid	5,588,785	2,981,029	2,607,756	53.3%	6,691,864	3,333,633	3,358,231	49.8%	352,604	11.8%	↑
Total General Fund Revenue	77,813,345	37,266,467	40,546,878	47.9%	81,911,780	39,004,245	42,907,535	47.6%	1,737,778	4.7%	↑
Enterprise Funds											
Water Fund Revenue	6,196,614	3,566,169	2,630,444	57.6%	6,521,120	3,308,845	3,212,275	50.7%	(257,324)	-7.2%	↓
Sewer Fund Revenue	7,818,840	4,564,726	3,254,114	58.4%	8,073,012	4,106,105	3,966,907	50.9%	(458,621)	-10.0%	↓
Harbormaster Fund Revenue	540,360	312,011	228,349	57.7%	538,625	303,822	234,803	56.4%	(8,189)	-2.6%	↓
Total Budgetary Funds	92,369,159	45,709,373	46,659,785	49.5%	97,044,537	46,723,017	50,321,519	48.1%	1,013,644	2.2%	↑

(1) Motor vehicle excise tax bills mailed out by end of February.

(2) Payments in lieu of taxes paid in March; category includes any roll back taxes as well.

(3) Municipal liens, off duty fees, registry fees, tax title, fire alarm box fees.

(4) Copies/recordings, zoning/ordinances, business certificates.

(5) Police incident/accident, cell tower lease payments, Animal Control, Veterans' Services, US Fish & Wildlife refuge revenue sharing.

To: Tom Watkins <TWatkins@CityofNewburyport.com>
Cc: Jon-Eric White <JEWhite@CityofNewburyport.com>; Wayne Amaral <WAmaral@CityofNewburyport.com>; Byron J. Lane [Council] <BLane@CityofNewburyport.com>; Sean Reardon <SReardon@CityofNewburyport.com>; Andrew Levine <ALevine@CityofNewburyport.com>; Richard Jones <RJones@CityofNewburyport.com>; Kimberly Turner <KTurner@CityofNewburyport.com>; Ethan Manning <EManning@CityofNewburyport.com>; James J. McCauley [Council] <JMcCauley@CityofNewburyport.com>; Ed Cameron [Council] <ECameron@CityofNewburyport.com>
Subject: Re: Phillips Drive

Tom and All,

I want to thank all of you for the information you have provided. It helped me better understand this project and the current state.

I consider this project to be overbudget by approximately a \$1m dollars (+23%) and I want to explain how I come to this:

1. The contingency that was built in what chiseled down and, ultimately, completely written down. In the end, the accepted bid basically equaled the appropriation.

Compare \$4.39m low bid (bids attached) with total funding of \$4.39m (funding order attached). Keep in mind that the funding appropriation was increased from \$3.8m to the \$4.39 while it was in Committee. At 95% design, there was a 10% contingency carried in the spreadsheet (attached) so the bond didn't actually cover the 95% design estimation. That's what I mean by the idea that the contingency was consumed to allow the bid to be awarded. **The amount here is \$400k based on the attached 95% design estimate.**

2. The circumstances around the paving are sketchy at best. I can tell you that as a Councillor we spent months debating the cost of granite curbing versus asphalt loaf so the idea that the funding didn't include finish paving is, respectfully, absurd. Phillips Drive and associated streets (Ryan, Drew, Sullivan) appear in the 5-year plan (relevant page attached). And, that cost shows not just the roadway but also the sidewalks, as well. I guess we can toy with numbers but that means it's either coming out of Chapter 90 or it's coming out of the brand-new roadway bond that we just passed. **The amount here was \$630k based on 2022 estimate but now has been reduced to \$275k based on 2023 estimate in the attached roadway plan - not sure which figure will be the reality but I will use the average - \$452k.**

3. In the meeting that was recently held, I understand that an overage of \$200k was discussed with funding sources TBD. I assume that these arise from change orders or unexpected expenses that can't be covered by a contingency because there isn't one (see #1 above). I also understand that this project is only about 57% spent at this point and operationally the project is closer to 50% completed, based on the presentation provided to residents (attached). As such, this amount may (will?) change. **The amount here is (at least) \$200k based on the stated figure at the public meeting.**

If you total the amounts, you will arrive at my \$1m figure (averaging the 22/23 cost estimates for paving). The overage is relative to the budgeted amount not how much additional appropriation that you may need to come to the City Council for - it's a comparison of the overall budget with the actual spend needed to complete. The roadway funding may actually come from the roadway bond that we recently passed. The \$200k (or whatever it ends up being) may end up being "found" in other lines that don't require appropriation and the roadway will probably either be taken from Ch. 90 or bond. In any case, they will absolutely come from other projects or things that needed (and need) to be done.

Respectfully,
Sharif

//CC W6 Councillor, Chair Public Works and Safety, City Clerk, City Council President

CITY OF NEWBURYPORT



IN CITY COUNCIL

May 24, 2021

ORDERED:

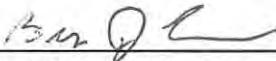
THAT, subject to the conditions shown below, a grand total of \$4,389,000 from various sources is appropriated to the Phillips Drive Neighborhood Roadway, Drainage, and Water line Improvements Project. The funding sources are shown as follows:

THAT, at the recommendation of the American Rescue Plan Ad Hoc Committee, \$1,000,000 is further appropriated to pay Costs of the Phillips Drive Neighborhood Drainage Improvements and Roadway Reconstruction related thereto from the City's allocation of the Coronavirus State and Local Fiscal Recovery Funds.

THAT, \$1,575,000 is appropriated to pay costs of the Phillips Drive Neighborhood Roadway and Drainage Improvements Project including the payment of all costs incidental and related thereto, and that to meet this appropriation, the Treasurer with the approval of the Mayor, is authorized to borrow said amount under and pursuant to M.G.L. c. 44, §7(1), or pursuant to any other enabling authority, and to issue bonds or notes of the City therefor; and that the Mayor and the Treasurer are authorized to take any other action necessary or convenient to carry out this vote. Any premium received upon the sale of any bonds or notes approved by this order, less any such premium applied to the payment of the costs of issuance of such bonds or notes, may be applied to the payment of costs approved by this vote in accordance with M.G.L. c. 44, §20, thereby reducing the amount authorized to be borrowed to pay such costs by a like amount. While all notes and bonds issued under this loan order shall be general obligations of the City, it is the intent that the debt service on such notes and bonds be paid from General Fund revenues.

THAT, \$1,814,000 is appropriated to pay costs of the Phillips Drive Neighborhood Water Line Project including the payment of all costs incidental and related thereto, and that to meet this appropriation, the Treasurer with the approval of the Mayor, is authorized to borrow said amount under and pursuant to M.G.L. c. 44, §7(1), or pursuant to any other enabling authority, and to issue bonds or notes of the City therefor; and that the Mayor and the Treasurer are authorized to take any other action necessary or convenient to carry out this vote. Any premium received upon the sale of any bonds or notes approved by this order, less any such premium applied to the payment of the costs of issuance of such bonds or notes, may be applied to the payment of costs approved by this vote in accordance with M.G.L. c. 44, §20, thereby reducing the amount authorized to be borrowed to pay such costs by a like amount. The appropriation referenced in this paragraph shall not be considered valid until such time as

the City Engineer provides to the City Council via the City Clerk (A) a final report including, at minimum, , an analysis of the pipe condition and (B) a final plan meeting the City Engineer's approval defining the final planned scope of the Water Line project with a detailed cost estimate along with information about all alternatives considered. While all notes and bonds issued under this loan order shall be general obligations of the City, it is the intent that the debt service on such notes and bonds be paid from Water Enterprise Fund revenues.


 Councillor Byron J. Lane

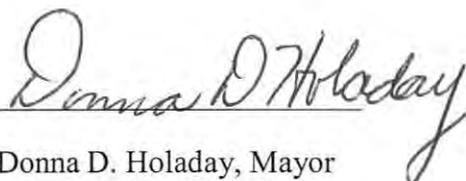

 Councillor Charles F. Tontar

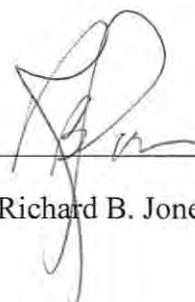
In City Council May 24, 2021:

Motion to refer to Budget & Finance by Councillor Tontar, seconded by Councillor Zeid. Roll call vote. 11 yes. Motion passes.

In City Council August 30, 2021:

Motion to approve by Councillor Zeid, seconded by Councillor Lane. Motion to amend as presented by Councillor Zeid, seconded by Councillor McCauley. Motion to delete the last sentence beginning with the words "The appropriation..." ending with the word "...considered" by Councillor Tontar, seconded by Councillor Lane. A friendly amendment to the standing motion to amend as presented to strike "from the General Fund" and to strike "from" and to insert "with the intent to use" after the words "and related thereto" was accepted by Councillors Zeid and Lane. Friendly amendment by Councillor Khan to strike only the words of the last sentence between "a series...locations" and "determined...inspection" accepted by Councillors Tontar and Lane. Roll call on the Motion to Delete. 11 yes. Motion passes. Roll call on the Motion to Amend. 11 yes. Motion passes. Roll call on the Motion to Approve. 11 Yes. Motion passes.

Approve: 
 Donna D. Holaday, Mayor

Attest: 
 Richard B. Jones, City Clerk

Date: 10/4/2021

GC E-Bid : List of bids received 04/28/22 01:00 PM Roadway, Drainage & Water Main Improvements 849161

Company	Total Base Bid Amount (Whole Dollar) ▾	Alternate No. 1	Bid Package	Action	Comments
J. Tropeano Inc, 1780 Osgood Street,North Andover, MA 01845	\$4,396,140.00	\$315,000.00	View File	Approve Reject	
N.Granese & Sons Inc, 59 Jefferson Ave,Salem, MA 01970	\$4,417,200.00	\$462,000.00	View File	Approve Reject	
Revoli Construction, 90 Earls Way,Franklin, MA 02038	\$4,733,295.00	\$420,000.00	View File	Approve Reject	
Newport Construction Corp., 145 Temple Street,Nashua, NH 03060	\$4,819,585.00	\$346,500.00	View File	Approve Reject	
Joseph P. Cardillo & Son Inc., 1 Melvin Street Extension 1D,Wakefield, MA 01880	\$4,964,757.00	\$288,750.00	View File	Approve Reject	
RJV Construction Corp, 5 Lincoln St,Canton, MA 02021	\$6,220,078.00	\$525,000.00	View File	Approve Reject	

Close Save

PHILIPS DRIVE NEIGHBORHOOD ROADWAY AND DRAINAGE IMPROVEMENTS
 NEWBURYPORT, MASSACHUSETTS
 ENGINEER'S ESTIMATE
 95% DESIGN
 AUGUST 11, 2021
 PREPARED BY BSC GROUP
 BSC PROJECT NO. 89923.00

Item No	Description	Unit of Measure	Unit Price	Total Quantity	Total	Drainage	Roadway/Sidewalk	Waterline
101.	CLEARING AND GRUBBING	A	\$30,000.00	0.25	\$7,500.00	\$7,500.00		
120.	EARTH EXCAVATION	CY	\$30.00	100.00	\$3,000.00	\$3,000.00		
121.	CLASS A ROCK EXCAVATION	CY	\$150.00	100.00	\$7,500.00		\$7,500.00	
129.	SIDEWALK REMOVAL	SY	\$30.00	1875.00	\$56,250.00		\$56,250.00	
142.	CLASS B TRENCH EXCAVATION	CY	\$40.00	1366.00	\$54,640.00	\$27,320.00		\$27,320.00
144.	CLASS B ROCK EXCAVATION	CY	\$150.00	100.00	\$15,000.00			\$15,000.00
145.	DRAINAGE STRUCTURE ABANDONED	EA	\$500.00	15.00	\$7,500.00	\$7,500.00		
146.	DRAINAGE STRUCTURE REMOVED	EA	\$700.00	13.00	\$9,100.00	\$9,100.00		
153.	CONTROLLED DENSITY FILL - TYPE 1E	CY	\$150.00	169.99	\$25,498.17	\$25,498.17		
170.	FINE GRADING AND COMPACTING	SY	\$4.20	2000.00	\$8,400.00		\$8,400.00	
181.	DISPOSAL OF UNREGULATED SOIL	CY	\$76.00	100.00	\$176.00	\$176.00		
201.	CATCH BASIN	EA	\$4,500.00	35.00	\$157,500.00	\$157,500.00		
202.	MANHOLE	EA	\$5,000.00	32.00	\$160,000.00	\$160,000.00		
206.	DROP INLET, TYPE A	EA	\$4,500.00	9.00	\$40,500.00	\$40,500.00		
206.5	WATER QUALITY UNIT	EA	\$15,000.00	2.00	\$30,000.00	\$30,000.00		
220.7	SANITARY STRUCTURES ADJUSTED	EA	\$500.00	24.00	\$12,000.00		\$12,000.00	
252.118	18 INCH CORRUGATED PLASTIC PIPE FLARED END	EA	\$1,350.00	1.00	\$1,350.00	\$1,350.00		
252.12	12 INCH CORRUGATED PLASTIC (POLYETHYLENE) PIPE	FT	\$100.00	745.00	\$74,500.00	\$74,500.00		
252.130	30 INCH CORRUGATED PLASTIC PIPE FLARED END	EA	\$1,500.00	1.00	\$1,500.00	\$1,500.00		
252.15	15 INCH CORRUGATED PLASTIC (POLYETHYLENE) PIPE	FT	\$95.00	2405.00	\$228,475.00	\$228,475.00		
252.18	18 INCH CORRUGATED PLASTIC (POLYETHYLENE) PIPE	FT	\$107.50	505.00	\$54,287.50	\$54,287.50		
252.24	24 INCH CORRUGATED PLASTIC (POLYETHYLENE) PIPE	FT	\$140.00	460.00	\$64,400.00	\$64,400.00		
252.30	30 INCH CORRUGATED PLASTIC (POLYETHYLENE) PIPE	FT	\$180.00	110.00	\$19,800.00	\$19,800.00		
252.36	36 INCH CORRUGATED PLASTIC (POLYETHYLENE) PIPE	FT	\$200.00	410.00	\$82,000.00	\$82,000.00		
269.06	6 INCH SLOT-PERFORATED CORRUGATED PLASTIC PIPE (STUB)	EA	\$500.00	40.00	\$20,000.00	\$20,000.00		
269.10	10 INCH SLOT-PERFORATED CORRUGATED PLASTIC PIPE (SUBDRAIN)	FT	\$110.00	2885.00	\$317,350.00	\$317,350.00		
302.08	8 INCH DUCTILE IRON WATER PIPE (ROBBER CASKET)	FT	\$150.00	7075.00	\$1,061,250.00			\$1,061,250.00
309.	DUCTILE IRON FITTINGS FOR WATER PIPE	LB	\$7.50	3500.00	\$26,250.00			\$26,250.00
347.075	3/4 INCH COPPER TUBING TYPE K	FT	\$95.00	2025.00	\$192,375.00			\$192,375.00
350.08	8 INCH GATE VALVE AND GATE BOX	EA	\$2,500.00	23.00	\$57,500.00			\$57,500.00
350.09	6 INCH GATE VALVE AND GATE BOX	EA	\$2,000.00	8.00	\$16,000.00			\$16,000.00
363.075	3/4 INCH CORPORATION COCK	EA	\$475.00	76.00	\$36,100.00			\$36,100.00
376.	HYDRANT	EA	\$5,500.00	8.00	\$44,000.00			\$44,000.00
384.	CURB STOP	EA	\$650.00	76.00	\$49,400.00		\$90,000.00	\$49,400.00
402.	DENSE GRADED CRUSHED STONE FOR SUB-BASE (SIDEWALKS AND ROADWAY BLENDING)	CY	\$72.00	1250.00	\$90,000.00			
403.	RECLAIMED PAVEMENT FOR BASE COURSE AND/OR SUB-BASE	SY	\$3,750.00	16050.00	\$60,187.50		\$60,187.50	
443.	WATER FOR ROADWAY DUST CONTROL	MGL	\$75.00	100.00	\$7,500.00		\$7,500.00	
450.41	SUPERPAVE BASE COURSE - 25.0 (SBC - 25.0)	TON	\$100.00	1800.10	\$180,010.00		\$180,010.00	
470.	HOT MIX ASPHALT BERM	TON	\$275.00	150.14	\$41,287.40		\$41,287.40	
472.	TEMPORARY ASPHALT PATCHING (2 INCH APPLICATION)	TON	\$200.00	576.30	\$115,260.00	\$115,260.00		
482.3	SAWCUTTING ASPHALT PAVEMENT	FT	\$2.88	22600.00	\$65,088.00	\$32,544.00		\$32,544.00
697.1	SILT SACK	EA	\$180.00	44.00	\$7,920.00		\$7,920.00	
697.	SEDIMENTATION FENCE	LF	\$10.00	3000.00	\$30,000.00		\$30,000.00	
701.2	CEMENT CONCRETE WHEELCHAIR RAMP	SY	\$100.00	53.33	\$5,333.33		\$5,333.33	
702.	HOT MIX ASPHALT SIDEWALK	TON	\$225.00	314.93	\$70,858.13		\$70,858.13	
703.	HOT MIX ASPHALT DRIVEWAY	TON	\$225.00	77.11	\$17,350.20		\$17,350.20	
748.	MOBILIZATION	LS	\$100,000.00	1.00	\$100,000.00	\$32,330.00		\$33,330.00
751.	LOAM BORROW	CY	\$58.00	1000.00	\$58,000.00		\$58,000.00	
756.	NPDES STORMWATER POLLUTION PREVENTION PLAN	LS	\$5,000.00	1.00	\$5,000.00	\$5,000.00		
765.	SEEDING	SY	\$2.00	6500.00	\$13,000.00		\$13,000.00	
832.	WARNING - REGULATORY AND ROUTE MARKER - ALUMINUM PANEL (TYPE A)	EA	\$150.00	8.00	\$1,200.00		\$1,200.00	
847.1	SIGN SUPPORT (NOT GUIDE) AND ROUTE MARKER WITH 1 BREAKAWAY POST ASSEMBLY - STEEL	EA	\$250.00	8.00	\$2,000.00		\$2,000.00	
850.01	POLICE DETAIL	HRS	\$60.00	2400.00	\$144,000.00	\$57,600.00		\$57,600.00
859.	REFLECTORIZED DRUM	DAY	\$100.00	280.00	\$28,000.00		\$28,000.00	
860.1	CROSS WALK WHITE LINE (PAINTED)	EA	\$5.00	250.00	\$1,250.00		\$1,250.00	
860.112	12-INCH REFLECTORIZED WHITE LINE (PAINTED)	FT	\$4.00	1400.00	\$5,600.00		\$5,600.00	
SUBTOTAL =					\$3,989,946.23	\$1,574,490.67	\$765,776.56	\$1,648,669.00
CONTINGENCY (10%) =					\$398,994.62 ###	\$157,449.07	\$76,577.66	\$164,866.90
TOTAL (Rounded to nearest 1,000) =					\$4,389,000.00	\$1,732,000.00	\$843,000.00	\$1,814,000.00

**2024 City of Newburyport - DPS
Five Year Roadway and Sidewalk Plan**

Ward 6 FY 24 (2023 Construction Season)

Street Name	From Street	To Street	Road Repair Calendar Year	General Condition	Proposed Repair Method	Length (Ft)	Length (Miles)	Road Surface Rating (RSR)	Sidewalk Repair Calendar Year	Sidewalk Material Proposed	2022 Estimated Cost	Revised 2023 Estimated Cost
DENNETT DRIVE	EVERETTE DRIVE	FINNEGAN WY	2023 - COMPLETED	Poor	Mill & Overlay	953.53	0.18	47	n/a	n/a	\$ 54,342.16	
PETERS ROAD	MARQUAND RD	HAWTHORNE RD	2023 - COMPLETED	Poor	Mill & Overlay	497.63	0.09	55	NA	NA	\$ 30,070.29	\$ -
HOYTS LN	STOREY AVE	CURZON'S MILL RD	2023 - COMPLETED	Poor	Mill & Overlay	497.63	0.09	61	NA	NA	\$ 30,070.29	\$ -
LONGFELLOW DRIVE	TURKEY HILL RD	28 LONGFELLOW DRIVE	2023 - COMPLETED	Poor	Mill & Overlay	1077.33	0.20	58	NA	NA	\$ 92,000.00	\$ -
CURZON'S MILL RD	HOYTS LN	DEAD END	2023 - COMPLETED	Very Poor	Reclamation	3071.61	0.58	33	NA	NA	\$ 262,111.04	\$ -
TOTAL											\$ 414,251.62	\$ -

\$53,000 est actual cost
\$125,000 est actual cost
\$66,000 est actual cost
\$221,000 est actual cost

Ward 6 FY 25 (2024 Construction Season)

Street Name	From Street	To Street	Road Repair Calendar Year	General Condition	Proposed Repair Method	Length (Ft)	Length (Miles)	Road Surface Rating (RSR)	Sidewalk Repair Calendar Year	Sidewalk Material Proposed	2022 Estimated Cost	Revised 2023 Estimated Cost
NOBLE STREET	COOMBS CIR	STOREY AVE	2024	Very Poor	Reclamation	1358.77	0.26	20	n/a	n/a	\$ 164,212.35	\$ 312,800.00
SPRING LN	FERRY RD	DEAD END	2024	Very Poor	Reclamation	1783.71	0.34	8	n/a	n/a	\$ 114,157.28	\$ 141,125.00
PHILIPS DRIVE	STOREY AVE	STOREY AVE	2024	Very Poor	Reclamation	3134.45	0.59	34	2024	Asphalt	\$ 398,230.51	\$ 145,000.00
DREW STREET	HOYTS LN	PHILIPS DR	2024	Poor	Mill & Overlay	1411.34	0.27	53	2024	Asphalt	\$ 63,301.90	\$ 63,700.00
RYAN ROAD	PHILIPS DR	PHILIPS DR	2024	Very Poor	Reclamation	444.05	0.08	36	2024	Asphalt	\$ 62,608.72	\$ 25,300.00
SULLIVAN DRIVE	PHILIPS DR	PHILIPS DR	2024	Very Poor	Reclamation	889.34	0.17	36	2024	Asphalt	\$ 107,480.06	\$ 41,500.00
											\$ -	\$ -
TOTAL											\$ 909,990.84	\$ 729,425.00

Ward 6 FY 26 (2025 Construction Season)

Street Name	From Street	To Street	Road Repair Calendar Year	General Condition	Proposed Repair Method	Length (Ft)	Length (Miles)	Road Surface Rating (RSR)	Sidewalk Repair Calendar Year	Sidewalk Material Proposed	2022 Estimated Cost	Revised 2023 Estimated Cost
BRIGGS AVENUE	FERRY RD	CUL DE SAC	2025	Poor	Mill & Overlay	852.42	0.07	54	n/a	n/a	\$ 50,419.17	\$ 60,550.00
EVERETTE DRIVE	TURKEY HILL RD	CUL DE SAC	2025	Very Poor	Reclamation	1119.31	0.21	32	n/a	n/a	\$ 135,272.43	\$ 113,675.00
TOTAL											\$ 185,691.60	\$ 174,225.00

Ward 6 FY 27 (2026 Construction Season)

Street Name	From Street	To Street	Road Repair Calendar Year	General Condition	Proposed Repair Method	Length (Ft)	Length (Miles)	Road Surface Rating (RSR)	Sidewalk Repair Calendar Year	Sidewalk Material Proposed	2022 Estimated Cost	Revised 2023 Estimated Cost
MOSELEY AVENUE	250'W of ROTARY	50'W OF ROOSEVELT PL	2026	Poor	Reclamation	1500.00	0.29	52	2026	Asphalt	\$ 112,029.92	\$ 409,650.00
											\$ -	\$ -
											\$ -	\$ -
TOTAL											\$ 112,029.92	\$ 409,650.00

Phillips Drive Neighborhood Roadway, Drainage & Watermain Improvements Project

CONSTRUCTION STATUS PUBLIC MEETING JANUARY 17, 2024



Department of Public Services
Engineering Division
16C Perry Way
Newburyport, MA 01950

AGENDA

- INTROS
- WORK COMPLETED TO-DATE
- CONSTRUCTION CHALLENGES
- REMAINING WORK & SCHEDULE
- SUBDRAIN CONNECTIONS
- Q&A

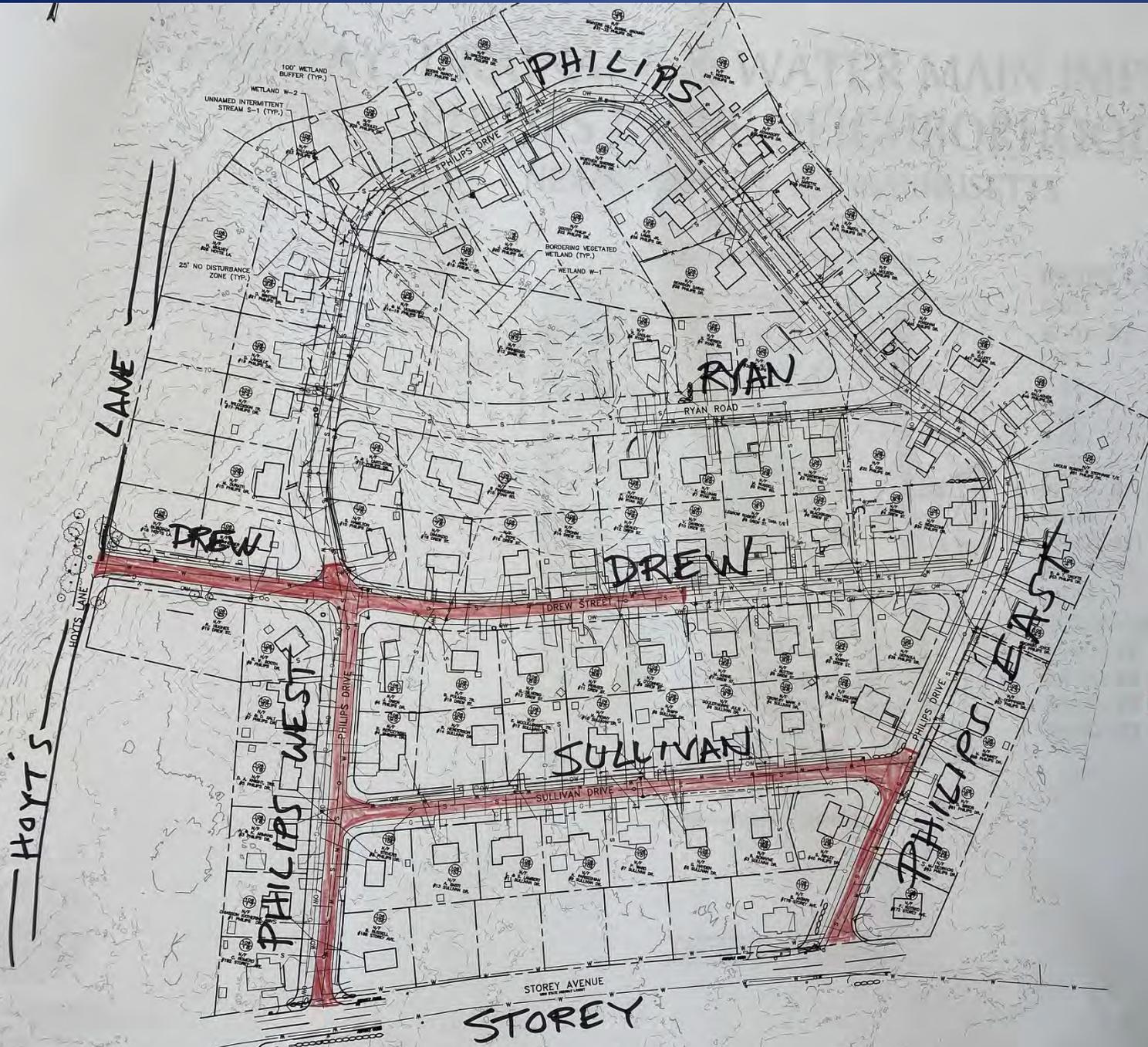
INTROS

City Proj. Mgr.:	Jon-Eric White, City Engineer
City Ass't. PM:	Diane Gagnon, City Ass't Engineer
Design Eng.:	David Biancavilla, BSC Group, Inc.
Resident Eng.:	Emily Machlin, BETA Group, Inc.
Contractor Super:	Brett Stevenson, J Tropeano, Inc.
Other contacts:	www.cityofnewburyport.com \Departments\Engineering Division\Engineering Projects and Presentations\Philips Drive...Project

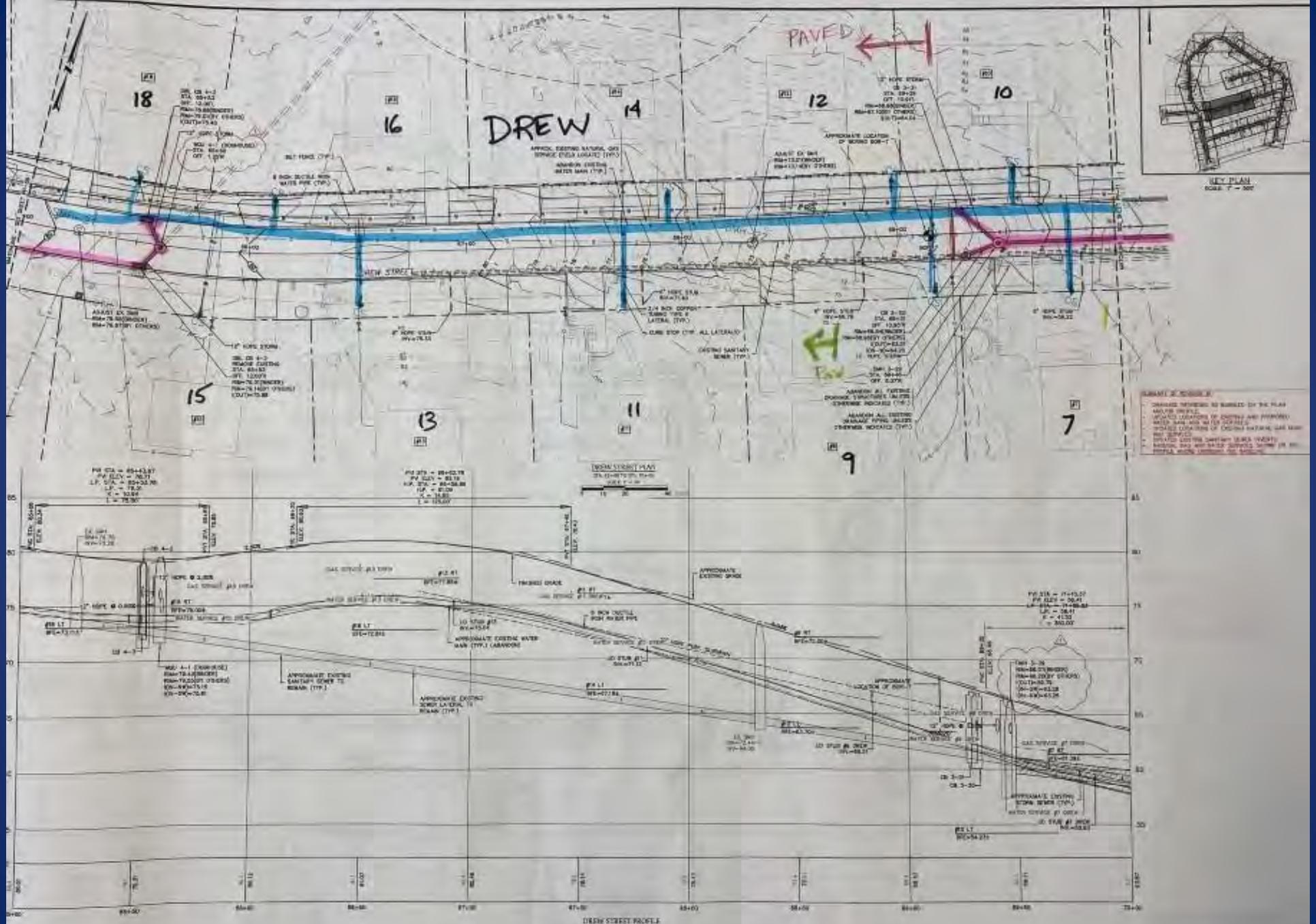
WORK COMPLETED

(Up to Dec. 2, 2023)

- Contract Sum (Bid Amount): \$4,396,139.81
 - Completed: \$2,488,080.28 (57%)
- Drainage Pipe - Total: 7,930 linear feet
 - Completed: 2,967 linear feet (37%)
- Drainage Structures - Total: 82
 - Completed: 48 (59%)
- Water main - Total: 6,240 linear feet
 - Completed: 3,816 linear feet (61%)
- Water Services – Total: 84 each
 - Completed: 39 each (46%)
- Asphalt - Total: 3,650 tons
 - Completed: 1,778 tons (49%)



RED = PAVED - BINDER ONLY
 UTILITIES COMPLETE



KEY PLAN
SCALE: 1/4" = 10'

- REMARKS:**
- CHANGES REFERRED TO SHOWN BY THE PLAN AND/OR PROFILE.
 - APPROXIMATE LOCATIONS OF EXISTING AND PROPOSED UTILITY LINES SHOWN WITH 1/4" = 10' SCALE.
 - APPROXIMATE DATA FROM EXISTING RECORDS AND FIELD SURVEY.
 - APPROXIMATE EXISTING STORM SEWER AND SANITARY MAIN LOCATIONS SHOWN WITH 1/4" = 10' SCALE.
 - APPROXIMATE EXISTING STORM SEWER AND SANITARY MAIN LOCATIONS SHOWN WITH 1/4" = 10' SCALE.

DRAIN STREET PROFILE
SCALE: 1" = 10'

DRAIN STREET PROFILE
SCALE: 1" = 10'

ISSUED FOR CONSTRUCTION

Construction Challenges

- Delay in ordering water main pipe due to supply chain issues.
- Rain, rain, and more rain.
- Abnormally high groundwater.
- Existing soils – clays, ledge/rock
- Inaccurate records on existing service connections – water, sewer, and gas.





Dec 19, 2022 1:32:14 PM
Philips Drive
Newburyport, Essex County 01950
Philips Drive Utility Improvements



Jan 4, 2023 12:16:38 PM

Philips Drive

Newburyport, Essex County 01950

CB 1-8



Mar 7, 2023 7:18:39 AM

Philips Drive

Newburyport, Essex County 01950



BETA

Mar 7, 2023 8:24:31 AM
Philips Drive
Newburyport, Essex County 01950
Temporary French Drain for Groundwater



Mar 23, 2023 10:48:46 AM

Philips Drive

Newburyport, Essex County 01950

CB 2-11

WORK REMAINING

- Drainage Pipe: 4,963 linear feet (63%)
- Drainage Structures: 34 (41%)
- Water main: 2,424 linear feet (39%)
- Water Services: 45 each (54%)
- Asphalt: 1,872 tons (51%)

WORK REMAINING

Continue installing:

- Drainage structures and piping
- Water main and services:
 - ✓ Water shutdowns will need to take place.
 - ✓ We will provide advanced warning of shutdowns in order to make the necessary connections to your homes and to do the Work.
 - ✓ *Emergency shutdowns may occur but unfortunately these will not have any advanced warnings.*

Green = Drainage
Blue = Water
Orange = Utils complete



WORK REMAINING

Final Phases (after utilities):

- Roadway Binder (asphalt base beneath top course)
- Settling
- Roadway Top Course, berm, sidewalks, and driveways

Approximate Schedule*:

- | | |
|-------------------------------------|-----------------------|
| • Utilities complete | June 2024 |
| • Roadway Binder | July/Aug 2024 |
| • Settling | July 2024-Spring 2025 |
| • Top course, berm, SW's, driveways | Summer 2025 |

* *Weather and construction conditions dependent*

FOUNDATION DRAIN CONNECTIONS

1. The Project was designed to allow high flood prone residents to connect their exterior foundation drains to the City's newly-installed drainage system.
2. The Project includes subdrains in the streets for the majority of the neighborhood. This will lower the groundwater in that area.
3. The City is providing stubs from the subdrain piping in the street for homes that are known to have experienced high groundwater conditions and persistent basement flooding.

FOUNDATION DRAIN CONNECTIONS

What's NOT Allowed

1. Rainwater and groundwater is NOT allowed to be connected to the City's Sanitary Sewer (sewage) System. This includes sump pumps.

City of Newburyport, Code of Ordinances

Sec. 14-57. - Discharge of surface runoff, groundwater prohibited.

No person shall make connection of roof downspouts, exterior foundation drains, areaway drains, or other sources of surface runoff or groundwater to a building sewer or building drain which in turn is connected directly or indirectly to a public sanitary sewer.

(Ord. of 7-10-89, Art. III, § 8)

Difference Between Stormwater & Sanitary Sewers

Sanitary Sewer System:

A piping system that transports sewage, typically from homes and buildings, to a sewage treatment facility or other type of treatment system before discharging into the environment. Sewage is what we call the waste stream from sinks, showers, toilets, floor drains.

Also known as:

Sewage System, sewerage system, sanitary drainage system, building drain

Storm Sewer System:

A system that collects stormwater runoff (i.e. rainwater) and transports it in piping or other conveyance system to local water bodies. In some instances the runoff is treated prior to discharge.

Also known as:

Storm drainage, **drainage system**, stormwater management system, or just drain



Credit: City of Barberton, OH

FOUNDATION DRAIN CONNECTIONS

What's NOT Allowed

2. Piping connections from basements to the City's subdrain is NOT ALLOWED, per State Plumbing Code, without a liquid-seal trap.

Excerpt from: 248 CMR 10.00: UNIFORM STATE PLUMBING CODE, latest edition

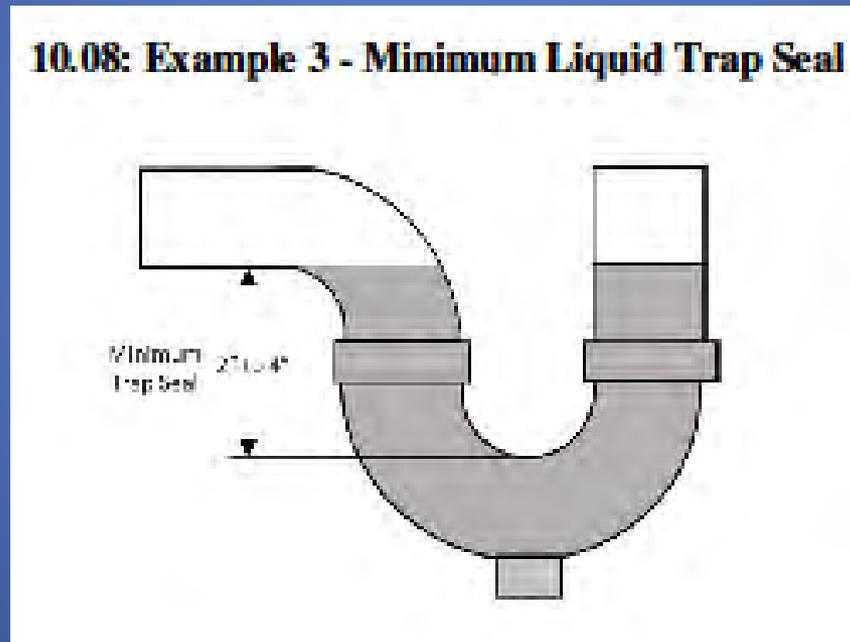
Section 10.02: Basic Principles

(9) **Principle 9: Need for Traps in the Plumbing Drainage System.** Every fixture directly connected to the drainage system must be equipped with a liquid-seal trap. The drainage and associated vent system must be designed to provide adequate circulation of air in and throughout all piping. Trap seals shall be protected from the dangers of siphonage, leakage, aspiration, momentum, oscillation, back pressure, evaporation, and capillary action under conditions of normal ordinary use.

FOUNDATION DRAIN CONNECTIONS

What's NOT Allowed

Example of a Liquid Trap Seal:



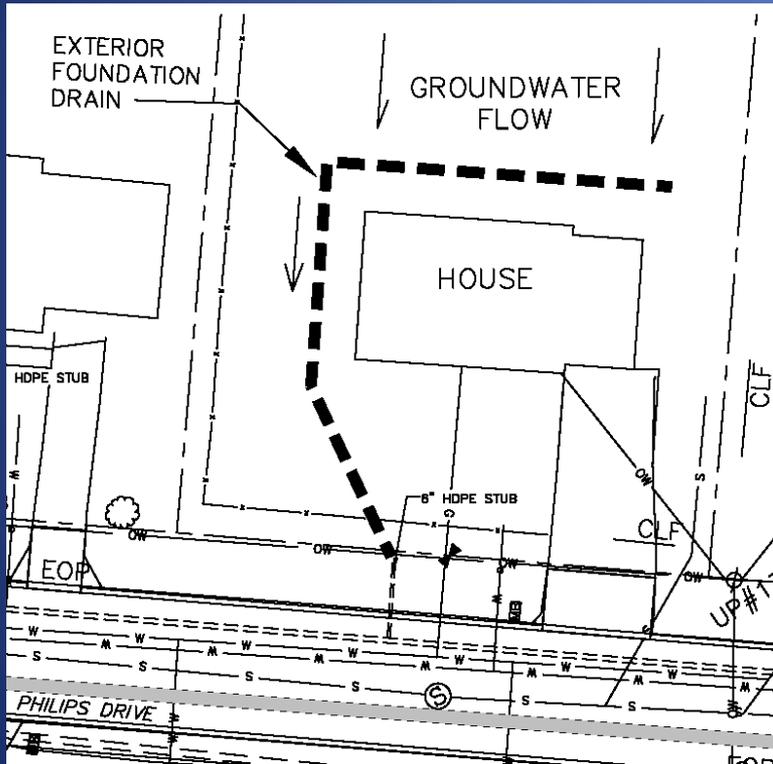
Reference: MA State Plumbing Code

FOUNDATION DRAIN CONNECTIONS

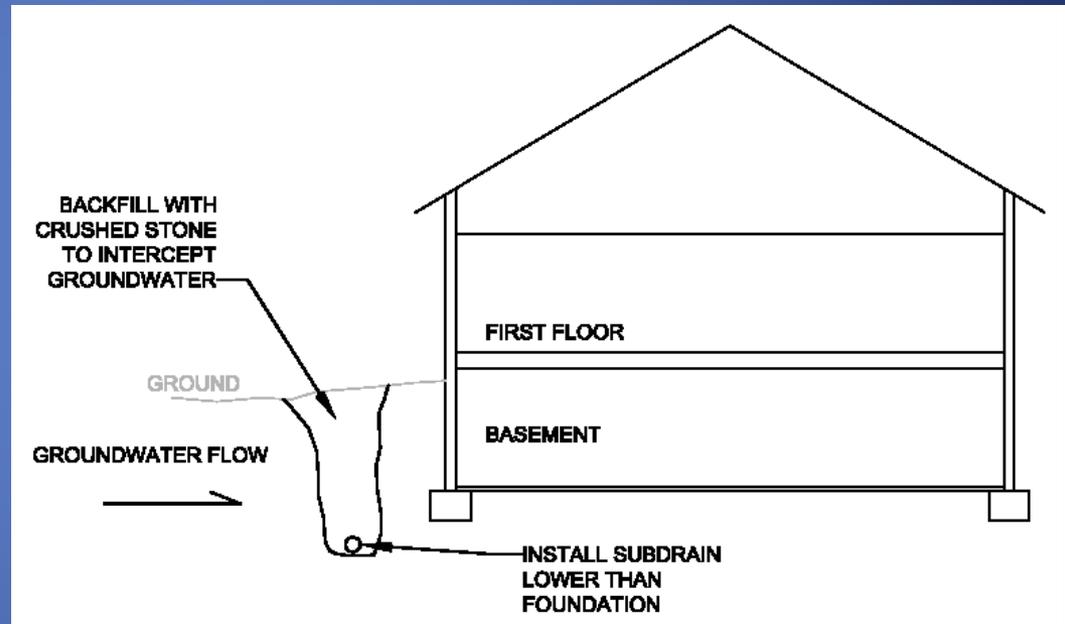
NEXT STEPS:

- We will provide you with the subdrain stub location and depth in front of your house. (Not all homes need one.)
- Homeowners are responsible for making the connections, if they so choose. The Project's contractor will NOT perform these tie ins.
- We will likely hold a separate meeting with homeowners wanting to make the connection so we can discuss further and to answer any questions specific to your home.
- Contact DPS prior to making the connection. A permit with DPS is not required but we must be notified 48- hours in advance so we can schedule someone to observe the work. If any work is needed inside your home, then a permit may be required. Contact the Building Department.
- **For those of you with persistent basement flooding and your sump pump is constantly running, we recommend installing a foundation drain and making the connection.**

TYPICAL EXTERIOR FOUNDATION DRAIN LAYOUT AND SECTION VIEWS



LAYOUT VIEW



SECTION VIEW

Q&A

TRANSFERS



CITY OF NEWBURYPORT FY 2024

RECEIVED
CITY CLERK'S OFFICE
NEWBURYPORT, MA

TRANSFER/APPROPRIATION REQUEST

2024 JAN 18 P 6:06

Department: Mayor's Office

Submitted by: Sean R. Reardon, Mayor

Date Submitted: 1/29/2024

Transfer From:

Account Name:	<u>General Fund Free Cash</u>	Balance:	<u>\$ 2,403,490.43</u>
Account Number:	<u>01-35910</u>	Category:	<u>\$ -</u>
Amount:	<u>\$27,046.00</u>	Trans I/O:	<u>\$ (981,385.57)</u>

Why Funds Are Available:

The Massachusetts Department of Revenue certified Free Cash for FY2024 at \$3,384,876. These funds are available for any legal expenditure with the approval of the Mayor and a vote of the City Council.

Transfer To:

Account Name:	<u>Fire Injured-on-Duty</u>	Balance:	<u>\$ (1,490.36)</u>
Account Number:	<u>01220001-51509</u>	Category:	<u>\$ 1,899,338.04</u>
Amount:	<u>\$27,046.00</u>	Trans I/O:	<u>\$ -</u>

Why Funds Are Needed:

A supplemental budget appropriation of \$64,263 was made to cover payroll from 7/1/2023 to 12/31/2023 for the former fire chief, while an application for accidental disability retirement was reviewed by the Newburyport Retirement System. The application is still under review and an appropriation of \$27,046 is requested to fund an additional three months through 3/31/2024.

Sean R. Reardon, Mayor:

Sean R. Reardon

Date:

1/23/2024

Ethan R. Manning, Auditor:

Ethan R. Manning

Date:

1/18/2024

City Council Action:



CITY OF NEWBURYPORT FY 2024

RECEIVED
CITY CLERK'S OFFICE
NEWBURYPORT, MA

TRANSFER/APPROPRIATION REQUEST

JAN 18 P 6:05

Department: Parking Clerk
Submitted by: Richard Jones, Parking Clerk **Date Submitted:** 1/29/2024

Transfer From:

Account Name:	<u>RRFA - Paid Parking Fund</u>	Balance:	<u>\$ 996,760.64</u>
Account Number:	<u>2739-59610</u>	Category:	<u>\$ -</u>
Amount:	<u>\$33,006.00</u>	Trans I/O:	<u>\$ (12,500.00)</u>

Why Funds Are Available:

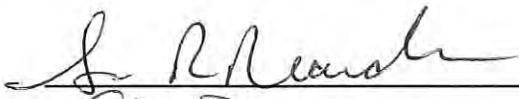
This fund is a receipts reserved for appropriation account. Funding sources include parking meter collections, violations and permits generated from the Downtown Paid Parking Program.

Transfer To:

Account Name:	<u>PKG Lic Plate Reading System</u>	Balance:	<u>\$ (33,006.47)</u>
Account Number:	<u>01293002-53004</u>	Category:	<u>\$ 82,714.87</u>
Amount:	<u>\$33,006.00</u>	Trans I/O:	<u>\$ -</u>

Why Funds Are Needed:

An appropriation of \$50,000 was made for the purchase of a new hybrid vehicle for use by the parking program. The cost of the vehicle was \$46,700 and the cost to equip the vehicle with license plate reading (LPR) technology was an additional \$41,306. There is \$5,000 budgeted for LPR equipment in the parking clerk budget. Combined with the \$3,300 balance remaining from the vehicle purchase, this leaves a funding need of \$33,006. While there is currently a sufficient balance in the budget category to cover the expense, a deficit would be anticipated by year-end without putting forward this transfer request.

Sean R. Reardon, Mayor: 
 Ethan R. Manning, Auditor: 
 City Council Action:

Date: 1/18/2024
 Date: 1/18/2024



CITY OF NEWBURYPORT FY 2024

RECEIVED
CITY CLERK'S OFFICE
NEWBURYPORT, MA

TRANSFER/APPROPRIATION REQUEST

JAN 18 P 6:05

Department: Department of Public Services

Submitted by: Wayne Amaral, Director

Date Submitted: 1/29/2024

Transfer From:

Account Name:	<u>General Fund Free Cash</u>	Balance:	<u>\$ 2,403,490.43</u>
Account Number:	<u>01-35910</u>	Category:	<u>\$ -</u>
Amount:	<u>\$43,300.00</u>	Trans I/O:	<u>\$ (981,385.57)</u>

Why Funds Are Available:

The Massachusetts Department of Revenue certified Free Cash for FY2024 at \$3,384,876. These funds are available for any legal expenditure with the approval of the Mayor and a vote of the City Council.

Transfer To:

Account Name:	<u>Roadway & Sidewalk Improvements</u>	Balance:	<u>\$ -</u>
Account Number:	<u>3120-49710</u>	Category:	<u>\$ -</u>
Amount:	<u>\$43,300.00</u>	Trans I/O:	<u>\$ -</u>

Why Funds Are Needed:

The City received \$43,300 from National Grid to rehabilitate a section of roadway that was disturbed by trenchwork for a gas main replacement on State Street and Middle Street. Given that these streets are on the 5 year paving schedule, DPS requested payment in lieu of National Grid performing final paving in the area that was impacted. This is General Fund revenue in accordance with M.G.L. and closes to the City's free cash balance. As such, a free cash appropriation to the Roadway & Sidewalks Improvements account in this amount is requested.

Sean R. Reardon, Mayor:

Date: 1/18/2024

Ethan R. Manning, Auditor:

Date: 1/18/2024

City Council Action:



CITY OF NEWBURYPORT FY 2024 TRANSFER/APPROPRIATION REQUEST

Department: Fire Department
Submitted by: Stephen Bradbury, Chief **Date Submitted:** 1/29/2024

Transfer From:

Account Name:	<u>CIP Radio Equipment</u>	Balance:	<u>\$ 21,237.96</u>
Account Number:	<u>3214-59610</u>	Category:	<u>\$ -</u>
Amount:	<u>\$13,000.00</u>	Trans I/O:	<u>\$ -</u>

Why Funds Are Available:

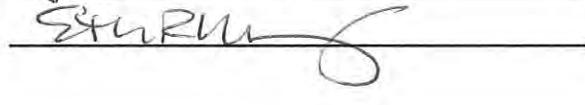
An appropriation of \$55,000 was made in June 2022 for the replacement of outdated in-vehicle repeaters and other communications-related improvements for the Fire Department. We anticipate a surplus balance of approximately \$13,000 once this project is completed.

Transfer To:

Account Name:	<u>Fire Maint-Buildings & Grounds</u>	Balance:	<u>\$ 16,827.17</u>
Account Number:	<u>01220002-52401</u>	Category:	<u>\$ 118,129.34</u>
Amount:	<u>\$13,000.00</u>	Trans I/O:	<u>\$ -</u>

Why Funds Are Needed:

The main heating unit at Fire Headquarters recently failed and is currently undergoing replacement. The 37-year-old boiler, installed in 1987, is being replaced at a cost of \$31,200, the lowest among the solicited quotes. A transfer of \$13,000 is requested to augment the remaining budget in this line item. In case of any other unforeseen building needs before the fiscal year's end, additional transfer(s) may be requested.

Sean R. Reardon, Mayor: 
 Ethan R. Manning, Auditor: 
 City Council Action:

Date: 1/23/2024
 Date: 1/19/2024

RECEIVED
 CITY CLERK'S OFFICE
 NEWBURYPORT, MA
 2024 JAN 23 A 8:01



HVAC/ Plumbing Contractors
Commercial • Residential

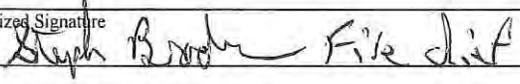
SALES • SERVICE • INSTALLATION



Check out our Facebook page



3 Stanley Tucker Drive
 Newburyport, MA 01950
 Phone: (978) 462-3800
 Fax: (978) 948-2464
www.DAS4HVAC.com

PROPOSAL SUBMITTED TO Newburyport Fire Dept	PHONE	DATE 12/21/23
STREET 0 Greenleaf St.	JOB NAME 0 Greenleaf St.	
CITY, STATE and ZIP CODE Newburyport, Ma. 01950	JOB LOCATION Newburyport, Ma. 01950	
<p>Dry Air Systems, Inc. proposes to Furnish and Install the following: Plumbing / Gas</p> <p>Disconnect and remove existing gas fired boiler, pumps, manifolds, necessary piping. Install new Weil McClain CGI – 8 cast iron natural gas hot water boiler in existing location. Install new main zone control. Install new boiler piping which includes new circulator pumps, flanges, flow checks, manifolds, valves, piping, expansion tank, boiler water feed valve, and fittings. Install all new necessary gas piping. Install new necessary exhaust vent piping to existing stainless steel flue connection. Install new make up air fan system as required by Mass Code. Includes all necessary electrical wiring. Includes penetration for intake air vent hood. Includes plumbing and gas permits. Includes inspection.</p> <p>Not Including: Insulation, digging, trenching, backfilling, cutting, patching, access panels, coordination drawings, engineering, painting of any pipes, water and gas meters Thank You for the opportunity to quote your HVAC/ Plumbing needs.</p>		
We propose hereby to furnish material and labor- complete in accordance with the above specifications for the sum of:		\$ 31,200.00
<p>All material is guaranteed to be as specified. All work to be complete in a professional manner according to standard practices. Any alteration of deviation from above specifications involving extra costs will be executed only upon written orders and will become an extra charge over and above the estimate. All agreements contingent upon strikes, accidents or delays beyond control. Owner to carry fire, tornado and other necessary insurance. Our workers are fully covered by workers compensation insurance.</p>	<p>Authorized Signature </p>	
	<p>Note: This proposal may be Withdrawn by us if not accepted within 60 days.</p>	

Acceptance of Proposal - The above prices, specifications and conditions are satisfactory and are hereby accepted. You are authorized to do the work as specified. Payment will be made as outlined above.

Signature:

Joseph Brian Fitch

Date of Acceptance:

1/5/24

Signature:

**APPOINTMENTS
FIRST READING**

**APPOINTMENTS
SECOND READING**

Second Reading Appointments

January 29, 2024

- APPT00459_01_08_2024 Marianne Vesey 10 Kent St. Human Rights Comm.

2/15/2028



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

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

To: President and Members of the City Council
From: Sean R. Reardon, Mayor
Date: January 8, 2024
Subject: Appointment

I hereby appoint, subject to your approval, the following named individual as a member of the Human Rights Commission. This term will expire on February 15, 2028.

Marianne Vesey
10 Kent Street
Newburyport, MA 01950

A handwritten signature in cursive script that reads "Sean R. Reardon".

RECEIVED
CITY CLERK'S OFFICE
NEWBURYPORT, MA
2024 JAN -2 A 11:25

MARIANNE VESEY

10 Kent St.
Newburyport, MA 01950
(978) 518-9710

OBJECTIVE

Continue to utilize skills gained from a long-term career in mental health to address social justice concerns.

CAREER SUMMARY

More than 40 years experience in supervision and management, helping systems plan for and adapt to change.

Demonstrated strengths in:

- written and oral communication
- program and staff development
- leadership and empowerment of staff
- systems thinking and problem-solving
- managing complex projects, along with the details
- flexibility and humor

EXPERIENCE

MASSACHUSETTS DEPARTMENT OF MENTAL HEALTH

Consultant

March, 2020-June, 2023

Responsibilities: Supported newly established Young Adult SAMSHA funded programs in Gloucester and Lowell with training for staff in learning model and approach for services described below. Also provided regular consultation around clinical and systems challenges.

CHILDREN'S FRIEND & FAMILY SERVICES, a Division of Justice Resource Institute

Clinical Director

Feb., 2016 – March, 2020

Responsibilities: YouForward – SAMHSA funded program for 16-25 yr. old young adults with mental health challenges who are “falling through the cracks” and need support to move into adulthood. Program is youth-driven, low barrier, safe & welcoming, and helps YA work on their individual goals in basic life domains such as housing, employment & education, and health. Special outreach was made to homeless, LGBTQ+, and young parents within a Drop-In Center with a restorative practices approach. Oversaw risk management, supervised staff, and was very involved in helping to design and implement program environment.

MASSACHUSETTS DEPARTMENT OF MENTAL HEALTH

Sup. for Case Management, Child/Adolescent Services + Systems Integration Specialist

Oct., 1998 – July, 2015

Responsibilities: Linking DMH services to clients, supervising Case Managers to facilitate quality care, monitoring DMH vendor contracts, acting as resource on risk management, recovery principles, mental health theory, counseling techniques, documentation practices, and assisting in the development of new programs (e.g., Young Adult Case Management Services); interfacing with Community Service Agencies around CBHI and DMH services, consulting with families, providers and community agencies within the cities and towns of the Merrimack Valley on services and treatment options.

BRIDGEWELL (formerly Greater Lynn Mental Health & Retardation Association)

Program Director for the Lynn Friendship Club

April, 1996 – Oct., 1998

Responsibilities: Facilitated the operations of a psychosocial day program with a vocational emphasis (a model known as a Clubhouse) for mentally ill adults. Supervised staff (who work as full partners with members), sought and maintained licensing and contracts, managed budgets and participated in fundraising initiatives. Promoted adherence to Clubhouse Standards which advocate a member-run and driven program where people are fully accepted, respected, empowered to make their own choices, plus have opportunities to develop a full range of personal, social, and vocational skills.

FOUNDATION FOR SEACOAST HEALTH, Portsmouth, NH

Consultant

Nov., 1994 - June, 1995

Responsibilities: Helped the Board of Trustees consider a plan for multiple nonprofit agencies and services that serve children & families in the Seacoast area to locate in a facility called The Community Campus. This undertaking included assessing community needs and gaps in services, and collaborating with local agencies.

PORTSMOUTH REGIONAL HOSPITAL, Portsmouth, NH

Dir. of Network Development, Behavioral Services

1994

Dir. of Adolescent Services

1988-1994

Responsibilities: Managed a 24-bed psychiatric unit, plus Partial Hospitalization Program. Developed the treatment philosophy and program structure for an acute and longer-term (up to 1 yr.) inpatient psychiatric service; responsible for budget, supervision and training of a multidisciplinary staff, community outreach, implementing satisfaction and outcome studies, planning new health care services, and working actively with senior management to provide quality care.

BOSTON REGIONAL MEDICAL CENTER, Stoneham, MA

Team Coordinator on inpatient psychiatric unit

1983-1988

Responsibilities: Supervision and training of nursing staff, family therapy/case management/discharge planning for patients on the adolescent and adult teams, worked closely with referring agencies, collaborated with attending psychiatrists around patient care in a multidisciplinary milieu.

HERITAGE HOSPITAL, Somerville, MA

Team Coordinator, Milieu Therapist on an inpatient psychiatric unit for adults

1979-1983

ALTERNATIVES UNLIMITED, INC., Whitinsville, MA

Consultant

1979-1980

Responsibilities: Utilized the principles of Normalization to evaluate all aspects of residential programs for people who are mentally retarded, plus those who are mentally ill.

House Director

1977-1979

Responsibilities: Established a community residence for 8 mentally retarded young adults coming out of institutions, using the principles of Normalization.

YOUTH HOMES, INC., Walnut Creek, CA

Houseparent

1975-1977

Responsibilities: Was primary staff in group home for 6 adolescent girls with severe emotional problems.

RAPID CITY YOUTH SERVICES, Rapid City, SD

VISTA Volunteer

1974

Responsibilities: Youth outreach worker with court-involved adolescents, and their families. Co-led workshops on communication skills and personal growth.

EDUCATION and TRAINING

M.Ed. in Counseling Psychology, 1979

Boston University, Boston, MA

B.A., double major of Psychology and Religion, 1973

The Catholic University of America, Washington, D.C.

Licensing

Registered as a Licensed Clinical Social Worker in MA (lapsed after leaving DMH).

Special Training-Sampling of Topics

Multiple trainings over time in areas such as suicide prevention, risk management, motivational interviewing, young adult development, transformative justice, impact of trauma and white supremacy, bystander intervention, and collective liberation.

REFERENCES available on request.

COMMUNICATIONS

RECEIVED
CITY CLERK'S OFFICE
NEWBURYPORT, MA

NEWBURYPORT SPECIAL EVENT APPLICATION

2024 JAN 12 A 9:41

Tel.

Fax.

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

NAME OF EVENT: Annual Newburyport Rotary Club /Joppa Flats Running Club Frigid Fiver

Date: February 4,2024 Time: from Noon to 1:00 PM

Rain Date: none Time: from _____ to _____

2. Location*: Riverwalk Brewery , 40 Parker St ,Newburyport (Course map included below)

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

3. Description of Property: Restaurant / Tap Room Public Private _____

4. Name of Organizer: NBPT Rotary Club & Joppa Flats RC City Sponsored Event: Yes _____ No

Contact Person: Bob Manning

Address: 1 Lorum St , NBPT Telephone: 978 270 7455

E-Mail: Robert.f.manning@comcast.net Cell Phone: 978 270 7455

Day of Event Contact & Phone: 978 270 7455

5. Number of Attendees Expected: 250

6. MA Tax Number: 28938749

7. Is the Event Being Advertised? yes Where? Social media

8. What Age Group is the Event Targeted to? 8-80

9. Have You Notified Neighborhood Groups or Abutters? Yes _____ No Who? _____

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

A. Vending*: Food Beverages Alcohol Goods _____ Total # of Vendors 1

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

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

Performers _____ Dancing _____ Amplified Sound Stage _____

C. Games /Rides: Adult Rides _____ Kiddie Rides _____ Games _____ Raffle _____

Other _____ Total # _____

Name of Carnival Operator: _____

Address: _____

Telephone: _____

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

NBPT Rotary Club & Joppa Flats RC

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

If yes:

- a) How many trash receptacles will you be providing? 5 Riverwalk Brewery
- b) How many recycling receptacles will you be providing? 1 Riverwalk Brewery
- 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 ? Riverwalk Brewery recycle dumpster

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: Riverwalk Brewery men's and woman's rooms

FOR STREET CLOSURE OR ANY USE OF A PUBLIC WAY

PARADE _____ ROAD RACE X WALKATHON _____

1. Name of the Group or Person Sponsoring the Road Race, Parade, Walkathon: NBPT Rotary Club & Joppa Flats Running Club

2. Name, Address & Daytime Phone Number of Organizer: Bob Manning 1 Lorum St, NBPT 978 270 7455

3. Name, Address & 24/7 Telephone Number of Person Responsible for Clean Up Bob Manning 1 Lorum St, NBPT 978 270 7455

4. Date of Event Feb 4, 2024 Expected Number of Participants: 250

5. Start Time: noon Expected End Time: 1 PM

6. Road Race, Parade or Walkathon Route: (List street names & attach map of route): Riverwalk Brewery (Parker St) Newburyport Rail Trail to Cashman Park and back

7. Locations of Water Stops (if any): Cashman Park

8. Will Detours for Motor Vehicles Be Required? NO If so, where? _____

9. Formation Location & Time for Participants: Riverwalk Brewery 11:00 Am

10. Dismissal Location & Time for Participants: Riverwalk Brewery 3:00 PM

11. Additional Parade Information: N/A

- Number of Floats: _____
- Locations of Viewing Stations: _____
- Are Weapons Being Carried: Yes _____ No _____
- Are Marshalls Being Assigned to Keep Parade Moving: Yes _____ No _____

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

CITY MARSHAL [Signature] 4 Green St. FIRE CHIEF [Signature] 0 Greenleaf St.

DEPUTY DIRECTOR [Signature] 164 Perry Way CITY CLERK [Signature] 60 Pleasant St.

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

DEPARTMENT APPROVAL (for Committee Member use only):

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

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

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

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

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

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

(c) *Definitions.*

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

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

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

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

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

(d) *Limitations.*

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(e) Enforcement.

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

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

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

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

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

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

Signed: Robert F Manning

Date: 12/6/2023

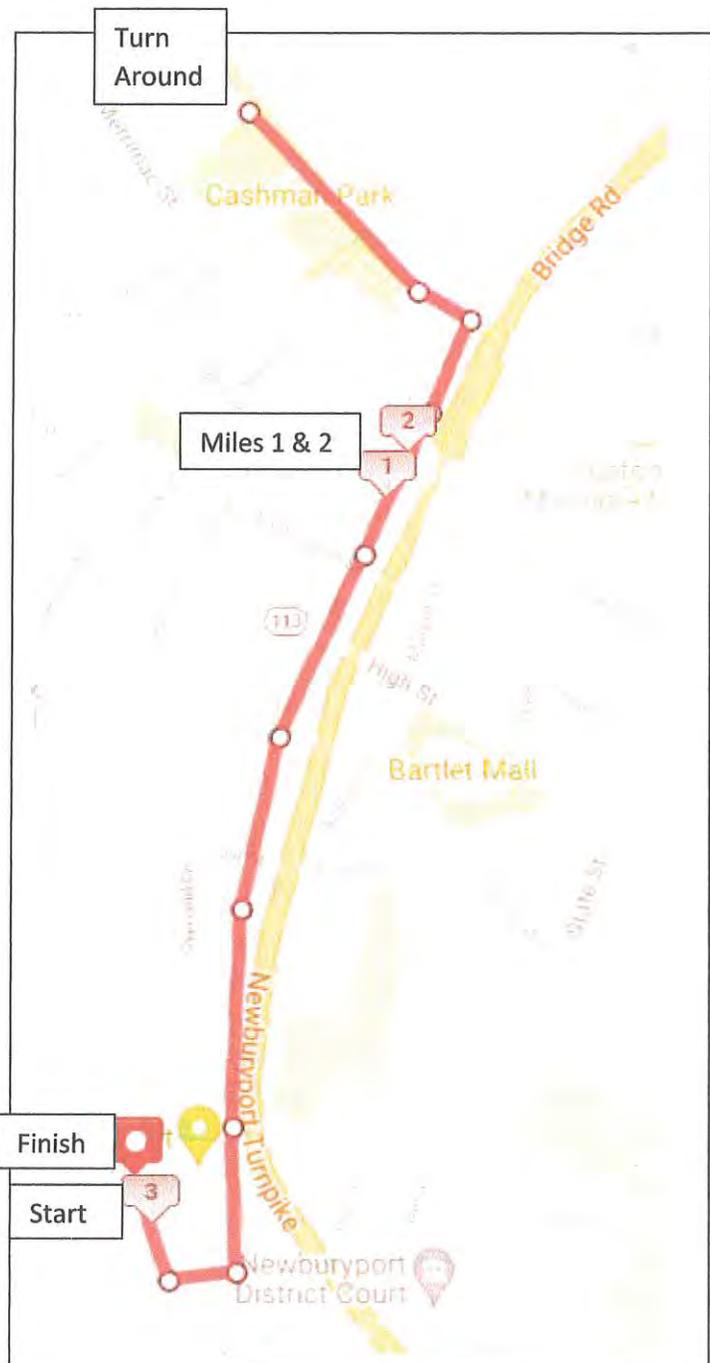
Annual Newburyport Rotary Club / Joppa Flats Running Club Frigid Fiver 5K Rail Trail Run

Frigid Fiver 5K Course Map

- Course starts in Riverwalk Parking Lot (close to Parker St)
- Run on Parker St to rail trail via Parker St
- Left / North on rail trail to the Merrimac River
- Turn Left at the River Junction towards Cashman Park
- Turn around point is in Cashman Park (1.5 mile point)
- Return to the Riverwalk Brewery returning via the Rail Trail
- Turn Right on Parker St
- Turn right into Riverwalk parking lot
- Finish-line is at Tap Room ramp

Note: The only street crossing is Washington St which will be manned with crossing guards

Note: Mile markers 1 & 2 are at the same location





CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)
01/11/2024

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

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

PRODUCER Insurance Management Group 12730 Coldwater Rd Ste 103 Fort Wayne IN 46845		CONTACT NAME: Liz Painter PHONE (A/C, No, Ext): (260) 338-2434 E-MAIL ADDRESS: lpainter@insmgt.com FAX (A/C, No): (765) 664-0761	
INSURED Road Runners Club of America/2024 and Its Member Clubs 1501 Langston Boulevard, Suite 140 Arlington VA 22209		INSURER(S) AFFORDING COVERAGE INSURER A: Granite State Insurance Company NAIC # 23809 INSURER B: National Union Fire Insurance Company of Pittsburgh, PA 19445 INSURER C: INSURER D: INSURER E: INSURER F:	

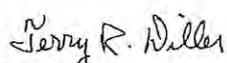
COVERAGES **CERTIFICATE NUMBER:** 2024 \$1M A.I. Liability **REVISION NUMBER:**

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

INSR LTR	TYPE OF INSURANCE	ADDL INSD	SUBR WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS
A	<input checked="" type="checkbox"/> COMMERCIAL GENERAL LIABILITY <input type="checkbox"/> CLAIMS-MADE <input checked="" type="checkbox"/> OCCUR Legal Liability to <input type="checkbox"/> Participant \$1,000,000 GEN'L AGGREGATE LIMIT APPLIES PER: <input type="checkbox"/> POLICY <input type="checkbox"/> PRO-JECT <input type="checkbox"/> LOC <input checked="" type="checkbox"/> OTHER: For Event Basis			AIL0003450335100	12/31/2023	12/31/2024	EACH OCCURRENCE \$ 1,000,000 DAMAGE TO RENTED PREMISES (Ea occurrence) \$ 500,000 MED EXP (Any one person) \$ 5,000 PERSONAL & ADV INJURY \$ 1,000,000 GENERAL AGGREGATE \$ 5,000,000 PRODUCTS - COM/OP AGG \$ 1,000,000 Abuse and Molestation \$ 500,000
A	AUTOMOBILE LIABILITY <input type="checkbox"/> ANY AUTO OWNED AUTOS ONLY <input checked="" type="checkbox"/> HIRED AUTOS ONLY <input type="checkbox"/> SCHEDULED AUTOS NON-OWNED AUTOS ONLY			AIL0003450335100	12/31/2023	12/31/2024	COMBINED SINGLE LIMIT (Ea accident) \$ 1,000,000 BODILY INJURY (Per person) \$ BODILY INJURY (Per accident) \$ PROPERTY DAMAGE (Per accident) \$ \$
	UMBRELLA LIAB <input type="checkbox"/> EXCESS LIAB OCCUR CLAIMS-MADE DED RETENTION \$						EACH OCCURRENCE \$ AGGREGATE \$ \$
	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH) <input type="checkbox"/> Y/N If yes, describe under DESCRIPTION OF OPERATIONS below		N/A				PER STATUTE OTH-ER E.L. EACH ACCIDENT \$ E.L. DISEASE - EA EMPLOYEE \$ E.L. DISEASE - POLICY LIMIT \$
B	Excess Medical & Accident (\$250 Deductible/Claim)			AID0003450335800	12/31/2023	12/31/2024	Excess Medical \$10,000 AD & Specific Loss \$2,500

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

CERTIFICATE HOLDER IS NAMED AS AN ADDITIONAL INSURED AS RESPECTS TO THEIR INTEREST IN THE OPERATIONS OF THE NAMED INSURED. DATE OF EVENT(S): 02/04/24 Frigid Fiver 5K RACE INSURED RRCA CLUB/EVENT MEMBER: Joppa Flats Running Club ATTN: Bob Manning, PO Box 502, Newburyport MA 01950
Processed by RMV

CERTIFICATE HOLDER		CANCELLATION	
02/04/24 City of Newburyport 60 Pleasant Street Newburyport MA 01950		SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS. AUTHORIZED REPRESENTATIVE 	

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ORDERS

CITY OF NEWBURYPORT



IN CITY COUNCIL

ORDERED:

January 8, 2024

January 8, 2024
January 29, 2024

February 12, 2024
February 26, 2024

March 11, 2024
March 25, 2024

April 8, 2024
April 29, 2024

May 13, 2024
May 28, 2024 (May 27th Memorial Day)

June 10, 2024
June 24, 2024

July 8, 2024
July ~~29~~ 22, 2024

August 12, 2024

September 9, 2024
September 30, 2024

October 15, 2024 (October 14th Indigenous People's Day)
October 28, 2024

November 12, 2024 (November 11th Veterans Day)
November 25, 2024

December 16, 2024

Councillor Heather L. Shand

In City Council January 8, 2024:

Motion to waive the rules, declare an emergency, and collectively approve ORDR00526 and ORDR00527 pending review in General Government of ORDR00527 by Councillor Zeid, seconded by Councillor Lane. Roll call vote, 11 yes, motion passes.

Attest: _____
Richard B. Jones, City Clerk

Date: _____



CITY OF NEWBURYPORT GIFT ACCEPTANCE FORM

Ordered, that, the City of Newburyport accepts the following gift in accordance with M.G.L. Chapter 44, Section 53A:

Date of Gift:	1/4/2024	
City Department:	Office of Planning & Development	
Staff Contact:	Geordie Vining, Senior Project Manager	
<i>Gift Overview</i>		
Gift Type:	Monetary	
Donor:	Multiple Donors (see attached list)	
<p>Purpose: Funding support for the Newburyport Black History Initiative (NBHI) to supplement the \$53,000 appropriation that was made from the Community Preservation Act in FY2023. The Initiative consists of the installation of 11-12 historic interpretive signs in the everyday public landscape of Newburyport’s downtown core area as well as the Rail Trail and Old Hill Burying Ground. More information on this project can be found at: https://www.cityofnewburyport.com/planning-development/newburyport-black-history-initiative</p> <p>Funds donated by the City Improvement Society will cover the cost of layout, fabrication and installation of the “equal school rights” interpretive sign that will be installed in the northwest corner of the Bartlet Mall. Funds donated from the Lions Club, First Religious Society, and multiple individual donors will support the NBHI installation in the Old Hill Burying Ground (the City Council approved marking the historic Black section of the cemetery in 2023 and these funds will help support fabrication and installation of a bronze plaque and granite “Once Known” markers at the unmarked graves that have been identified).</p>		
Gift Amount:	\$10,012.00	
<i>For Office Use Only</i>		
City Council Packet Date:	1/29/2024	
Emergency Measure?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No

Councillor Sharif I. Zeid

City Improvement Society	\$4,762.00
Newburyport Lions Club	\$1,600.00
First Religious Society	\$250.00
Elizabeth Walsh	\$400.00
Elizabeth Lavender	\$50.00
Lois Honegger	\$100.00
Fordyce and Margaret St. John	\$100.00
Kathleen Murray	\$50.00
Regina Correia-Branco	\$100.00
Eleanor Bailey	\$100.00
Sarah and Matthew Hall	\$100.00
Eve Davis Lee	\$100.00
Susan and Bartlett Harvey	\$200.00
Mary Gentile	\$50.00
Linda Harding and Hugh Martinez	\$50.00
Marge and Skip Motes	\$50.00
Jeanne L. Nicholson	\$800.00
Carol and Jeff Kimball	\$500.00
Beverly Gulazian	\$50.00
Lucien and Judy LaCroix	\$100.00
James D. Supple and Mary F. McDonald	\$500.00

TOTAL: \$10,012.00

CITY OF NEWBURYPORT



IN CITY COUNCIL

ORDERED:

January 29, 2024

Resolved: Having convened in an open meeting on _____, prior to the SOI submission closing date, the City Council of the City of Newburyport, in accordance with its charter, by-laws, and ordinances, has voted to authorize the Superintendent to submit to the Massachusetts School Building Authority the Statement of Interest Form dated January 23, 2024 for the Newburyport High School located at 241 High Street, Newburyport, Massachusetts, which describes and explains the following deficiencies and the priority category(s) for which an application may be submitted to the Massachusetts School Building Authority in the future, specifically the replacement, renovation or modernization of school facility systems, including the roof; and hereby further specifically acknowledges that by submitting this Statement of Interest Form, the Massachusetts School Building Authority in no way guarantees the acceptance or the approval of an application, the awarding of a grant or any other funding commitment from the Massachusetts School Building Authority, or commits the City to filing an application for funding with the Massachusetts School Building Authority.

Councillor Edward C. Cameron Jr.

CITY OF NEWBURYPORT



IN CITY COUNCIL

ORDERED:

January 29, 2024

Resolved: Having convened in an open meeting on _____, prior to the SOI submission closing date, the City Council of the City of Newburyport, in accordance with its charter, by-laws, and ordinances, has voted to authorize the Superintendent to submit to the Massachusetts School Building Authority the Statement of Interest Form dated January 23, 2024 for the Rupert A Nock Middle School located at 70 Low Street, Newburyport, Massachusetts, which describes and explains the following deficiencies and the priority category(s) for which an application may be submitted to the Massachusetts School Building Authority in the future, specifically the replacement, renovation or modernization of school facility systems, including the roofs; and hereby further specifically acknowledges that by submitting this Statement of Interest Form, the Massachusetts School Building Authority in no way guarantees the acceptance or the approval of an application, the awarding of a grant or any other funding commitment from the Massachusetts School Building Authority, or commits the City to filing an application for funding with the Massachusetts School Building Authority.

Councillor Edward C. Cameron Jr.

ORDINANCES

COMMITTEE ITEMS

Committee Items – January 29, 2024

Budget & Finance

In Committee:

- APPT00452_01_08_2024 Jill Brennan 24 Webster St., Haverhill Assessor 2/15/2027
- ORDR00529_01_08_2024 Gift Acceptance \$2500 David Volz to DPS Parks Bench Renovation Market Sq.
- ORDR00530_01_08_2024 FY2425 CVA Program Grant Acceptance \$16,000



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

RECEIVED
CITY CLERK'S OFFICE
NEWBURYPORT, MA

2023 DEC 29 A 10:43

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

To: President and Members of the City Council
From: Sean R. Reardon, Mayor
Date: January 8, 2024
Subject: Re-Appointment

I hereby re-appoint, subject to your approval, the following named individual as Assessor. This term will expire on February 15, 2027.

Jill Brennan
24 Webster Street #7
Haverhill, MA 01830

JILL M. BRENNAN, MAA

CITY OF NEWBURYPORT 1997 – PRESENT

City Assessor – December 2016 – Present

- Responsible for maintaining a 7.3 billion dollar portfolio consisting of 9,239 real estate and personal property tax accounts for the purpose of establishing equitable assessments.
- Meets all DOR reporting deadlines for certification in assessments, new growth, tax levy and classification when producing a tax rate each fiscal year.
- Reviews and determines a finding on all abatement and statutory exemption applications, and represents the city at Appellate Tax Board court hearings.
- Oversees daily operation of the department, serving as department head.
- Responsible for all duties performed as Assistant Assessor.
- Prepares departmental budget each fiscal year.

Assistant Assessor – August 1997 – December 2016

- Process all deeds and property transfers. Properly code all sales transactions in the Vision cama database to be used for analyzing sales ratios. Program and run comparable sales reports for the counter.
- Produce real and personal property tax commitments and tax billing files. This includes bridging the Vision database with the Munis tax billing programs. Balance and verify the tax billing file, create an accounts receivable file on the Munis software server and extract the two computer generated files to be sent to the tax billing vendor.
- Produce and bridge the Motor Vehicle excise tax billing file on Munis. Balance and verify the bridged data, and create an accounts receivable file.
- Process accounts payable warrant for the department.
- Process payroll submission for the department.
- Responsible for maintaining the Assessors data layers in the GIS system. Produce GIS assisted maps when applicable.
- Program and process all public information requests.
- Create new subdivisions, condominium conversions, and lot splits. Producing new parcels on the cama database for each lot, valuing each parcel, and making sure all applicable changes to the Assessors maps are recorded.

VISION APPRAISAL TECHNOLOGY INC.

Assistant Manager of Customer Support 1993-1997 – Responsibilities included the onsite training of over 75 assessing clients on the latest cama database releases, and supervising staff employees on daily work assignments.

Senior Technical Support Representative 1990-1993 – Responsibilities included telephone technical support for all clients.

Data entry operator Residential field appraiser 1984-1990 – Responsible for inspecting and measuring residential property and the data entry of field card changes into a cama based computer system.

ACCOMPLISHMENTS

Massachusetts Accredited Assessor (#928)

Member of the Massachusetts Association of Assessing Officers (MAAO) 2001 to present

Member of the Essex County Assessors Association 2001 to present

President of the Essex County Assessors Association 2007.

Elected member of the Essex County Assessors Association Executive Board in 2001 and served for nine years.

Member of the International Association of Assessing Officers (IAAO) 2007 to present



CITY OF NEWBURYPORT
GIFT ACCEPTANCE FORM

Ordered, that, the City of Newburyport accepts the following gift in accordance with M.G.L. Chapter 44, Section 53A:

Date of Gift:	12/18/2023	
City Department:	DPS Parks	
Staff Contact:	Michael Hennessey	
<i>Gift Overview</i>		
Gift Type:	Monetary	
Donor:	David Volz	
Purpose:	Renovation of park bench in Market Square.	
Gift Amount:	\$2,500.00	
<i>For Office Use Only</i>		
City Council Packet Date:	1/8/2024	
Emergency Measure?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No

Councillor Sharif I. Zeid

In City Council January 8, 2024:

Motion to collectively refer ORDR00529 and ORDR00530 to Budget & Finance by Councillor Zeid, seconded by Councillor Lane. Roll call vote, 11 yes, motion passes.



CITY OF NEWBURYPORT
GRANT ACCEPTANCE FORM

Ordered, that, the City of Newburyport accepts the following grant in accordance with M.G.L. Chapter 44, Section 53A:

Date of Award:	12/27/2023	
City Department:	Harbormaster	
Staff Contact:	Paul Hogg	
<i>Grant Overview</i>		
Grant Type:	State Grant (Federal Pass-Through)	
Funding Agency:	MA Department of Fish & Game, Division of Marine Fisheries https://www.mass.gov/orgs/division-of-marine-fisheries	
Program Name:	Clean Vessel Act (CVA) https://www.mass.gov/info-details/clean-vessel-act	
Project Name:	CVA Pumpout Program	
Project Description:	The Massachusetts Clean Vessel Act (MA-CVA) Program provides free pumpout service to recreational boaters along the coast. 75% of the program is funded by this grant and 25% is funded by the Harbormaster budget.	
Award Amount:	\$16,000.00	
Payment Method:	Cost Reimbursement	
Length of Grant:	1 year	
Start Date:	1/1/2024	
End Date:	12/31/2024	
Award Acceptance Deadline:	Award acceptance deadline	<input checked="" type="checkbox"/> N/A
<i>Local Match/Required Resources</i>		
Local Match (City Funds):	The CVA program is a match-reimbursement program based on Federal funds obtained by the Commonwealth for the needs of existing and prospective pumpout facilities. Approved applicants are required to match a minimum of 25% of the cost for CVA equipment and keep CVA equipment operational according to the terms of the program.	
Local Match (In-Kind):	Limited staff time dedicated to tracking and administering grant funds.	
Resources Required When Grant Program Ends:	N/A - This is an annual grant program.	
<i>For Office Use Only</i>		
City Council Packet Date:	1/8/2024	
Emergency Measure?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No

Councillor Sharif I. Zeid

In City Council January 8, 2024:

Motion to collectively refer ORDR00529 and ORDR00530 to Budget & Finance by Councillor Zeid, seconded by Councillor Lane. Roll call vote, 11 yes, motion passes.

In City Council January 8, 2024:

Motion to collectively refer ORDR00529 and ORDR00530 to Budget & Finance by Councillor Zeid, seconded by Councillor Lane. Roll call vote, 11 yes, motion passes.

Committee Items – January 29, 2024

Community Services

In Committee:

- APPT00447_01_08_2024 Christine Chapman 28 Dorothy Lucey Dr. Council on Aging 2/15/2027
- APPT00457_01_08_2024 Charles Griffin 3 Vernon St. CPC rep/Parks Comm. 2/15/2027
- APPT00458_01_08_2024 Kimberly Emmons 9 Doe Run Dr. Waterfront Trust 2/15/2026
- APPT00456_01_08_2024 Charles Griffin 3 Vernon St. Parks Commission 2/15/2027



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

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

To: President and Members of the City Council
From: Sean R. Reardon, Mayor
Date: January 8, 2024
Subject: Appointment

I hereby appoint, subject to your approval the following named individual as a member of the Council on Aging. This term will expire on February 15, 2027.

Christine Chapman
28 Dorothy E. Lucey Drive
Newburyport, MA 01950

RECEIVED
CITY CLERK'S OFFICE
NEWBURYPORT, MA
2023 DEC 21 P 3:52

Dear Ms. Jackson,

A friend, Elaine Paglia, mentioned that there is an opening on the Board of the Council on Aging. I am interested in filling that role. I am currently retired from InterSystems, a company based in Cambridge.

My husband and I moved from Bethesda, Maryland to Newburyport in 2002, when my company acquired a company in Wakefield. I stayed with that company a few years and was then recruited to join InterSystems. Because I worked in Cambridge and travelled considerably, I didn't really have a chance to explore and appreciate this wonderful town until my retirement. Since that time, I have been walking a lot, taking advantage of classes at the Senior Center and helping out during the Library twice annual book sales. But I'd like to contribute more to the community.

I have attached a brief overview of my career. I look forward to hearing from you about next steps.

Regards,
Christine Chapman
978-457-3158

Christine Chapman
October 2023

Ms. Chapman retired from InterSystems Inc (ISC) in June 2020. During the last 3 years she has served on the Board of the National Tay Sachs and Allied Diseases organization (NTSAD) where she served on the Communications and Family Services committees. During her tenure at ISC from 2004 to 2020, Ms. Chapman was Chief Operating Officer of a subsidiary of ISC and then a Vice President at ISC, overseeing TrakCare, an international Electronic Medical Record system. Before joining ISC she was Executive Vice President and Chief Operating Officer of Picis Inc., an international healthcare company focused on critical care, operating theater and emergency services. At Picis, she was responsible for managing business direction and day-to-day operations. Previously, Christine Chapman served as Vice President of the eHealth Services Division at Superior Consultant, a US healthcare consulting firm, where, among other duties, she was responsible for defining strategy and delivering solutions to the healthcare marketplace. Prior to Superior Consultant, Ms. Chapman served in several executive capacities at Compucare, which was acquired by Quadramed. She managed all product functions and was also responsible for overseeing acquisitions and assimilation of new technology and service companies and implementing a strategy to integrate the managed care, physician, and hospital applications of Compucare. Prior to that, Ms. Chapman held a variety of positions in development, marketing, product management, and customer service. Ms. Chapman holds a BA in mathematics from Mount Holyoke College.



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

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

To: President and Members of the City Council
From: Sean R. Reardon, Mayor
Date: January 8, 2024
Subject: Appointment

I hereby appoint, subject to your approval, the following named individual as the Community Preservation Act Committee representative on the Parks Commission. This term will expire on February 15, 2027.

Charles Griffin
3 Vernon Street
Newburyport, MA 01950

A handwritten signature in cursive script, appearing to read 'Sean R. Reardon'.



CHARLES O. GRIFFIN

cogriffin@mac.com

PROFESSIONAL EXPERIENCE

Charles Griffin received a Bachelor of Architecture degree in 1966 from Iowa State University. The following year he joined Mark Engelbrecht as the second employee of what is now known as EGA, P.C. Chuck began as a designer with EGA and ended as Chairman and managing partner of the firm. Information below was the condition of his firm prior to the sale of the company to employees of long standing.

EDUCATION

Iowa State University; Bach. of Arts in Architecture; 1966

PROFESSIONAL HISTORY

EGA, P.C., Newburyport, MA Chairman	2005-2022
EGA, P.C., Newburyport, MA President/Principal	1985-2005
Engelbrecht & Griffin Architects, Des Moines, IA Vice-President	1979-1985
Engelbrecht, Rice and Griffin, Des Moines, IA Partner	1975-1979
Engelbrecht, Rice, Des Moines, IA Associate	1971-1975
Hunter, Rice and Engelbrecht, Des Moines, IA Designer	1968-1971
Savage and VerPloeg, Des Moines, IA Designer	1967-1968
Rollo Burgesson, Des Moines, IA Designer: Living History Farms	1966-1967

FORMER STATE REGISTRATIONS

Arizona, Connecticut, Florida, Georgia, Illinois, Indiana, Iowa, Maine, Massachusetts, Michigan, Missouri, Nebraska, Nevada, New Hampshire, New Jersey, New York, North Carolina, Ohio, Oklahoma, Pennsylvania, Rhode Island, Texas
Emeritus Architect in Massachusetts

FORMER PROFESSIONAL MEMBERSHIPS

American Association of Homes for the Aging (AAHSA)
American Institute of Architects (AIA)
National Council on Architectural Registration Boards (NCARB)
Boston Society of Architects (BSA)
National Association of Home Builders (NAHB)
Society of Architectural Historians (SAH)

Mr. Griffin was a regular speaker on senior housing at national conferences and university seminars. He was active in many senior services associations and was a founding Board member of Mass ALFA. Chuck was a member of the "Services Housing Accessibility Task Force" which funds new or independent research that will guarantee a rewriting of the codes as it relates to accessibility. Mr. Griffin served as a jury member for AIA Designs for Aging Review in 2000 and most recently spoke at the ALFA National Conference in May 2008 and the Gerontological Society of America "Deinstitutionalization Shifting the Nursing Home Paradigm to Home" in November 2008.

PROFESSIONAL PRESENTATIONS & JURIES

NATIONAL ASSOCIATION FOR SENIOR LIVING INDUSTRIES -
Phoenix, AZ

Session #1 "Making Nursing Homes Residential"
Session #2 "Affordable Retirement Housing"

BOSTON UNIVERSITY CONFERENCE;
"Housing Design for Frail Elderly"

MASSACHUSETTS INSTITUTE OF TECHNOLOGY
"Retirement Housing Options"

AMERICAN ASSOCIATION OF HOMES FOR THE AGED -
San Francisco, CA
"Ten Mistakes Sponsors Make"

NASLI - Jacksonville, FL
Design Roundtable - "Vernacular Design"

AIA - Washington, DC
"Senior Housing: The Architect's Role"

NASLI - Denver, CO
Chaired Architect's Roundtable

NEW ENGLAND COUNCIL ON SENIORS HOUSING
"Design Case Studies in Senior Housing"

NASLI Expo - Anaheim, CA
"Opportunities in Affordable Housing for the Elderly"

MASS ALFA - Newton, MA
"Assisted Living Design"

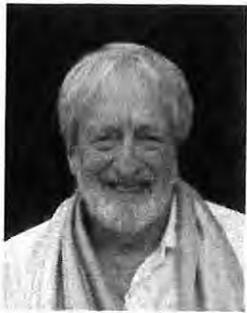
NASLI EXPO 95 - Fort Lauderdale, FL
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AAHSA 34TH ANNUAL MEETING & EXPOSITION -
San Antonio, TX
"Demystifying the Development Process"

NAHB NATIONAL COUNCIL ON SENIORS' HOUSING
52ND ANNUAL CONVENTION & EXPOSITION - Houston, TX
"Award Winning Design - Critical Elements of Success in
Architecture and Interior Design for Seniors"

HERBERT J. SIMS AND COMPANY - Ponte Vedra Beach, Florida
2nd Annual Mid-Winter Conference

During his fifty six years at EGA, a national practice, over two hundred major projects for the elderly containing sixteen thousand residents in retirement communities, nursing homes, and hospices. The focus on deinstitutionalization of healthcare and design using historic references appropriate to the project location.



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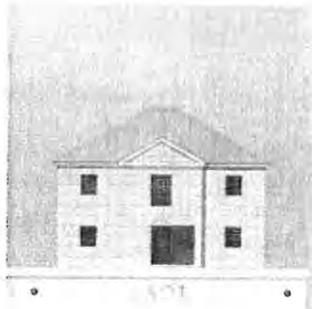
ADDITIONAL PURSUITS

HISTORICAL RESTORATION

Sherman Hill Historic District Des Moines, IA
Founding Commissioner

CROWELL APARTMENTS,

Des Moines, IA 1977-PRESENT
Restoring Important Proudfoot and Bird 1904 Apartment Building, plus adding additional Building Components to make project sustainable.



ESSEX COUNTY GAOL

Newburyport, MA. 1987-PRESENT

Restored property to Stuart Park Architect's 1825 appearance. Gaol converted to residence with small addition using appropriate ancient Greek design elements. Five non contributing adjacent properties were developed and designed to tell the history of "How Classical Design came to America."

MINOAN : CLASSICAL GREECE : ITALY : ENGLAND



1987-PRESENT

BARTLET MALL

Newburyport, MA 2021-PRESENT

Through research, artwork, signage, and presentations, advocating the return of the city's pioneer park to its status in 1889 under the Mall Improvement Association. Landscape Architect Charles Eliot, important partner of Fredrick Law Olmstead and Arthur A. Shurcuff were the primary forces in creating Pioneer Park. Completed is the Pond Street Promenade. The North East corner with playground and extended promenade is in progress. Frog Pond upgrades anticipated : 2021 through 2024.



ESSEX COUNTY COURTHOUSE

Newburyport, MA 2017-PRESENT

Advocating by research and schematic architectural concepts proposing removing the changes Essex County commissioned in 1854, such that the original 1805 building by Charles Bullfnich is allowed to show. This work also proposes to restore the adjacent landscape. Approval process : 2017 through 2023.



2017-PRESENT

HISTORIC RESEARCH

HISTORICAL RESTORATION

An interest in ancient history informed indepth studies of: first the history of the Mayan in Central America. Then to the Renaissance, and Roman Italy. Finally focused on Ancient Greece from the Archaic Minoans thru the Classical Period. The teachers for this interest were led by prominent Archaeologist, most importantly by Professor John Camp, Director of the Agora excavations for the American School of Classical Studies at Athens. Besides being involved in the dig from 2008 thru 2023, Griffin and Camp visited historic Greek sites in Italy, Greece, Turkey, Egypt, Ethiopia, and Sudan, As for the Essex County Gaol and Bartlet Mall, The collection of Essex County Records then at the Peabody Essex Museum (PEM) in Salem, the Archival Center in Newburyport Library and The Museum of Old Newbury (MOON) were crucial to an understanding of the history of the two properties, Bartlet Mall and Essex County Gaol.



PUBLICATIONS

IN PREPUBLICATION

Hubris: The Persian Wars against the Greeks and the Athenian Hero Themistocles.

COMPLETED

Produced and edited by Mr. Griffin, the author, and artists. The written work is by Robert J. Lenardon, Scholar of an ancient Greece and Rome. The artwork and maps are completed. As of 2023 the work is in "Page Proofs"





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MAYOR@CITYOFNEWBURYPORT.COM

To: President and Members of the City Council
From: Sean R. Reardon, Mayor
Date: January 8, 2024
Subject: Appointment

I hereby appoint, subject to your approval, the following named individual as a member of the Newburyport Waterfront Trust. This term will expire on February 15, 2026.

Kimberly Emmons
9 Doe Run Drive
Newburyport, MA 01950

A handwritten signature in black ink, appearing to read 'S. R. Reardon'.

RECEIVED
CITY CLERK'S OFFICE
NEWBURYPORT, MA
2024 JAN - 2 A 11: 25

KIMBERLY EMMONS

Boston, MA

Ksloan01@gmail.com 978-476-1046

Account Management | Sales Leader | Launching Unknown Brands

Contract Negotiation

Exceeding Quota

Managing Remote Teams

Merger & Acquisition

Emerging Technology Training

Business Development

Industries : Emerging Technologies, Telecommunications

Degree : BA, Business and Communications, Baldwin-Wallace College

PROFESSIONAL EXPERIENCE

Regional Sales Manager, Samsung, North East

(2016 – current)

Launched Wayfair.com as a premier partner of Samsung Digital Appliances. Negotiated with BJ's Warehouse to launch test cities to sell premium products.

- Manage comprehensive sales process and generated incremental sales revenue to exceed budget by developing and utilizing targeted programs. Managed the daily flow/exchange of information between the customer and multiple marketing teams in order to determine appropriate pricing/placement. Developed and maintained long term business relationships.
- Conceptualized and developed original/customized program for newly launched channels to maximize revenue and profit.

Area Sales Manager, HTC, East Coast

(2012 – 2015)

Regional Sales Manager, HTC, Northeast Territory

(2006 – 2012)

Launched unknown "HTC Brand" and product within Verizon and Sprint by tenaciously pursuing decision makers, aligning goals and creating opportunities to ensure that HTC was top of mind within Enterprise, Small Business, Indirect, COR and Marketing channels.

- Solved lack of supply issue by closing non-traditional points of distribution.
- First to establish exclusive product trainings by coordinating efforts with various levels of internal and external organizations. Sold trainings by developing partner solutions.
- Acted as subject matter expert for HTC products, operating systems, and relevant 3rd party applications to be able to deliver a complete evaluation to clients.
- Accelerated sell-through and overcame objectives in a highly competitive environment by creating solutions and a need for HTC.
- Managed multiple accounts which included Verizon, T-Mobile, Sprint, Circuit City and TELUS.
- Sales Person of the Year 2008, 2010 and Sales Leader Q1 – Q2 2010

Senior Manager - Strategic Partner, Sprint, Boston, MA

(2003 – 2006)

Lead the East and Midwest Indirect Sales Channel. Promoted to the Affiliate Integration team. Emphasis included, developing sales strategies with senior staff, marketing and promotional implementation, sales manager training and relationship building.

- Integrated multi-billion dollar acquisitions into Sprint's organization by leading the indirect sales strategy. Approach included contract conversion, compensation analysis, process solutions, organizational alignment and working with various functional senior leaders to ensure inclusion into Sprint's culture.

Senior Manager - Strategic Partner, Sprint, Boston, MA (cont') (2003 – 2006)

- Viewed as a partner during Franchise litigation and was able to ensure targets were met while growing their business.
- Formulated strategic sales and business development plans with Affiliates which resulted in attainments of corporate performance goals.
- Improved Affiliate/Sprint relationship at all levels through consistent contact, issue resolution and involvement in sales activities during litigation

Regional Indirect Sales Manager, Sprint, Chicago, IL (2000 – 2003)

Implemented quarterly sales strategies to indirect sales makers and took responsibility for execution. As an interface between field personnel and corporate developers, areas of opportunities were corrected by developing process improvements. Simultaneously maintained relationships at key National Retailers to establish, nurture, and maintain strong working relationships at all levels.

- Oversaw Indirect Managers and guided them in maintaining relationships with over 900 retail partners
- Consulted newly hired Indirect Managers on operational activities, relationship management and initiated Merchandising Sales Manager training
- Achieved over 110% of Region quota for 2001, 2002 and 2003

Indirect Account Executive, Sprint, Cleveland, OH (1998 - 2000)

Identified new points of distribution as well as maintained relationships with National Distributors which resulted in a successful market entry strategy into Cleveland, OH. Assisted distributors in the development of sales strategies, incentive programs, product mix, promotions, and effective use of co-op advertising funds.

- Developed distribution channel strategy that increased sales by over 300% within two months
- Continuously managed dealer distribution to ensure market share and profitable results
- Executed and maintained distribution agreements and compensation plans

AWARDS

HTC Sales Leader Q1 – Q2 2010, HTC Salesperson of the Year 2010 & 2008, Strategic Planning Award 2005, Fast Growth Award 2005, Regional Employee Recognition 2003 & 2002, Sprint PCS Team Player, Sprint PCS Sales Achievement Award 125% of quota 2000



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MAYOR@CITYOFNEWBURYPORT.COM

To: President and Members of the City Council
From: Sean R. Reardon, Mayor
Date: January 8, 2024
Subject: Re-Appointment

I hereby re-appoint, subject to your approval, the following named individual as a member of the Parks Commission. This term will expire on February 15, 2027.

Charles Griffin
3 Vernon Street
Newburyport, MA 01950

A handwritten signature in black ink, appearing to read "Sean R. Reardon".



CHARLES O. GRIFFIN

cogriffin@mac.com

PROFESSIONAL EXPERIENCE

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Chairman 2005-2022

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President/Principal 1985-2005

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Vice-President 1979-1985

Engelbrecht, Rice and Griffin, Des Moines, IA
Partner 1975-1979

Engelbrecht, Rice, Des Moines, IA
Associate 1971-1975

Hunter, Rice and Engelbrecht, Des Moines, IA
Designer 1968-1971

Savage and VerPloeg, Des Moines, IA
Designer 1967-1968

Rollo Burgesson, Des Moines, IA
Designer: Living History Farms 1966-1967

FORMER STATE REGISTRATIONS

Arizona, Connecticut, Florida, Georgia, Illinois, Indiana, Iowa, Maine, Massachusetts, Michigan, Missouri, Nebraska, Nevada, New Hampshire, New Jersey, New York, North Carolina, Ohio, Oklahoma, Pennsylvania, Rhode Island, Texas
Emeritus Architect in Massachusetts

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CHARLES O. GRIFFIN

cogriffin@mac.com

ADDITIONAL PURSUITS

HISTORICAL RESTORATION

Sherman Hill Historic District Des Moines, IA
Founding Commissioner

CROWELL APARTMENTS,

Des Moines, IA

1977-PRESENT

Restoring Important Proudfoot and Bird 1904 Apartment Building, plus adding additional Building Components to make project sustainable.



ESSEX COUNTY GAOL

Newburyport, MA.



1987-PRESENT

Restored property to Stuart Park Architect's 1825 appearance. Gaol converted to residence with small addition using appropriate ancient Greek design elements. Five non contributing adjacent properties were developed and designed to tell the history of "How Classical Design came to America."

MINOAN : CLASSICAL GREECE : ITALY : ENGLAND

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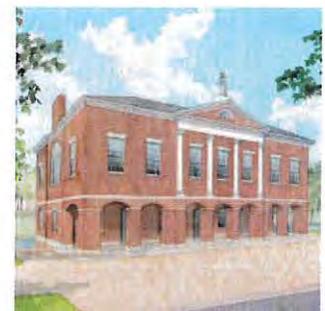
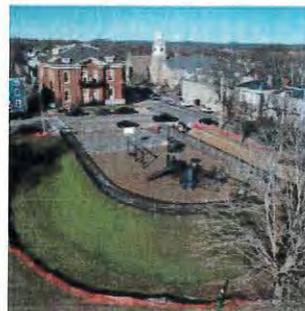
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BARTLET MALL

Newburyport, MA

2021-PRESENT

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ESSEX COUNTY COURTHOUSE

Newburyport, MA



2017-PRESENT

Advocating by research and schematic architectural concepts proposing removing the changes Essex County commissioned in 1854, such that the original 1805 building by Charles Bullfinch is allowed to show. This work also proposes to restore the adjacent landscape.

Approval process : 2017 through 2023.



Committee Items – January 29, 2024

Licenses & Permits

In Committee:

- APPL00167_12_11_2023 State Automotive Repair Second Hand Vehicle License
- APPL00168_12_11_2023 RL Currie Corp. Second Hand Vehicle License
- APPL00170_01_08_2024 LCA Motors Second Hand Vehicle License
- APPL00171_01_08_2024 GNFD Inc. DBA Newburyport Sunoco Second Hand Vehicle License

THE COMMONWEALTH OF MASSACHUSETTS

City OF Newburyport

RECEIVED
CITY CLERK'S OFFICE
NEWBURYPORT, MA

2023 NOV 28 A 9:45

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

I, the undersigned, duly authorized by the concern herein mentioned, hereby apply for a 2
class license, to Buy, Sell, Exchange or Assemble second hand motor vehicles or parts thereof, in accordance with
the provisions of Chapter 140 of the General Laws.

1. What is the name of the concern? State Automotive Repair LLC

Business address of concern. No. 196 Route One St.,
Newburyport MA 01950 City — Town.

2. Is the above concern an individual, co-partnership, an association or a corporation? _____
LLC (single member)

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

LLC Manager: Andrew J. de Bernardo
16 Hickory Lane, Topsfield MA 01983

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

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

President _____

Secretary _____

Treasurer _____

6. Are you engaged principally in the business of buying, selling or exchanging motor vehicles? No

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

Is your principal business the buying and selling of second hand motor vehicles? No

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

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

196 Route One, Newburyport is located just south of the Route One traffic circle. State Automotive Repair LLC occupies approximately 1/2 of a shared building with a retail vendor. Auto repair bays contain lifts, tools, and equipment consistent with any typical auto repair shop. Parking is in front, to the side, and to the rear of the building.

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

If so, state name of manufacturer _____

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

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

If so, in what city — town Newburyport, MA

Did you receive a license? Yes (Yes or No) For what year? 2016 - 2023

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

Sign your name in full

Andrew J. LeBardo
(Duly authorized to represent the concern herein mentioned)

Residence 16 Hickory Lane, Topsfield MA

IMPORTANT

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

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

APPLICANT WILL NOT FILL THE FOLLOWING BLANKS

Application after investigation _____
(Approved or Disapproved)

License No. _____ granted _____ Fee \$ _____

Signed _____

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

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

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

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

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

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

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

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

APPLICANT WILL NOT FILL THE FOLLOWING BLANKS

Application No. _____

Class _____ License No. _____

Name _____

St. and No. _____

City — Town _____

Date Issued _____

Remarks _____



CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)

11/22/2023

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

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

PRODUCER Bernard M. Sullivan Insurance Agency 12 Market St. P.O. Box 568 Ipswich MA 01938	CONTACT NAME: Jeremiah Lewis PHONE (A/C No, Ext): (978) 356-5511 E-MAIL ADDRESS: jtlewis@sullivaninsurance.com	FAX (A/C, No): (978) 356-0214
	INSURER(S) AFFORDING COVERAGE	
INSURED State Automotive Repair, LLC. 196 Route One Newburyport MA 01950	INSURER A: Commerce Insurance Company	NAIC # 34754
	INSURER B: Travelers Indemnity Co of CT	25682
	INSURER C: C N A Surety	CNAS01
	INSURER D:	
	INSURER E:	
	INSURER F:	

COVERAGES

CERTIFICATE NUMBER: CL21121506482

REVISION NUMBER:

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

INSR LTR	TYPE OF INSURANCE	ADDL INSD	SUBR WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS
	COMMERCIAL GENERAL LIABILITY <input type="checkbox"/> CLAIMS-MADE <input type="checkbox"/> OCCUR GEN'L AGGREGATE LIMIT APPLIES PER: <input type="checkbox"/> POLICY <input type="checkbox"/> PRO-JECT <input type="checkbox"/> LOC OTHER:						EACH OCCURRENCE \$ DAMAGE TO RENTED PREMISES (Ea occurrence) \$ MED EXP (Any one person) \$ PERSONAL & ADV INJURY \$ GENERAL AGGREGATE \$ PRODUCTS - COMP/OP AGG \$ \$
A	AUTOMOBILE LIABILITY <input type="checkbox"/> ANY AUTO <input type="checkbox"/> OWNED AUTOS ONLY <input checked="" type="checkbox"/> HIRED AUTOS ONLY <input type="checkbox"/> SCHEDULED AUTOS <input checked="" type="checkbox"/> NON-OWNED AUTOS ONLY			BHTRGQ	12/28/2022	12/28/2023	COMBINED SINGLE LIMIT (Ea accident) \$ 1,000,000 BODILY INJURY (Per person) \$ BODILY INJURY (Per accident) \$ PROPERTY DAMAGE (Per accident) \$ \$
	UMBRELLA LIAB <input type="checkbox"/> OCCUR EXCESS LIAB <input type="checkbox"/> CLAIMS-MADE DED RETENTION \$						EACH OCCURRENCE \$ AGGREGATE \$ \$
B	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY Y/N ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH) If yes, describe under DESCRIPTION OF OPERATIONS below	N/A		UB-5K937614-23-42	07/01/2023	07/01/2024	<input checked="" type="checkbox"/> PER STATUTE <input type="checkbox"/> OTH-ER E.L. EACH ACCIDENT \$ 500,000 E.L. DISEASE - EA EMPLOYEE \$ 500,000 E.L. DISEASE - POLICY LIMIT \$ 500,000
C	Used Auto Dealer Bond			62659263	02/01/2023	02/01/2024	Bond Penalty \$25,000

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

City of Newburyport is Obligee and Named Insured.

CERTIFICATE HOLDER**CANCELLATION**

City of Newburyport City Council 60 Pleasant Street Newburyport MA 01950	SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS. AUTHORIZED REPRESENTATIVE 
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Massachusetts



Western Surety Company

SECOND HAND MOTOR VEHICLE DEALER BOND

(Mass. Gen. Laws Ann. 140, § 58(c))

Bond No. 62659263

KNOW ALL PERSONS BY THESE PRESENTS:

Effective Date: February 1st, 2016

That we, State Automotive Repair, LLC., as Principal, and WESTERN SURETY COMPANY, a corporation authorized to do surety business in the Commonwealth of Massachusetts, as Surety, are held and firmly bound unto persons who purchase a vehicle from the Principal and who suffer loss on account of a breach of the condition of this bond described below, in the sum of not to exceed TWENTY-FIVE THOUSAND AND NO/100 DOLLARS (\$25,000.00), for the payment of which well and truly to be made, we bind ourselves and our legal representatives, firmly by these presents.

WHEREAS, the Principal is a second hand motor vehicle dealer and is required to furnish a bond or equivalent proof of financial responsibility pursuant to Mass. Gen. Laws Ann. 140, § 58(c)(1).

NOW, THEREFORE, the condition of this obligation is such that if the Principal shall pay the amount of actual damages, not to exceed the amount of this bond, to any person who purchases a vehicle from the Principal and who suffers loss on account of: (a) the Principal's default or nonpayment of valid bank drafts, including checks drawn by the Principal for the purchase of motor vehicles; (b) the Principal's failure to deliver, in conjunction with the sale of a motor vehicle, a valid motor vehicle title certificate free and clear of any prior owner's interests and all liens, except a lien created by or expressly assumed in writing by the buyer of the vehicle; (c) the fact that the motor vehicle purchased from the Principal was a stolen vehicle; (d) the Principal's failure to disclose the vehicle's actual mileage at the time of sale; (e) the Principal's unfair and deceptive acts or practices, misrepresentations, failure to disclose material facts or failure to honor a warranty claim or arbitration order in a retail transaction; or (f) the Principal's failure to pay off a lien on a vehicle traded in as part of a transaction to purchase a vehicle when the Principal had assumed the obligation to pay off the lien, then this obligation to be void; otherwise to remain in full force and effect.

PROVIDED, that recovery against this bond may be made only by a person who obtains a final judgment in a court of competent jurisdiction against the Principal for an act or omission on which this bond is conditioned, if the act or omission occurred during the term of this bond. No suit may be maintained to enforce any liability on this bond unless brought within one (1) year after the event giving rise to the cause of action. This bond shall cover only those acts and omissions described above. The Surety shall not be liable for total claims in excess of the bond amount, regardless of the number of claims made against this bond or the number of years this bond remains in force.

This bond shall be continuous and may be cancelled by the Surety by giving thirty (30) days' written notice of cancellation to the municipal licensing authority at 60 Pleasant St, Newburyport, MA 01950

by First Class U.S. Mail, _____ Address _____

Dated this 1st day of February, 2016



State Automotive Repair, LLC., Principal

By: _____

WESTERN SURETY COMPANY, Surety

By: Paul T. Bruflat
Paul T. Bruflat, Senior Vice President

Western Surety Company

POWER OF ATTORNEY

KNOW ALL MEN BY THESE PRESENTS:

That WESTERN SURETY COMPANY, a corporation organized and existing under the laws of the State of South Dakota, and authorized and licensed to do business in the States of Alabama, Alaska, Arizona, Arkansas, California, Colorado, Connecticut, Delaware, District of Columbia, Florida, Georgia, Hawaii, Idaho, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Montana, Nebraska, Nevada, New Hampshire, New Jersey, New Mexico, New York, North Carolina, North Dakota, Ohio, Oklahoma, Oregon, Pennsylvania, Rhode Island, South Carolina, South Dakota, Tennessee, Texas, Utah, Vermont, Virginia, Washington, West Virginia, Wisconsin, Wyoming, and the United States of America, does hereby make, constitute and appoint

Paul T. Bruflat of Sioux Falls,
State of South Dakota, its regularly elected Vice President,
as Attorney-in-Fact, with full power and authority hereby conferred upon him to sign, execute, acknowledge and deliver for and on its behalf as Surety and as its act and deed, the following bond:

One Second Hand Motor Vehicle Dealer

bond with bond number 62659263

for State Automotive Repair, LLC.

as Principal in the penalty amount not to exceed: \$ 25,000.00

Western Surety Company further certifies that the following is a true and exact copy of Section 7 of the by-laws of Western Surety Company duly adopted and now in force, to-wit:

Section 7. All bonds, policies, undertakings, Powers of Attorney, or other obligations of the corporation shall be executed in the corporate name of the Company by the President, Secretary, any Assistant Secretary, Treasurer, or any Vice President, or by such other officers as the Board of Directors may authorize. The President, any Vice President, Secretary, any Assistant Secretary, or the Treasurer may appoint Attorneys-in-Fact or agents who shall have authority to issue bonds, policies, or undertakings in the name of the Company. The corporate seal is not necessary for the validity of any bonds, policies, undertakings, Powers of Attorney or other obligations of the corporation. The signature of any such officer and the corporate seal may be printed by facsimile.

In Witness Whereof, the said WESTERN SURETY COMPANY has caused these presents to be executed by its Vice President with the corporate seal affixed this 1st day of February, 2016.

ATTEST

L. Nelson

L. Nelson, Assistant Secretary

WESTERN SURETY COMPANY

By

Paul T. Bruflat

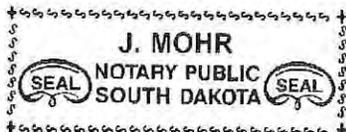
Paul T. Bruflat, Vice President



STATE OF SOUTH DAKOTA }
COUNTY OF MINNEHAHA } ss

On this 1st day of February, 2016, before me, a Notary Public, personally appeared Paul T. Bruflat and L. Nelson

who, being by me duly sworn, acknowledged that they signed the above Power of Attorney as Vice President and Assistant Secretary, respectively, of the said WESTERN SURETY COMPANY, and acknowledged said instrument to be the voluntary act and deed of said Corporation.



My Commission Expires June 23, 2021

J. Mohr

Notary Public

To validate bond authenticity, go to www.cnasurety.com > Owner/Obligee Services > Validate Bond Coverage.



CERTIFICATE OF LIABILITY INSURANCE

DATE(MM/DD/YYYY)
11/22/2023

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

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

PRODUCER HUB NE-CLIENT CONNECTION NESSARA 800 S WASHINGTON ST VAN WERT, OH 45891	CONTACT NAME: TAMMY RAGER PHONE: (419)238-5551 FAX: (800)736-7026 E-MAIL ADDRESS: trager@central-insurance.com														
INSURED STATE AUTOMOTIVE REPAIR LLC BULLDAWG USA REALTY LLC 196 ROUTE 1 NEWBURYPORT, MA 01950	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <th style="text-align: left;">INSURER(S) AFFORDING COVERAGE</th> <th style="text-align: left;">NAIC #</th> </tr> <tr> <td>INSURER A Central Mutual</td> <td>20230</td> </tr> <tr> <td>INSURER B</td> <td></td> </tr> <tr> <td>INSURER C</td> <td></td> </tr> <tr> <td>INSURER D</td> <td></td> </tr> <tr> <td>INSURER E</td> <td></td> </tr> <tr> <td>INSURER F</td> <td></td> </tr> </table>	INSURER(S) AFFORDING COVERAGE	NAIC #	INSURER A Central Mutual	20230	INSURER B		INSURER C		INSURER D		INSURER E		INSURER F	
INSURER(S) AFFORDING COVERAGE	NAIC #														
INSURER A Central Mutual	20230														
INSURER B															
INSURER C															
INSURER D															
INSURER E															
INSURER F															

CERTIFICATE NUMBER **5782299** **REVISION NUMBER**

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

INSR LTR	TYPE OF INSURANCE	ADDL INSR	SUBR WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS
A	GENERAL LIABILITY <input checked="" type="checkbox"/> COMMERCIAL GENERAL LIABILITY <input type="checkbox"/> CLAIMS-MADE <input checked="" type="checkbox"/> OCCUR GEN'L AGGREGATE LIMIT APPLIES PER: <input type="checkbox"/> POLICY <input checked="" type="checkbox"/> PRO-JECT <input checked="" type="checkbox"/> LOC	Y	Y	9897783	2/1/2023	2/1/2024	EACH OCCURRENCE \$ 1,000,000 DAMAGE TO RENTED PREMISES (Ea occurrence) \$ 300,000 MED EXP (Any one person) \$ 5,000 PERSONAL & ADV INJURY \$ 1,000,000 GENERAL AGGREGATE \$ 2,000,000 PRODUCTS - COMP/OP AGG \$ 2,000,000
A	AUTOMOBILE LIABILITY <input type="checkbox"/> ANY AUTO <input type="checkbox"/> ALL OWNED AUTOS <input type="checkbox"/> SCHEDULED AUTOS <input type="checkbox"/> HIRED AUTOS <input type="checkbox"/> NON-OWNED AUTOS			9897784	2/1/2023	2/1/2024	COMBINED SINGLE LIMIT (Ea accident) \$ 1,000,000 BODILY INJURY (Per person) \$ 20,000 BODILY INJURY (Per accident) \$ 40,000 PROPERTY DAMAGE (Per accident) \$ 5,000
A	AUTOMOBILE LIABILITY <input type="checkbox"/> ANY AUTO <input type="checkbox"/> ALL OWNED AUTOS <input type="checkbox"/> SCHEDULED AUTOS <input checked="" type="checkbox"/> HIRED AUTOS <input checked="" type="checkbox"/> NON-OWNED AUTOS		Y	9897783	2/1/2023	2/1/2024	COMBINED SINGLE LIMIT (Ea accident) \$ 1,000,000 BODILY INJURY (Per person) \$ BODILY INJURY (Per accident) \$ PROPERTY DAMAGE (Per accident) \$
A	GARAGE KEEPERS LIABILITY <input type="checkbox"/> LEGAL LIABILITY <input checked="" type="checkbox"/> DIRECT BASIS <input type="checkbox"/> PRIMARY <input checked="" type="checkbox"/> EXCESS	Y	Y	9897783	2/1/2023	2/1/2024	<input checked="" type="checkbox"/> COMP / OTC LOC 1 \$ 100,000 <input type="checkbox"/> SPECIFIED PERILS LOC \$ <input checked="" type="checkbox"/> COLLISION LOC 1 \$ 100,000 <input type="checkbox"/> LOC \$
A	UMBRELLA LIABILITY <input type="checkbox"/> UMBRELLA LIAB <input checked="" type="checkbox"/> OCCUR <input checked="" type="checkbox"/> EXCESS LIAB <input type="checkbox"/> CLAIMS-MADE <input type="checkbox"/> DED <input type="checkbox"/> RETENTION \$	Y	Y	9897785	2/1/2023	2/1/2024	EACH OCCURRENCE \$ 2,000,000 AGGREGATE \$ 2,000,000

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES
 Certificate Holders are additional insured per the attached endorsements.
 Subject to all of the terms, conditions, exclusions and definitions of the above referenced policies as issued by the carrier(s).

CERTIFICATE HOLDER CITY OF NEWBURYPORT 60 PLEASANT ST NEWBURYPORT, MA 01950	CANCELLATION SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS. AUTHORIZED REPRESENTATIVE TAMMY RAGER
---	--

NUMBER

176

THE COMMONWEALTH OF MASSACHUSETTS

FEE

\$ 75

City of Newburyport

USED CAR DEALER'S LICENSE - CLASS II.

TO BUY AND SELL SECOND-HAND MOTOR VEHICLES

In accordance with the provisions of Chapter 140 of the General Laws with amendments thereto

State Automotive Repair, LLC
is hereby licensed to buy and sell second-hand motor vehicles at No. 196
Route One in Newburyport

on premises described as follows:

located just south of the route one traffic circle and occupies
1/2 of shared building with a retail vendor. Auto repair bays
contain lifts, tools, and equipment consistent with auto
repair shop. Parking in front, side and rear of
building

February 1, 2022

[Signature]

THIS LICENSE EXPIRES JAN. 1, 2023

THIS LICENSE MUST BE POSTED IN A CONSPICUOUS PLACE UPON THE PREMISES.

THE COMMONWEALTH OF MASSACHUSETTS

_____ OF _____

RECEIVED
CITY CLERK'S OFFICE
NEWBURYPORT, MA

2023 NOV 28 A 9:45

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

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

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

Business address of concern. No. 6 NEW PASTURE ROAD St.,
NEWBURYPORT City - Town.

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

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

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

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

President RANDY L CURRIE 111 GEORGETOWN ROAD WEST NEWBURY MA 01985

Secretary SAME

Treasurer SAME

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

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

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

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

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

4+ ACRES WITH A 10,000 sq ft BLDG CONTAINING
REPAIR FACILITY OFFICES AND A MASS CLASS D
STATE INSPECTION FACILITY

8. Are you a recognized agent of a motor vehicle manufacturer?

NO
(Yes or No)

If so, state name of manufacturer

9. Have you a signed contract as required by Section 58, Class 1?

NO
(Yes or No)

10. Have you ever applied for a license to deal in second hand motor vehicles or parts thereof?

YES
(Yes or No)

If so, in what city — town NEWBURYPORT

Did you receive a license?

Yes

(Yes or No)

For what year? APPROX LAST 20yrs

11. Has any license issued to you in Massachusetts or any other state to deal in motor vehicles or parts thereof ever been suspended or revoked?

NO
(Yes or No)

Sign your name in full

Gandy L. Currie
(Duly authorized to represent the concern herein mentioned)

Residence

111 Georgetown Rd
West Newbury MA 01985

IMPORTANT

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

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

APPLICANT WILL NOT FILL THE FOLLOWING BLANKS

Application after investigation _____
(Approved or Disapproved)

License No. _____ granted _____ Fee \$ _____

Signed _____

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

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

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

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

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

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

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



Boston
110 Turnpike Road
2nd Floor
Westborough, Massachusetts 01581
+1 (888) 4431910 Fax: +1 (866) 5474882

Continuation Certificate

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

The Surety hereby certifies that this Bond is continued in full force and effect until the 25th day of October, 2024, subject to all covenants and conditions of said Bond.

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

IN WITNESS WHEREOF, the Surety has set its hand and seal this 9th day of November, 2023.

The Ohio Casualty Insurance Company
(Surety)

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





Boston
110 Turnpike Road
2nd Floor
Westborough, Massachusetts 01581
+1 (888) 4431910 Fax: +1 (866) 5474882

HUB International New England LLC
300 Ballardvale St
PO Box 696
Wilmington, Massachusetts 01887

Agent Telephone:
Bond Number: LSF006317
Cross Reference: 5010479

RL Currie Corp
6 New Pasture Road
Newburyport, Massachusetts 01950

We appreciate having you as a Liberty Mutual customer and we would like to thank you for allowing us to serve your bonding needs. This letter is to confirm Liberty Mutual Surety has received payment for your renewing bond.

The effective date of your renewing bond begins 10/25/2023.

Please review the enclosed documents for accuracy. You must remit the original of the Renew By Certificate and any supporting documents required to your Obligee.

If you have any questions regarding this bond or would like to discuss your future bond needs, please contact your Liberty Mutual agent.

Again, thank you for entrusting us with your bonding needs.

Sincerely,
Boston

For additional information regarding Liberty Mutual insurance products, please visit www.libertymutual.com

THE COMMONWEALTH OF MASSACHUSETTS

_____ OF _____

RECEIVED
CITY CLERK'S OFFICE
NEWBURYPORT, MA

2023 DEC 29 A 11: 59

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

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

1. What is the name of the concern? LCA Motors

Business address of concern. No. 4 Lt. Leary Drive St.,
Newburyport City — Town.

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

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

Charles Cioracco

4 Lt. Leary Drive Newburyport MA 01958

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

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

President _____

Secretary _____

Treasurer _____

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

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

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

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

APPLICANT WILL NOT FILL THE FOLLOWING BLANKS

Application after investigation _____
(Approved or Disapproved)

License No. _____ granted _____ Fee \$ _____

Signed _____

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

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

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

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

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

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

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

SELECTMEN

MAY 18 2004

RECEIVED

Memorandum

To: Municipal Licensing Authorities of Motor Vehicle Dealers

From: William E. McVey, Deputy General Counsel

Date: May 2004

Re: Issues Relating to Class 2 Dealers under G.L. 140, Section 58

1. Purpose

The primary purpose of this Memorandum is to provide information to Cities and Towns about the amendments relative to Class 2 dealers that were made to G.L. c. 140, §58 by Chapter 422 of the Acts of 2002 (a copy of which is enclosed). The Legislature amended Section 58 to require Class 2 dealers to post and maintain a bond (or, if permitted, equivalent proof of financial responsibility, e.g., certificate of deposit or letter of credit) with the municipal licensing authority in the amount of \$25,000. The amendments also authorize the licensing of two additional types of businesses engaged in used vehicle sales. The amendment became effective almost a year ago, on March 24, 2003, but some municipalities may be unaware of it and some other issues remain to be clarified.

2. Bond Requirement

The bond requirement is only applicable to Class 2 dealers. It is not applicable to a Class 1 dealer who buys and sells used vehicles and it is not applicable to a Class 3 dealer who sells used vehicles. The bond is for the benefit of a person who purchases a vehicle from the Class 2 licensee and suffers a financial loss. The list of intended beneficiaries is contained within the Act. The bonding requirement modifies the municipal licensing process for Class 2 dealers (and affects the dealer's ability to retain the license). It also affects the RMV, since the agency is prohibited from knowingly issuing or renewing Dealer Plates if it becomes aware that a Class 2 dealer lacks the legally required bond. The RMV will revoke the General Registration and Dealer Plates when it becomes aware the dealer does not have a bond or when it is informed by a municipality that it has revoked a Class 2 license. The RMV has become aware that some municipalities are not enforcing the bond requirement and have been licensing Class 2 dealers without a bond. A municipality that fails to enforce the bond requirement faces potential liability from claimants under the bond.

3. Dealers Subject to Bond Requirement

All Class 2 dealer-licensees (no exceptions) renewing or obtaining a new license in 2004 (and in future years) are subject to the bonding requirement of \$25,000. This is true even if the dealer is not selling vehicles covered by the warranty requirements of G.L. c.90, §7N ¼. G.L. c.140, §58 (c)(1) states:

The person shall obtain a bond, or equivalent proof of financial responsibility as described in paragraph (5), and continue in effect a surety bond or other equivalent proof of financial responsibility satisfactory to the municipal licensing authority in the amount of \$25,000 executed by a surety company authorized by the insurance department to transact business in the commonwealth.

The law prohibits a city or town licensing authority from issuing or renewing a Class 2 license unless it is satisfied that a bond or the equivalent meeting the requirements of the law is in effect during the term under which the license shall be issued or renewed. Note also that if a dealer has more than one location in a City or Town and goes by a different name at the other location(s), the dealer needs a separate bond for each location

at which it uses a different name. If a dealer has locations in more than one City or Town, separate bonds must be obtained for each municipality.

4. Bond Issue Clarifications

Two issues needing clarification have recently been raised as to the bond/equivalent requirement.

(a) **Certificates of Deposit and Letters of Credit:** The first has to do with the place where certificates of deposit or irrevocable letters of credit may be deposited. Section 58 (c)(1) states, in part:

In lieu of the bond required by this section, the municipal licensing authority may allow the dealer to deposit collateral in the form of a certificate of deposit or irrevocable letter of credit, as authorized by the banking laws of the commonwealth... The collateral may be deposited with or executed through any authorized state depository designated by the commissioner...

The statute does not define "authorized state depository" but the Massachusetts Commissioner of Banks has issued an opinion to the Registrar, dated March 5, 2004, stating that "the definition covers any state or federally chartered bank or credit union with a banking office in the Commonwealth which has federal deposit insurance." The Commissioner has recommended that if a "Certificate of Deposit" is used, it should be titled:

"Commonwealth of Massachusetts, name of municipality, In Trust for (dealer) under Massachusetts General Laws chapter 140, section 58"

The Commissioner also recommends that an assignment should be executed, and that a municipality wishing to do so should contact the State Treasurer's Office to discuss the mechanics of that option. The Treasurer's Office is familiar with Certificates of Deposit and other alternative collateral since that office holds such collateral for certain licensees of the Commissioner of Banks.

(b) **Filing the Bond with Licensing Authorities:** The second issue relates to the manner in which the bond should be filed and filled out. The original of the bond needs to be filed with the City or Town when an initial Class 2 license is issued. On renewal, the licensing authority should insist on either a new original bond with power of attorney attached or an original continuation certificate showing that the existing bond is valid through the end of the next license period. Bonds may be written for more than one year so a municipality should be sure the bond covers the whole period during which the Class 2 license will be in effect. The amended statute does not specify the manner in which the bond should be filled out. However, a bond should clearly identify the parties and the purpose of the bond. For example:

Town of Willingboro, as obligee for the benefit of a person who purchases a vehicle from (name of dealer) and suffers a loss as defined by G.L. 140, Section 58.

5. Class 2 Licensee Definition Expanded

The definition of a Class 2 dealer was expanded to include two additional categories of used vehicle sellers that were not previously required to obtain a Class 2 license. A Class 2 licensee had always been defined as a person whose principal business is the buying or selling of second hand motor vehicles. The amended law allows a license to be issued even though it is not the applicant's principal business or he/she is not actually a seller. G.L. c. 140, §58 (c) now reads, in part:

(c) Class 2. A person whose principal business is the buying or selling of second hand motor vehicles, a person who purchases and displays second hand motor vehicles for resale in retail transactions, and any other person who displays second hand motor vehicles not owned by him pursuant to an agreement in which he receives compensation, whether solely for displaying the vehicles, upon the sale of each vehicle, or otherwise, may be granted a used car dealer's license

6. Comment on the Expanded Definition of Class 2 Licensee

(i) "... a person who purchases and displays second hand motor vehicles for resale in retail transactions."

This seller is a dealer of motor vehicles at retail even though it may not be his/her principal business and buys vehicles in order to sell them at retail to make a profit. A person who is selling or negotiating the casual sale of his/her own vehicle (one registered to him/her or to a spouse, another relative, a friend, etc.) is not required to obtain a Class 2 license, in the view of the RMV. Nor is a company that leases

vehicles for the use of its employees and then allows the employee to purchase the vehicle at the expiration of the lease. This provision may be applicable to a local garage or other business that purchases vehicles at auction (or from other sources) and repairs or reconditions them and offers them for sale. Any vehicles this licensee sells to a consumer will be subject to the state-mandated warranty protection of G.L. c.90, §7N¼, and the dealer must maintain or demonstrate access to repair facilities sufficient to enable him/her to satisfy the warranty repair obligations imposed by that section. The licensee must comply with the Consumer Protection Act, G.L. 93A and the Regulations of the Attorney General, and must post the required warranty notices on vehicles offered for sale. As a Class 2 licensee, this dealer is also required to maintain a Used Vehicle Record Book pursuant to G.L. 140, §62. The "authorized officers" identified in G.L. c.140, §66 (State Police, Attorney General, Chief of Police, Police Commissioner in Boston, the Selectmen of a Town, or police officers authorized by said officials) "may at any time enter upon any premises used by any person licensed under section fifty-nine for the purpose of carrying on his licensed business, ascertain how he conducts the same and examine all second hand motor vehicles or parts thereof kept or stored in or upon the premises, and all books, papers and inventories relating thereto."

(ii) "... any other person who displays second hand motor vehicles not owned by him pursuant to an agreement in which he receives compensation, whether solely for displaying the vehicles, upon the sale of each vehicle, or otherwise." This is a person who does not own the vehicles he displays on his property but he receives compensation for the display or the sale from the vehicle's owner. These are usually consignment sales and they should only involve privately owned vehicles. RMV regulations prohibit the holder of a dealer plate from offering vehicles for sale anywhere other than the licensed premises of the dealer (except for sales at recognized automobile auction facilities or at combined-dealer special sale events). Therefore, a dealer who has been issued Dealer Plates may not display other dealer's vehicles on his/her own lot or display his own vehicles on other dealers' lots. However, any licensed Class 2 dealer who has received Dealer Plates from the RMV may display vehicles for sale on the dealer's lot that are owned by a private party and held for consignment, but the vehicle must be entered in the dealer's Used Vehicle Record Book as a consignment vehicle. (The dealer cannot, however, attach its own Dealer Plate to allow a test drive of the consigned vehicle because the dealer does not own the vehicle. If a test drive is contemplated, the vehicle's owner may opt to leave his/her own valid registration plates on the vehicle if the owner's liability insurance will cover a test drive). The record keeping and inspection requirements as contained in 6.(i) (above) are applicable here also.

7. **Local Review Needed** Municipalities are urged to review the Class 2 licenses they have issued in 2004 to ensure that the bond requirement has been met for each license.

8. **A Note About Licensees Working From Home**

The RMV is aware that some municipalities have been issuing Class 2 licenses even though the applicant is doing business from his/her home. Class 2 licensees almost always apply to the RMV for Dealer Plates. The process is that the RMV asks the State Police to perform a site visit to determine if the dealer has a facility that is appropriate for the issuance of such plates. After the visit, the Trooper makes a report and recommendation to the RMV. If the licensed premises do not comply with the relevant provisions of G.L. c.90 and the Regulations of the Registrar at 540 CMR 18.00, the application for plates will be denied.

Definition of "Dealer." M.G.L. c. 90, 1, defines a "dealer" as: "any person who is engaged principally and substantially in the business of buying, selling or exchanging motor vehicles or trailers or motor vehicle bodies who maintains a facility dedicated to carrying out said business...." (Emphasis added). An applicant for General Registration Dealer Plates must be principally and substantially engaged in the business and have the required dedicated facility. Even a dealer who sells solely on a "wholesale basis" (although no such Class 2 license category exists) must have the required dedicated facility. The RMV will not issue Dealer Plates to an applicant if his/her business is located within the personal living

CNA SURETY

CNA Plaza, Chicago IL 60685-0001

Jennifer B. Schaller

Counsel

Telephone 312-822-7049

Facsimile 312-755-3737

Re: **Second Hand Motor Vehicle Dealer Bond Certificate of
Continuance for Western Surety Bonds**

Western Surety is an underwriting company of CNA Surety and we are contacting your office because several of our bond principals received correspondence indicating the need for a Certificate of Continuance for their Second Hand Motor Vehicle Dealer Bonds issued by Western Surety.

Western Surety's standard bond form expressly states: "This bond shall be continuous and may be cancelled by the Surety by giving (30) days' written notice of cancellation to the municipal licensing authority at (address) by First Class Mail." (emphasis added)." Since, Western Surety's bond form is continuous, it would be inappropriate for Western Surety to issue a Continuation Certificate.

The Commonwealth of Massachusetts, Registry of Motor Vehicles has reviewed Western Surety's bond form and has clearly stated that municipalities do not need to require additional evidence that the bond is in effect. (See attached letter from Attorney William McVey dated November 19, 2004).

If you have any questions, or we can be of any further assistance, please feel free to contact me at (312) 822-7049.

Sincerely,

Jennifer B. Schaller

Jennifer B. Schaller

Massachusetts

Western Surety Company

SECOND HAND MOTOR VEHICLE DEALER BOND (Mass. Gen. Laws Ann. 140, § 58(c))

Bond No. 69923000

KNOW ALL PERSONS BY THESE PRESENTS:

Effective Date: June 9, 2005

That we, Charles Ciovacco dba LCA Motors, as Principal, and WESTERN SURETY COMPANY, a corporation authorized to do surety business in the Commonwealth of Massachusetts, as Surety, are held and firmly bound unto persons who purchase a vehicle from the Principal and who suffer loss on account of a breach of the condition of this bond described below, in the sum of not to exceed TWENTY-FIVE THOUSAND AND NO/100 DOLLARS (\$25,000.00), for the payment of which well and truly to be made, we bind ourselves and our legal representatives, firmly by these presents.

WHEREAS, the Principal is a second hand motor vehicle dealer and is required to furnish a bond or equivalent proof of financial responsibility pursuant to Mass. Gen. Laws Ann. 140, § 58(c)(1).

NOW, THEREFORE, the condition of this obligation is such that if the Principal shall pay the amount of actual damages, not to exceed the amount of this bond, to any person who purchases a vehicle from the Principal and who suffers loss on account of: (a) the Principal's default or nonpayment of valid bank drafts, including checks drawn by the Principal for the purchase of motor vehicles; (b) the Principal's failure to deliver, in conjunction with the sale of a motor vehicle, a valid motor vehicle title certificate free and clear of any prior owner's interests and all liens, except a lien created by or expressly assumed in writing by the buyer of the vehicle; (c) the fact that the motor vehicle purchased from the Principal was a stolen vehicle; (d) the Principal's failure to disclose the vehicle's actual mileage at the time of sale; (e) the Principal's unfair and deceptive acts or practices, misrepresentations, failure to disclose material facts or failure to honor a warranty claim or arbitration order in a retail transaction; or (f) the Principal's failure to pay off a lien on a vehicle traded in as part of a transaction to purchase a vehicle when the Principal had assumed the obligation to pay off the lien, then this obligation to be void; otherwise to remain in full force and effect.

PROVIDED, that recovery against this bond may be made only by a person who obtains a final judgment in a court of competent jurisdiction against the Principal for an act or omission on which this bond is conditioned, if the act or omission occurred during the term of this bond. No suit may be maintained to enforce any liability on this bond unless brought within one (1) year after the event giving rise to the cause of action. This bond shall cover only those acts and omissions described above. The Surety shall not be liable for total claims in excess of the bond amount, regardless of the number of claims made against this bond or the number of years this bond remains in force.

This bond shall be continuous and may be cancelled by the Surety by giving thirty (30) days' written notice of cancellation to the municipal licensing authority at City Hall, 60 Pleasant St., Newburyport, MA 01950

by First Class U.S. Mail.

Address

Dated this 9th day of June, 2005

Charles Ciovacco dba LCA Motors, Principal

By: _____
WESTERN SURETY COMPANY, Surety

By: Paul T. Bruflat
Paul T. Bruflat, Senior Vice President



JAN-25-2008 FRI 11:51 AM

Western Surety Company

POWER OF ATTORNEY

KNOW ALL MEN BY THESE PRESENTS:

That WESTERN SURETY COMPANY, a corporation organized and existing under the laws of the State of South Dakota, and authorized and licensed to do business in the States of Alabama, Alaska, Arizona, Arkansas, California, Colorado, Connecticut, Delaware, District of Columbia, Florida, Georgia, Hawaii, Idaho, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Montana, Nebraska, Nevada, New Hampshire, New Jersey, New Mexico, New York, North Carolina, North Dakota, Ohio, Oklahoma, Oregon, Pennsylvania, Rhode Island, South Carolina, South Dakota, Tennessee, Texas, Utah, Vermont, Virginia, Washington, West Virginia, Wisconsin, Wyoming, and the United States of America, does hereby make, constitute and appoint

Paul T. Brufat of Sioux Falls,
State of South Dakota, its regularly elected Senior Vice President,
as Attorney-in-Fact, with full power and authority hereby conferred upon him to sign, execute, acknowledge and deliver for and on its behalf as Surety and as its act and deed, all of the following classes of documents to-wit:

Indemnity, Surety and Undertakings that may be desired by contract, or may be given in any action or proceeding in any court of law or equity, policies indemnifying employers against loss or damage caused by the misconduct of their employees; official, bail, and surety and fidelity bonds; indemnity in all cases where indemnity may be lawfully given; and with full power and authority to execute consents and waivers to modify or change or extend any bond or document executed for this Company, and to compromise and settle any and all claims or demands made or existing against said Company.

Western Surety Company further certifies that the following is a true and exact copy of Section 7 of the by-laws of Western Surety Company duly adopted and now in force, to-wit:

Section 7. All bonds, policies, undertakings, Powers of Attorney, or other obligations of the corporation shall be executed in the corporate name of the Company by the President, Secretary, any Assistant Secretary, Treasurer, or any Vice President, or by such other officers as the Board of Directors may authorize. The President, any Vice President, Secretary, any Assistant Secretary, or the Treasurer may appoint Attorneys-in-Fact or agents who shall have authority to issue bonds, policies, or undertakings in the name of the Company. The corporate seal is not necessary for the validity of any bonds, policies, undertakings, Powers of Attorney or other obligations of the corporation. The signature of any such officer and the corporate seal may be printed by facsimile.

In Witness Whereof, the said WESTERN SURETY COMPANY has caused these presents to be executed by its Senior Vice President with the corporate seal affixed this 9th day of June, 2005

ATTEST

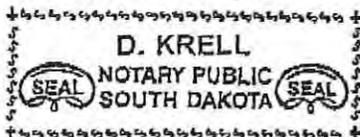
L. Nelson
Assistant Secretary

WESTERN SURETY COMPANY

By Paul T. Brufat
Paul T. Brufat, Senior Vice President

STATE OF SOUTH DAKOTA }
COUNTY OF MINNEHAHA } ss

On this 9th day of June, 2005, before me, a Notary Public, personally appeared Paul T. Brufat and L. Nelson who, being by me duly sworn, acknowledged that they signed the above Power of Attorney as Senior Vice President and Assistant Secretary, respectively, of the said WESTERN SURETY COMPANY, and acknowledged said instrument to be the voluntary act and deed of said Corporation.



My Commission Expires November 30, 2006

D. Krell
Notary Public





Katherine Hinden
Registrar

The Commonwealth of Massachusetts
Registry of Motor Vehicles
One Copley Place, Boston 02116

Mail
P.O. Box 199100
Boston, MA 02119-0100
www.01a.com/DMV

November 19, 2004

Jennifer B. Schaller, Esq.
Law Department
CNA Surety, 13th Floor
CNA Plaza 13 South
Chicago, IL 60685

Re: Western Surety Company Bond for Massachusetts

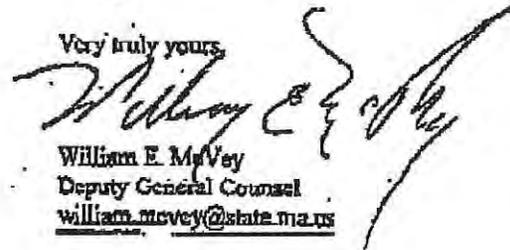
Dear Attorney Schaller:

1. This is in response to your inquiry concerning the bond required by Class 2 motor vehicle dealers in Massachusetts. You have indicated that licensing authorities in some municipalities have insisted that dealers attempting to renew a "Class 2 Dealer's License" must provide proof that the dealer's existing bond is still valid and will remain so throughout the renewal term of one calendar year (January 1, to December 31).
2. Chapter 422 of the Acts of 2002 does state that:
A municipal licensing authority shall not issue or renew a Class 2 license unless it is satisfied that a bond or equivalent proof of financial responsibility meeting the requirements of this section is in effect during the term under which the license shall be issued or renewed....
3. I have reviewed a copy of a bond you have provided which is issued by Western Surety Company (apparently a related company to CNA). The Form Number of the Western Surety Second Hand Motor Vehicle Dealer Bond is F6333-7-2003 and you have provided oral assurance that this is the only bond form used in Massachusetts by Western Surety Company for Class 2 dealers.
4. The last paragraph of the Western Surety Second Hand Motor Vehicle Dealer Bond states:
This bond shall be continuous and may be cancelled by the Surety by giving thirty (30) days written notice of cancellation to the municipal licensing authority at _____ by First Class U.S. Mail.

5. Based upon the wording contained in the Bond as stated in paragraph # 4, the Registrar is satisfied that the above identified Western Surety Second Hand Motor Vehicle Dealer Bond (F6333-7-2003) provides continuous coverage under the law (unless the municipality is notified of cancellation). As such, a municipality in Massachusetts that is processing a renewal for a Class 2 Dealer License from a dealer who has a Western Surety Second Hand Motor Vehicle Dealer Bond (F6333-7-2003) on file with the municipality, should not require additional evidence that the bond is still valid.

6. I trust this is responsive to your inquiry.

Very truly yours,



William E. McVey
Deputy General Counsel
william.mcvey@state.ma.us

RECEIVED
CITY CLERK'S OFFICE
NEWBURYPORT, MA

THE COMMONWEALTH OF MASSACHUSETTS

City OF Newburyport 2024 JAN -2 A 10: 04

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

I, the undersigned, duly authorized by the concern herein mentioned, hereby apply for a 11
class license, to Buy, Sell, Exchange or Assemble second hand motor vehicles or parts thereof, in accordance with
the provisions of Chapter 140 of the General Laws.

1. What is the name of the concern? GNE D Inc DBA Newburyport
Sumoco

Business address of concern. No. 59 Storey Avenue St.,
Newburyport MA, 01950 City - Town.

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

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

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

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

President George Daaboul

Secretary George Daaboul

Treasurer George Daaboul

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

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

Is your principal business the buying and selling of second hand motor vehicles? No

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

Elias Fani 6037608441

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

Gas station, Auto Repair Facility, parking lot,
Massachusetts Vehicle Inspection Station.
All mentioned facilities will be used as part of
the car dealer business.

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

If so, state name of manufacturer _____

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

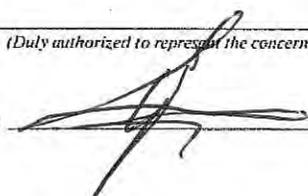
10. Have you ever applied for a license to deal in second hand motor vehicles or parts thereof? Yes
(Yes or No)

If so, in what city — town Nantuxport MA.

Did you receive a license? Yes (Yes or No) For what year? 201994 -> 2023

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

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

Residence 

IMPORTANT

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

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

APPLICANT WILL NOT FILL THE FOLLOWING BLANKS

Application after investigation _____
(Approved or Disapproved)

License No. _____ granted _____ Fee \$ _____

Signed _____

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

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

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

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

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

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

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

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

APPLICANT WILL NOT FILL THE FOLLOWING BLANKS

Application No. _____

Class _____ License No. _____

Name _____

St. and No. _____

City — Town _____

Date Issued _____

Remarks _____

SELECTMEN

MAY 18 2004

RECEIVED

Memorandum

To: Municipal Licensing Authorities of Motor Vehicle Dealers
From: William E. McVey, Deputy General Counsel
Date: May 2004
Re: Issues Relating to Class 2 Dealers under G.L. 140, Section 58

1. Purpose

The primary purpose of this Memorandum is to provide information to Cities and Towns about the amendments relative to Class 2 dealers that were made to G.L. c. 140, §58 by Chapter 422 of the Acts of 2002 (a copy of which is enclosed). The Legislature amended Section 58 to require Class 2 dealers to post and maintain a bond (or, if permitted, equivalent proof of financial responsibility, e.g., certificate of deposit or letter of credit) with the municipal licensing authority in the amount of \$25,000. The amendments also authorize the licensing of two additional types of businesses engaged in used vehicle sales. The amendment became effective almost a year ago, on March 24, 2003, but some municipalities may be unaware of it and some other issues remain to be clarified.

2. Bond Requirement

The bond requirement is only applicable to Class 2 dealers. It is not applicable to a Class 1 dealer who buys and sells used vehicles and it is not applicable to a Class 3 dealer who sells used vehicles. The bond is for the benefit of a person who purchases a vehicle from the Class 2 licensee and suffers a financial loss. The list of intended beneficiaries is contained within the Act. The bonding requirement modifies the municipal licensing process for Class 2 dealers (and affects the dealer's ability to retain the license). It also affects the RMV, since the agency is prohibited from knowingly issuing or renewing Dealer Plates if it becomes aware that a Class 2 dealer lacks the legally required bond. The RMV will revoke the General Registration and Dealer Plates when it becomes aware the dealer does not have a bond or when it is informed by a municipality that it has revoked a Class 2 license. The RMV has become aware that some municipalities are not enforcing the bond requirement and have been licensing Class 2 dealers without a bond. **A municipality that fails to enforce the bond requirement faces potential liability from claimants under the bond.**

3. Dealers Subject to Bond Requirement

All Class 2 dealer-licensees (no exceptions) renewing or obtaining a new license in 2004 (and in future years) are subject to the bonding requirement of \$25,000. This is true even if the dealer is not selling vehicles covered by the warranty requirements of G.L. c.90, §7N ¼. G.L. c.140, §58 (c)(1) states:

The person shall obtain a bond, or equivalent proof of financial responsibility as described in paragraph (5), and continue in effect a surety bond or other equivalent proof of financial responsibility satisfactory to the municipal licensing authority in the amount of \$25,000 executed by a surety company authorized by the insurance department to transact business in the commonwealth.

The law prohibits a city or town licensing authority from issuing or renewing a Class 2 license unless it is satisfied that a bond or the equivalent meeting the requirements of the law is in effect during the term under which the license shall be issued or renewed. Note also that if a dealer has more than one location in a City or Town and goes by a different name at the other location(s), the dealer needs a separate bond for each location

at which it uses a different name. If a dealer has locations in more than one City or Town, separate bonds must be obtained for each municipality.

4. **Bond Issue Clarifications**

Two issues needing clarification have recently been raised as to the bond/equivalent requirement.

(a) **Certificates of Deposit and Letters of Credit:** The first has to do with the place where certificates of deposit or irrevocable letters of credit may be deposited. Section 58 (c)(1) states, in part:

In lieu of the bond required by this section, the municipal licensing authority may allow the dealer to deposit collateral in the form of a certificate of deposit or irrevocable letter of credit, as authorized by the banking laws of the commonwealth.... The collateral may be deposited with or executed through any authorized state depository designated by the commissioner....

The statute does not define "authorized state depository" but the Massachusetts Commissioner of Banks has issued an opinion to the Registrar, dated March 5, 2004, stating that "the definition covers any state or federally chartered bank or credit union with a banking office in the Commonwealth which has federal deposit insurance." The Commissioner has recommended that if a "Certificate of Deposit" is used, it should be titled:

"Commonwealth of Massachusetts, name of municipality, In Trust for (dealer) under Massachusetts General Laws chapter 140, section 58"

The Commissioner also recommends that an assignment should be executed, and that a municipality wishing to do so should contact the State Treasurer's Office to discuss the mechanics of that option. The Treasurer's Office is familiar with Certificates of Deposit and other alternative collateral since that office holds such collateral for certain licensees of the Commissioner of Banks.

(b) **Filing the Bond with Licensing Authorities:** The second issue relates to the manner in which the bond should be filed and filled out. The original of the bond needs to be filed with the City or Town when an initial Class 2 license is issued. On renewal, the licensing authority should insist on either a new original bond with power of attorney attached or an original continuation certificate showing that the existing bond is valid through the end of the next license period. Bonds may be written for more than one year so a municipality should be sure the bond covers the whole period during which the Class 2 license will be in effect. The amended statute does not specify the manner in which the bond should be filled out. However, a bond should clearly identify the parties and the purpose of the bond. For example:

Town of Willingboro, as obligee for the benefit of a person who purchases a vehicle from (name of dealer) and suffers a loss as defined by G.L. 140, Section 58.

5. **Class 2 Licensee Definition Expanded**

The definition of a Class 2 dealer was expanded to include two additional categories of used vehicle sellers that were not previously required to obtain a Class 2 license. A Class 2 licensee had always been defined as a person whose principal business is the buying or selling of second hand motor vehicles. The amended law allows a license to be issued even though it is not the applicant's principal business or he/she is not actually a seller. G.L. c. 140, §58 (c) now reads, in part:

(c) Class 2. A person whose principal business is the buying or selling of second hand motor vehicles, a person who purchases and displays second hand motor vehicles for resale in retail transactions, and any other person who displays second hand motor vehicles not owned by him pursuant to an agreement in which he receives compensation, whether solely for displaying the vehicles, upon the sale of each vehicle, or otherwise, may be granted a used car dealer's license

6. **Comment on the Expanded Definition of Class 2 Licensee**

(i) "... a person who purchases and displays second hand motor vehicles for resale in retail transactions." This seller is a dealer of motor vehicles at retail even though it may not be his/her principal business and buys vehicles in order to sell them at retail to make a profit. A person who is selling or negotiating the casual sale of his/her own vehicle (one registered to him/her or to a spouse, another relative, a friend, etc.) is not required to obtain a Class 2 license, in the view of the RMV. Nor is a company that leases

vehicles for the use of its employees and then allows the employee to purchase the vehicle at the expiration of the lease. This provision may be applicable to a local garage or other business that purchases vehicles at auction (or from other sources) and repairs or reconditions them and offers them for sale. Any vehicles this licensee sells to a consumer will be subject to the state-mandated warranty protection of G.L. c.90, §7N¼, and the dealer must maintain or demonstrate access to repair facilities sufficient to enable him/her to satisfy the warranty repair obligations imposed by that section. The licensee must comply with the Consumer Protection Act, G.L. 93A and the Regulations of the Attorney General, and must post the required warranty notices on vehicles offered for sale. As a Class 2 licensee, this dealer is also required to maintain a Used Vehicle Record Book pursuant to G.L. 140, §62. The "authorized officers" identified in G.L. c.140, §66 (State Police, Attorney General, Chief of Police, Police Commissioner in Boston, the Selectmen of a Town, or police officers authorized by said officials) "may at any time enter upon any premises used by any person licensed under section fifty-nine for the purpose of carrying on his licensed business, ascertain how he conducts the same and examine all second hand motor vehicles or parts thereof kept or stored in or upon the premises, and all books, papers and inventories relating thereto."

(ii) "...any other person who displays second hand motor vehicles not owned by him pursuant to an agreement in which he receives compensation, whether solely for displaying the vehicles, upon the sale of each vehicle, or otherwise." This is a person who does not own the vehicles he displays on his property but he receives compensation for the display or the sale from the vehicle's owner. These are usually consignment sales and they should only involve privately owned vehicles. RMV regulations prohibit the holder of a dealer plate from offering vehicles for sale anywhere other than the licensed premises of the dealer (except for sales at recognized automobile auction facilities or at combined-dealer special sale events). Therefore, a dealer who has been issued Dealer Plates may not display other dealer's vehicles on his/her own lot or display his own vehicles on other dealers' lots. However, any licensed Class 2 dealer who has received Dealer Plates from the RMV may display vehicles for sale on the dealer's lot that are owned by a private party and held for consignment, but the vehicle must be entered in the dealer's Used Vehicle Record Book as a consignment vehicle. (The dealer cannot, however, attach its own Dealer Plate to allow a test drive of the consigned vehicle because the dealer does not own the vehicle. If a test drive is contemplated, the vehicle's owner may opt to leave his/her own valid registration plates on the vehicle if the owner's liability insurance will cover a test drive). The record keeping and inspection requirements as contained in 6.(i) (above) are applicable here also.

7. **Local Review Needed** Municipalities are urged to review the Class 2 licenses they have issued in 2004 to ensure that the bond requirement has been met for each license.

8. **A Note About Licensees Working From Home**

The RMV is aware that some municipalities have been issuing Class 2 licenses even though the applicant is doing business from his/her home. Class 2 licensees almost always apply to the RMV for Dealer Plates. The process is that the RMV asks the State Police to perform a site visit to determine if the dealer has a facility that is appropriate for the issuance of such plates. After the visit, the Trooper makes a report and recommendation to the RMV. If the licensed premises do not comply with the relevant provisions of G.L. c.90 and the Regulations of the Registrar at 540 CMR 18.00, the application for plates will be denied.

Definition of "Dealer." M.G.L. c. 90, 1, defines a "dealer" as: "any person who is engaged principally and substantially in the business of buying, selling or exchanging motor vehicles or trailers or motor vehicle bodies who maintains a facility dedicated to carrying out said business...." (Emphasis added). An applicant for General Registration Dealer Plates must be principally and substantially engaged in the business and have the required dedicated facility. Even a dealer who sells solely on a "wholesale basis" (although no such Class 2 license category exists) must have the required dedicated facility. The RMV will not issue Dealer Plates to an applicant if his/her business is located within the personal living

quarters of a residential building, whether or not the dealer or someone else actually resides there or whether no one resides there. The law regarding the issuance of dealer plates is clear and plates will not be issued even if the municipality has issued a dealer's license for that location.

Further, the regulations at 540 CMR 18.02(2)(a) were adopted under the Registrar's authority and contain the requirements that a dealer must meet to receive or retain Dealer Plates. These requirements indicate the nature of the required "facility." Generally, the following are relevant to a used vehicle dealer:

- > The dealer's business is situated within a permanent building or permanently affixed structure, including an office trailer, owned or leased by the dealer for his exclusive use and located at the address of record noted on the dealer's license issued under the provisions of M.G.L. 140, §59. Except for a dealer who exchanges vehicles or trailers solely on a wholesale basis, the dealer shall be open to the public.
- > The building, structure or office trailer must have adequate office space to conduct the business.
- > If more than one business is located within the same building or structure, the dealer shall maintain a separate and exclusive entrance, unless the multiple businesses are owned or controlled by the same principals.
- > Subject to local law, and except for a dealer who exchanges vehicles or trailers solely on a wholesale basis, the dealer shall display a permanently affixed exterior sign of sufficient size and design, to give the general public notice of the name and nature of the business.
- > The dealer must have a display area/lot to display the vehicles being offered for sale unless the dealer exchanges vehicles or trailers solely on a wholesale basis.

9. Summary

Personal living quarters cannot be the site of a Class 2 dealer's business because the law requires a dealer to maintain a facility dedicated to carrying out that business and that facility must be used exclusively for the dealer's business. It is possible that a dealer may have premises either attached to or detached from a residential building that could be deemed suitable by the RMV. The State Police site inspection may help to determine suitability. The premises would have to be separate and distinct from any personal living quarters (e.g., it would have to be a secure facility with solid floor-to-ceiling walls, adequate office space to conduct the business, direct access from the outside of the building, not be used or shared with any other person or with any portion of personal living quarters and be licensed by the municipality at that location). The licensee must post and maintain reasonable business hours so that State and local police can accomplish the required facility and record book checks when required.

10. New License Application in Draft Stage G.L. 140, §59 states, in part: ...“application for license shall be made in such form as shall be approved by the registrar of motor vehicles...” The RMV is drafting a proposed new version of an *Application for a License as a Motor Vehicle Dealer*. The purpose is to update and standardize the *Application* to include significantly more information about the applicant (including background information on all principals) so that licensing authorities are better informed before issuing or renewing a license. The RMV is willing to receive and discuss suggestions for the proposed new *Application* that local licensing officials may wish to provide. Please email me with your suggestions at: william.mcvey@state.ma.us or write to me at the above address.

Thank you. If you have any questions about this Memorandum you may email or write. You may also call me at: 617-351-9950.



UTICA MUTUAL INSURANCE COMPANY
 NEW HARTFORD, NEW YORK
EXECUTION REPORT FOR BOND

U/W Code

CODING SOURCE 0# Acct Number:		EFFECTIVE DATE 12/19/2023
POLICY NUMBER SU4490005		EXPIRATION DATE 12/19/2024
<input type="checkbox"/> NEW <input checked="" type="checkbox"/> RENEWAL <input type="checkbox"/> ENDORSEMENT		TRANS. EFFECTIVE DATE
INSURED		BOND AMOUNT \$25,000.00
GNFD, Inc. dba Newburyport Sunoco		TOTAL PREMIUM \$250.00
ADDRESS		CSP/POLICY TYPE
59 Storey Avenue		TRANS. 2111 POLICY CT 1 UND. 4
Newburyport MA 01950		SIC # 55211 BILL CODE 1
OBLIGEE (FULL ADDRESS REQUIRED)		LINE 2273
Commonwealth of MA, Registry of Motor Vehicles		STATE OR FOREIGN COUNTRY 20
One Copley Place		TAX TOWN (Required for AL, FL, GA, KY, LA, SC)
Boston MA 02119		PLAN 01
NATURE OF RISK Dealer Bond		PLAN WITH SURCHARGE (Required for KY)
SERIES X COMPANY CODE 1	COMMISSION 30%	
REG. OFF. 04 AGENT NO. 70135	CLASS CODE 927	
AGENT		FIDELITY FORM (Col. 48)
MACDONALD & PANGIONE		SURETY TYPE OF CONTRACT (Col. 50)
ADDRESS		GROSS LIMIT 000 TREATY LIMIT
104 MAIN ST		ENDORSEMENT
NORTH ANDOVER MA 01845		
RENEWAL METHOD: <input checked="" type="checkbox"/> COLLECTION OF PREMIUM <input type="checkbox"/> CONTINUATION CERTIFICATE <input type="checkbox"/> NEW BOND		
BOND APPROVED BY:	BOND SIGNED BY: Lauri A. Emmerich (Attorney-in-Fact)	DATE 11/21/2023
REMARKS:		

Committee Items – January 29, 2024

Planning & Development

In Committee:

- APPT00446_01_08_2024 Elaine King Nickerson 16 Purchase St. Affordable Housing Trust 2/15/2026
- APPT00448_01_08_2024 Biff Bouse 6 Iona Ave. Historical Comm. Rep/CPC 2/15/2026
- APPT00449_01_08_2024 Thomas O'Brien 11 Moseley Ave. CPC rep/HA 2/15/2027
- APPT00450_01_08_2024 Thomas O'Brien 11 Moseley Ave. Housing Authority 2/15/2029
- APPT00453_01_08_2024 Dennis Morel, Jr. 83 Bow Ridge Rd., Lynn Bldg Inspctr. 2/15/2027
- APPT00461_01_08_2024 Jeffrey Mattheson 12 Hart Rd. Electrical Inspctr. 2/15/2025



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

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

To: President and Members of the City Council
From: Sean R. Reardon, Mayor
Date: January 8, 2024
Subject: Appointment

I hereby appoint, subject to your approval, the following named individual
as a member of the Affordable Housing Trust. This term will expire on
February 15, 2026.

Elaine King Nickerson
16 Purchase Street
Newburyport, MA 01950

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NEWBURYPORT, MA
2024 JAN 21 P 3:53

ELAINE KING NICKERSON
16 Purchase Street
Newburyport, Massachusetts 01950
Elaine.Nickerson223@gmail.com 617-543-2204

November 4, 2022

Christine Jackson
Executive Assistant to the Mayor
Mayor's Office, City Hall
60 Pleasant Street
Newburyport, MA 01950

Dear Ms. Jackson,

Please consider this my letter of interest to be considered for membership on the Affordable Housing Trust for Newburyport. I am including a brief resume and will be happy to answer any questions you, the current Trust members or Mayor Reardon may have as to my background or readiness to serve on this important committee.

I have extensive experience in affordable housing and I am eager to get involved and help address the challenges folks face here in Newburyport as related to their housing situations. I also think that there are many misunderstandings about affordable housing in general and I'd love to be part of an effort to help people understand the basics of affordable housing and its importance to the overall health of our community.

Thank you for taking the time to review my resume and letter and for considering me for this position. I look forward to hearing from you.

Sincerely,


Elaine King Nickerson

ELAINE KING NICKERSON
16 Purchase Street
Newburyport, Massachusetts 01950
Elaine.Nickerson223@gmail.com 617-543-2204

30+ years' career experience in the field of affordable housing.

Focus and experience: post-development rental housing in general and Housing Program Compliance specifically.
Retired in March 2022.

EXPERIENCE

1990–2007

- JUNIOR CONSULTANT
- CONSULTANT
- COMPLIANCE ANALYST,
- CONTRACT MANAGER,
- MANAGER OF HOUSING PROGRAM COMPLIANCE, *OKM ASSOCIATES, INC BOSTON MA*

Having previously served as Director of Property Management for eight years at OKM Associates, Inc, I transferred into the Consulting Division for the last 10 years of my tenure. I served in these roles listed above. The work most pertinent to Newburyport was compliance monitoring of HOME and Housing Stabilization Fund (HSF) as well as a lesser role with Community Development Block Grant (CDBG). The US Dept of HUD, The Commonwealth of Massachusetts' DHCD, and various HOME Consortia were the clients that I worked with during those years. Other work, less pertinent to Newburyport, but interesting was our work on the privatization of housing with Ukraine and Russia in the early 1990s for our client; USAID.

2007–2022

FOUNDING MEMBER, PARTNER, FINEPOINT ASSOCIATES, LLC, WESTFORD, MA

In 2007 I started FinePoint Associates LLC with a partner and began providing services to public and private clients in Affordable Housing and Economic Development. Our Affordable Housing consulting work was services and training related to Compliance Monitoring of HOME, HSF, and the other Massachusetts Bond Funds and all our work was with DHCD and various HOME Consortia.

EDUCATION

- **B.A. Middlebury College, Middlebury, Vermont**

PREVIOUS EXPERIENCE ON BOARDS AND COMMITTEES

- Westford Affordable Housing Committee, Westford, Massachusetts
 - Chair 2005-2007
 - Member 2001-2005
- Westford Affordable Housing Trust, Westford, Massachusetts – approx. 2002-2006



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SEAN R. REARDON, MAYOR

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

To: President and Members of the
City Council
From: Sean R. Reardon, Mayor
Date: January 8, 2024
Subject: Appointment

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NEWBURYPORT, MA
2023 DEC 21 P 3:52

I hereby appoint, subject to your approval, the following named individual as the Newburyport Historical Commission representative to the Community Preservation Act Committee. This term will expire on February 15, 2026.

Biff Bouse
6 Iona Avenue
Newburyport, MA 01950

BIFF BOUSE

6 Iona Avenue
Newburyport, MA 01950
biffbouse@gmail.com
510-551-8658

CHRISTINE JACKSON

EXECUTIVE ASSISTANT TO THE MAYOR • CITY OF NEWBURYPORT •
MAYOR'S OFFICE, CITY HALL • 60 PLEASANT STREET, NEWBURYPORT, MA
01950

Friday, March 25, 2022

Dear Christine Jackson,

I was excited to see that volunteers were needed as members of the Historical Commission, as I've long been interested in historical architecture.

About 4 years ago, I had the chance to move anywhere in the country when my employer allowed me to work remotely full-time. We settled on Newburyport for many reasons: the quality of life, good schools, proximity to water, etc. But the abundance and quality of historic architecture in Newburyport is what really excited me.

Since moving here, I've joined several of the local and regional historical organizations and worked with many members of the community to help bring important pieces of history to light, for the public to enjoy.

I studied architecture and urban planning in school and had intended to work in those fields before I got sidetracked into Television and Web Design. So, instead, architecture has become my hobby, and Newburyport has been a great source of inspiration. I'm motivated to do my part to ensure that the essence of that history is preserved for generations to come.

I also started an Instagram account, [@NewburyportArchitecture](#), dedicated to capturing the historic buildings and homes in Newburyport. I research, compile and share historical anecdotes and ephemera about the buildings. In doing so, I've been able to really understand a lot about the fabric of the city, in such a short time.

I've attached my resume, and my full CV can be found on my [LinkedIn profile](#). I would love to be considered for a position on the Historical Commission, and I thank you for your time.

Sincerely,
Biff Bouse



BIFF BOUSE

WEB DESIGNER & DEVELOPER
NEWBURYPORT, MA

EDUCATION

HARVARD GRADUATE SCHOOL OF DESIGN, CERTIFICATE OF URBAN DESIGN, 1996

VASSAR COLLEGE, B.A. OF URBAN STUDIES, 1996

EXPERIENCE

DIRECTOR, WEB DESIGN & DEVELOPMENT • KINESSO • 2013 - PRESENT

Responsible for the design, development, and maintenance of 50+ individual WordPress sites, and other various web technologies. Manages small team of web developers and works with various partners across a network of agencies, to develop and maintain web sites.

SENIOR WEB DEVELOPER • NAVEX • 2009 - 2013

Responsible for the development and delivery of custom ethics and compliance related web interfaces for some of the best-known brands in the world, including the production and creation of custom graphics and code for client user interfaces and web forms.

NEWS PROMOTION PRODUCER • WFSB-TV & WTIC-TV • 2005 - 2008

Wrote, produced, and edited topical news promotions and proof-of-performance spots, that effectively attracted potential news viewers to nightly newscasts. Oversaw promotional events for trade shows and conventions and coordinated public appearances/signing events with the station's talent.

CREATIVE SERVICES DIRECTOR • KLKN-TV • 2003 - 2005

Responsible for the development and delivery of custom ethics and compliance related web interfaces for some of the best-known brands in the world, including the production and creation of custom graphics and code for client user interfaces and web forms.



BIFFBOUSE@GMAIL.COM



[@NEWBURYPORTARCHITECTURE](https://www.instagram.com/NEWBURYPORTARCHITECTURE)



510-551-8658



[LINKEDIN.COM/IN/BIFF-BOUSE](https://www.linkedin.com/in/biff-bouse)



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OFFICE OF THE MAYOR
SEAN R. REARDON, MAYOR

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

To: President and Members
of the City Council

From: Sean R. Reardon, Mayor

Date: January 8, 2024

Subject: Appointment

I hereby appoint, subject to your approval, the following named individual as the Community Preservation Act Committee representative on the Newburyport Housing Authority. This term will expire on February 15, 2027.

Thomas O'Brien
11 Moseley Avenue
Newburyport, MA 01950

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NEWBURYPORT, MA
2023 DEC 21 P 3:53

**Thomas O'Brien
11 Moseley Avenue
Newburyport MA 01950**

City of Newburyport

City Council

Board of Water/Sewer Commission

Newburyport Housing Authority

Community Preservation Act Committee



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SEAN R. REARDON, MAYOR

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NEWBURYPORT, MA 01950
978-465-4413 PHONE
MAYOR@CITYOFNEWBURYPORT.COM

To: President and Members of the City Council
From: Sean R. Reardon, Mayor
Date: January 8, 2024
Subject: Re-Appointment

I hereby re-appoint, subject to your approval, the following named individual as a member of the Newburyport Housing Authority. This term will expire on February 15, 2029.

Thomas O'Brien
11 Moseley Avenue
Newburyport, MA 01950

A handwritten signature in black ink, appearing to read 'S. R. Reardon'.

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NEWBURYPORT, MA
2023 DEC 21 P 3:53

**Thomas O'Brien
11 Moseley Avenue
Newburyport MA 01950**

City of Newburyport

City Council

Board of Water/Sewer Commission

Newburyport Housing Authority

Community Preservation Act Committee



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

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NEWBURYPORT, MA

2023 DEC 29 A 10:43

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

To: President and Members of the City Council
From: Sean R. Reardon, Mayor
Date: January 8, 2024
Subject: Re-appointment

I hereby re-appoint, subject to your approval, the following named individual as Building Inspector. This term will expire on February 15, 2026.

Dennis Morel Jr.
83 Bow Ridge Road
Lynn, MA 01904

DENNIS MOREL JR.

83 Bow Ridge Road, Lynn MA, 01904 · 781-664-8389

dennis@grconstruction.net · linkedin.com/in/dennis-morel-jr-021870153

dennismoreljr@outlook.com

Over 20 years' experience in the commercial construction industry and over 8 years' experience in a supervisory role; holding various positions from laborer to Carpenter Forman to Construction Superintendent with an unrestricted Construction Supervisor License.

EXPERIENCE

CONSTRUCTION SUPERINTENDENT, G&R CONSTRUCTION

JANUARY 2020 – PRESENT

Essex Public Safety Complex | Essex, MA

Building size: 35,000sqft

In charge of overall scheduling, quality control inspections, plan reading, coordinating self-performed work and subcontractors, owners, project managers and architects.

HIGHLIGHTS – Two level, public safety complex with police on lower level and fire department on upper level with second level apparatus bay with 5000sqft heated, suspended structural slab, able to support weight of fire trucks.

NOVEMBER 2018 – JANUARY 2020

Norwood Electric Light Department | Norwood, MA

Building size: 175,000sqft

In charge of overall scheduling, quality control inspections, coordinating self-performed work and subcontractors, owners, project managers and architects.

HIGHLIGHTS – Structural retrofit of existing, pre-engineered, metal building with CMU back-up wall and brick veneer administration building; complete overhaul on both buildings which included new structural steel, foundations and retrofitting existing structural steel; totaling over \$14 million.

MARCH 2018 – NOVEMBER 2018

Northern Essex Community College-Dimitry Building | Lawrence, MA

Exterior improvement job. Installed new siding, windows and hard/landscape. Maintained a water tight/heated, semi-occupied building during construction.

DECEMBER 2016 – MARCH 2018

Steamship Authority General Offices | Falmouth, MA

Building size: 40,000sqft

In charge of overall scheduling, quality control inspections, coordinating self-performed work and subcontractors, owners, project managers and architects.

HIGHLIGHTS – Exposed glue laminated beams and glue laminated structural decking; 3 stories above ground with full basement below grade in water table; dewatering during construction for foundation work (ground water drains with ejector pumps)

APRIL 2016 – DECEMBER 2016

Medfield Public Safety Building | Medfield, MA

Building size: 40,000sqft

In charge of overall scheduling, quality control inspections, coordinating self-performed work and subcontractors, owners, project managers and architects.

HIGHLIGHTS – Mixed use building for Police and Fire; 8 bay drive through apparatus bay with 16 glass panel overhead garage doors tied into integrated alerting system; 5 prisoner holding cell with interrogation room; three 32ft towers: two training towers for firefighters and one clock tower at entrance.

MARCH 2015 – APRIL 2016

Chatham Fire & Rescue Station | Chatham, MA

Building size: 18,000sqft

In charge of overall scheduling, quality control inspections, coordinating self-performed work and subcontractors, owners, project managers and architects.

HIGHLIGHTS - Structural Wood framed admin building & structural steel with CMU wall apparatus bay; 20ft High x 25ft wide bifolding garage doors with hurricane specifications; 911 memorial with a piece of structural steel from the Twin Towers

FEB 2014 – DEC 2014

Westborough Fire Station | Westborough, MA

Building size: 15,000sqft

In charge of overall scheduling, quality control inspections, coordinating self-performed work and subcontractors, owners, project managers and architects.

HIGHLIGHTS – 10,000sqft of polished concrete, radiant heated slabs in apparatus bays; 40 ft. communication tower with integrated alerting system; demolition of existing building

ASSISTANT CONSTRUCTION SUPERINTENDENT, G&R CONSTRUCTION

APRIL 2013 – FEB 2014

Medford High School Science Labs | Medford, MA

Building size: 80,000sqft

Oversaw, scheduled and coordinated all field operations, subcontractors, owners project managers and architects; Worked alongside the Vice President of G&R Construction

NOV 2012 – SEPT 2013

Glover School | Marblehead, MA

Building size: 80,000sqft

Oversaw, scheduled and coordinated all field operations, subcontractors, owners project managers and architects; Worked alongside the Vice President of G&R Construction

2008 – 2012

CARPENTER FORMAN, G&R CONSTRUCTION

Foundation work to framing walls to finish trim and cabinets. Oversaw and responsible for 3-man crew. Projects included: The Needham Town Hall, Highrock Elementary School (Needham), Milton Library, Franklin Fire Station, John D. Runkle Elementary School (Brookline).

EDUCATION

2004 - 2006

CONTINUING ED FOR CONSTRUCTION, WENTWORTH INSTITUTE OF TECHNOLOGY

Courses:

- Advanced Blueprint Reading
- Basic framing
- Construction of roof and stairs
- Surveying
- Methods of Construction

SEPTEMBER 1999 - JUNE 2003

HIGH SCHOOL DIPLOMA, WILMINGTON HIGH SCHOOL

SKILLS

- Advanced Blueprint Reading in all aspects of construction (included but not limited to civil, mechanical, structural, architectural, plumbing, electric)
- Carpentry
- Coordination/Scheduling
- Microsoft Office (Word, Excel)
- Problem solving
- Leadership
- Communication
- Attention to detail



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

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

To: President and Members of the
City Council
From: Sean R. Reardon, Mayor
Date: January 8, 2024
Subject: Re-appointment

I hereby re-appoint, subject to your approval, the following
named individual as Electrical Inspector. This term will start
on January 8, 2024 and expire on February 15, 2025.

Jeffrey Mattheson
12 Hart Road
Newburyport, MA 01950

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2024 JAN - 2 A 11: 25

Jeffrey R. Mattheson

Licensed Master Electrician: MA, ME, NH VT

12 Hart Road, Newburyport MA | 978-479-0915 | jeff@matthesonelectric.com | [linkedin.com/in/jeffreymattheson](https://www.linkedin.com/in/jeffreymattheson)
www.matthesonelectric.com

Objective

To obtain a professional and successful management position utilizing my electrical and HVAC skills, experience, and expert knowledge. As well as to provide a safe electrical environment for all stakeholders within my community.

Education and Certifications

MASTER ELECTRICIAN LICENSE | 2005 | WOBURN ELECTRICAL SCHOOL OF CODE AND THEORY IN WOBURN, MA.

JOURNEYMAN'S LICENSE | 2002 | WOBURN ELECTRICAL SCHOOL OF CODE AND THEORY IN WOBURN, MA.

ATTENDED GOULD INSTITUTE FROM 1997-2000

Silent Knight Fire Alarm Course Certification
Fork truck/Scissor Lift Operator License
Fiber Optics Splicing and Training Certification
OSHA 30 Hazard Awareness Certification
Microsoft Office
QuickBooks
NEC 3 year updates
MA 6 Hr Update
CPR Certified 2018 & 2022

Experience

OWNER | MATTHESON ELECTRIC | 2020-PRESENT

- Receive and answer job related questions and estimate requests in a timely manner via email, text and phone.
- Schedule and estimate small and large electrical jobs.
- Ordering of materials and parts per estimate.
- Troubleshoot existing customer electrical problems and correct.
- Complete estimated work in a neat and workmanlike manner within estimated amount.
- Install of residential EV car chargers (Tesla/Chargepoint).
- Invoicing and billing collection, permit and inspection fulfillment.

- Coordination of numerous remodel and new build projects with other sub-contractors as well as homeowners to complete projects.
- Regularly maintain company truck, trailer and excavator maintenance, inspections and insurances.

ELECTRICAL FOREMAN/PROJECT MANAGER | JEM ELECTRICAL AND HVAC CORP. | 2008-2019

- Supervise daily scheduling of employees and ordering of ongoing and coming jobs on a day to day week to week basis maintaining a steady and efficient work flow and profitability.
- Jobs ranging from \$10K-\$180K: Residential, Commercial, Industrial, & Cellular.
- Installed Electrical/HVAC for Cellular Communication Shelters/Homes/Businesses.
- Supervise, educate & train new hired licensed & apprentice electricians.
- Service HVAC Tech 24/7 on call, servicing all of New England – specific details available upon request.
- Managed more than 800 HVAC Preventative Maintenance Cellular Sites, 24/7 response, next day service upgrades.
- Xfinity Center Shelter work. Mansfield MA
- SAI Commercial Working Building/Warehouse Salem NH
- Vast experience in job bid walks, proposal write-ups and pricing.
- General Contracted to build 5 Tesla SuperCharging Stations in the state of Maine to bridge the gap between Canada and Maine/East Coast.
- Oversee and Supervise entire project and all locations from start to finish.

JOURNEYMAN ELECTRICIAN/ FOREMAN | G & B ELECTRICAL SERVICES, INC. | 2002-2008

- Foreman & Supervisor on jobs ranging from small residential to large commercial jobs at locations in Boston to Southern NH.

JOURNEYMAN ELECTRICIAN/ FOREMAN | METRIC ELECTRIC | 2000-2002

- Foreman & Supervisor on jobs ranging from small residential additions to large commercial renovations.
- Had a large responsibility in the layout of the plans prior to the start of the job.
- Working knowledge of (Honeywell) HVAC controls and others.

ELECTRICAL APPRENTICE | INTERSTATE ELECTRICAL | 1996-2000

- Met daily with the job foreman to obtain the work orders for the day and assisted in planning the appropriate delegation of tasks for the team of 8-10 men.
- Working knowledge of reading architectural blueprints with the ability to assess the electrical needs for the construction project.
- Self-directed and able to take a job from rough to finish.
- Working knowledge of Romax wire, BX, MC and AC cable.
- Familiar with installing hard-wire fire alarm systems in both residential and commercial settings.
- Experience with the installation of switchgear, transformers, and panels.
- Familiar with all requirements of EMT conduit installation and Rigid conduit benders ½" -4".

Committee Items – January 29, 2024

Public Works & Safety

In Committee:

- APPT00445_01_08_2024 Mark Spencer 129 Merrimac St. Water /Sewer Comm. 2/15/2026
- APPT00460_01_08_2024 Timothy Rooney 9 Marshview Circle, Asst.Harbormaster/
Seabrook Shfh Const. 2/15/2027
- APPT00451_01_08_2024 Paul Hogg 4 Wildwood Dr. Shellfish Constable 2/15/2027
- APPT00454_01_08_2024 Enrico Caruso 34 Russett Hill Rd., Asst. Harbormaster/
Haverhill Shfh Const. 2/15/2027
- APPT00455_01_08_2024 Joseph A. Sederquist 2 Wrightman Rd.,
Wilmington Asst. Harbormaster/
Shfh Const. 2/15/2027



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MAYOR@CITYOFNEWBURYPORT.COM

To: President and Members of the City Council
From: Sean R. Reardon, Mayor
Date: January 8, 2024
Subject: Appointment

I hereby appoint, subject to your approval, the following named individual as a member of the Water/Sewer Commission. This term will expire February 15, 2026.

Mark Spencer, PhD
129 Merrimac Street, Unit 5
Newburyport, MA 01950

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2023 DEC 21 P 3: 53

Curriculum Vitae for Mark Spencer

Mark Spencer, PhD
100 School Street
Andover, MA 01810
978-309-0703
mspencer@wateranalytics.net

Professional Experience

- Water Analytics**, Andover MA 2010 to Present
President and owner
- Established Water Analytics to hold assets of AquaMetrix
 - Tripled revenue in 10 years.
 - Revamped entire sensor and controller product portfolio.
 - Authored textbook, *Water Quality Instrumentation, Principles and Practice*, (<http://www.wef.org/publications/publications/books/waterquality/>)
 - Chair of Water Environment Federation Innovation Award Committee
- Agiltron**, Woburn, MA 2008 to 2009
Director of Technology
- Oversee over 20 SBIR (Small Business Innovation Research Program) projects from proposal writing to management to commercialization.
 - Successfully assembled interdisciplinary team involving university and commercial partner for NIST \$8.5 million proposal.
 - Wrote and won SBIR proposal with Army for standoff detection of chemical and biological explosives using infrared emission.
 - Achieved over 50% winning percentage of several SBIR Phase I and Phase II proposals.
- (Midlife Crisis) Carriage House Portraits**, Andover, MA 1995 to 2008
Owner, photographer
- Started high-end studio to produce photographic portraits that would be displayed on a large scale and rival oil paintings in their level of artistry.
 - Earned a reputation as the one of the country's leading exponent of classically oriented portraiture.
 - Developed a unique hybrid film-digital workflow that provides an unmatched combination of resolution, color fidelity and archival longevity.

NASA Ames Research Center, Moffett Field, CA

1987 to 1995

Research scientist

- Measured the infrared absorption spectra of gases of atmospheric interest (mainly ozone and nitric oxide) to be used in conjunction with the HITRAN database to measure concentrations of atmospheric species.
- Created software model for extracting molecular parameters from high-resolution spectra. Several NASA groups adapted this software (*LeFit*) for analyzing spectra of molecules of atmospheric interest.
- Measured pressure-broadened line shapes of ozone and nitric oxide used in HITRANS database.
- Collaborated with research group of Professor Jeffrey Steinfeld of MIT and Robert Gamache of University of Massachusetts at Lowell to understand the relaxation pathways that underlie the broadened spectra of atmospheric gases as measured in the laboratory.

Physical Sciences, Andover, MA

Principal Scientist 1986 to 1987

- Spectroscopic analysis of lanthanum oxide electronic spectra needed for identification of re-entry vehicles.
- Development of three-wavelength temperature sensor that offered high temperature measurement capability.
- Initial development of technique for desorption of ice from cryogenic mirrors for use in space based imaging systems.

Education

- Massachusetts Institute of Technology, Mid-Career Acceleration Program, Experimental Atmospheric Chemistry 2008 to 2009
- NASA Ames Research Center, NRC Fellowship 1987 - 1989
- SRI International, Post-doctoral fellow 1984-1986
- Massachusetts Institute of Technology, PhD in Molecular Spectroscopy 1983
- University of Pennsylvania, Bachelor of Arts in Physical Chemistry 1978

Other Awards and Recognitions

- Board member of Merrimack Valley Habitat for Humanity, Memorial Hall Library, Andover Cultural Council, Mistral Music
- Rotarian of the Year 1996 and 2005
- Heritage Award for Community Service Award 2009
- Chabad of Merrimack Valley Annual Breakfast Honoree of the Year 2017



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To: President and Members of the
City Council

From: Sean R. Reardon, Mayor

Date: January 8, 2024

Subject: Appointment

I hereby appoint, subject to your approval, the following
named individual as Assistant Harbormaster/Shellfish
Constable for the purposes of local, State and Federal
laws and regulations with respect to waterways, marine
activities and boating. This term will expire on February
15, 2027.

Timothy Rooney
9 Marshview Circle
Seabrook, NH 03874

TIMOTHY M. ROONEY
9 MARSHVIEW CIRCLE
SEABROOK, NH 03874
603-686-9014
tmrooney23@gmail.com

OBJECTIVE

To utilize my skills and training as an Assistant Harbor Master for the City of Newburyport, MA

EXPERIENCE

CITY OF NEWBURYPORT, MA

Assistant Harbormaster

05/20 - Present

Oversee public waterways to insure safe boating laws, assist boaters as needed, provide a safe boating environment to make sure the public is complying with all state and federal regulations.

WHITTIER VOCATIONAL TECHNICAL SCHOOL, MA

10/20 - Present

Teacher Assistant

Teach exploratory electronics and engineering to incoming freshmen.

CITY OF LAWRENCE, MA

2/19 – 03/20

Lawrence Municipal Airport

Responsible for general aviation/airport maintenance.

CITY OF METHUEN, MA

06/19-12/19

Water Department

Assist in all water department functions in the area of water distribution.

HAVERHILL PUBLIC SCHOOLS, Haverhill, MA

03/13-4/19

Director of Transportation

Overall responsibility for the transportation of all Haverhill Public School students. Oversee a staff of over 65 employees, which includes CDL bus drivers, 7D drivers, bus monitors, all crossing guards, and an office staff of three. Coordinate the transportation of non-special education students with the school district's vendor, Cappola Bus Company. Oversee departmental budget responsibilities and responsible for acquiring new equipment to include buses/vans, two-way radios, and GPS devices. Initiated a new software routing system for both our special education students and our main vendor. Responsible for interviewing and hiring all staff. Collaborate with the local police department and department of public works in regards to school bus safety. Coordinate training activities for all staff. Responsible for RMV compliance and state guidelines.

Director of Human Resources / Staff and Student Services

Overall responsibility for staff and student services within Haverhill Public Schools (15 schools, 1,800 employees, 8,000 students, transporting 6,000 students per day in an urban setting). Coordinate the application process, schedule and conduct interviews, and refer candidates for employment. Direct, manage, and oversee the implementation of personnel policies and procedures, and internal fact-finding investigations. Assist in the identification and screening of qualified senior administrative applications. Advise and assist school principals and departmental supervisors in handling technical personnel issues. Oversee the maintenance of official personnel files and records. Complete oversight and budgetary responsibility for all of Human Resources and Transportation. Coordinate and assist eight union contracts, handle all contractual grievances, and assist the city solicitor in Department of Labor Relations activities and arbitrations, and implement positive and effective employee relations with all district employees.

NH STATE POLICE – MARINE PATROL, Gilford, NH

Marine Patrol Officer (Seasonal Position)

02/12 – 08/14

Responsible for enforcing all boating laws and regulations within the State of New Hampshire and all New Hampshire coastal waters. Perform boating accident investigations, complaints, and calls for service from the public. Arrest suspects forcibly if necessary, using handcuffs and other restraints, subdue resisting suspects using maneuvers, approved weapons, and hands and feet in self-defense. Write investigative and other reports including sketches, citations, affidavits, complaints and warrants. Respond to water emergencies on inland/coastal waters.

Testify as a witness in court. Assist in traffic control at major waterborne events. Assist United States Coast Guard as necessary.

Timothy M. Rooney
Page 2

NEW HAMPSHIRE DEPARTMENT OF RESOURCES AND ECONOMIC DEVELOPMENT, Hampton, NH

State Park Patrol (Seasonal Position)

05/10 – 5/18

Seasonal position as Park Patrol Officer at Hampton Beach Park. Responsible for maintaining a positive environment for all guests, issue parking violations, assist with customer complaints, assist local law enforcement officers in maintaining a safe and secure State Park, assist customers with directional concerns, and communicate with multi-cultural customers.

NEW HAMPSHIRE DEPARTMENT OF TRANSPORTATION, Durham, NH

Highway Maintainer II

07/09 – 3/13

Responsible for the upkeep and maintenance of state highways within a designated district. Duties include maintaining proper drainage flow for catch basins and culverts and maintaining the integrity of the roads throughout my assigned area to include repair, replacement, and safety. Additional responsibilities include the upkeep and maintenance of state equipment and buildings. Also, coordinate with engineering and management on cost improvement issues to assist the D.O.T. in maintaining its state budget. Provide direction and assistance to new employees.

SEARS RETAIL DEALER STORE/BUDGET TRUCK DEALER, Seabrook, NH

Business Owner

08/04 - 12/08

Started business from ground floor to a high of \$2.4 million in sales. Responsible for overall operation to include profit and loss, inventory, warehousing, personnel, customer satisfaction, and sales. Operated Budget Truck dealership, coordinated truck rentals and returns, 100% customer satisfaction completion rate. Coordinated in-bound and out-bound trucks with deals throughout the country. Maintained trucks in accordance with safety regulations.

COMMUNICATIONS TEST DESIGN, INC., South Bend, IN

Human Resources Manager/Administration Manager

10/95 – 10/03

Directed, implemented, and oversaw all human resource functions to include employment, workers' compensation, employee relations, maintenance, security, and safety. Recruited, interviewed, and hired employees of all levels. Recruited, sourced, interviewed, and fully staffed personnel for two start-up locations (Tucson, AZ and Albuquerque, NM). Implemented compensation plans, conducted on-going performance reviews, and recommended annual increases where warranted. Implemented new benefit plans with various outside vendors and oversaw enrollment with all staff and provided direction and guidance to employees concerning PPOs and HMOs. Responsible for directing staff on all FMLA procedures and policies. Assisted employees with the understanding of FMLA laws and regulations. Set procedures in personnel policies for management teams to follow. Developed and set into practice new HR file system to include separation of personnel file, medical file, and disciplinary file. Provided guidance and advice and approved all disciplinary actions at my facilities. Reviewed all personnel paperwork for completeness and accuracy prior to submitting to corporate HR and to required government agencies. Developed and created monthly reports to be reviewed by corporate HR for their consolidation into their annual state-of-the-business report. Conducted supervisory training classes and created a written test in supervisory training for all new supervisors. Led local management team in conflict resolution classes and how to deal effectively with subordinates during annual review presentations. Responsibilities also included administrative and personnel to encompass AP/AR and all other clerical functions. Accomplishments included development of safety committee and authorized the emergency response protocol. Initiated and compiled all federal/state required paperwork to include EEO/AA and OSHA 100 logs. Increased employment at facility by forty percent. Also responsible for two off-site facilities.

THERMOPLASTICS, Div. of Elco Industries, Mishawaka, IN

Human Resources Manager

01/95 – 08/95

Responsible for all Human Resource activities to include workers' compensation, common policies and procedures, health and safety, and interpretation of the union contract. Responsible for handling legal issues. Coordinated human resource activities for four separate business units. Oversaw a staff of five and responsible for annual

performance evaluations and any monetary increases. Initiated an emergency response team throughout the facility. Enhanced the return-to-work program. Assisted/responsible for training throughout the facility.

UNITED TECHNOLOGIES CORPORATION

12/86 – 12/94

UNITED TECHNOLOGIES AUTOMOTIVE, Div. of United Tech., Bourbon, IN

Human Resources Manager

12/93 – 12/94

Directed and managed entire department. Responsibilities included employee relations, environmental health and safety, and benefits for a manufacturing facility in a union environment with 350 employees. Accomplishments included a reduction in workers' compensation costs and development of positive employee relations. Successfully completed two surprise, comprehensive OSHA inspections. Implemented a 401K plan for hourly associates. Responsible for the collective bargaining agreement and handling all grievance procedures.

UNITED TECHNOLOGIES AUTOMOTIVE, Div. of United Tech., Edinburgh, IN

Human Resources Manager

01/92 – 12/93

Responsible for the overall function of the Human Resources department to include, but not limited to, benefits administration, employee relations, workers' compensation policy, and health and safety. Initiated and accomplished an early back-to-work program, thus reducing workers' compensation claims by 50 percent. Taught supervision training to all supervisors. Developed enhanced safety awareness programs to reduce total lost time accident to one day in the last year. Maintained positive employee relations to ensure facility remained management represented.

HAMILTON STANDARD, Div. of United Tech., Windsor Locks, CT

Personnel Consultant

02/90 – 10/91

Provided guidance and direction throughout the company in the administration of the collective bargaining agreement. Advised supervision on discipline, promotion, and contractual interpretation issues. Prepared company responses to union claims, testimony and argument. Assisted in the preparation of arbitrations and contract negotiations.

Senior Personnel Representative

08/89 – 02/90

Administered the Human Resources policies and procedures within an assigned business unit. Participated in the recruiting and selection of both exempt and non-exempt employees. Maintained effective employee/employer relationships. Facilitated the implementation of flexible benefits.

Government Security Specialist

12/86 – 02/89

Managed special access programs, conducted in-house self inspections, maintained special security briefings and debriefings of accessed personnel, and assisted in the overall administration of DISP. Trained security assistants.

DEFENSE INVESTIGATIVE SERVICE, Waltham, MA

Industrial Security Specialist

01/86 – 12/86

Administered the DISP to DOD contracting facilities. Assisted and advised management in the proper methodology of handling classified information and conducted survey inspections. Prepared written results on inspections with recommendations to the facilities management and assisted Senior Industrial Security Representatives in various capacities.

SANDERS ASSOCIATES, Manchester, NH

Production Controller II

08/83 – 10/85

Supervised production control personnel and maintained daily schedule. Planned master schedules with marketing personnel to coincide with sales forecasts.

RAYTHEON CORPORATION, Waltham, MA

Production Control

02/81 – 07/83

Responsible for all aspects of production control within an assigned profit center. Promoted to position from Supervisor/Foreman position. Interfaced with all levels of management and government officials.

EDUCATION

Bachelor of Science, Plymouth State College, Plymouth, NH



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

To: President and Members of the City Council
From: Sean R. Reardon, Mayor
Date: January 8, 2024
Re: Re-Appointment

I hereby re-appoint, subject to your approval, the following
named individual as the Shellfish Constable. This term
shall expire on February 15, 2027.

Paul Hogg
4 Wildwood Drive
Newburyport, MA 01950

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CITY CLERK'S OFFICE
NEWBURYPORT, MA
2023 DEC 21 P 3:53



CITY OF NEWBURYPORT OFFICE OF THE HARBORMASTER

PAUL HOGG
HARBORMASTER

NEWBURYPORT CITY HALL
60 STATE STREET
NEWBURYPORT, MA 01950

TEL: 978-462-3746

Objective To protect the safety of all boaters and management of the Newburyport Waterways. The Harbormaster works to protect life, property and the Civil rights or individuals through enforcement of laws and ordinances and regulations

Experience **Harbormaster City of Newburyport** 04/01 2010 – Present

Responsible for 55 employees maintaining schedules, weekly meetings and monthly trainings. I am accountable for collections of water related City approved fees and fines and keep accurate and up to date reports for the Mayor and Harbor Commission. Responsible for management and personnel at Cashman Park, Plum Island parking lot, central waterfront docks, lifeguards and City owned Harbormaster Department vessels and property.

Assistant Harbormaster 11/01 2001- 4/2010

Enforce State, Federal and local Maritime Laws
Patrol the waterways of the Merrimack River
Assist Coast Guard, Police, Fire, Environmental
Maintain safety of all vessels
Assist in the maintenance and upkeep of docks and gangways

Shellfish Constable 4/01 2016- Present

Protection of the City's shellfish. I work through a variety of environmental, ecological and law enforcement duties.
Enforce all policies, statutes, ordinances and regulations relating to shellfish, marine fisheries, lobsters, wetlands, water quality and natural resources.
Protect the public health and assist with all aspects of environmental and ecological management including administration of the shellfish propagation program and research.

Police Officer 3/2002- 5/2017
Merrimac Police Department

Patrol the streets of Merrimac and community relations
Respond to all 911 and medical calls
Accurately prepare and complete reports, records and logs
Enforce all laws in accordance with Mass law and testify in court when required



CITY OF NEWBURYPORT OFFICE OF THE HARBORMASTER

PAUL HOGG
HARBORMASTER

NEWBURYPORT CITY HALL
60 STATE STREET
NEWBURYPORT, MA 01950

TEL: 978-462-3746

Education

Newburyport High School
Northern Essex Community College
Harbormaster Training Program
Reading Police Academy
North Shore Harbormaster Training
Yamaha University
Boat wise Marine Training
Essex Tech

Certifications, Trainings and Licenses

Certified Police Officer through the Criminal Justice Training Council
United States Coast Guard Master 100 Ton Captain
Certified through FEMA for Port and Vessel Security
Nationally Certified as a Boat Operator and Crewman
Attended Marine Firefighting and Marina Fire Training
Commercial Boat offshore safety training
United States Merchant Marine Officer
Certified Massachusetts Harbormaster
Search and Rescue Certified
CPR / First Aid and AED Certified
First Responder Certified
Taser Certified
Certified in Marine Outboard Engine Repair
Shellfish, Marine Fisheries and BUI Certificate of completion



CITY OF NEWBURYPORT
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2023 DEC 29 A 9:01

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

To: President and Members of the
City Council

From: Sean R. Reardon, Mayor

Date: January 8, 2024

Subject: Re-Appointment

I hereby re-appoint, subject to your approval, the following named individual as Assistant Harbormaster/Shellfish Constable for the purposes of local, State and Federal laws and regulations with respect to waterways, marine activities and boating. This term will expire on February 15, 2027.

Enrico Caruso
34 Russett Hill Road
Haverhill, MA 01830

Enrico Caruso

34 Russett Hill Rd. Haverhill Ma. (978) 423 3701 mobile ejccaruso@comcast.net

PROFESSIONAL EXPERIENCE

Commonwealth of Massachusetts, @ Lawrence District Court Probation Dept. 1997 – Present

First Assistant Chief Probation Officer 2020 – Present

- Work hand in hand w/ the department chief of probation.
- Oversee that the department runs smoothly supervising a staff of 45 employees
- Supervising department work performance on a daily basis.

Assistant Chief Probation Officer 2018 – 2020

- In charge of a team of line Probation Officers & Sr. Probation Officers
- supervising their work performance & reviewing case work on a daily basis.

Probation Officer II 2012 – 2018

- Supervising a specialized caseload mainly sex offenders and highly violent offenders for a number of years.
- Created a special sex offender filing system prior to the newly implemented retention system to better fit the needs of the State's Sex Offender Registry Board.
- Applied the Ohio Risk Assessment System to better address offender's behavioral change and risk assessment.
- Supervising, mentor and training student interns.
- Assisted in training and mentor newly hired Assistant Probation Officers.
- Coordinated and developed a retention filing system implemented by O.C.P. for Lawrence District Court Probation Dept.
- Supervised P.O.'s & A.P.O.'s in organizing the Retention filing system within in the Lawrence probation dept. in compliance with O.C.P. retention standards.
- Assisted probation officers & assistant probation officers in case load violation and daily case load supervision recommendations.

Probation Officer
1997 - 2012

- Supervised and enforced all court ordered conditions of offenders placed on probation by the court.
- Conducted home & employment field contacts of defendants.
- Conducted random in office drug and alcohol screens.
- GPS installations and any corrective action in reference to GPS noncompliance issues.
- Referred and monitor all court ordered conditions and any further treatment needed.
- Conducted pre-sentence investigations on numerous sex offenders.
- Evaluated, suggest an appropriate recommendation to the court.

- Scheduled in office contacts as per standards and to address any noncompliance, or positive re-enforcement to the defendant.
- Developed a working relationship w/ local police departments and Parole to better monitor sex offenders in a community supervision role.

City of Newburyport, Newburyport, Ma.

2002-

Present

Assistant Harbor Master

- Enforce all Mass. Water way chapt. 90-b laws & Newburyport's city ordinances.
- Training officer for new appointed Assistant Harbor Master officers for the dept.

EDUCATION

HAWTHORNE COLLEGE, Antrim, N.H.

Bachelor of Science, Business Management 1987



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To: President and Members of the City Council
From: Sean R. Reardon, Mayor
Date: January 8, 2024
Subject: Re-Appointment

I hereby re-appoint, subject to your approval, the following named individual as Assistant Harbormaster/Shellfish Constable for the purposes of local, State and Federal laws and regulations with respect to waterways, marine activities and boating. This term will expire on February 15, 2027.

Joseph A. Sederquist
2 Wightman Road
Wilmington, MA 01887

Joseph A. Sederquist
2 Wightman Road
Wilmington, MA 01887
508-574-4742

Experience:

Assistant Harbormaster **12/2017 - Present**
Newburyport, MA

Regular patrols in Newburyport Harbor

Enforcing boating laws and rules for safety

Responsible for Cashman Park boat ramp

Shellfish Constable

Operation of pump out boat

Service Manager **2009 – 2016**
Amesbury Chevrolet

Amesbury, MA

All store operations

Hiring and training of all personnel

Service Manager **1992 – 2009**

Commonwealth Motors

Lawrence, MA

All store operations

Hiring and training of all personnel

Responsible for 46% increase in service

Consistently maintained high customer satisfaction levels

Certifications:

USCG Licensed 100 Ton Master Captain

Certified CPR

References and other certifications available upon request.