

CITY COUNCIL MEETING

AGENDA

February 12, 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

- APPT00478_02_12_2024 Edward Noymer 8 Lucey Dr. Newburyport Historical Commission 3/15/2027 P&D
- COMM00536_02_24_2024 Update Regarding ODNC164_10_30_2023 Zoning Amendment Global R3 Multi-Family
- COMM00537_02_12_2024 Email from Stephanie Niketic re: ODN00164
- ODNC00165_02_12_2024 A Zoning Ordinance to establish the State/High Overlay District (SHOD)

5. PUBLIC COMMENT

6. MAYOR'S COMMENT

CONSENT AGENDA

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

7. APPROVAL OF MINUTES

January 29, 2024

(Approve)

8. COMMUNICATIONS

- COMM00534_02_24_2024 Administration Memo re: COMM00529_01_29_2024 (P&D)
(Jim McCarthy letter to request an update codified sign ordinances)
- APPL00174_02_12_2024 Agave Parklet Application (L&P)
- APPL00175_02_12_2024 Angies Parklet Application (L&P)
- APPL00176_02_12_2024 Angry Donut Parklet Application (L&P)
- APPL00177_02_12_2024 Bar 25 Parklet Application (L&P)
- APPL00178_02_12_2024 Brine Parklet Application (L&P)
- APPL00179_02_12_2024 Carmine Parklet Application (L&P)
- APPL00180_02_12_2024 Loretta Parklet Application (L&P)
- APPL00181_02_12_2024 NU Kitchen Parklet Application (L&P)
- APPL00182_02_12_2024 Oregano Parklet Application (L&P)
- APPL00183_02_12_2024 Paddle Inn Parklet Application (L&P)
- APPL00184_02_12_2024 Port Tavern Parklet Application (L&P)
- APPL00185_02_12_2024 Anchor Pizza Parklet Application (L&P)

9. TRANSFERS

10. APPOINTMENTS

• APPT00463_02_12_2024	Andrea Weetman	183 High St. Newburyport	Community Preservation Act Committee	3/15/2027	CS
• APPT00464_02_12_2024	Kristen Donahue	16 Olive St. Newburyport	Library Board of Directors	3/15/2027	CS
• APPT00465_02_12_2024	Caroline McCarthy	4 Coombs Cir. Newburyport	Library Board of Directors	3/15/2027	CS
• APPT00466_02_12_2024	Larry Giunta	139 Crow Lane Newburyport	Zoning Board of Appeals	7/31/2027	P&D
• APPT00467_02_12_2024	Kim Turner	27 High St. Newburyport	Public Arts Committee	03/15/2025	CS
• APPT00468_02_12_2024	Nicole Whelan	12 Lafayette St. Newburyport	Public Arts Committee	3/15/2025	CS
• APPT00469_02_12_2024	Shanna Sartori	2 Garden St. Newburyport	Public Arts Committee	3/15/2025	CS
• APPT00470_02_12_2024	Katherine Moran	9 Garden St. Newburyport	Public Arts Committee	3/15/2025	CS
• APPT00471_02_12_2024	Peter Carzasty	35 Temple St. Newburyport	Public Arts Committee	3/15/2024	CS
• APPT00472_02_12_2024	Cynthia Schartman	12 Market St. Newburyport	Cultural Council	3/1/2027	
• APPT00473_02_12_2024	Paula Estey	3 Pine St. Newburyport	Cultural Council Liaison on Public Arts Committee	3/1/2027	CS
• <i>Confirmatory</i> APPT00474_02_12_2024	Dennis Morel	83 Bow Ridge Rd. Lynn	Building Inspector	2/15/2027	P&D
• <i>Re-Appointment</i> APPT00475_02_12_2024	Kevin Wallace	40 Oak St. Newburyport	Fruit Street Local Historic District Commission	3/15/2027	P&D
• <i>Re-Appointment</i> APPT00476_02_12_2024	Robert Currier	3 Summit Pl. Newburyport	Affordable Housing Trust	3/15/2026	P&D
• <i>Re-Appointment</i> APPT00477_02_12_2024	Andrew Port	61 Water St. Newburyport	Director of Planning & Development	3/15/2026	P&D

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

BUDGET & FINANCE

- COMM00531_01_29_2024 FY2024 Mid-Year Budget Report
- TRAN00177_01_29_2024 Mayor: General Fund Free Cash \$27,046 to Fire: Injured-on-Duty \$27,046 (COTW)
- TRAN00180_01_29_2024 Fire Dept.: CIP Radio Equipment \$13,000 to
Fire Maint-Buildings & Grounds \$13,000

- TRAN00180 01 29 2024 Fire Dept.: CIP Radio Equipment \$13,000 to
Fire Maint-Buildings & Grounds \$13,000
- TRAN00178 01 29 2024 Parking: RRFA-Paid Parking Fund \$33,006 to PKG LPR System \$33,006
- TRAN00179 01 29 2024 DPS: General Fund Free Cash \$43,300 to
Roadway & Sidewalk Improvements \$43,300
- 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

Community Services

In Committee:

- 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:

- ORDR00528 01 08 2024 Local Acceptance of G.L. 41 s.110A
- APPT00462 01 29 2024 Murphy Hesse Toomey & Lehane City Solicitor 1/31/2025
50 Braintree Hill Office Park Suite 410
Braintree, MA 02184
- ORDR00527_01_08_2024 Council Rules 2024

Licenses & Permits

In Committee:

- APPL00169 01 08 2024 5K & 13.1 YuKan Sports 6/9/24, 7/21/24, 9/29/24 Riverwalk Brewing
- APPL00173 01 29 2024 Plum Autoworks 2nd Hand Motor Vehicle License

Planning & Development

In Committee:

- ODNC00164 10 30 2023 Zoning-Amendment-Global-R3-Multi-Family (COTW)
- COMM00529_01_29-2024 Letter from Jim McCarthy re: Request to update codified sign ordinances
- COMM00530_01_29_2024 Update Regarding Zoning Studies & Amendments (COTW)
Related to Storey Ave & "MBTA Communities"(COTW)

Public Works & Safety

In Committee:

- COMM00532 01 29 2024 Email from Councillor Zeid re Phillips Dr.
- 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

LATE FILE ITEMS



CITY OF NEWBURYPORT
OFFICE OF THE MAYOR

SEAN R. REARDON, MAYOR

RECEIVED
CITY CLERK'S OFFICE
NEWBURYPORT, MA

2024 FEB -8 P 2:05

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: February 12, 2024

Subject: Appointment

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

Edward Noymer
8 Lucey Drive
Newburyport, MA 01950

EDWARD NOYMER

(978) 361-7830 ♦ Newburyport, MA 01950 ♦ ednoymer@gmail.com ♦ www.linkedin.com/in/ednoymer/

ACCOUNT MANAGER

Accomplished sales professional that excels at selling contact center applications and complex IT solutions and Services. Demonstrated success covering a large territory, selling into multiple vertical markets and leading new product introductions. Proficient in leading the development of new and custom applications. Skilled at building relationships with decision makers and presenting to executives. Expertise in complex and multi-vendor environments.

KEY COMPETENCIES

- Developing executive relationships
- Utilizing consultative sales skills
- Working with alliance partners
- Negotiating agreements
- Introducing new offerings to market
- Managing relationships at all Levels
- Leading complex opportunities
- Guiding internal resources

PROFESSIONAL EXPERIENCE

Avaya, Inc. – Andover, MA

2017 – 2018

Senior Account Manager

Sold Avaya Professional Services for Unified Communications and Contact Center Solutions in New England and New York. Partnered with Channels, Account Managers and Sales Engineers to qualify, define and deliver professional services, including discovery sessions, installation and custom application development. Collaborated with delivery teams to develop and present Statement of Work (SOWs).

- Closed third largest professional services deal for Avaya North America in Q1 for \$500K.
- Increased region bookings for custom Professional Services for Contact Center and UC by 50%.
- Developed \$8 Million pipeline of all Professional Services including packages and security services.
- Managed multiple third-parties to close business in order to meet customer requirements.

Sonus Networks – Westford, MA

2014 – 2016

Senior Account Manager

Developed and managed enterprise sales directly and through channel partners in the east region with a practice or concentration in, Unified Communications, Contact Center, and SIP Trunking. Led channel and enterprise sales for Session Border Controllers (SBCs), which provided security and interoperability. Directed joint sales activities with partners. Engaged in direct positioning products and solutions with end user customers in multiple vertical markets.

- Increased east region revenue generating fivefold; achieved 108% of quota.
- Recruited and developed six new channels into consistent revenue generating partners.
- Negotiated and signed agreements with three of the major DMR's, turning them into revenue generating relationships.
- Launched one national channel to revenue generating state with full accreditation.
- Sold first enterprise Monitoring as a Service (MaaS) customer.

Verizon Enterprise Solutions – Andover, MA

2013 – 2014

Senior Client Executive

Sold Verizon Enterprise Solutions offerings consisting of Network, Cloud, Security Services, Contact Center, and Unified Communications.

- Achieved 105% of quota.
- Closed deal for new Fiber Network for with major health insurance company.
- Expanded MPLS network for leading multi-site medical practice.
- Renewed multi-year contract for Security Services contract with a multinational pharmaceutical.

AudioCodes – Marlboro, MA

2005 – 2013

Enterprise Account Manager, 2009- 2013

Managed direct and channel sales in the east for media gateway and SBC products along with associated professional services. Recruited and managed channel partners. Conducted high touch direct sales. Initiated and managed regional alliance with Microsoft and Genesys to develop pipeline and close business for unified communications and contact center solutions.

- Recruited and developed nine new revenue producing channel partners.
- Achieved 128% of quota in 2012.
- Collaborated with HP and Microsoft to close largest deal for Lync deployment, valued at \$800K.
- Developed and secured the first major contact center win at Ticketmaster with Genesys.
- Achieved 110% of quota by generating more than \$5M sales to enterprise customers in the Eastern Region in 2010.
- Closed first customer for Network Readiness Assessment as a professional service offering in 2012 that launched a new offer and revenue stream.

OEM Account Manager, 2005 - 2009

Pursued and developed new accounts as design wins, managed existing accounts, penetrated and grew existing accounts with new products.

- Managed largest CPE OEM customer by doubling revenue to \$3M, increased product SKU's 30%.
- Initiated Interactive Intelligence IP PBX relationship, resulting in revenue of \$1M.
- Design win with Aspect, including private labeling multiple configurations, peaking at \$750K annually.
- Exceeded quota each year; annual quota range \$4.1M – \$4.6M.

Excel Switching – Andover, MA

2003 – 2005

Sales Director

Sold open service platforms deployed as differentiated media gateways, media servers, and signaling servers for service providers as an enhance service platform. Managed direct and channel sales to Service Providers, ASP's and Application Developer / VARs.

- Closed three new design account wins in first 12 months, leading North American sales in new business.
- Achieved 105% quota objective during 2004.
- Generated \$1.8 million in revenue in 2003.

PRIOR RELEVANT CAREER HISTORY

Cisco Systems – Chelmsford, MA

Account Manager

EDUCATION

Bachelor of Science - Business and Economics
Lehigh University



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

MEMORANDUM

TO: Members of the City Council (P&D/COTW)

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

CC: Sean R. Reardon, MAYOR

**RE: Update Regarding ODNC164_10_30_2023
 Zoning Amendment Global R3 Multi-Family (COTW)**

DATE: February 8, 2024

The purpose of this memorandum is to provide a brief response to several questions or concerns that have been raised regarding the above referenced matter, either at or since the Planning and Development (P&D) Committee meeting held this week. That meeting concluded with a unanimous committee recommendation to bring this zoning amendment out of committee for a Council vote Monday night. I will be in attendance and also understand that our City Solicitor, Karis North from MHTL, will be available on Zoom should there be any questions for her in relation to this matter. Please note that the following responses are informed by my exchange with Karis regarding a few particulars. Primarily in the interest of time, I am summarizing the salient points here, but she can elaborate or speak to these areas further if desired/requested Monday night.

Deadline for Council Action

Pursuant to the Zoning Act the Council has until Tuesday (2/13/2024) to vote on the proposed zoning amendment (*i.e.* 90 days since the closed joint public hearing). We are approaching this deadline primarily because it took longer than anticipated to secure the Global agreement relative to a deed restriction for residential use only. After speaking with Karis, we both agree and recommend that if the Council wishes to adopt the proposed zoning amendment, it should do so at Monday night's meeting (2/12/2024) using a waiver of rules to address the Council's now conflicting requirement that the same matter also be voted a second time ("*second reading*") at the subsequent Council meeting on 2/26/2024. While an argument could be made that the Council acted on first reading at the 2/12 meeting, within the 90-day statutory timeframe (*thus still reasonably "informed" by the Planning Board's advisory report, as intended by the statute*) we recommend that the entire Council adoption process be completed within the 90-day timeframe.

Process for Review and Approval of Development Agreements

While a Development Agreement (DA) was executed between the Mayor and local developer in advance of Council review of the proposed zoning change(s), this was in no way intended to diminish the role and authority of the Council to adopt or reject proposed zoning amendments. The City Council still ultimately determines whether or not to adopt proposed zoning ordinances or amendments. Rather, all parties are looking to ensure the best

possible outcome for residential development at the so-called “Global” gas station site at the intersection of State Street and High Street. The terms of the DA, and the more recent Agreement with Global, are merely intended to memorialize minimum standards for the nature and scope of development at this site as a *first* “layer of protection” for the City and abutters.

There is an “order of magnitude” difference between the scope of a DA appropriate for this project and site (*smaller and less complicated*) as compared to “Waterfront West.” I would anticipate significantly more Council involvement to reach a mutually agreeable arrangement on the terms for overall development there. Having said that, Karis herself reviewed the form of the DA and confirmed that the Mayor has sufficient authority to execute such an agreement. While these agreements may have commitments or contingencies identified on the City or developer side, this does not override the Council’s definitive authority to either adopt or reject the zoning amendment contemplated therein. Accordingly, Section 6 of the DA specifically acknowledges this.

The DA with Grossi, and the related agreement with Global, both function as contracts with various terms and limited scope, rather than a real estate conveyance per se. As such, while a Council vote is required to accept a property Deed, Easement, Preservation Restriction (PR) or Conservation Restriction (CR), and the Global agreement includes *reference* to a pending deed restriction (*to allow only residential uses*), the City is not holding the subject restriction. The developer is simply agreeing to place the restriction on record, as requested by some of the abutters, if the Council also adopts the zoning amendment both Grossi and Global believe are necessary to facilitate the desired residential redevelopment of this site.

While the Mayor could consider approving changes to the DA or agreement with Global, again, this latitude does not and cannot unilaterally limit the authority retained by the City Council relative to the adoption of zoning ordinances or otherwise. The Executive and Legislative Branches are still “staying within their lanes” as it were. Contingent agreements are just that. In this instance, while the related agreements point to the same draft zoning change, with “*if this then that*” commitments, the zoning amendment itself is still squarely in front of the City Council. If the Council wishes to reject the arrangement presented, an alternative path can be proposed. However, it is not clear if an alternative approach to zoning changes, or an extended timeframe for all parties involved, would produce any better outcome. At the P&D meeting earlier this week, there did not appear to be any substantive objections to the underlying development plan represented within the DA, and which is the basis for terms agreed to by the parties to this point.

I defer any remaining debate over the process for future Development Agreements to the Executive and Legislative branches, respectively. We will continue to assist as necessary, irrespective of the preferred process.

Multiple Constraints & Layers of Protection

Added to terms outlined in the DA are other layers of protection in the City’s favor, including: (a) the recently obtained Agreement from Global to impose a deed restriction for residential use, pending Council adoption of the zoning change which contains two elements necessary to facilitate a viable residential development for this site; and (b) subsequent review of detailed project plans by the Zoning Board of Appeals (ZBA).

Discretionary Special Permit Approval Required for Multifamily Use

Please note that the use in question (*four units is considered “multifamily”*) is only permitted via a *discretionary* Special Permit. Neither the use, nor allowance of multiple structures (*in lieu of a single larger massing*) would be permitted “as of right.” Aside from any parameters defined within the DA, the ZBA will have adequate time and opportunity to address any concerns, whether as expressed by abutters or board members themselves, through the review of more detailed building elevations and plans for the site. The Board is also able to require consultant

“peer review” if it feels that additional resources are required to evaluate what is submitted by the developer. The cost associated with any such review would be paid for by the applicant.

Alternative Approaches to Rezoning Suggested this Week

Suggested Alternative One – Creating a Small Overlay District

Generally speaking, a small zoning or overlay district could be justified, without running afoul of “spot zoning” (even one covering just two parcels, like the Brown School Overlay District) where there is a reasonable basis for distinguishing the subject property from surrounding area. While an overlay district for the subject property could be considered in the alternative, as suggested Tuesday night, and need not be considered “spot zoning,” it is not clear that this level of complexity, or an entirely new approach, and longer process for all parties involved, is necessary to ensure the desired outcome for redevelopment of this site. In either event, changing the Council’s desired approach to an overlay district which is unique to this lot would undoubtedly necessitate a new joint public hearing with the Planning Board, given the substantive change in scope.

Suggested Alternative Two – Using Two Definitions for Multifamily Use

At the P&D meeting this week, it was also suggested that the Council may wish to address the notion of “unintended consequences” by limiting the scope of the change to our “multifamily” definition such that it applies only within the R3 District. Both the Director of Planning and Zoning Administrator recommend against this unusual suggestion. This would likely cause confusion for anyone looking for clarity in our already long and complicated ordinances. Having different definitions here, with finer grain details for one or more districts, would seem to bring unnecessary complexity into our baseline “Table of Uses,” and without sufficient rationale for having different requirements between those districts. After further discussion, neither Karis nor I consider such a “floor amendment” (i.e. *facilitating the use of two definitions, one applying to the R3 District only*) to trigger the threshold necessitating a new joint public hearing with the Planning Board. This is largely because the scope of the change would be a reduction in impact rather than an enlargement of impact or scope, which might be of greater concern. Having said this, we strongly recommend against this approach, absent a better articulated rationale.

Claims of “Spot Zoning”

Consistent with comments earlier herein, reverting the subject Global parcels back to the R3 designation they had just a few years ago – consistent with the other three corners of this intersection – is in no way “spot zoning.” Relevant case law can substantiate this.

Appropriate Zoning Designation for the Subject Parcels

It has been suggested that reverting the subject Global parcels back to the R3 designation, which they had just a few years ago, would be inconsistent with the purposes of the High Street Residential District within which they are now located. While I was not the author or sponsor of the subject High Street Residential District, I disagree with suggestion that the zoning map change here would be inconsistent with the intent of this zoning district. The High Street Residential Districts were established primarily to protect larger estate size lots along High Street from further subdivision or development. This small corner lot is in no way representative of those larger lots which extend back from High Street further to the east. In fact, this lot is so much smaller than the minimum area required in the District (*roughly one third*) that it is now effectively dimensionally ineligible for even a single family home. For this reason, I question whether this lot should have originally been included within the High Street Residential District, and believe the R3 designation to be more appropriate in context. Please consider the form of development on the other three corners of this intersection. From a land use and urban design perspective, I

believe these are more appropriate reference points for the scale and form of development which would be appropriate and reasonable for this site. Resident Jim McCarthy, a former Planning Board Chair, addressed this point well during public comment at the P&D meeting this week.

Origins, Purpose & Benefits of Proposed Zoning Change(s) and Potential “Unintended Consequences”

It is understandable that zoning changes brought forward in parallel with a specific development project may cause some skepticism regarding the origins, purpose, benefits and beneficiaries of such changes. However, this does not necessarily mean that the proposed change is without merit. In fact, it is not uncommon for problems with zoning regulations to be identified or illustrated through consideration of specific development concepts and reviewing how any existing regulations would apply.

I can assure you that we did not consider the proposed use definition change only in relation to the Global site. While the development team did identify problems with the High Street Residential District that would preclude viable residential development of the site at present, and suggested that both elements of the pending amendment would be necessary in some format to facilitate a viable residential redevelopment of this property, we conducted our own evaluation of the potential pros and cons to making such changes. We believe that both the zoning map change for this lot, and the change to allow smaller structures rather than mandating larger ones, are beneficial to the City overall.

I do not view the pending zoning amendment as something that has the potential to adversely encourage density or “infill” in our denser neighborhoods so much as it allows the **architectural massing on any given individual site to be broken up**. This is often an urban design “best practice.” Putting the developer aside entirely for a moment, why preclude our own permitting boards from considering a better architectural massing plan for a given site “in context”?

Zoning Ordinances and maps are not static land use regulations. They are constantly evolving through amendments and additions based on the ebb and flow of community needs and preferences. No set of regulations can possibly anticipate every scenario or permutation we might encounter in a community with land uses and property configurations as diverse as Newburyport. It is important to balance any appropriate rigid requirements with simplicity, clarity, efficiency and streamlining of overall processes. A substantial portion of development or “infill” in Newburyport triggers some form of board review (*Planning Board or ZBA*). As such, while it is understandable that abutters may want a rigorous review of proposed development plans, I continue to think that the project and plans we have before us now would facilitate a positive and welcome change to conditions at the Global site for the immediate abutters, neighborhood, and community at large. Additionally, allowing our boards to consider smaller massing of structures seems to me a logical and beneficial latitude (*not so much for developers as for our volunteer boards, in their capacity to ensure the protection of Newburyport’s relative scale and community character*). If you have not already done so I encourage you to review the Planning Board’s advisory report and recommendation for adoption of the proposed zoning change “as amended in committee.” The Board did consider the relationship between this amendment and Section VI-C as well as other factors, and ultimately recommended adoption of the proposed zoning change late last year. The Office of Planning & Development also respectfully recommends adoption of the version “as amended in committee.”

From: Stephanie Niketic <niketic@airkiosk.com>

Sent: Sunday, February 11, 2024 9:26 PM

To: Heather Shand [Council] <HShand@CityofNewburyport.com>; *City Council* <CityCouncil@CityofNewburyport.com>

Cc: Novak Niketic <nn@airkiosk.com>; NBPT Mayor <Mayor@CityofNewburyport.com>; Richard Jones <RJones@CityofNewburyport.com>; Andrew Port <APort@CityofNewburyport.com>

Subject: Ordinance 164 Public Comment for 2-12 Council Meeting

Newburyport City Council Planning & Development Committee

Newburyport City Council of the Whole

Re: ODNC 164 - Rezoning of Global Property and Redefinition of Multifamily Uses

Dear Committee Chair Shand, Committee Members, and all City Councillors,

It is troubling that the one committee meeting to discuss and hear this important ordinance was posted as Hybrid (online), but the public was not allowed online. The public wasn't, but Councillors were (Donahue, Granas, Harman, Khan).

I have since listened to the recording and thank Councillors who participated in the debate. The P&D Committee had 90 days, from November 14, to discuss this ordinance with all councillors and hear from the public. (Last November, then-P&D Chair Cameron said there would be at least two such committee meetings.) Tuesday's single, and not fully public, meeting brought things down to the wire because of the statutory requirement for at least one full Council vote by February 13.

I have a question and two comments for your consideration tomorrow.

1. Question. City Administration's February 6 "Deed Restriction" Agreement with Global. Clearly, this agreement is tied to your approval of ODNC 164. Then it says, "Global agrees to restrict the future development of the Subject Property to residential uses only by incorporating a restriction within the first deed for the Subject Property conveyed out to another party." I understand you will have a city solicitor available at your meeting. Could you please ask, what does this mean? Does it mean that, if you approve ODNC 164, Global will put in place a deed restriction? Is it enforceable? Will the City enforce it?

2. Comment. "Appropriate Zoning Designation for the Subject Parcels." Planning Director Port has sent you a lengthy memo (COMM 536) in which he questions "whether this lot should have originally been included with the High Street Residential District." Two HSR districts were created in 2017, but not just to "protect larger estate size lots along High Street from further subdivision or development." As a resident I was involved in and supported the HSR zoning (my property is in it). **This zoning was also to a) preserve "the ridge," a geologic feature of Newburyport cited in the City's 2017 Master Plan, and b) to preserve and, as possible, restore the residential character of High Street.**

The gas station on the corner was never permitted. In 1928 then-mayor Bossy Gillis spent time in jail for installing it without permits. But his gas station survived and became a "grandfathered use" in a residential district. That "grandfathering" is over, since Global Oil closed the station in 2018 and legally abandoned the use in 2020. Now, finally, the restoration of the residential character of that corner is possible. **The 2017 HSR district contemplated this and this parcel's inclusion was intentional.**

3. Comment. Economics of the Proposed Development. The developer's economic need was a feature of your February 6 meeting. With the pressure on you to "get it done" for the developer. This was also a consideration in the Planning Board's recommendation: "Given the economic need to create at least four dwelling units on the site..."

To get to the right place for the City, I can understand that conversation. But please keep in mind that, under Massachusetts law, the City is not obligated to guarantee profits to a developer, never mind a property seller. The economics here are, Global listed the property for \$1.2 million. I don't know if the developer was able to negotiate below this, but obviously wouldn't be paying more. What I know, as other abutters do, is that the developer hopes to get \$2.5 million for each of the four units, a total of \$10M. The plan, the Development Agreement, is for luxury, high-priced units. To hear, during the February 6 meeting, that the Councillors sponsoring this ordinance (Donahue, Cameron, Shand) seem to be unaware of this is disconcerting.

Once again, my husband and I are in favor of the residential redevelopment of this lot. An historic moment for the city! We just want it to be done right. We are trusting the City Council to ensure this.

Thank you,

Stephanie Niketic, 93 High Street

P.S. Any councillor interesting in photographs, old news articles, documenting the history of this corner, please let me know. I have this stuff, and it is really interesting.

CITY OF NEWBURYPORT



IN CITY COUNCIL

February 12, 2024

A ZONING ORDINANCE TO ESTABLISH THE STATE/HIGH OVERLAY DISTRICT (SHOD)

WHEREAS The lot located at the corner of State and High Street is extremely prominent given it is on the corner of two of the most prominent streets of the City of Newburyport – State St. and High St.

WHEREAS The lot is so important and unique that it, alone, attracted the attention of the Newburyport City Council in 2021 to consider declaring its current state as an abandoned gas station a nuisance property. The City Council ultimately did not do this. Instead, it reached an agreement with its then landowner to have it redeveloped for residential use.

Therefore, the following is inserted into the Newburyport Zoning Ordinance:

SECTION XXXIII-A - Purpose

The State/High Corner Overlay District (“SHOD”) is established in the interest of respecting the unique and prominent nature of the lots located at the southeast corner of State St. and High St., defined herein.

SECTION XXXIII-B - Establishment

The SHOD shall encompass the following Lots:

107 State Street (Assessors Map/Lot 33-43)

95 High Street (Assessors Map/Lot 33-42)

The underlying district for the SHOD is unchanged and shall remain High Street Residential A (HSR-A).

SECTION XXXIII-C – Rules and Allowances

Within the SHOD, the provisions of the Residential 3 (“R-3”) district as defined in the Newburyport Zoning Ordinance, Section III, Subsection III-A shall be in full force and effect, except to the extent that the provisions of the SHOD below are different. In such cases, the provisions of SHOD shall supersede the provisions of R-3.

The special requirements and allowances for the State/High Overlay District are as follows:

1. Solely for the purposes this overlay district and solely within its confines, “Multifamily” (Use #103) shall be defined as:

One or more building(s) or structure(s) that together contain(s) three (3) or more dwelling units on the same lot, and where at least one such building or structure contains three (3) or more units.

Where there is more than one dwelling unit in a building, the units must be separated by either common floor-ceiling assemblies between the dwelling units, or Common Wall Connectors as defined in section II-B, definitions.

2. All uses defined in the Newburyport Zoning Ordinance, Section V, Subsection V-D, Table titled “4. Business” are Not Permitted (“NP”) in the SHOD.
3. Any project permitted under the SHOD shall be subject to Site Plan Review by the Newburyport Planning Board, as defined in the Newburyport Zoning Ordinance, Section XV, Subsection XV-D.

SECTION XXX-IIIID – Severability

The provisions of this section are severable. If any provision of this section is determined to be invalid for any reason, the remaining provisions shall remain in full force and effect.

Councillor Sharif I. Zeid

CONSENT AGENDA

CITY COUNCIL MEETING

MINUTES

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** Remembering Judith Fuller, Mary Brooks, Ronald Goss
2. **PLEDGE OF ALLEGIANCE**
3. **CALL TO ORDER** 7:00pm the City Clerk called the roll; the following City Councillors answered present: Harman, Khan, Lane, McCauley, Preston, Shand, Wright, Zeid, Donahue, Granas and Cameron. 11 present.
4. **LATE FILE**
5. **COMMENDATION FOR OFFICER JASON KOHANE**
With a commendation from Senator Tarr, Representative Shand, Mayor Reardon and Marshal Murray.
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

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

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
- APPT00454_01_08_2024 Enrico Caruso 34 Russett Hill Rd.,
Haverhill Asst. Harbormaster/
Shfh Const. 2/15/2027
- APPT00455_01_08_2024 Joseph A. Sederquist 2 Wrightman Rd.,
Wilmington Asst. Harbormaster/
Shfh Const. 2/15/2027

END OF CONSENT AGENDA

COMM00528_01_29_2024 removed from the consent agenda at the request of Councillor McCauley.
TRAN0000177_01_29_2024 COTW added at the request of Councillor Zeid.
Motion to approve as amended by Councillor Zeid, seconded by Councillor Lane. 11 yes, so voted.

REGULAR AGENDA

9. MAYOR'S UPDATE

Motion to receive and file by Councillor Zeid, seconded by Councillor Lane. 11 yes, so voted.

10. FIRST READING APPOINTMENTS

11. COMMUNICATIONS

- APPL00172_01_29_2024 Frigid Fiver 2/4/24 12pm-1pm
Motion to waive the rules and declare an emergency by Councillor Wright, seconded by Councillor Preston. 10 yes, 1 no (SZ), so voted. Motion to approve by Councillor Zeid, seconded by Councillor Lane. 11 yes, so voted.
- COMM00528_01_29_2024 Design and Cost Estimates Youth and Recreation Center
Motion to receive and file by Councillor McCauley, seconded by Councillor Zeid. Roll call vote. 7 yes, 4 no (BH, SZ, JD, EC). Motion passes.

12. TRANSFERS

13. SECOND READING APPOINTMENTS

- APPT00459_01_08_2024 Marianne Vesey 10 Kent St. Human Rights Comm. 2/15/2028
Motion to approve by Councillor Zeid, seconded by Councillor Preston. Roll call vote, 11 yes, motion passes.

14. ORDERS

- ORDR00526_01_08_2024 City Council Calendar *Amended*
Motion to waive the rules, declare an emergency, and approve by Councillor Zeid, seconded by Councillor Preston. 11 yes, so voted.
- ORDR00532_01_29_2024 Gift Acceptance \$10,012 Newburyport Black History Initiative
Motion to refer collectively ORDR00532_01_29_2024 to Budget & Finance, ORDR00533_01_29_2024 and ORDR00534_01_29_2024 to Budget & Finance and COTW by Councillor Zeid, seconded by Councillor McCauley. So voted.
- ORDR00533_01_29_2024 NHS Statement of Interest Vote
Motion to refer collectively ORDR00532_01_29_2024 to Budget & Finance, ORDR00533_01_29_2024 and ORDR00534_01_29_2024 to Budget & Finance and COTW by Councillor Zeid, seconded by Councillor McCauley. So voted.
- ORDR00534_01_29_2024 Nock Statement of Interest Vote
Motion to refer collectively ORDR00532_01_29_2024 to Budget & Finance, ORDR00533_01_29_2024 and ORDR00534_01_29_2024 to Budget & Finance and COTW by Councillor Zeid, seconded by Councillor McCauley. So voted.

15. ORDINANCES

16. COMMITTEE ITEMS

Budget & Finance

In Committee:

- APPT00452 01 08 2024 Jill Brennan 24 Webster St., Haverhill Assessor 2/15/2027
Motion to approve by Councillor Zeid, seconded by Councillor Khan. Roll call vote, 10 yes, 1 present (MW), motion passes.
- ORDR00529 01 08 2024 Gift Acceptance \$2500 David Volz to DPS Parks Bench Reno. Market Sq.
Motion to approve collectively ORDR00529 and ORDR00530 by Councillor Zeid, seconded by Councillor Lane. 11 yes, so voted, motion passes.
- ORDR00530 01 08 2024 FY2425 CVA Program Grant Acceptance \$16,000
Motion to approve collectively ORDR00529 and ORDR00530 by Councillor Zeid, seconded by Councillor Lane. 11 yes, so voted, motion passes.

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

Motion to approve APPT00447 by Councillor Preston seconded by Councillor Harman. Roll call vote, 11 yes, motion passes.

Motion to approve APPT00457 and APPT00456 collectively by Councillor Preston, seconded by Councillor Zeid. Roll call vote, 11 yes, motion passes.

Motion to approve APPT00458 by Councillor Preston seconded by Councillor Zeid. Roll call vote, 11 yes, motion passes.

- 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
- 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

Motion to approve collectively APPL00167, APPL00168, APPL00170, and APPL00171 by Councillor Wright, seconded by Councillor McCauley. 11 yes, so voted

- APPL00169_01_08_2024 5K & 13.1 YuKan Sports 6/9/24, 7/21/24, 9/29/24 Riverwalk Brewing

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

Motion to collectively approve APPT00446, APPT00448, APPT00449, APPT00450, APPT00453, and APPT461 by Councillor Shand, seconded by Councillor Lane. Roll call vote, 11 yes, motion passes.

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

Public Works & Safety

In Committee:

- APPT00445 01 08 2024 Mark Spencer 129 Merrimac St. Water /Sewer Comm. 2/15/2026

Motion to collectively approve by Councillor McCauley, seconded by Councillor Wright. Roll call vote, 11 yes, motion passes.

- 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.,
Haverhill Asst. Harbormaster/
Shfh Const. 2/15/2027
- APPT00455 01 08 2024 Joseph A. Sederquist 2 Wrightman Rd.,
Wilmington Asst. Harbormaster/
Shfh Const. 2/15/2027

Motion to collectively approve APPT00460, APPT00451, APPT00454, and APPT455 by Councillor McCauley, seconded by Councillor Zeid. Roll call vote, 11 yes, motion passes.

- 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

Motion to adjourn at 8:30 pm by Councillor Donahue, seconded by Councillor Preston. 11 yes, so voted.

COMMUNICATIONS

MEMORANDUM

To: Planning and Development Chair Heather Shand

From: Mayor Sean Reardon and Director of Planning and Development Andy Port

Date: February 5, 2024

Re: Communication 529 on Sign Ordinances

The Administration has reviewed Communication 529 and wants to identify its priorities in updating sign ordinances, an effort with which we will be happy to collaborate. There are a number of changes we have identified, and we will also plan to follow the Council initiated discussion to learn of other areas that may need updating. Our current priorities are as follows:

1. **Signs on Public Property in Zoning Ordinance:** Provision 1.j under VIII-D - Allowed Signs and Regulations states that “No signs shall be erected on public property.” This would make it seem that even the City cannot place signs on its own property, which is not the case. This is also sometimes misinterpreted as signs must not be placed in the public right of way, which would not be covered by the Zoning ordinance as it applies only to parcels. The City’s sign ordinances would already prevent unwanted signs on City property.
2. **Conflicts in Sign Ordinance and Zoning Ordinance:** There are several places where the language in the Zoning Ordinance regarding signs conflicts with the Code of Ordinances or has other provisions that we recommend changing. Section 12-1.3 details the permitting processes for Temporary Signs and signs for a Residential Open House in a Public Way, which would both be prohibited under the Zoning Ordinance. It would be best to remove these prohibitions from the Zoning Ordinance and instead enforce the Sign Ordinance sections only, which are appropriately comprehensive.
3. **Updating the Banner Policy:** Our City Solicitor is working on a policy that will more clearly establish that the banners the City permits in Atkinson Common and Fuller Field should be thought of as government speech, rather than a public forum, which will allow for content based approval of these signs. A similar policy will be written for downtown lamppost banners. The City should also decide if similar hung banners should allowed at the Little River Trail entrance at Low Street, where banners are sometimes placed. If these banners on public parcels are determined to be allowable then the Zoning Ordinance will need to be changed accordingly to resolve any existing conflict in policy.
4. **Determine Policies on Wayfinding Signs:** The Communication includes a picture of the Wayfinding signs used in the Industrial Park. We also have wayfinding signs downtown, both in the form of sign posts and as more historic looking markers. The Administration is currently working on improving its downtown wayfinding, and believes that well designed and maintained signs that are consistent with the neighborhood context should be allowed to be incorporated. We believe the current wayfinding signs in the Industrial Park are consistent with the City’s Sign Ordinances, but if there are concerns with these signs, we would want any policy on wayfinding

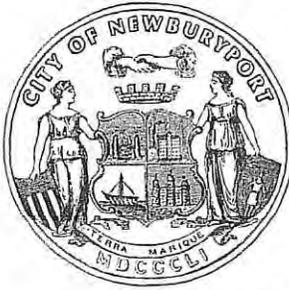
signs in general to still allow for certain signage.

5. **Improve Enforcement and Communication on Existing Policies:** The current ordinances, as long as they include clarification to remove perceived overlaps with Zoning, are most likely sufficient for enforcement purposes, with zoning-based infractions enforced by the Zoning Administrator and other infractions enforced by a Mayor-designated person downtown and by the DPS outside it. The City can post contact information for these individuals and better publicize the process for reporting signage violations.

6. **Coordination with other Bodies:** The Ordinances may be revised to include references to the Parks Commission and other bodies tasked with setting and enforcing these policies on lands they supervise.

paid \$100 ✓

2024 Application – License to Occupy Outdoor City Property



City of Newburyport
Application Form 2024
Restaurant License
Occupy Outdoor City Property

RECEIVED
CITY CLERK'S OFFICE
NEWBURYPORT, MA

2024 FEB -5 P 3:40

****DO NOT USE THIS APPLICATION FORM FOR EVENTS****

Date Submitted: 2/4/2024

Business Name: AGAVE MEXICAN BISTRO

Business Contact: _____

Business Address: 50 STATE ST., NEWBURYPORT

Phone: 978-499-0428 Email: AGAVE@AGAVE MEXICAN BISTRO.COM

Property Owner: DAWN McCANDLESS

Outdoor Tables Quantity: 5 Dimensions: 72 x 61 Material: IRON RESIN PLASTIC PICNIC

Outdoor Chairs Quantity: 20 Dimensions: 33" HEIGHT Material: IRON PICNIC TABLE SEATS RESIN PLASTIC

Proposed Days/Hours of Operation: 7 DAY WEEK / 11:30 AM - 11 PM

Check all that apply:

- Applicant requests approval for food consumption.
- Applicant requests approval for alcohol consumption.
- Applicant requests approval for occupancy of public parking space(s).

NOTE: PICNIC TABLE DIMENSIONS INCLUDE THE ATTACHED SEATS

Attach the following materials:

- 1) Evidence of liability insurance with minimum coverage in the amount of one million dollars (\$1,000,000) per occurrence, naming the City of Newburyport as co-insured, and in force for the entire approved period of occupancy.
- 2) A clear and legible 8½-inch x 11-inch diagram of the proposed area of occupancy, detailing which shall be in addition to any other requirements of law, regulation or ordinance, including state alcohol law. **Such diagram shall demonstrate compliance with MAAB CMR 521 and all other Americans with Disabilities Act (“ADA”) requirements:**
 - a) Perimeter of proposed areas of occupancy, with relevant linear dimensions;
 - b) If such area includes portions of a public street traveled by vehicles, then the public, vehicular path of travel, no less than eleven (11) feet in width, or wider as may be required by the City Engineer;
 - c) All relevant obstacles such as streetlights, signs, trees, etc.; and
 - d) All tables, chairs, seats, total seating count and total occupancy; and
 - e) The area of occupancy must be enclosed by a fence, rope or other means to control access and demarcate the area proposed for the service of food and alcohol; and
 - f) Public, pedestrian path of travel no less than five feet in width.
- 3) Written authorization signed by the Applicant’s landlord acknowledging and agreeing to the use of the adjacent portion of any public way.

Applications shall be delivered to the Office of the City Clerk by hand, mail, or email:

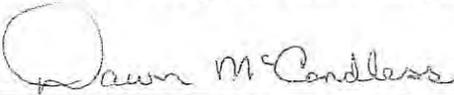
- 1) Office of the City Clerk
Newburyport City Hall
60 Pleasant Street
Newburyport, MA 01950
(978) 465-4407
clerk@cityofnewburyport.com
- 2) **The deadline for applications is 4:00pm Thursday, February 8th 2024 to be included in the February 12th City Council Meeting. Please note it will take at least 2 City Council Meetings to process your application.**

Processing:

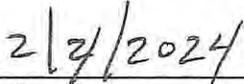
- 1) Application fee: **\$100.00**
Occupancy fee: **\$8/sq. ft.**
- 2) Applications will be reviewed by the City Council and forwarded to the Licensing Board. For applications to occupy a city park or playground, the City Council shall not consider or act upon such application until the earlier of (i) having received a recommendation by the Parks Commission regarding such application, or (ii) 30 days from the City Clerk's receipt of such complete application.
- 3) The **Licensing Board will then conduct a public hearing** on each application and determine whether to approve, approve conditionally, or deny it. The Licensing Board may not approve an application without a favorable recommendation by the City Council.
- 4) The City has no obligation whatsoever to approve any individual application, each of which shall be processed, reviewed, and a determination thereon made by the relevant City officers, boards, and commissions in their reasonable discretion.
- 5) Any condition of approval and submitted plan shall be in force for the entire duration of any validly issued license.
- 6) Any license issued may be revoked at any time by super-majority vote of the City Council, after a public hearing, for any reason, or no reason.

RELEASE AND INDEMNITY AGREEMENT TO ENCUMBER A PUBLIC WAY

I, the undersigned Applicant or Duly Authorized Agent, hereby agree to RELEASE, DISCHARGE, and HOLD HARMLESS, the City of Newburyport, a municipal corporation of the Commonwealth of Massachusetts, and its officers, employees, agents, and servants from all actions, causes of action, claims, demands, damages, costs, loss of services, expenses and compensation associated with the undersigned's use of the public way or other city property as described herein.



Signature of Business Owner



DATE

City of Newburyport

Outdoor Tables & Chairs

- 1) A minimum of five-feet of pedestrian clearance must be maintained for public pedestrian access. Tables, chairs, and/or all enclosure materials used to create a demarcated area for serving alcohol may not impede this required pedestrian clearance.
- 2) Tables, chairs, and/or enclosure materials to create a demarcated area for serving alcohol must maintain a minimum of 5-feet of pedestrian clearance from streetlights, signs, trees, benches, garbage barrels, or other sidewalk obstacles.
- 3) Tables, chairs, and/or personal property used to demarcate an area cannot interfere with curb ramps, driveways, fire escapes and/or doorways.
- 4) All tables and chairs that are chained, roped, or otherwise tethered together after business hours must be untethered during business hours.
- 5) Placement of tables and chairs on city property must conform in all respects to all applicable federal, state, and local laws and regulations, including, without limitation workplace safety rules and other public health regulations. Please contact the Newburyport Health Department for workplace safety rules specific to your business sector.
- 6) Like any license, permission to place tables and chairs outdoors on city property is revocable at the discretion of the City of Newburyport.
- 7) Initial licenses, unless revoked, shall remain effective until on or about October 31st and commencing on or about May 1st.

License Alcoholic Beverages

2024

The Licensing Board of City of Newburyport, MA

**HEREBY GRANTS A
COMMON VICTUALLER & ENTERTAINMENT**

License to Expose, Keep for Sale, and to Sell-ALL KINDS OF ALCOHOLIC BEVERAGES TO BE DRUNK ON THE PREMISES

DBA:

Agave Mexican Bistro

License Number:

00053-RS-0796

License Name:

Agave Restaurant Inc

License Class:

Annual

License Type:

Restaurant

Permit # LIC-23-63

License Category:

Restaurant-Full Alcohol - 50 seats or more

On the following described premises:

Premises is located at both 46 and 50 State St. 46 State St has one floor of dining (734 Sq. Ft.), 50 State has 3 floors of dining. First floor (477 Sq. Ft.), Second floor (1000 Sq. Ft.), Outside seating sidewalk (287 Sq. Ft.), Outside seating parklet on street (304 Sq. Ft.). Seating capacity 188. Occupancy number is 229

Issued to:

Agave Restaurant Inc

Manager:

Dawn McCandless

Day and Hours Alcoholic Beverages to be served from:

Monday-Friday 11AM-12AM. Sat 9AM-12AM. Sun. 10AM-12AM

Location: 48-50 STATE ST , NEWBURYPORT

This license is granted and accepted upon the express condition that the license shall, in all respects, conform to all the provisions of the Liquor Control Act, Chapter 138 of the General Laws, as amended, and any rules or regulations made thereunder by the licensing authorities. This license expires December 31st, 2024, unless earlier suspended, cancelled or revoked.

IN TESTIMONY WHEREOF, the undersigned have hereunto affixed their official signatures this December 21, 2023

Expires: December 31, 2024



Buzz Aldy *Tommy* *Red Walden*



CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)

02/08/2024

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 MacDonald & Pangione Insurance Agency 104 Main Street North Andover, MA 01845 License #: 3377756	CONTACT NAME: Glendaly Gomez
	PHONE (A/C, No, Ext): (978)688-6921 FAX (A/C, No): (978)688-5350
	E-MAIL ADDRESS: glendaly@mpins.net
	INSURER(S) AFFORDING COVERAGE
	INSURER A : Greater New York Mutual Insurance Co.
	INSURER B : Greater New York Mutual Insurance Co.
	INSURER C : Massachusetts Retail Merchants
	INSURER D : Boston Insurance Brokerage
	INSURER E :
	INSURER F :

COVERAGES CERTIFICATE NUMBER: 00000585-50896 REVISION NUMBER: 8

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 type="checkbox"/> OCCUR GEN'L AGGREGATE LIMIT APPLIES PER: <input type="checkbox"/> POLICY <input type="checkbox"/> PRO-JECT <input type="checkbox"/> LOC OTHER:			1120M95925	06/05/2023	06/05/2024	EACH OCCURRENCE \$ 1,000,000
							DAMAGE TO RENTED PREMISES (Ea occurrence) \$ 100,000
							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
							\$
	AUTOMOBILE LIABILITY						COMBINED SINGLE LIMIT (Ea accident) \$
	<input type="checkbox"/> ANY AUTO <input type="checkbox"/> OWNED AUTOS ONLY <input type="checkbox"/> HIRED AUTOS ONLY <input type="checkbox"/> SCHEDULED AUTOS <input type="checkbox"/> NON-OWNED AUTOS ONLY						BODILY INJURY (Per person) \$
							BODILY INJURY (Per accident) \$
							PROPERTY DAMAGE (Per accident) \$
							\$
B	<input type="checkbox"/> UMBRELLA LIAB <input checked="" type="checkbox"/> OCCUR <input checked="" type="checkbox"/> EXCESS LIAB <input type="checkbox"/> CLAIMS-MADE DED RETENTION \$			9020U95929	06/05/2023	06/05/2024	EACH OCCURRENCE \$ 5,000,000
							AGGREGATE \$ 5,000,000
							\$
C	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH) If yes, describe under DESCRIPTION OF OPERATIONS below			MA 014005034171124	01/01/2024	01/01/2025	<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
D	Liquor L			1120M95925	06/05/2023	06/05/2024	1,000,000

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (ACORD 101, Additional Remarks Schedule, may be attached if more space is required)
outdoor seating for Mexican restaurant
re:45-50 State st Newburyport MA 01950
City of Newburyport is additional insured .

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 (GGG)

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paid \$100 ✓

2024 Application - License to Occupy Outdoor City Property

RECEIVED
CITY CLERK'S OFFICE
NEWBURYPORT, MA

2024 FEB -5 A 10:28



City of Newburyport
Application Form 2024
Restaurant License
Occupy Outdoor City Property

****DO NOT USE THIS APPLICATION FORM FOR EVENTS****

Date Submitted: 2/5/24

Business Name: Angres Food and Dine Inc.

Business Contact: Stephen Lu

Business Address: 7 Pleasant St

BU 978-462-7959
Cell Phone: 978-479-8913 Email: Angresfood@comcast.net

Property Owner: Seangas Realty LLC

Outdoor Tables Quantity: 10 Dimensions: 3'1" x 3'1" Material: Metal/Composite

Outdoor Chairs Quantity: 30 Dimensions: 2'w x 1 1/2 D Material: Plastic

Proposed Days/Hours of Operation: 7 days 6am - 3pm

Check all that apply:

- Applicant requests approval for food consumption.
- Applicant requests approval for alcohol consumption.
- Applicant requests approval for occupancy of public parking space(s).

Attach the following materials:

- 1) Evidence of liability insurance with minimum coverage in the amount of one million dollars (\$1,000,000) per occurrence, naming the City of Newburyport as co-insured, and in force for the entire approved period of occupancy.
- 2) A clear and legible 8½-inch x 11-inch diagram of the proposed area of occupancy, detailing which shall be in addition to any other requirements of law, regulation or ordinance, including state alcohol law. **Such diagram shall demonstrate compliance with MAAB CMR 521 and all other Americans with Disabilities Act (“ADA”) requirements:**
 - a) Perimeter of proposed areas of occupancy, with relevant linear dimensions;
 - b) If such area includes portions of a public street traveled by vehicles, then the public, vehicular path of travel, no less than eleven (11) feet in width, or wider as may be required by the City Engineer;
 - c) All relevant obstacles such as streetlights, signs, trees, etc.; and
 - d) All tables, chairs, seats, total seating count and total occupancy; and
 - e) The area of occupancy must be enclosed by a fence, rope or other means to control access and demarcate the area proposed for the service of food and alcohol; and
 - f) Public, pedestrian path of travel no less than five feet in width.
- 3) Written authorization signed by the Applicant’s landlord acknowledging and agreeing to the use of the adjacent portion of any public way.

PAID

Amt: \$100.00 App Fee CK# 156

Date: 2/5/2024

Applications shall be delivered to the Office of the City Clerk by hand, mail, or email:

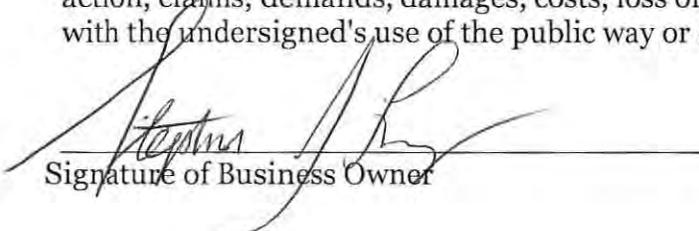
- 1) Office of the City Clerk
Newburyport City Hall
60 Pleasant Street
Newburyport, MA 01950
(978) 465-4407
clerk@cityofnewburport.com
- 2) **The deadline for applications is 4:00pm Thursday, February 8th 2024 to be included in the February 12th City Council Meeting. Please note it will take at least 2 City Council Meetings to process your application.**

Processing:

- 1) Application fee: **\$100.00**
Occupancy fee: **\$8/sq. ft.**
- 2) Applications will be reviewed by the City Council and forwarded to the Licensing Board. For applications to occupy a city park or playground, the City Council shall not consider or act upon such application until the earlier of (i) having received a recommendation by the Parks Commission regarding such application, or (ii) 30 days from the City Clerk's receipt of such complete application.
- 3) The **Licensing Board will then conduct a public hearing** on each application and determine whether to approve, approve conditionally, or deny it. The Licensing Board may not approve an application without a favorable recommendation by the City Council.
- 4) The City has no obligation whatsoever to approve any individual application, each of which shall be processed, reviewed, and a determination thereon made by the relevant City officers, boards, and commissions in their reasonable discretion.
- 5) Any condition of approval and submitted plan shall be in force for the entire duration of any validly issued license.
- 6) Any license issued may be revoked at any time by super-majority vote of the City Council, after a public hearing, for any reason, or no reason.

RELEASE AND INDEMNITY AGREEMENT TO ENCUMBER A PUBLIC WAY

I, the undersigned Applicant or Duly Authorized Agent, hereby agree to RELEASE, DISCHARGE, and HOLD HARMLESS, the City of Newburyport, a municipal corporation of the Commonwealth of Massachusetts, and its officers, employees, agents, and servants from all actions, causes of action, claims, demands, damages, costs, loss of services, expenses and compensation associated with the undersigned's use of the public way or other city property as described herein.


Signature of Business Owner


DATE

City of Newburyport

Outdoor Tables & Chairs

- 1) A minimum of five-feet of pedestrian clearance must be maintained for public pedestrian access. Tables, chairs, and/or all enclosure materials used to create a demarcated area for serving alcohol may not impede this required pedestrian clearance.
- 2) Tables, chairs, and/or enclosure materials to create a demarcated area for serving alcohol must maintain a minimum of 5-feet of pedestrian clearance from streetlights, signs, trees, benches, garbage barrels, or other sidewalk obstacles.
- 3) Tables, chairs, and/or personal property used to demarcate an area cannot interfere with curb ramps, driveways, fire escapes and/or doorways.
- 4) All tables and chairs that are chained, roped, or otherwise tethered together after business hours must be untethered during business hours.
- 5) Placement of tables and chairs on city property must conform in all respects to all applicable federal, state, and local laws and regulations, including, without limitation workplace safety rules and other public health regulations. Please contact the Newburyport Health Department for workplace safety rules specific to your business sector.
- 6) Like any license, permission to place tables and chairs outdoors on city property is revocable at the discretion of the City of Newburyport.
- 7) Initial licenses, unless revoked, shall remain effective until on or about October 31st and commencing on or about May 1st.

To whom it may concern,

Angie's Food and Diner Inc has our permission to use the sidewalk in front of our store for upto approximately 15 ft.

To be used for outdoor tables .

Sincerely,

Mue .

62 State St INC

2-5-24

Scangas Realty

330 Lynnway, Suite 105
Lynn, MA 01901
781.842.8767

February 7, 2024

To Whom it May Concern

Please accept this letter as written consent from Scangas Realty for applicant, Angies Food, to use public way along frontage beyond its storefront, in front of all Scangas Realty owned frontage (1-11) on Pleasant street in Newburyport for outdoor restaurant seating and related restaurant use. If you need any further communication or clarification please contact me by email at edward@scangas.com or by phone at 978.979.1660

Warm regards,



Edward P. Schatz
President

Scangas Realty

330 Lynnway, Suite 105
Lynn, MA 01901
781.842.8767

February 7, 2024

To Whom it May Concern

Please accept this letter as written consent from Scangas Realty for applicant, Loretta, to use street frontage beyond its storefront, in front of the Cuckoo's Nest's unit of our building located on Pleasant street in Newburyport for outdoor restaurant seating and related restaurant use. If you need any further communication or clarification please contact me by email at eschatz@scangas.com or by phone at 978.979.1660

Warm regards,



Edward P. Schatz
President



CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)

02/07/24

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 Cocca Insurance Associates Inc. dba Water Street Insurance Agency 27 Water Street Wakefield, MA 01880	CONTACT NAME: Carmen Cocca PHONE (A/C, No, Ext): 781-245-0888 E-MAIL ADDRESS: carmen@getinsurancehere.com	FAX (A/C, No): 781-246-3926
	INSURER(S) AFFORDING COVERAGE	
INSURED Angie's Food & Diner Inc. 8 Elm St Wilmington, MA 01887	INSURER A : Arbella Protection	
	INSURER B : Mass Retail Merchants Group Inc.	
	INSURER C :	
	INSURER D :	
	INSURER E :	
	INSURER F :	

COVERAGES

CERTIFICATE NUMBER:

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			7520071944	05/16/23	05/16/24	EACH OCCURRENCE \$ 2,000,000			
	<input type="checkbox"/> CLAIMS-MADE <input checked="" type="checkbox"/> OCCUR						DAMAGE TO RENTED PREMISES (Ea occurrence) \$ 50,000			
	<input checked="" type="checkbox"/> Incl Liquor Liability						MED EXP (Any one person) \$ 10,000			
	GEN'L AGGREGATE LIMIT APPLIES PER:									PERSONAL & ADV INJURY \$ 2,000,000
	<input checked="" type="checkbox"/> POLICY <input type="checkbox"/> PROJECT <input type="checkbox"/> LOC									GENERAL AGGREGATE \$ 4,000,000
	OTHER:									PRODUCTS - COMP/OP AGG \$ 4,000,000
										Liquor Aggregate \$ 2,000,000
	AUTOMOBILE LIABILITY						COMBINED SINGLE LIMIT (Ea accident) \$			
	<input type="checkbox"/> ANY AUTO						BODILY INJURY (Per person) \$			
	<input type="checkbox"/> OWNED AUTOS ONLY	<input type="checkbox"/>	<input type="checkbox"/>				BODILY INJURY (Per accident) \$			
	<input type="checkbox"/> HIRED AUTOS ONLY	<input type="checkbox"/>	<input type="checkbox"/>				PROPERTY DAMAGE (Per accident) \$			
	<input type="checkbox"/> SCHEDULED AUTOS	<input type="checkbox"/>	<input type="checkbox"/>				\$			
	<input type="checkbox"/> NON-OWNED AUTOS ONLY	<input type="checkbox"/>	<input type="checkbox"/>				\$			
	UMBRELLA LIAB						EACH OCCURRENCE \$			
	EXCESS LIAB						AGGREGATE \$			
	DED		RETENTION \$				\$			
B	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY			014005033043124	01/01/23	01/01/24	PER STATUTE			
	ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH)	<input checked="" type="checkbox"/> Y <input type="checkbox"/> N	N/A				E.L. EACH ACCIDENT \$ 500,000			
	If yes, describe under DESCRIPTION OF OPERATIONS below						E.L. DISEASE - EA EMPLOYEE \$ 500,000			
							E.L. DISEASE - POLICY LIMIT \$ 500,000			

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

Restaurant located at: 7 Pleasant St., Newburyport, MA 01950

THE CERTIFICATE HOLDER HAS BEEN NAMED AS ADDITIONAL INSURED ON THE ABOVE NUMBERED LIABILITY POLICY

CERTIFICATE HOLDER**CANCELLATION**

City of Newburyport
 60 Pleasant St
 Newburyport, MA 01950

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

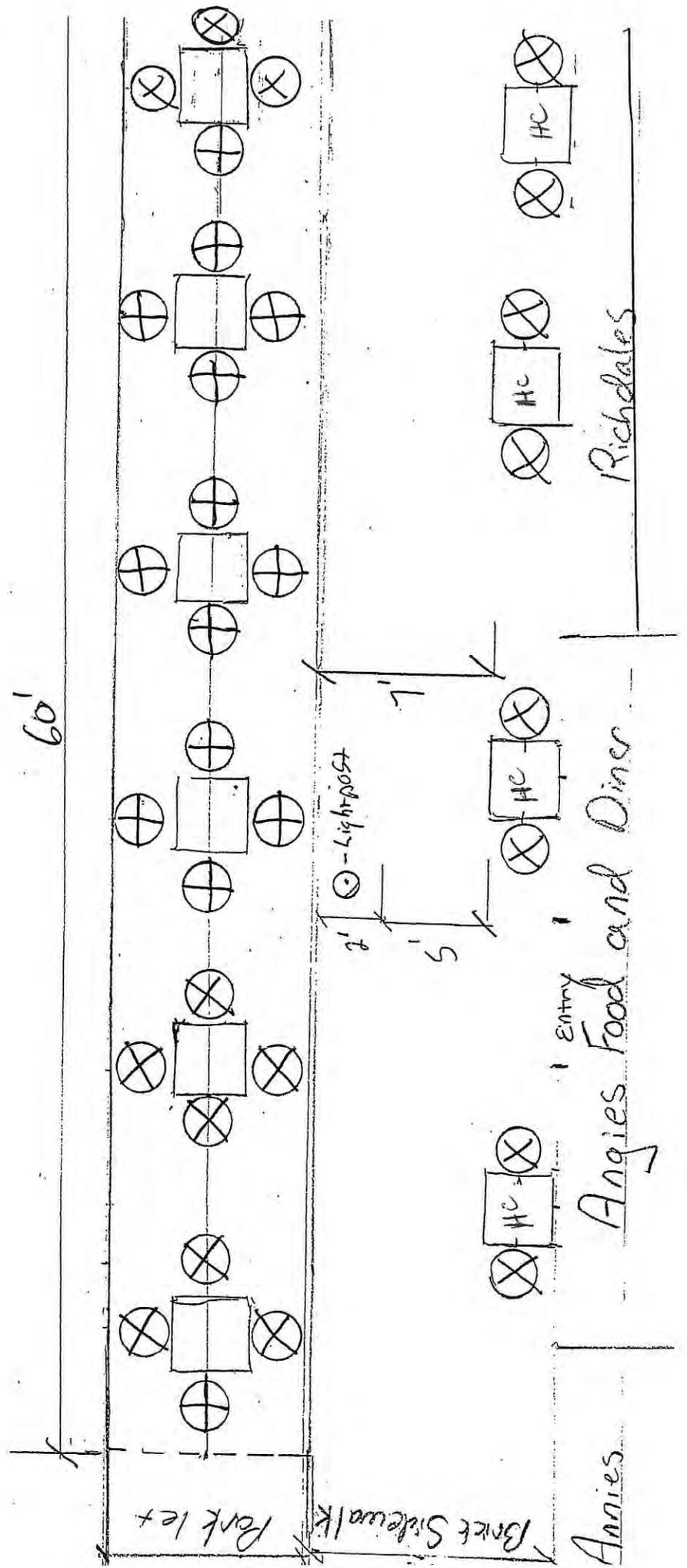
AUTHORIZED REPRESENTATIVE

Carmen Cocca

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Outdoor Dining
 Angies Food and Dining In
 7 Pleasant St.
 Newburyport Ma.
32 seats

Pleasant St.

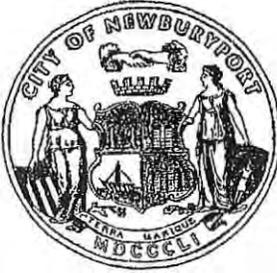


paid \$100 ✓

RECEIVED
CITY CLERK'S OFFICE
NEWBURYPORT, MA

2024 Application – License to Occupy Outdoor City Property

2024 FEB -8 A 8:47



City of Newburyport
Application Form 2024
Restaurant License
Occupy Outdoor City Property

****DO NOT USE THIS APPLICATION FORM FOR EVENTS****

Date Submitted: 2/17/24

Business Name: TQJP ENTERPRISES, INC. DBA: THE ANGRY DOG

Business Contact: TOM QUILL

Business Address: 42 INN STREET

Phone: 978-729-6359 Email: tom@theangrydog.com

Property Owner: NED

Outdoor Tables Quantity: 10 Dimensions: 28x28 Material: WROUGHT IRON

Outdoor Chairs Quantity: 24 Dimensions: _____ Material: _____

Proposed Days/Hours of Operation: TUES - FRI 3PM - 2PM

SAT - SUN 3PM - 4PM

Check all that apply:

Applicant requests approval for food consumption.

Applicant requests approval for alcohol consumption.

Applicant requests approval for occupancy of public parking space(s).

Applications shall be delivered to the Office of the City Clerk by hand, mail, or email:

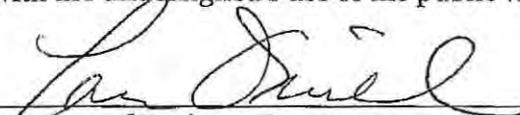
- 1) Office of the City Clerk
Newburyport City Hall
60 Pleasant Street
Newburyport, MA 01950
(978) 465-4407
clerk@cityofnewburport.com
- 2) **The deadline for applications is 4:00pm Thursday, February 8th 2024 to be included in the February 12th City Council Meeting. Please note it will take at least 2 City Council Meetings to process your application.**

Processing:

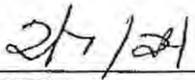
- 1) Application fee: **\$100.00**
Occupancy fee: **\$8/sq. ft.**
- 2) Applications will be reviewed by the City Council and forwarded to the Licensing Board. For applications to occupy a city park or playground, the City Council shall not consider or act upon such application until the earlier of (i) having received a recommendation by the Parks Commission regarding such application, or (ii) 30 days from the City Clerk's receipt of such complete application.
- 3) **The Licensing Board will then conduct a public hearing** on each application and determine whether to approve, approve conditionally, or deny it. The Licensing Board may not approve an application without a favorable recommendation by the City Council.
- 4) The City has no obligation whatsoever to approve any individual application, each of which shall be processed, reviewed, and a determination thereon made by the relevant City officers, boards, and commissions in their reasonable discretion.
- 5) Any condition of approval and submitted plan shall be in force for the entire duration of any validly issued license.
- 6) Any license issued may be revoked at any time by super-majority vote of the City Council, after a public hearing, for any reason, or no reason.

RELEASE AND INDEMNITY AGREEMENT TO ENCUMBER A PUBLIC WAY

I, the undersigned Applicant or Duly Authorized Agent, hereby agree to RELEASE, DISCHARGE, and HOLD HARMLESS, the City of Newburyport, a municipal corporation of the Commonwealth of Massachusetts, and its officers, employees, agents, and servants from all actions, causes of action, claims, demands, damages, costs, loss of services, expenses and compensation associated with the undersigned's use of the public way or other city property as described herein.



Signature of Business Owner



DATE



CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)

02/07/2024

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.

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PRODUCER G & A INSURANCE, INC 34 Dover Point Road Dover NH 03820		CONTACT NAME: Stan Cataldo PHONE (A/C, No, Ext): (603) 742-2644 E-MAIL ADDRESS: scataldo@gandainsurance.com FAX (A/C, No): (603) 742-2406	
INSURED TQJP Enterprises, Inc., DBA: Angry Donut 42-44 Inn Street Newburyport MA 01950		INSURER(S) AFFORDING COVERAGE INSURER A: Ohio Security Insurance Co INSURER B: Ohio Casualty Insurance Co INSURER C: INSURER D: INSURER E: INSURER F:	

COVERAGES

CERTIFICATE NUMBER: Master 2024-25 GL Only

REVISION NUMBER:

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

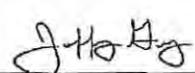
INSR LTR	TYPE OF INSURANCE	ADDL INSD	SUBR WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS
A	<input checked="" type="checkbox"/> COMMERCIAL GENERAL LIABILITY <input type="checkbox"/> CLAIMS-MADE <input checked="" type="checkbox"/> OCCUR GEN'L AGGREGATE LIMIT APPLIES PER: <input checked="" type="checkbox"/> POLICY <input type="checkbox"/> PROJECT <input type="checkbox"/> LOC OTHER:			BZS(25)62596156	01/15/2024	01/15/2025	EACH OCCURRENCE \$ 2,000,000 DAMAGE TO RENTED PREMISES (Ea occurrence) \$ 2,000,000 MED EXP (Any one person) \$ 10,000 PERSONAL & ADV INJURY \$ 2,000,000 GENERAL AGGREGATE \$ 4,000,000 PRODUCTS - COMP/OP AGG \$ 4,000,000 Employment Practices \$ 100,000
	AUTOMOBILE LIABILITY <input type="checkbox"/> ANY AUTO <input type="checkbox"/> OWNED AUTOS ONLY <input type="checkbox"/> SCHEDULED AUTOS <input type="checkbox"/> HIRED AUTOS ONLY <input type="checkbox"/> NON-OWNED AUTOS ONLY						COMBINED SINGLE LIMIT (Ea accident) \$ BODILY INJURY (Per person) \$ BODILY INJURY (Per accident) \$ PROPERTY DAMAGE (Per accident) \$ \$
B	<input checked="" type="checkbox"/> UMBRELLA LIAB <input type="checkbox"/> EXCESS LIAB <input type="checkbox"/> DED <input checked="" type="checkbox"/> RETENTION \$ 0 <input type="checkbox"/> OCCUR <input type="checkbox"/> CLAIMS-MADE			USO(25)62596156	01/15/2024	01/15/2025	EACH OCCURRENCE \$ 3,000,000 AGGREGATE \$ 3,000,000 \$ PER STATUTE <input type="checkbox"/> OTH-ER <input type="checkbox"/> E.L. EACH ACCIDENT \$ E.L. DISEASE - EA EMPLOYEE \$ E.L. DISEASE - POLICY LIMIT \$
	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				

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

 RE: 42 Inn Street
 Newburyport, MA 01950

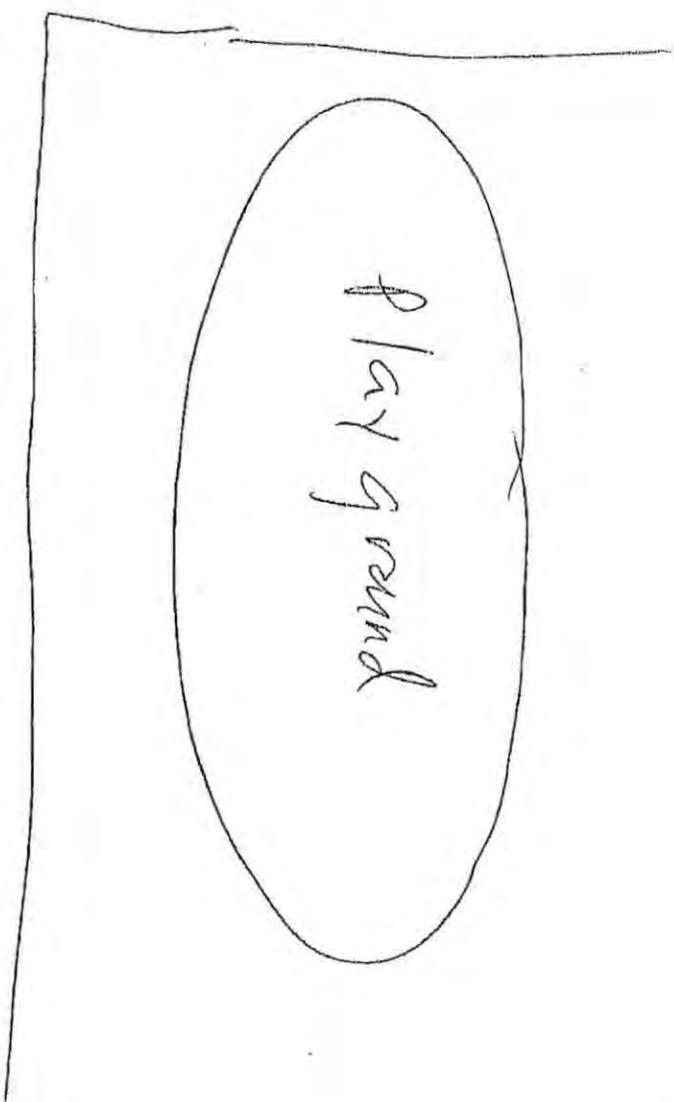
City of Newburyport Listed As Additional Insred Per Written Agreement.

CERTIFICATE HOLDER**CANCELLATION**

Newburyport City Hall 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 
-------------------------------------------------------------------------	------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

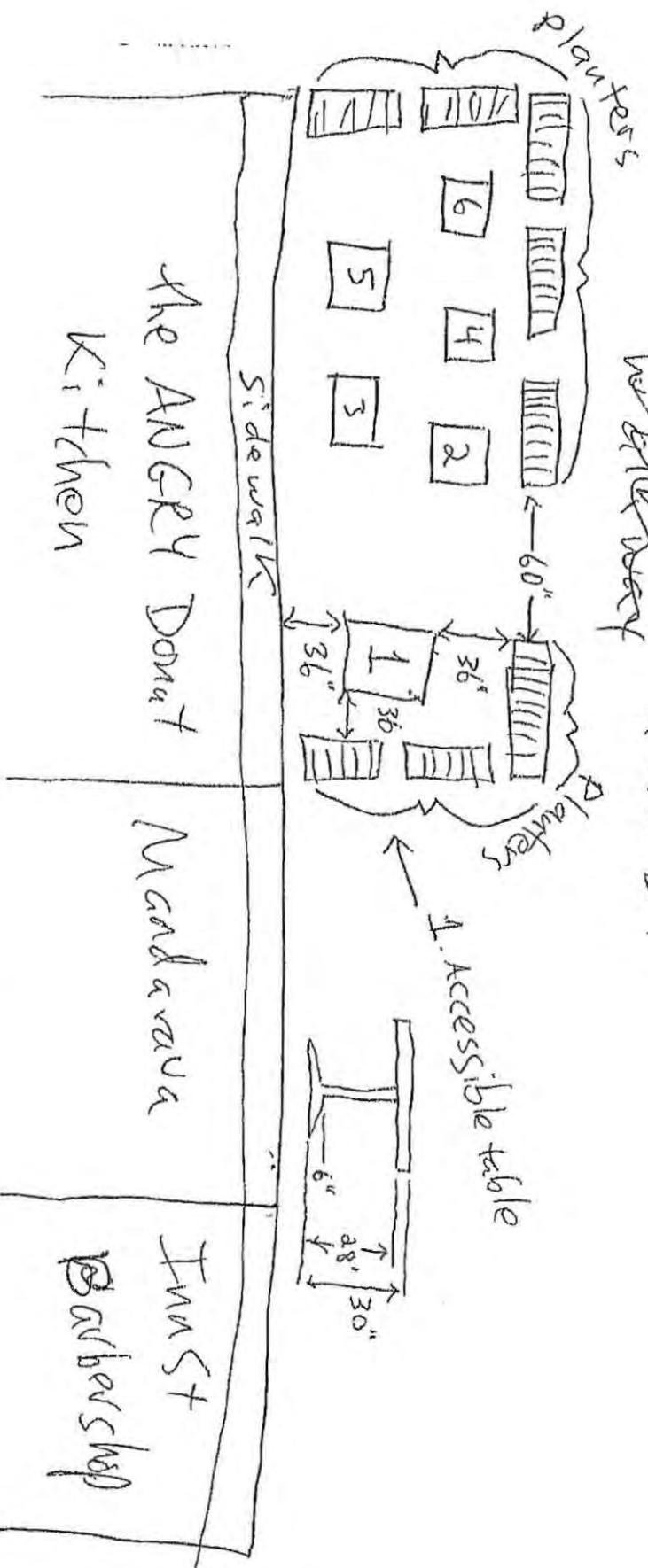
© 1988-2015 ACORD CORPORATION. All rights reserved.

Way
Way



with
way

FAN ST.





CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)
02/07/2024

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.

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PRODUCER G & A INSURANCE, INC 34 Dover Point Road Dover NH 03820		CONTACT NAME: Stan Cataldo PHONE (A/C, No, Ext): (603) 742-2644 E-MAIL ADDRESS: scataldo@gandainsurance.com FAX (A/C, No): (603) 742-2406	
INSURED TQJP Enterprises, Inc., DBA: Angry Donut 42-44 Inn Street Newburyport MA 01950		INSURER(S) AFFORDING COVERAGE INSURER A: Ohio Security Insurance Co INSURER B: Ohio Casualty Insurance Co INSURER C: INSURER D: INSURER E: INSURER F:	

COVERAGES **CERTIFICATE NUMBER:** Master 2024-25 GL Only **REVISION NUMBER:**

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

INSR LTR	TYPE OF INSURANCE	ADDL INSD	SUBR WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS
A	<input checked="" type="checkbox"/> COMMERCIAL GENERAL LIABILITY <input type="checkbox"/> CLAIMS-MADE <input checked="" type="checkbox"/> OCCUR GEN'L AGGREGATE LIMIT APPLIES PER: <input checked="" type="checkbox"/> POLICY <input type="checkbox"/> PRO-JECT <input type="checkbox"/> LOC OTHER:			BZS(25)62596156	01/15/2024	01/15/2025	EACH OCCURRENCE \$ 2,000,000 DAMAGE TO RENTED PREMISES (Ea occurrence) \$ 2,000,000 MED EXP (Any one person) \$ 10,000 PERSONAL & ADV INJURY \$ 2,000,000 GENERAL AGGREGATE \$ 4,000,000 PRODUCTS - COMP/OP AGG \$ 4,000,000 Employment Practices \$ 100,000
	AUTOMOBILE LIABILITY <input type="checkbox"/> ANY AUTO <input type="checkbox"/> OWNED AUTOS ONLY <input type="checkbox"/> SCHEDULED AUTOS <input type="checkbox"/> HIRED AUTOS ONLY <input type="checkbox"/> NON-OWNED AUTOS ONLY						@COMBINED SINGLE LIMIT (Ea accident) \$ BODILY INJURY (Per person) \$ BODILY INJURY (Per accident) \$ PROPERTY DAMAGE (Per accident) \$
B	<input checked="" type="checkbox"/> UMBRELLA LIAB <input type="checkbox"/> OCCUR <input type="checkbox"/> EXCESS LIAB <input type="checkbox"/> CLAIMS-MADE <input type="checkbox"/> DED <input checked="" type="checkbox"/> RETENTION \$ 0			USO(25)62596156	01/15/2024	01/15/2025	EACH OCCURRENCE \$ 3,000,000 AGGREGATE \$ 3,000,000
	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH) If yes, describe under DESCRIPTION OF OPERATIONS below		N/A				<input type="checkbox"/> PER STATUTE <input type="checkbox"/> OTH-ER E.L. EACH ACCIDENT \$ E.L. DISEASE - EA EMPLOYEE \$ E.L. DISEASE - POLICY LIMIT \$

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

RE: 42 Inn Street
Newburyport, MA 01950

City of Newburyport Listed As Additional Insred Per Written Agreement.

CERTIFICATE HOLDER Newburyport City Hall 60 Pleasant Street 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

© 1988-2015 ACORD CORPORATION. All rights reserved.

NEWBURYPORT --- DEVELOPMENT

A NEW ENGLAND DEVELOPMENT *Company*

54 Inn Street
Newburyport, MA 01950
Phone (978) 465-8571
Fax (978) 465-6653

March 30, 2022

City of Newburyport
60 Pleasant Street
Newburyport, MA 01950

RE: The Angry Donut

To Whom it May Concern,

As Landlord representative for 44 Inn Street, Jill Passen and Tom Quill, the owners of the Angry Donut, have our permission to expand The Angry Donut's outdoor seating onto the sidewalk and walkway in the area of the storefront.

Thank You.

Sincerely,



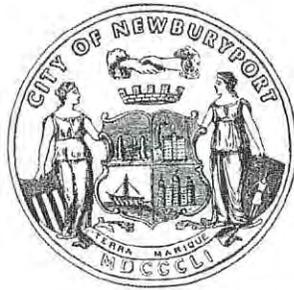
Ginny Roberts
Leasing Director

paid \$100 ✓

APPL00177_02_12_2024

2024 Application – License to Occupy Outdoor City Property

RECEIVED
CITY CLERK'S OFFICE
NEWBURYPORT, MA



City of Newburyport
Application Form 2024
Restaurant License
Occupy Outdoor City Property

2024 FEB -8 A 11:59

****DO NOT USE THIS APPLICATION FORM FOR EVENTS****

Date Submitted: 2/7/24

Business Name: Bar 2.5

Business Contact: Reza Bahmani

Business Address: 38 State St.

Phone: 978 255 3322 Email: Bar25ayer@gmail.com

Property Owner: State St. Fishmonger

Outdoor Tables Quantity: 10 Dimensions: 47.2x27.2x30.5 Material: wicker

Outdoor Chairs Quantity: 40 Dimensions: 21.7x21.7x Material: wicker

Proposed Days/Hours of Operation: Tues-Sat 3pm-11pm, Sun 10am-3pm

Check all that apply:

- Applicant requests approval for food consumption.
- Applicant requests approval for alcohol consumption.
- Applicant requests approval for occupancy of public parking space(s).

Applications shall be delivered to the Office of the City Clerk by hand, mail, or email:

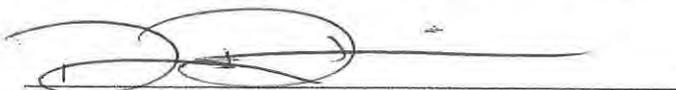
- 1) Office of the City Clerk
Newburyport City Hall
60 Pleasant Street
Newburyport, MA 01950
(978) 465-4407
clerk@cityofnewburport.com
- 2) **The deadline for applications is 4:00pm Thursday, February 8th 2024 to be included in the February 12th City Council Meeting. Please note it will take at least 2 City Council Meetings to process your application.**

Processing:

- 1) Application fee: **\$100.00**
Occupancy fee: **\$8/sq. ft.**
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- 4) The City has no obligation whatsoever to approve any individual application, each of which shall be processed, reviewed, and a determination thereon made by the relevant City officers, boards, and commissions in their reasonable discretion.
- 5) Any condition of approval and submitted plan shall be in force for the entire duration of any validly issued license.
- 6) Any license issued may be revoked at any time by super-majority vote of the City Council, after a public hearing, for any reason, or no reason.

RELEASE AND INDEMNITY AGREEMENT TO ENCUMBER A PUBLIC WAY

I, the undersigned Applicant or Duly Authorized Agent, hereby agree to RELEASE, DISCHARGE, and HOLD HARMLESS, the City of Newburyport, a municipal corporation of the Commonwealth of Massachusetts, and its officers, employees, agents, and servants from all actions, causes of action, claims, demands, damages, costs, loss of services, expenses and compensation associated with the undersigned's use of the public way or other city property as described herein.



Signature of Business Owner

2/7/24
DATE

STATE STREET FISHMONGER LLC
38 State Street
Newburyport, MA 01950

February 8, 2024

Bar 25
Attn: Reza Rahmani
38 Street Street
Newburyport, MA 01950

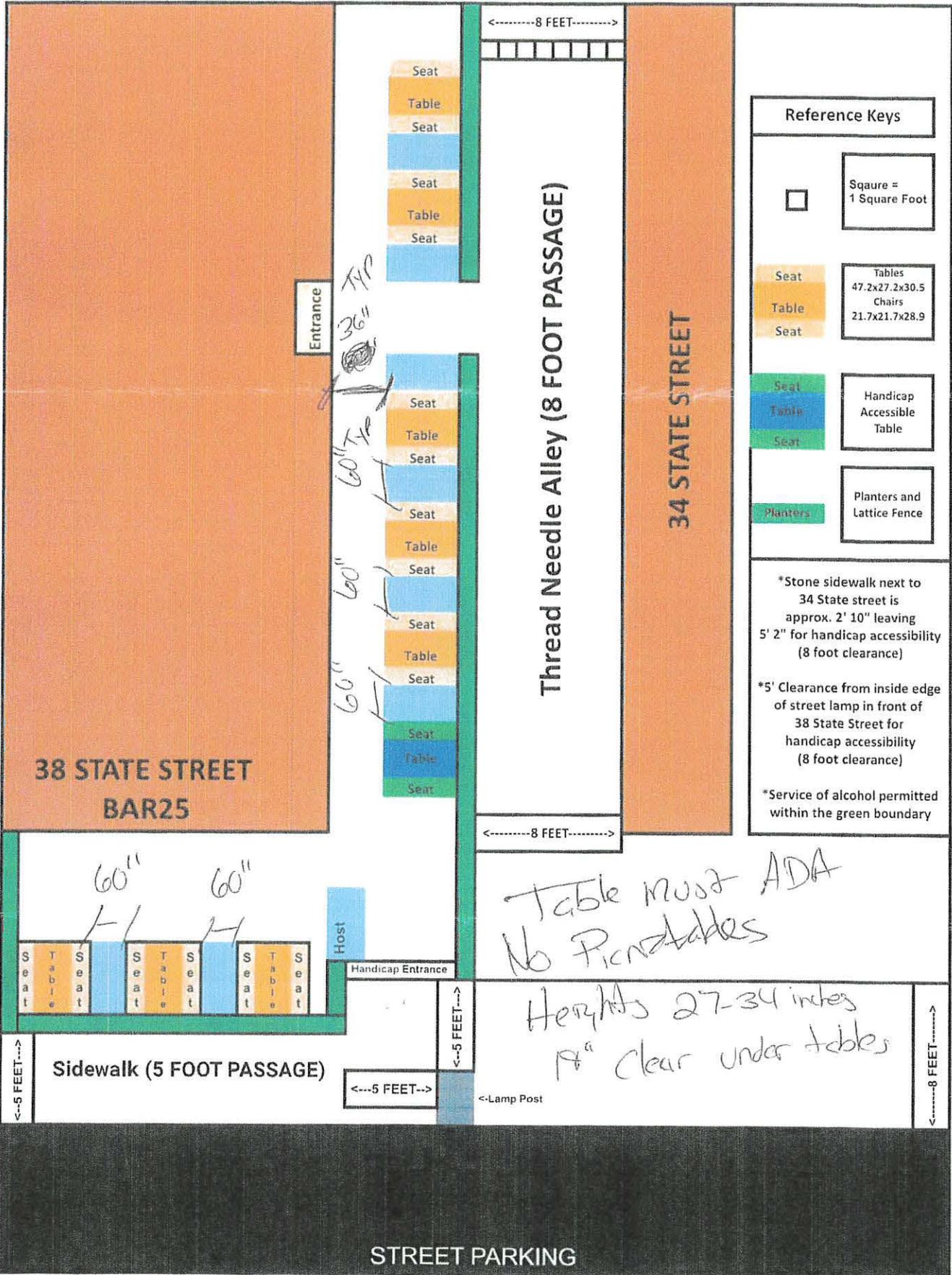
Dear Reza:

This letter confirms State Street Fishmonger will allow Bar 25, located at 38 State Street, Newburyport, MA, permission for outdoor dining.

Sincerely,

A handwritten signature in black ink, appearing to read 'Jeffrey Caswell', with a long horizontal flourish extending to the right.

Jeffrey Caswell
President



PAID \$100 ✓

RECEIVED
CITY CLERK'S OFFICE
NEWBURYPORT, MA



City of Newburyport
Application Form 2024
Restaurant License
Occupy Outdoor City Property

2024 FEB -6 P 3:25

****DO NOT USE THIS APPLICATION FORM FOR EVENTS****

Date Submitted: 2-2-2024

Business Name: BRINE OYSTER BAR

Business Contact: NANCY BATISTA-CASWELL

Business Address: 17 STATE STREET, NBPT, MA 01950

Phone: 978-358-8479 Email: nancy@caswellrestaurants.com

Property Owner: NEW ENGLAND DEVELOPMENT

Outdoor Tables Quantity: _____ Dimensions: _____ Material: _____
SEE FLOOR PLAN

Outdoor Chairs Quantity: _____ Dimensions: _____ Material: _____
SEE FLOOR PLAN

Proposed Days/Hours of Operation: MONDAY - SATURDAY 12-10pm
SUNDAY 12-9pm

Check all that apply:

- Applicant requests approval for food consumption.
- Applicant requests approval for alcohol consumption.
- Applicant requests approval for occupancy of public parking space(s).

Applications shall be delivered to the Office of the City Clerk by hand, mail, or email:

- 1) Office of the City Clerk
Newburyport City Hall
60 Pleasant Street
Newburyport, MA 01950
(978) 465-4407
clerk@cityofnewburport.com
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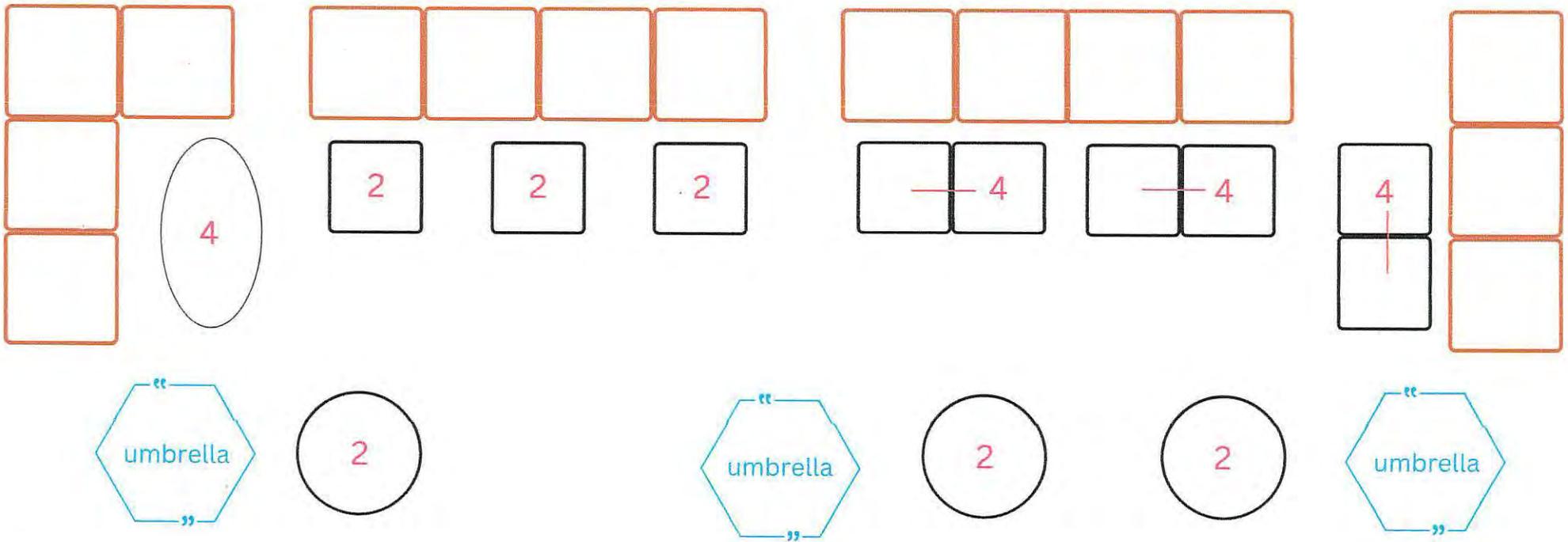
RELEASE AND INDEMNITY AGREEMENT TO ENCUMBER A PUBLIC WAY

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Signature of Business Owner

2-2-2024
DATE



3.5 foot
walkway

Chairs:
15 - 28" x 28" Whicker Squares
(Creates Couched area = 11 seats)

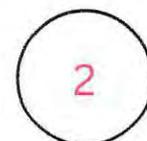
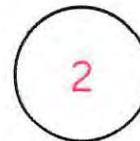
21 - 16" Whicker Chairs

Total Seating = 32 Seats

Tables:
1 - 28" x 68" Metal Oval
7 - 24" x 24" Metal Squares
3 - 24" Metal Rounds
2 - 20" Metal Rounds
2 - 22" Wooden Squares

SERVICE
STATION

ENTRANCE



NEWBURYPORT --- DEVELOPMENT

A NEW ENGLAND DEVELOPMENT *Company*

City of Newburyport
60 Pleasant Street
Newburyport, Ma 01950

To Whom it May Concern:

Nancy Caswell operates Brine Oyster Bar at our property located at 17 State Street, Newburyport. Nancy has our permission to expand Brine's outdoor seating onto the sidewalk and parking area in front of the storefront.

Sincerely,



Chris Skiba,
General Manager

RECEIVED
CITY CLERK'S OFFICE
NEWBURYPORT, MA

2024 Application - License to Occupy Outdoor City Property

2024 FEB -7 P 3:30



City of Newburyport
Application Form 2024
Restaurant License
Occupy Outdoor City Property

****DO NOT USE THIS APPLICATION FORM FOR EVENTS****

Date Submitted: 2/7/2024

Business Name: CARMINE

Business Contact: LUCA ONOFRI

Business Address: 25 STATE STREET ^{Newburyport} 01950

Phone: 9788314852 Email: G.LUCA1411@OUTLOOK.COM

Property Owner: LULA ONOFRI

Outdoor Tables Quantity: 8 Dimensions: 2-24x24 ^{6-48x24} Material: METAL

Outdoor Chairs Quantity: 28 Dimensions: 20x20 Material: METAL

Proposed Days/Hours of Operation: 11-9:30 Mon - SUNDAY

Check all that apply:

- Applicant requests approval for food consumption.
- Applicant requests approval for alcohol consumption.
- Applicant requests approval for occupancy of public parking space(s).

Attach the following materials:

- 1) Evidence of liability insurance with minimum coverage in the amount of one million dollars (\$1,000,000) per occurrence, naming the City of Newburyport as co-insured, and in force for the entire approved period of occupancy.
- 2) A clear and legible 8½-inch x 11-inch diagram of the proposed area of occupancy, detailing which shall be in addition to any other requirements of law, regulation or ordinance, including state alcohol law. **Such diagram shall demonstrate compliance with MAAB CMR 521 and all other Americans with Disabilities Act (“ADA”) requirements:**
 - a) Perimeter of proposed areas of occupancy, with relevant linear dimensions;
 - b) If such area includes portions of a public street traveled by vehicles, then the public, vehicular path of travel, no less than eleven (11) feet in width, or wider as may be required by the City Engineer;
 - c) All relevant obstacles such as streetlights, signs, trees, etc.; and
 - d) All tables, chairs, seats, total seating count and total occupancy; and
 - e) The area of occupancy must be enclosed by a fence, rope or other means to control access and demarcate the area proposed for the service of food and alcohol; and
 - f) Public, pedestrian path of travel no less than five feet in width.
- 3) Written authorization signed by the Applicant’s landlord acknowledging and agreeing to the use of the adjacent portion of any public way.

Applications shall be delivered to the Office of the City Clerk by hand, mail, or email:

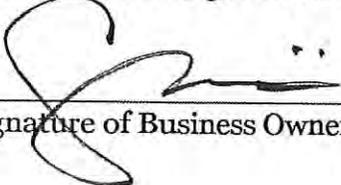
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Signature of Business Owner



DATE

City of Newburyport

Outdoor Tables & Chairs

- 1) A minimum of five-feet of pedestrian clearance must be maintained for public pedestrian access. Tables, chairs, and/or all enclosure materials used to create a demarcated area for serving alcohol may not impede this required pedestrian clearance.
- 2) Tables, chairs, and/or enclosure materials to create a demarcated area for serving alcohol must maintain a minimum of 5-feet of pedestrian clearance from streetlights, signs, trees, benches, garbage barrels, or other sidewalk obstacles.
- 3) Tables, chairs, and/or personal property used to demarcate an area cannot interfere with curb ramps, driveways, fire escapes and/or doorways.
- 4) All tables and chairs that are chained, roped, or otherwise tethered together after business hours must be untethered during business hours.
- 5) Placement of tables and chairs on city property must conform in all respects to all applicable federal, state, and local laws and regulations, including, without limitation workplace safety rules and other public health regulations. Please contact the Newburyport Health Department for workplace safety rules specific to your business sector.
- 6) Like any license, permission to place tables and chairs outdoors on city property is revocable at the discretion of the City of Newburyport.
- 7) Initial licenses, unless revoked, shall remain effective until on or about October 31st and commencing on or about May 1st.

Paddle Tables are all 28x28 inch squares
28 seats in total.
Total Width of Parklet: 318 inches

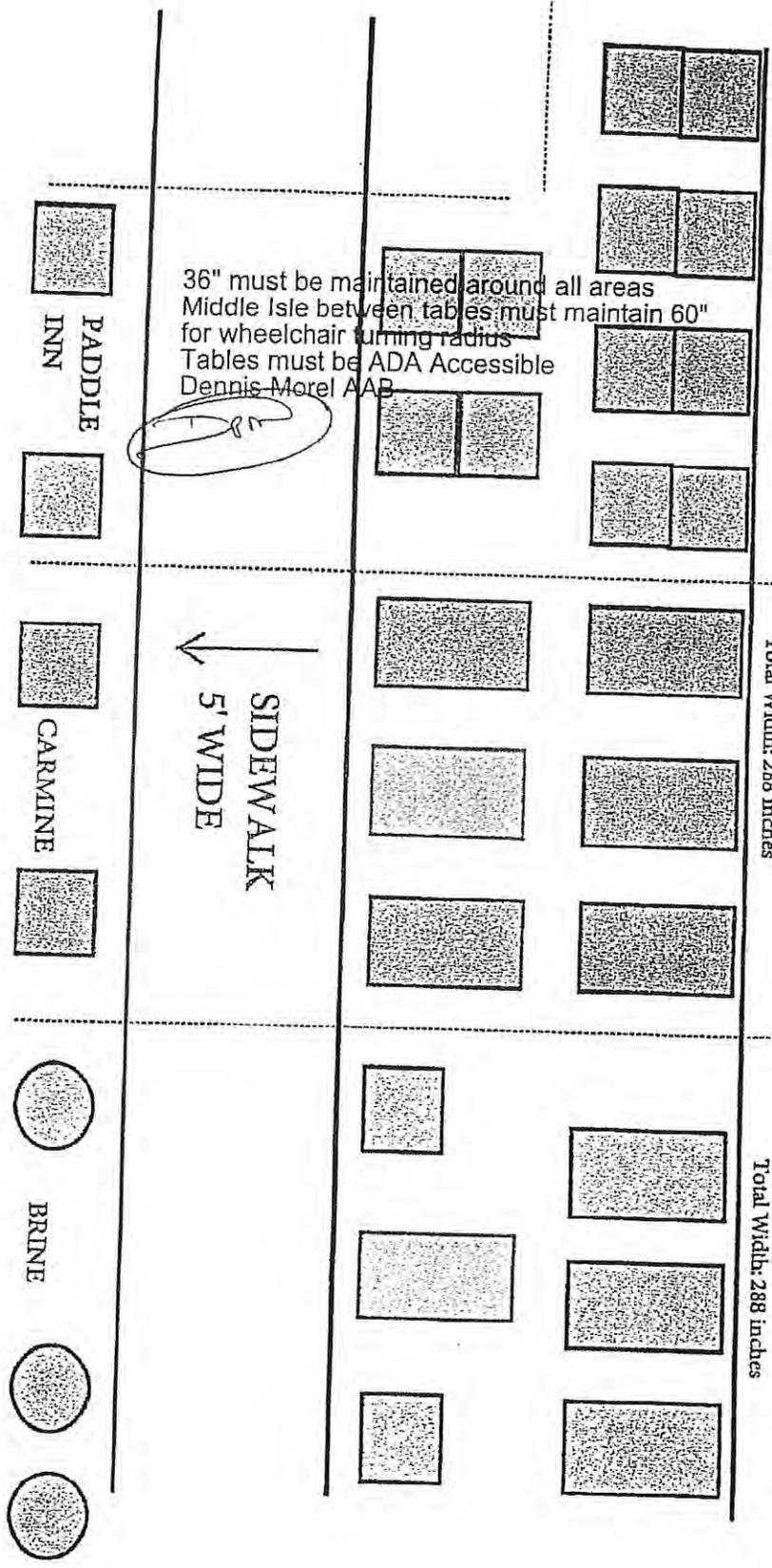
STATE STREET

Carmine have four 24x48 inch and
two 24x24 inch tables
28 seats in total
Total Width: 288 inches

Brine have three 24x48 inch,
four 24x24 inch, and three, 20 inch rounds.
30 seats in total.
Total Width: 288 inches

36" must be maintained around all areas
Middle Isle between tables must maintain 60"
for wheelchair turning radius
Tables must be ADA Accessible
Dennis Morel AAB

←
SIDEWALK
5' WIDE



PADDLE
INN

CARMINE

BRINE



CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)

02/08/2024

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 DUFFY INSURANCE AGENCY INC 317 BROADWAY LYNN MA 01904	CONTACT NAME: LYNNE GLYNN PHONE (A/C No. Ext): (781) 593-1200 E-MAIL ADDRESS: lynne@duffyins.com	FAX (A/C, No):
	INSURER(S) AFFORDING COVERAGE	
INSURED PANDOWN LLC DBA CARMINE 7 MADISON AVENUE GEORGETOWN MA 01833	INSURER A: LIBERTY MUTUAL FIRE INS CO	NAIC # 23035
	INSURER B:	
	INSURER C:	
	INSURER D:	
	INSURER E:	

COVERAGES

CERTIFICATE NUMBER: 976128

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.

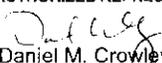
INSR LTR	TYPE OF INSURANCE	ADDL INSD	SUBR WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS
	COMMERCIAL GENERAL LIABILITY <input type="checkbox"/> CLAIMS-MADE <input type="checkbox"/> OCCUR GENL AGGREGATE LIMIT APPLIES PER: <input type="checkbox"/> POLICY <input type="checkbox"/> PROJECT <input type="checkbox"/> LOC OTHER:			N/A			EACH OCCURRENCE \$ DAMAGE TO RENTED PREMISES (Ea occurrence) \$ MED EXP (Any one person) \$ PERSONAL & ADV INJURY \$ GENERAL AGGREGATE \$ PRODUCTS - COMP/OP AGG \$ \$
	AUTOMOBILE LIABILITY <input type="checkbox"/> ANY AUTO <input type="checkbox"/> OWNED AUTOS ONLY <input type="checkbox"/> SCHEDULED AUTOS <input type="checkbox"/> HIRED AUTOS ONLY <input type="checkbox"/> NON-OWNED AUTOS ONLY			N/A			COMBINED SINGLE LIMIT (Ea accident) \$ 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 \$			N/A			EACH OCCURRENCE \$ AGGREGATE \$ \$
A	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH) If yes, describe under DESCRIPTION OF OPERATIONS below	Y/N N/A	N/A	WC233SB20P65013	07/09/2023	07/09/2024	<input checked="" type="checkbox"/> PER STATUTE <input type="checkbox"/> OTHER E.L. EACH ACCIDENT \$ 100,000 E.L. DISEASE - EA EMPLOYEE \$ 100,000 E.L. DISEASE - POLICY LIMIT \$ 500,000
				N/A			

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

Workers' Compensation benefits will be paid to Massachusetts employees only. Pursuant to Endorsement WC 20 03 06 B, no authorization is given to pay claims for benefits to employees in states other than Massachusetts if the insured hires, or has hired those employees outside of Massachusetts.

This certificate of insurance shows the policy in force on the date that this certificate was issued (unless the expiration date on the above policy precedes the issue date of this certificate of insurance). The status of this coverage can be monitored daily by accessing the Proof of Coverage - Coverage Verification Search tool at www.mass.gov/lwd/workers-compensation/investigations/.

CERTIFICATE HOLDER**CANCELLATION**

Town 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  Daniel M. Crowley, CPCU, Vice President - Residual Market - WCRIBMA
-----------------------------------------------------------------------	----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

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\$100 Paid ✓

APPL00180_02_12_2024

2024 Application – License to Occupy Outdoor City Property

RECEIVED
CITY CLERK'S OFFICE
NEWBURYPORT, MA

2024 FEB -7 P 3:08



City of Newburyport
Application Form 2024
Restaurant License
Occupy Outdoor City Property

****DO NOT USE THIS APPLICATION FORM FOR EVENTS****

Date Submitted: 02-07-2024

Business Name: Shelly, LLC dba Loretta

Business Contact: Ted Epstein

Business Address: 15 Pleasant St

Phone: 978-463-0000 **Email:** tepstein@aol.com

Property Owner: Stavros Fountis

Outdoor Tables Quantity: 9 Dimensions: 34"x34" / 26"x26" Material: Metal

Outdoor Chairs Quantity: 26 Dimensions: 17" x 24" Material: Metal & Plastic

Proposed Days/Hours of Operation: 11am - 3pm, 5pm - 10pm - 7 days/week

Check all that apply:

- Applicant requests approval for food consumption.
- Applicant requests approval for alcohol consumption.
- Applicant requests approval for occupancy of public parking space(s).

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Newburyport, MA 01950
(978) 465-4407
clerk@cityofnewburport.com
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Occupancy fee: **\$8/sq. ft.**
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Signature of Business Owner

2/7/24

DATE

Scangas Realty

330 Lynnway, Suite 105
Lynn, MA 01901
781.842.8767

February 7, 2024

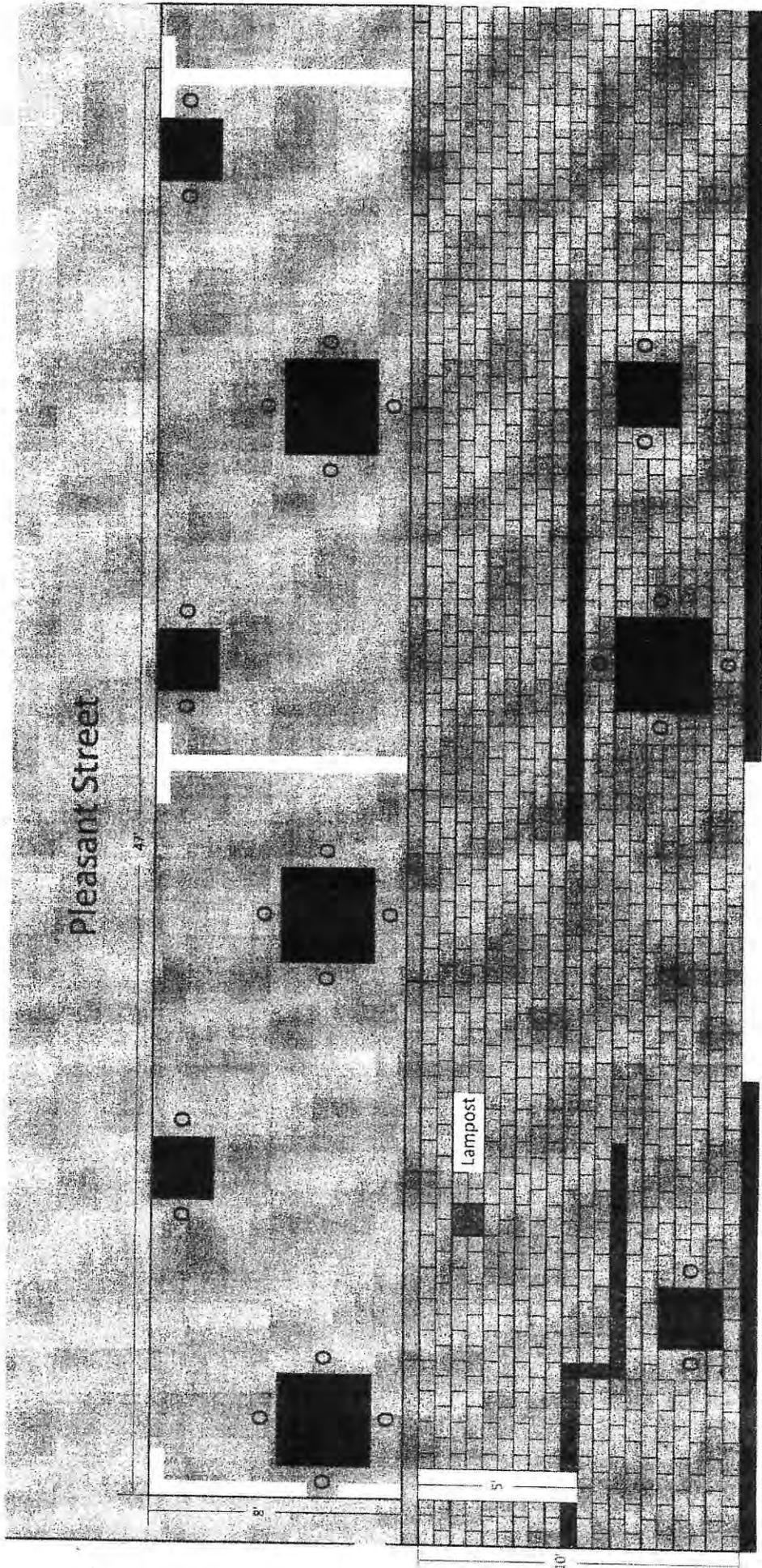
To Whom it May Concern

Please accept this letter as written consent from Scangas Realty for applicant, Loretta, to use street frontage beyond its storefront, in front of the Cuckoo's Nest's unit of our building located on Pleasant street in Newburyport for outdoor restaurant seating and related restaurant use. If you need any further communication or clarification please contact me by email at eschatz@scangas.com or by phone at 978.979.1660

Warm regards,



Edward P. Schatz
President



Pleasant Street

47'

8'

Lampost

5'

10'

Loretta

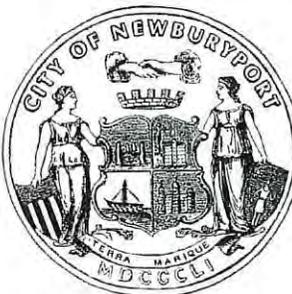
Paid \$100 ✓

APPL00181_02_12_2024

2024 Application – License to Occupy Outdoor City Property

RECEIVED
CITY CLERK'S OFFICE
NEWBURYPORT, MA

2024 FEB -8 P 2:55



City of Newburyport
Application Form 2024
Restaurant License
Occupy Outdoor City Property

****DO NOT USE THIS APPLICATION FORM FOR EVENTS****

Date Submitted: _____

Business Name: NV Kitchen Newburyport, LLC

Business Contact: Jared Laferrriere

Business Address: 19-23 Pleasant St

Phone: 978 954 3271 **Email:** Jared@thenvkitchen.com

Property Owner: Josh Van Dyke

Outdoor Tables Quantity: 5 Dimensions: 30x30 Material: Composite

Outdoor Chairs Quantity: 16 Dimensions: 17x17 Material: Composite

Proposed Days/Hours of Operation: 7:30am - 8pm 7 days

Check all that apply:

- Applicant requests approval for food consumption.
- Applicant requests approval for alcohol consumption.
- Applicant requests approval for occupancy of public parking space(s).

Applications shall be delivered to the Office of the City Clerk by hand, mail, or email:

- 1) Office of the City Clerk
Newburyport City Hall
60 Pleasant Street
Newburyport, MA 01950
(978) 465-4407
clerk@cityofnewburport.com
- 2) **The deadline for applications is 4:00pm Thursday, February 8th 2024 to be included in the February 12th City Council Meeting. Please note it will take at least 2 City Council Meetings to process your application.**

Processing:

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Occupancy fee: **\$8/sq. ft.**
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- 6) Any license issued may be revoked at any time by super-majority vote of the City Council, after a public hearing, for any reason, or no reason.

RELEASE AND INDEMNITY AGREEMENT TO ENCUMBER A PUBLIC WAY

I, the undersigned Applicant or Duly Authorized Agent, hereby agree to RELEASE, DISCHARGE, and HOLD HARMLESS, the City of Newburyport, a municipal corporation of the Commonwealth of Massachusetts, and its officers, employees, agents, and servants from all actions, causes of action, claims, demands, damages, costs, loss of services, expenses and compensation associated with the undersigned's use of the public way or other city property as described herein.

Signature of Business Owner

2/8/24

DATE

City of Newburyport

Outdoor Tables & Chairs

- 1) A minimum of five-feet of pedestrian clearance must be maintained for public pedestrian access. Tables, chairs, and/or all enclosure materials used to create a demarcated area for serving alcohol may not impede this required pedestrian clearance.
- 2) Tables, chairs, and/or enclosure materials to create a demarcated area for serving alcohol must maintain a minimum of 5-feet of pedestrian clearance from streetlights, signs, trees, benches, garbage barrels, or other sidewalk obstacles.
- 3) Tables, chairs, and/or personal property used to demarcate an area cannot interfere with curb ramps, driveways, fire escapes and/or doorways.
- 4) All tables and chairs that are chained, roped, or otherwise tethered together after business hours must be untethered during business hours.
- 5) Placement of tables and chairs on city property must conform in all respects to all applicable federal, state, and local laws and regulations, including, without limitation workplace safety rules and other public health regulations. Please contact the Newburyport Health Department for workplace safety rules specific to your business sector.
- 6) Like any license, permission to place tables and chairs outdoors on city property is revocable at the discretion of the City of Newburyport.
- 7) Initial licenses, unless revoked, shall remain effective until on or about October 31st and commencing on or about May 1st.

NU KITCHEN

All table must be ADA
27"-34" height
18" clear under
table

Tables must be 60" clear
for wheel chair turning



19
PIEDSANT

21
PIEDSANT



8'
TREE
LAND

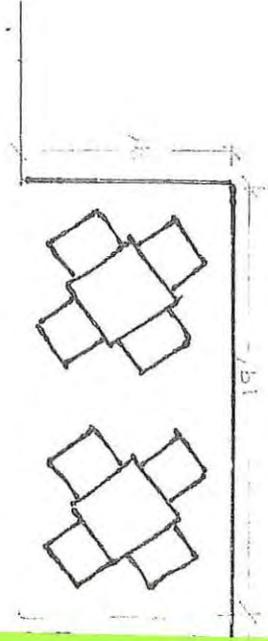
DELIVER
ZONE

18'

1/8" = APPROX 1'



SIDEWALK



PLEASANT ST. →

Attach the following materials:

- 1) Evidence of liability insurance with minimum coverage in the amount of one million dollars (\$1,000,000) per occurrence, naming the City of Newburyport as co-insured, and in force for the entire approved period of occupancy.
- 2) A clear and legible 8½-inch x 11-inch diagram of the proposed area of occupancy, detailing which shall be in addition to any other requirements of law, regulation or ordinance, including state alcohol law. **Such diagram shall demonstrate compliance with MAAB CMR 521 and all other Americans with Disabilities Act (“ADA”) requirements:**
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 - c) All relevant obstacles such as streetlights, signs, trees, etc.; and
 - d) All tables, chairs, seats, total seating count and total occupancy; and
 - e) The area of occupancy must be enclosed by a fence, rope or other means to control access and demarcate the area proposed for the service of food and alcohol; and
 - f) Public, pedestrian path of travel no less than five feet in width.
- 3) Written authorization signed by the Applicant’s landlord acknowledging and agreeing to the use of the adjacent portion of any public way.

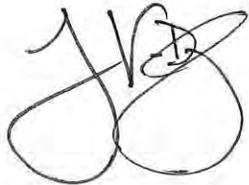
2/7/24

To whom it may concern,

Van Dyke Newburyport Realty, owner of the commercial condo at 19 Pleasant Street in Newburyport, MA, approves of NU Kitchen Newburyport, LLC (NU Kitchen), having outdoor seating and serving alcohol at said outdoor seating.

Please feel free to contact me with any questions.

Joshua Van Dyke
Van Dyke Newburyport, Realty
josh@thenukitchen.com
Cell: 401-474-0380

A handwritten signature in black ink, appearing to be 'JVD' with a large flourish underneath.

Paid \$1000

2024 Application - License to Occupy Outdoor City Property

RECEIVED
CITY CLERK'S OFFICE
NEWBURYPORT, MA

2024 FEB -7 P 1:58



City of Newburyport
Application Form 2024
Restaurant License
Occupy Outdoor City Property

****DO NOT USE THIS APPLICATION FORM FOR EVENTS****

Date Submitted: 2/6/24

Business Name: Oregano Pizzeria + Ristorante

Business Contact: Claude Elias

Business Address: 16 Pleasant St. Newburyport, MA

Phone: 603-475-1262 Email: celias@medlasertech.com

Property Owner: Newburyport Development

Outdoor Tables Quantity: 14 Dimensions: see below Material: Metal

Outdoor Chairs Quantity: 48 Dimensions: 14 x 16 Material: Metal

Proposed Days/Hours of Operation: 11:30 am - 11:00 pm

Check all that apply:

- Applicant requests approval for food consumption.
- Applicant requests approval for alcohol consumption.
- Applicant requests approval for occupancy of public parking space(s).

Tables

4 @ 30 x 30

3 @ 30 x 60

3 @ 36 x 36

4 @ 32 x 32

14

Applications shall be delivered to the Office of the City Clerk by hand, mail, or email:

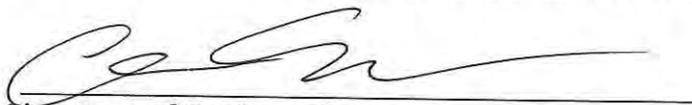
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Newburyport, MA 01950
(978) 465-4407
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Processing:

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Signature of Business Owner

2/6/24
DATE

NEWBURYPORT DEVELOPMENT

A NEW ENGLAND DEVELOPMENT Company

City of Newburyport
60 Pleasant Street
Newburyport, Ma 01950

To Whom it May Concern:

Claude Elias operates Oregano's at our property located at 16 Pleasant Street, Newburyport. Claude Elias has our permission to expand Oregano's outdoor seating onto the land surrounding Oregano's restaurant at 16 Pleasant Street.

Sincerely,



Chris Skiba, General Manager

paid ✓ \$100

2024 Application – License to Occupy Outdoor City Property

RECEIVED
CITY CLERK'S OFFICE
NEWBURYPORT, MA

2024 FEB -8 P 1:51



**City of Newburyport
Application Form 2024
Restaurant License
Occupy Outdoor City Property**

****DO NOT USE THIS APPLICATION FORM FOR EVENTS****

Date Submitted: Feb. 8, 2024

Business Name: The Paddle Inn Restaurant

Business Contact: Beau Sturm

Business Address: 27 State Street

Phone: 978-572-1242 Email: paddleinnnewburyport@gmail.com

Property Owner: Antoinette Biugliano

Outdoor Tables Quantity: 14 Dimensions: 27" x 27" Material: white composite

Outdoor Chairs Quantity: 28 Dimensions: _____ Material: wood benches/plastic chairs

Proposed Days/Hours of Operation: 11:30 am - 10pm (M-SA) 10am - 10pm (Sunday)

Check all that apply:

- Applicant requests approval for food consumption.
- Applicant requests approval for alcohol consumption.
- Applicant requests approval for occupancy of public parking space(s).

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Signature of Business Owner

2/8/2024

DATE

Attach the following materials:

- 1) Evidence of liability insurance with minimum coverage in the amount of one million dollars (\$1,000,000) per occurrence, naming the City of Newburyport as co-insured, and in force for the entire approved period of occupancy.
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 - c) All relevant obstacles such as streetlights, signs, trees, etc.; and
 - d) All tables, chairs, seats, total seating count and total occupancy; and
 - e) The area of occupancy must be enclosed by a fence, rope or other means to control access and demarcate the area proposed for the service of food and alcohol; and
 - f) Public, pedestrian path of travel no less than five feet in width.
- 3) Written authorization signed by the Applicant’s landlord acknowledging and agreeing to the use of the adjacent portion of any public way.



ADDITIONAL REMARKS SCHEDULE

AGENCY MacDonald & Pangione Insurance Agency		NAMED INSURED Paddle Inn Restaurant LLC	
POLICY NUMBER N/A		EFFECTIVE DATE: _____	
CARRIER Multiple Carriers	NAIC CODE _____	_____	

ADDITIONAL REMARKS

THIS ADDITIONAL REMARKS FORM IS A SCHEDULE TO ACORD FORM,
 FORM NUMBER: 25 FORM TITLE: Certificate of Liability Insurance

Certificate holder is listed as an additional insured

February 8, 2024

Beau Sturm
Paddle Inn Restaurant
27 State St
Newburyport, MA 01950

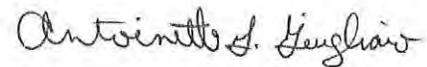
Re: Outside area use

Dear Beau:

You have our approval for use of the outside area of 27 State Street for patio dining.

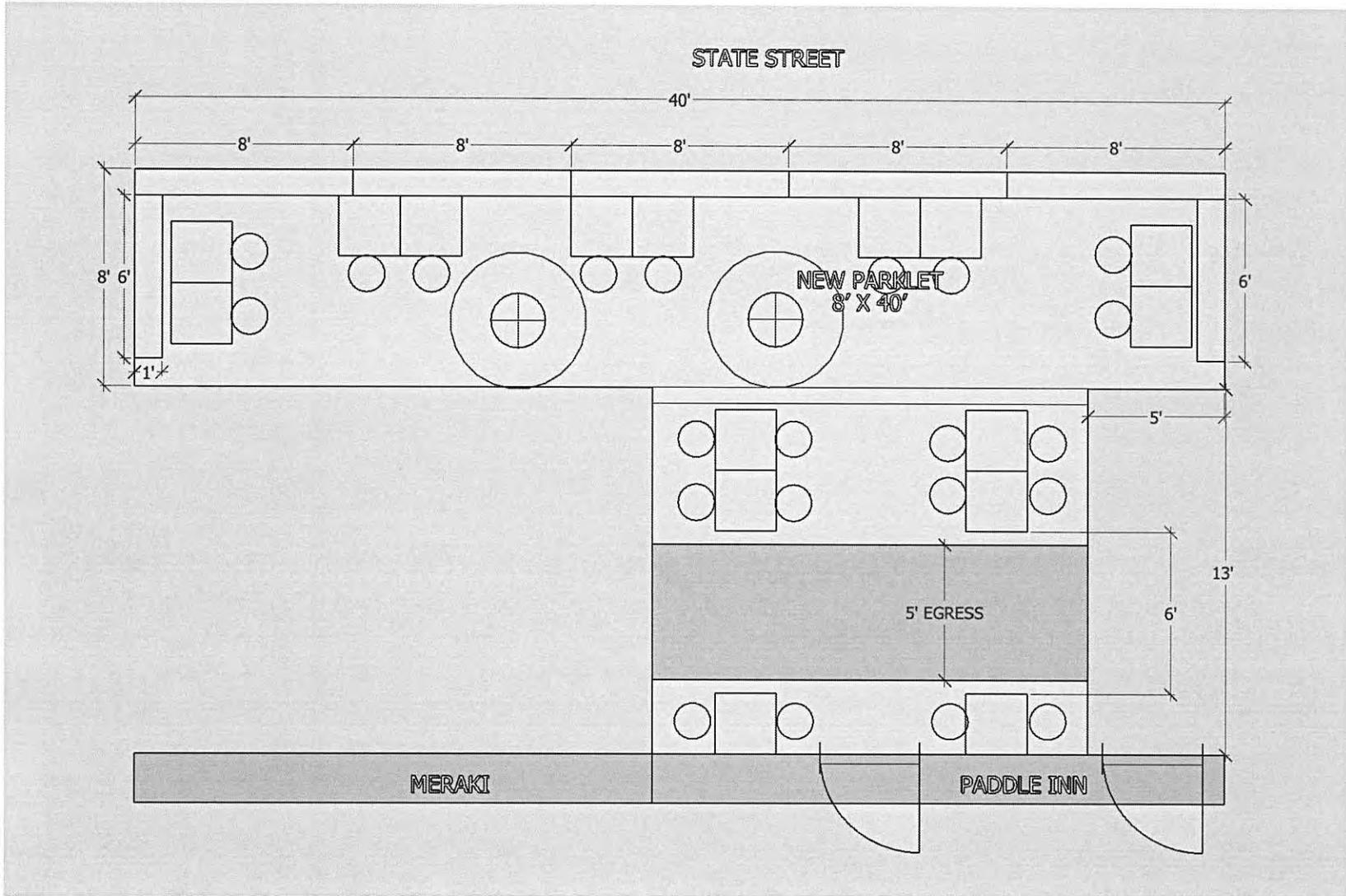
Please do not hesitate to contact me with any questions.

Very truly yours,



By _____
Antoinette G. Giugliano
Principal
Istanbul-Giugliano LLC

C:\AGGSERVER\Office Documents\corporate_Docs\Antoinette's corporate\client\0023 Istanbul\0023.0005-000 27 state Newburyport\tenant correspondence and rent\letter re approval to use outside area for patio dining.docx



132 BOSTON ST DORCHESTER, MA 02125
 WWW.BLACKBIRCHCREATIVE.COM

1 PATIO
 PADDLE INN, 27 STATE ST
 NEWBURYPORT, MA

paid \$100 ✓

2024 Application – License to Occupy Outdoor City Property

2024 FEB -8 A 10:40



City of Newburyport
Application Form 2024
Restaurant License
Occupy Outdoor City Property

****DO NOT USE THIS APPLICATION FORM FOR EVENTS****

Date Submitted: 2/1/24

Business Name: Bolwyn Corp. DBA The Port Tavern

Business Contact: Abigail Hannan

Business Address: 84 State St.

Phone: 978.465.1006 Email: apierce@theporttavern.com

Property Owner: Philip Wynne

Outdoor Tables Quantity: 10 Dimensions: Various - largest is 48" x 30" Material: metal + plastic

Outdoor Chairs Quantity: 38 Dimensions: 17 1/8" x 15 3/4" Material: metal + plastic

Proposed Days/Hours of Operation: M-Sun 11:30 AM - 11:00 PM

Check all that apply:

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- Applicant requests approval for occupancy of public parking space(s).

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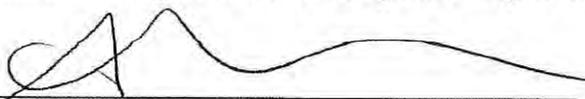
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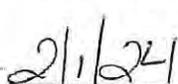
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Signature of Business Owner



DATE

City of Newburyport

Outdoor Tables & Chairs

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2/6/2024

The Port Tavern has been granted permission by the business owner to set up their expanded patio space in front of The Screening Room, 82 State Street, Newburyport, MA. The patio space will come down approximately halfway across the Screening Room's storefront to allow access for the business's trash disposal. The Port Tavern agrees to maintain a reasonable noise level as determined by the operators of The Screening Room on our patio during their hours of operation. In addition, The Port Tavern understands that the Screening Room may need extra sidewalk clearance for projects or expanded accessibility to front door throughout the season and will be more than happy to work out details with the owners as needed.

Rebecca Fundis

2.6.24

Business Owner Name

Date

[Signature]

Signature

26 seats

Boat Tavern

Screening Room

Tables: Metal + Plastic

Dimensions: A - 24" x 24"

B - 30" x 48"

C - 30" x 30"

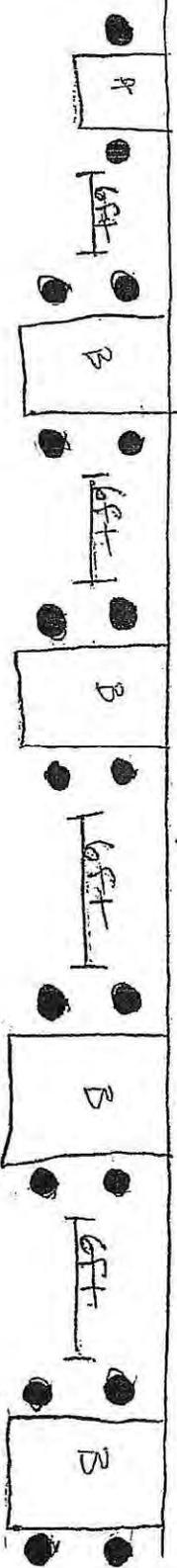
Chairs: Metal + Plastic 17" x 15" x 15 3/4"

Host Stand: 31" x 19" wood

Planters - continuous faciens, wood, 48" x 12"

Entrance

Host Stand



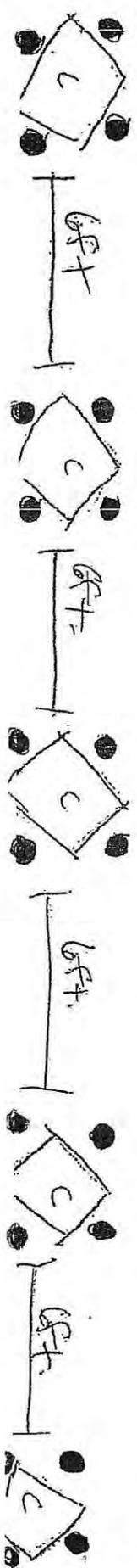
8ft

4ft

Planter

At least a 4ft. Aisle Between tables.

8ft





CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)

02/08/2024

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 Malcolm & Parsons Insurance Agency 713 Washington Street P.O. Box 527 Stoughton MA 02072		CONTACT NAME: Jaime Gonsalves PHONE (A/C, No, Ext): (781) 344-3200 FAX (A/C, No): (781) 344-1425 E-MAIL ADDRESS: jll@malcolmandparsons.com	
		INSURER(S) AFFORDING COVERAGE	
		INSURER A : Trisura Specialty Insurance Company	
		INSURER B : MA Retail Merchants WC Group	
		INSURER C :	
		INSURER D :	
		INSURER E :	
		INSURER F :	
INSURED Bolwyn Corp. & Prince Place LLC DBA: The Port Tavern 84-86 State Street & 7 Prince Place Units 101 & 201 Newburyport MA 01950			

COVERAGES

CERTIFICATE NUMBER: Master 2/8/24

REVISION NUMBER:

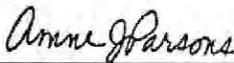
THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE 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	ADDITIONAL INSURED	SUBROGATION WAIVED	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS	
A	<input checked="" type="checkbox"/> COMMERCIAL GENERAL LIABILITY <input type="checkbox"/> CLAIMS-MADE <input checked="" type="checkbox"/> OCCUR GEN'L AGGREGATE LIMIT APPLIES PER: <input checked="" type="checkbox"/> POLICY <input type="checkbox"/> PROJECT <input type="checkbox"/> LOC OTHER:	Y		OSCPP-1000136-03	02/10/2024	02/10/2025	EACH OCCURRENCE	\$ 1,000,000
							DAMAGE TO RENTED PREMISES (Ea occurrence)	\$ 100,000
							MED EXP (Any one person)	\$ Excluded
							PERSONAL & ADV INJURY	\$ 1,000,000
							GENERAL AGGREGATE	\$ 2,000,000
							PRODUCTS - COMP/OP AGG	\$ 2,000,000
							Hired Non Owned Auto	\$ 1,000,000
	AUTOMOBILE LIABILITY						COMBINED SINGLE LIMIT (Ea accident)	\$
	<input type="checkbox"/> ANY AUTO <input type="checkbox"/> OWNED AUTOS ONLY <input type="checkbox"/> HIRED AUTOS ONLY <input type="checkbox"/> SCHEDULED AUTOS <input type="checkbox"/> NON-OWNED AUTOS ONLY						BODILY INJURY (Per person)	\$
							BODILY INJURY (Per accident)	\$
							PROPERTY DAMAGE (Per accident)	\$
								\$
A	<input checked="" type="checkbox"/> UMBRELLA LIAB <input checked="" type="checkbox"/> EXCESS LIAB <input type="checkbox"/> OCCUR <input type="checkbox"/> CLAIMS-MADE DED: RETENTION \$			OSUXL 1000168-03	02/10/2024	02/10/2025	EACH OCCURRENCE	\$ 1,000,000
							AGGREGATE	\$ 1,000,000
								\$
B	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH) If yes, describe under DESCRIPTION OF OPERATIONS below	Y/N	N/A	014005035060124	01/01/2024	01/01/2025	<input checked="" type="checkbox"/> PER STATUTE <input type="checkbox"/> OTHER	
							E.L. EACH ACCIDENT	\$ 500,000
							E.L. DISEASE - EA EMPLOYEE	\$ 500,000
							E.L. DISEASE - POLICY LIMIT	\$ 500,000
A	Liquor Liability			OSCPP-1000136-03	02/10/2024	02/10/2025	Each Occurrence	\$1,000,000
							Aggregate	\$2,000,000

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

Neighborhood Tavern
 Liability policies provide coverage for outdoor patio seating.
 The City of Newburyport is Additional Insured with respect to General Liability.

CERTIFICATE HOLDER**CANCELLATION**

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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2024 Application – License to Occupy Outdoor City Property



City of Newburyport
Application Form 2024
Restaurant License
Occupy Outdoor City Property

RECEIVED
 CITY CLERK'S OFFICE
 NEWBURYPORT, MA

2024 FEB -8 P 3:55

****DO NOT USE THIS APPLICATION FORM FOR EVENTS****

Date Submitted: _____

Business Name: _____ Anchor Stone Deck Pizza

Business Contact: _____ Ashlyn Calcagni

Business Address: _____ 44 State Street

Phone: 978-463-3313 **Email:** Ash@AnchorPizzeria.com

Property Owner: _____ 42-44 State Street Nominal Trust

Outdoor Tables Quantity: 7 Dimensions: 4 30-inch Rounds
3 72"x31" Material: Steel & Composite

Outdoor Chairs Quantity: 34 Dimensions: 15inx15in Material: Steel

Proposed Days/Hours of Operation: 11am - 9pm Sunday - Saturday

Check all that apply:

- Applicant requests approval for food consumption.
- Applicant requests approval for alcohol consumption.
- Applicant requests approval for occupancy of public parking space(s).

Attach the following materials:

- 1) Evidence of liability insurance with minimum coverage in the amount of one million dollars (\$1,000,000) per occurrence, naming the City of Newburyport as co-insured, and in force for the entire approved period of occupancy.
- 2) A clear and legible 8½-inch x 11-inch diagram of the proposed area of occupancy, detailing which shall be in addition to any other requirements of law, regulation or ordinance, including state alcohol law. **Such diagram shall demonstrate compliance with MAAB CMR 521 and all other Americans with Disabilities Act (“ADA”) requirements:**
 - a) Perimeter of proposed areas of occupancy, with relevant linear dimensions;
 - b) If such area includes portions of a public street traveled by vehicles, then the public, vehicular path of travel, no less than eleven (11) feet in width, or wider as may be required by the City Engineer;
 - c) All relevant obstacles such as streetlights, signs, trees, etc.; and
 - d) All tables, chairs, seats, total seating count and total occupancy; and
 - e) The area of occupancy must be enclosed by a fence, rope or other means to control access and demarcate the area proposed for the service of food and alcohol; and
 - f) Public, pedestrian path of travel no less than five feet in width.
- 3) Written authorization signed by the Applicant’s landlord acknowledging and agreeing to the use of the adjacent portion of any public way.

Applications shall be delivered to the Office of the City Clerk by hand, mail, or email:

- 1) Office of the City Clerk
Newburyport City Hall
60 Pleasant Street
Newburyport, MA 01950
(978) 465-4407
clerk@cityofnewburport.com
- 2) **The deadline for applications is 4:00pm Thursday, February 8th 2024 to be included in the February 12th City Council Meeting. Please note it will take at least 2 City Council Meetings to process your application.**

Processing:

- 1) Application fee: **\$100.00**
Occupancy fee: **\$8/sq. ft.**
- 2) Applications will be reviewed by the City Council and forwarded to the Licensing Board. For applications to occupy a city park or playground, the City Council shall not consider or act upon such application until the earlier of (i) having received a recommendation by the Parks Commission regarding such application, or (ii) 30 days from the City Clerk's receipt of such complete application.
- 3) The **Licensing Board will then conduct a public hearing** on each application and determine whether to approve, approve conditionally, or deny it. The Licensing Board may not approve an application without a favorable recommendation by the City Council.
- 4) The City has no obligation whatsoever to approve any individual application, each of which shall be processed, reviewed, and a determination thereon made by the relevant City officers, boards, and commissions in their reasonable discretion.
- 5) Any condition of approval and submitted plan shall be in force for the entire duration of any validly issued license.
- 6) Any license issued may be revoked at any time by super-majority vote of the City Council, after a public hearing, for any reason, or no reason.

RELEASE AND INDEMNITY AGREEMENT TO ENCUMBER A PUBLIC WAY

I, the undersigned Applicant or Duly Authorized Agent, hereby agree to RELEASE, DISCHARGE, and HOLD HARMLESS, the City of Newburyport, a municipal corporation of the Commonwealth of Massachusetts, and its officers, employees, agents, and servants from all actions, causes of action, claims, demands, damages, costs, loss of services, expenses and compensation associated with the undersigned's use of the public way or other city property as described herein.



Signature of Business Owner

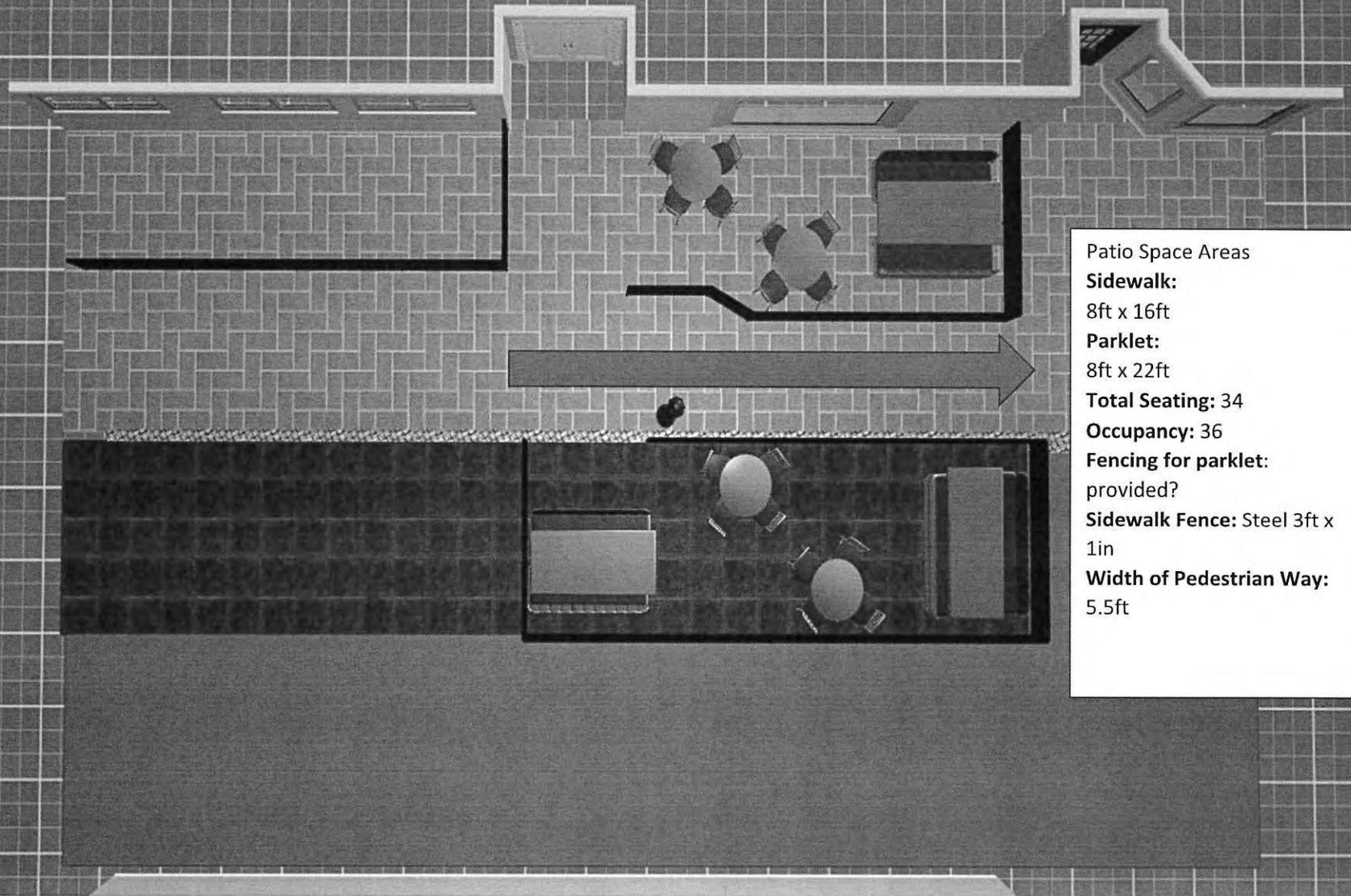
2-8-24

DATE

City of Newburyport

Outdoor Tables & Chairs

- 1) A minimum of five-feet of pedestrian clearance must be maintained for public pedestrian access. Tables, chairs, and/or all enclosure materials used to create a demarcated area for serving alcohol may not impede this required pedestrian clearance.
- 2) Tables, chairs, and/or enclosure materials to create a demarcated area for serving alcohol must maintain a minimum of 5-feet of pedestrian clearance from streetlights, signs, trees, benches, garbage barrels, or other sidewalk obstacles.
- 3) Tables, chairs, and/or personal property used to demarcate an area cannot interfere with curb ramps, driveways, fire escapes and/or doorways.
- 4) All tables and chairs that are chained, roped, or otherwise tethered together after business hours must be untethered during business hours.
- 5) Placement of tables and chairs on city property must conform in all respects to all applicable federal, state, and local laws and regulations, including, without limitation workplace safety rules and other public health regulations. Please contact the Newburyport Health Department for workplace safety rules specific to your business sector.
- 6) Like any license, permission to place tables and chairs outdoors on city property is revocable at the discretion of the City of Newburyport.
- 7) Initial licenses, unless revoked, shall remain effective until on or about October 31st and commencing on or about May 1st.



Patio Space Areas
Sidewalk:
8ft x 16ft
Parklet:
8ft x 22ft
Total Seating: 34
Occupancy: 36
Fencing for parklet:
provided?
Sidewalk Fence: Steel 3ft x
1in
Width of Pedestrian Way:
5.5ft

42-44 State Street Nominee Trust
42-44 State Street
Newburyport, Massachusetts 01950
617-719-3003

June 13, 2023

City of Newburyport
Licensing Commission
60 Pleasant Street
Newburyport, Massachusetts 01950

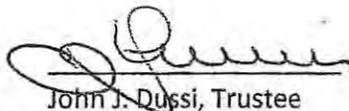
RE: Anchor Pizza
42-44 State Street, Newburyport, MA
Letter from Landlord approving outdoor seating

Dear Sir or Madam:

This letter is being written to you at the request of our tenant, Anchor Pizza, located at 42-44 State Street, Newburyport, MA to provide them with permission to have outdoor seating for their customers subject to the provisions of the Amendment to Commercial Lease dated June 11, 2023, a copy of which is attached hereto.

If you have further questions please do not hesitate to contact me. Thank you for your attention to this matter.

Very truly yours,



John J. Dussi, Trustee
42-44 State Street Nominee Trust

COMMERCIAL LEASE AMENDMENT

(Outdoor Seating)

42-44 State Street

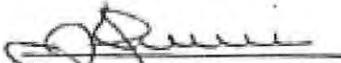
Newburyport, MA

Outdoor Seating Area: Effective from and after the date of this Amendment, the Lessee and Occupant of the building located at 42-44 State Street, Newburyport, Massachusetts (the "Property") shall have the non-exclusive right to use the seating area adjacent to the Property. The Lessee and Occupant acknowledge that they have provided the seating and other outdoor furniture located or to be located in the seating area and shall be solely responsible for its care and maintenance including any cost and/or expense associated therewith. The Lessee and Occupant shall, at its own cost and expense: (i) be responsible for promptly cleaning any spills or waste in the outside seating area; (ii) clean and wash daily all tables, chairs, dividers, fixtures, floor mats and furnishings in the outdoor seating area; (iii) cause trash containers in the outdoor seating area to be emptied on a regular basis to their overflowing and emptied prior to the daily closing of the business; and (iv) to comply with all state, city and local rules, regulations and ordinances which govern outdoor seating in this location. The Lessee and Occupant further acknowledge that they have exclusive management, supervision, custody and control over the outdoor seating area and that they are responsible for any injury (including death) and/or damages which occur in the outdoor seating area. As such, the Lessee/Occupant hereby indemnifies and holds harmless the Lessor/Landlord from any and all damages and/or injuries (including death) which occur in the outdoor seating area.

The Lessor reserves the exclusive right to revoke outdoor seating privileges in its sole discretion without prior notification during the full term of the lease.

All other provisions of the Commercial Lease Agreement and Personal Guaranty dated April 3, 2018 shall remain in full force and affect.

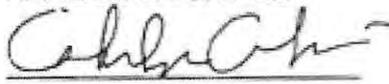
Lessor/Landlord
42-44 State Street Nominee Trust
By Its Trustee


John J. Dugli, Trustee
Dated: JUNE 11, 2023

Lessee
Marty & Mark, Inc.


Mark Tramontana
Dated: July 2, 2023

Occupant
Anchor Stone Deck Pizza


Ashlyn Calcagni
Dated: June 11, 2023

**APPOINTMENTS
FIRST READING**



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: February 12, 2024
Subject: Appointment

RECEIVED
CITY CLERK'S OFFICE
NEWBURYPORT, MA
2024 FEB -1 A 9:35

I hereby appoint, subject to your approval, the following named individual as a member of the Community Preservation Act Committee. This term will expire on March 15, 2027.

Andrea Weetman
183 High Street
Newburyport, MA 01950

Andrea Weetman
183 High Street
Newburyport, MA 01950

Re: CPC member application

February 5, 2024

Mayor Reardon,

I am writing to express my interest in serving on the Newburyport Community Preservation Committee. In June of this year, my family and I will have lived in Newburyport for 10 years. I value this community for its engaged citizens, beautiful parks, open spaces and rich history. At the end of 2023, I stepped down as the President of the Newburyport Education Foundation after serving in that role for three years. I am looking for a new and different way that I can add value to my community and I feel the CPC will be a good use for my professional and volunteer strengths.

Professionally, I own an executive search firm which meets the talent needs of insurance companies, asset managers and investment banks. We operate in the US, Bermuda and Europe- I have attached my resume for review.

Please contact me with any questions,

Andrea M. Weetman

Andrea Manning Weetman
183 High Street
Newburyport, MA 01950
amweetman@gmail.com
(347) 366 0359

PROFESSIONAL EXPERIENCE

Atlantic Recruiting Group, Newburyport, MA & New York, NY

Owner and Managing Director, 2010-present

The Atlantic Group is a retained executive search firm specialized in senior level risk and finance talent for insurers, reinsurers, asset managers and early stage organizations. We operate in the US, Bermuda and Europe. Recent representative mandates include:

- Chief Investment Officer, Soteria Re, Boston, MA
- Chief Risk Officer, Soteria Re, Hamilton, Bermuda
- Chief Actuary, Fidelity Investments Life Insurance, Boston MA
- Chief Financial Officer, Munich American Reassurance Company, New York NY
- Head of Partnerships, Ethos Insurance, San Francisco CA
- Chief Actuary, Mount Logan Capital, New York NY
- Head of Insurance, Amplify, New York NY

Heidrick & Struggles, Zurich, Switzerland

Senior Associate, Financial Services Practice, 2007-2009

Search execution and client relationship management within the financial services sector in London and Zurich, with a specific focus on insurance and asset management.

Lehman Brothers Inc., New York, NY

Vice President, Investment Management Division Recruiting Manager, 2005-2007

In charge of recruiting for a division of 2000 people- businesses include Institutional Asset Management, Mutual Funds, Hedge Funds, the Lehman Brothers Trust Company, Private Investment Management, and Private Equity. Together with HR Director and Divisional CAO, drive recruiting strategy for business. Leadership role within Lehman's staffing division, help to drive recruiting strategy within the firm.

Ernst & Young, LLP, New York, NY

Senior Recruiter, Financial Services Office, 2002- 2004

Lead experienced recruiting for Ernst & Young's US Insurance and Structured Finance practices.

Michael Page International, New York, NY

Recruitment Consultant, 2000-2002

VOLUNTEER EXPERIENCE

Newburyport Education Foundation, Newburyport, MA

Board member 2018- present

President/Executive Committee member, January 2020-December 2023

Education

Boston College, Chestnut Hill, Massachusetts, 1997

Bachelor of Arts, BA Economics/English, Cum Laude



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

RECEIVED
CITY CLERK'S OFFICE
NEWBURYPORT, MA
2024 FEB - 5 P 3:28

To: President and Members of the City Council
From: Sean R. Reardon, Mayor
Date: February 12, 2024
Re: Appointment

I hereby appoint, subject to your approval, the following named individual as a member of the Library Board of Directors. This term will expire on March 15, 2027.

Kristen Shea Donahue
16 Olive Street
Newburyport, MA 01950

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

Kristen Shea Donahue
16 Olive Street
Newburyport, MA 01950
kristendonahue@yahoo.com
(617) 817-0871

TEACHING EXPERIENCE

High School Spanish Teacher September 2016 - Present

The Governor's Academy, Byfield, MA

Teach students in grades 9 - 12 Spanish language and culture. Differentiate instruction and incorporate a variety of teaching methods to connect and engage with a variety of learners.

Preschool Spanish Teacher, September 2014 – September 2016

Newburyport Montessori School, Newburyport, MA

Created and implement a dynamic Spanish program for children ages 2 through 6.

Elementary Spanish Teacher, September 2003 – 2009

Tower School, Marblehead, MA

Taught students grades 2 through 6 Spanish language and culture. Developed and implemented curriculum. Used methods that drew on multiple intelligences in order to reach diverse learners.

Elementary Spanish Teacher, September 2000 – June 2003

The Arlington Public Schools, Arlington, MA

Designed and implemented curriculum for over 400 students grades K through 5 in the Arlington Public Schools. Developed lessons targeted to diverse learners. Created a home/school partnership to encourage language learning at home. Planned town-wide activities built around the Spanish program.

English as a Second Language Instructor, September 1994 – May 1996

Colorado Mountain College, Breckenridge, CO

EDUCATION

Universidad de Salamanca, Salamanca, Spain

Master of Spanish Language and Culture, August 2008

Boston University, Boston, MA

Master of Education, Elementary Education, May 2000

Massachusetts Certification: Grades 1-6

Middlebury College, Middlebury, VT Bachelor of Arts in Spanish, Minor in Latin American Studies, May 1994, Cum Laude

Year of study abroad, The International Institute, Madrid, Spain, September 1992 – May 1993



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: February 12, 2024
Re: Appointment

RECEIVED
CITY CLERK'S OFFICE
NEWBURYPORT, MA
2024 FEB -5 P 3:29

I hereby appoint, subject to your approval, the following named individual as a member of the Library Board of Directors. This term will expire on March 15, 2027.

Caroline Gilman McCarthy
4 Coombs Circle
Newburyport, MA 01950

Caroline Gilman McCarthy

4 Coombs Circle, Newburyport MA 01950

978-257-6134

carolinegmccarthy@gmail.com

EDUCATION

Bowdoin College, Brunswick ME

BA, History major, Art History minor

Simmons College, Boston MA

MLS, Graduate School of Library and Information Science

WORK EXPERIENCE

Phillips Academy, Andover MA

Part Time Instructional Librarian, January - July 2022

- Participated in the Library's instruction program; planning, teaching, and assessing teacher-requested instruction sessions.
- Provided reference and research assistance to the community.
- Identified and selected materials for purchase.
- Participated in collection maintenance activities, including, shelf reading, material de-selection, and inventory.
- Assigned call numbers to newly acquired materials.

Brooks School, North Andover MA

Assistant Librarian, July 2003-July 2005; October 2011-2012

- Responsible for cataloging all materials.
- Provided bibliographic instruction for assigned research projects.
- Worked as part of the collection development team to purchase library materials.

Head Librarian, July 2005-October 2011

- Managed staff of 6 full- and part-time employees, including hiring, training, supervising and scheduling.
- Managed materials budget of \$80K
- Made all collection development and circulation decisions.
- Provided bibliographic instruction for assigned research projects.
- Served on the Curriculum Committee chaired by the Academic Dean.
- Managed Birthday Book and alumni fundraising projects.
- Developed and maintained the blog of library information.
- Received the 2007 George F. Vaught Prize "to honor a member of the faculty who in his or her first few years has made special contributions to the school and exhibited notable professional growth."
- Received the 2010 Murphy Grant; a fund established to award faculty members vacation privileges not otherwise available to them.

Phillips Exeter Academy, Exeter NH

Reference Librarian, August 2001-June 2003

- Answered patrons' queries at the reference desk.
- Provided bibliographic instruction for assigned research projects.
- Taught information literacy, and coordinated ninth grade study skills program.
- Provided research support for faculty publications.
- Created periodic displays of library materials.
- Purchased new and weeded underused materials as part of the collection development team.
- Made circulation policy decisions.

Boston College, Chestnut Hill MA

O'Neill Library Serials Assistant, April 1999-May 2001

- Supervised and trained staff of twelve student employees in receiving and shelving current periodicals.
- Maintained the library's catalog of 20,000 serial titles including periodicals, newspapers, and microforms.
- Served on the search committee for the position of Preservation Manager.



CITY OF NEWBURYPORT

OFFICE OF THE MAYOR

SEAN R. REARDON, MAYOR

RECEIVED
CITY CLERK'S OFFICE
NEWBURYPORT, MA

2024 FEB -7 A 10:00

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: February 12, 2024

Subject: Appointment

I hereby appoint, subject to your confirmation, the following named individual as a member of the Zoning Board of Appeals. This term will expire on July 31, 2027.

Larry G. Giunta, Jr.
139 Crow Lane
Newburyport, MA 01950

Larry G. Giunta, Jr.
139 Crow Lane
Newburyport, MA 01950
978-462-5046
LARRYGIUNTA12@GMAIL.COM

Experience

2014- Present

HVAC Sales Manager

The Granite Group- Concord, NH

- Responsible for growth of HVAC products within New England.
- Support territory managers with the sales of HVAC products.
- Provide staff and contractor training on HVAC products and promotions.
- Management of HVAC inventory throughout company.

2008- 2014

Territory Manager

Homans Associates, Inc. - Wilmington, MA

- Responsible for maintenance and growth of HVAC and mechanical insulation business within Eastern Massachusetts.
- Duties include management of existing customers, cultivating new business opportunities and providing product support and training seminars for contractors.

2006- 2008

Sales Representative

Simmons Plumbing & HVAC- Seabrook, NH

- Responsible for management of all sales and marketing components of a HVAC and plumbing company.
- Duties included management of sales personnel as well as obtaining sales within a defined territory.

2001- 2006

Sales Representative

Central Cooling and Heating, Inc. - Woburn, MA

- Responsible for sales of residential heating, ventilation and air conditioning within a defined territory.
- Duties included selection and ordering of equipment, scheduling installations and hiring of subcontractors.
- Honored three times as the company's top salesperson.

2000-2001

Service Coordinator

American Refrigeration, Inc. - Woburn, MA

- Supervised a service department of twenty technicians. Responsibilities included scheduling, estimating, ordering of parts and maintaining stock room inventories.
- Review of weekly billing, timecards and issuing purchase orders.

1999-2000

Service Coordinator

Max Sontz Company, Inc. - Lynn, MA

- Supervised a service department of ten technicians.
- Responsibilities included scheduling, estimating, ordering of parts and maintaining stock room and truck inventories.
- Processed service department billing, service contracts and purchase orders.

1995-2000

Service Technician

Max Sontz Company, Inc. - Lynn, MA

- Duties included the service, installation and replacement of residential and commercial air conditioning and heating systems.

Education

1995

Northeast Institute of Industrial Technology- Boston, MA

Certificate of Achievement: Heating, Ventilation, Air Conditioning and Refrigeration Cumulative G.P.A. 3.67

1992

Salem State College- Salem, MA

Bachelor of Science

Accreditations

Massachusetts Licensed Refrigeration Technician #20494

E.P.A. Refrigeration Recovery License #014646682

Massachusetts Licensed Oil Burner Technician #31227

Massachusetts Sheet Metal License #2172

Community Activity

1996-2011

Newburyport Youth Lacrosse Coach

2011- 2014

Member of the Newburyport School Building Board

-Bresnahan Elementary School

-Nock / Molin Middle School

2014- 2020

Newburyport City Council- Ward 5 City Councilor

- Chairman of Joint Education subcommittee

- Member of Public Safety subcommittee

- Member of Rules subcommittee

2021-Present

Newburyport Retirement Board

- Board Appointee, 5th Member

- Voted in by the members of the Retirement Board



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: February 12, 2024
Subject: Appointment

RECEIVED
CITY CLERK'S OFFICE
NEWBURYPORT, MA
2024 FEB - 6 PM 4: 00

I hereby appoint, subject to your approval, the following named individual as a member of the Public Arts Committee. This term will expire on March 15, 2025.

Kim D. Turner
27 High Street
Newburyport, MA 01950

KIMBERLY D TURNER

27 HIGH ST. NEWBURYPORT, MA 01950
781.632.6004
DUFFYKT@GMAIL.COM

Experienced landscape architect committed to leveraging her professional skill set to give back to her community. Proven track record of successful and environmentally sensitive design, and a unique ability to build trusting relationships with stakeholders to reach consensus on complex projects. Strong communicator with a leadership style grounded in compassion and curiosity- sees opportunity where others see conflict, finds beauty in compromise, always strives for the best answer.

EXPERIENCE

KD Turner Design, Newton & Newburyport, MA

Founding Principal, 2009-present

- Provide full landscape architectural services, including programming, schematic design, master planning, permitting, cost estimation, technical documentation and construction administration for residential and commercial landscape projects
- Facilitate community workshops, build public consensus and finalize master planning for sustainable 'urban wilds' and public open space projects within urban environments
- Collaborate with development teams to develop plans for residential and commercial properties where best planning practices are utilized to identify and protect environmentally and visually sensitive areas

Weston Planning Board, Weston, MA

Landscape Architectural Consultant, 2011-present

- Advise the Planning Board on all aspects of landscape and sustainability issues during site plan review of projects constructed under the RGFA and Scenic Road provisions to the Zoning Bylaw
- Assist in drafting policies and standard conditions for the Weston Planning Board related to landscape and sustainability issues

Ryan Associates, Waltham, MA

Senior Associate, 2001-2009

- Provided full landscape architectural services, including programming, schematic design, master planning, technical documents, permitting, cost estimation and construction administration for residential, institutional and commercial landscape design projects both nationally and internationally
- Provided project management and lead design within multi-disciplinary teams during all aspects of projects from schematics through construction documentation and administration

Mohr & Seredin Landscape Architects, Inc., Portland, ME

Designer and Draftsperson, 1995-1998

- Assisted in residential, municipal and commercial landscape design, plant selection, cost estimation, permitting and presentations

TFH Architects, Portland, ME

Draftsperson, summer 1995

- Provided residential and commercial architectural drafting and presentations

PROFESSIONAL SERVICE	<p>Newburyport Parks Commission, chairperson, 2014-present</p> <p>Market Landing Park Ad Hoc Committee, ex officio member, 2021-present</p> <p>Friends of the Brown School Playground, steering committee member, 2013</p> <p>Inn Street Restoration Study with City of Newburyport Planning Department, Newburyport, MA, 2012</p>
PUBLICATIONS & MEDIA	<p><u>This Old House</u>, Season 37: The North Shore Farmhouse and Season 38: The Arlington Arts & Crafts House, 2015-2016</p> <p><u>Botany for Designers</u>, WW Norton Publishing Co., 2011</p> <p><u>Research Design Connections</u>, Spring 2004 v3(2), "<i>Childhood Memories May Play a Positive Role in Restorative Garden Design for Alzheimer Care Facilities</i>"</p> <p><u>Childhood memories of landscapes as a restorative tool in designing gardens for Alzheimer patients</u>, 2001, copyrighted thesis</p>
HONORS & PRESENTATIONS	<p>American Society of Landscape Architects Honor Award, 2001</p> <p>Speaker, Environmental Design Research Association symposium, Edinburgh, Scotland 2001, "<i>Childhood Memories of Landscapes as a Restorative Tool in Designing Gardens for Alzheimer Patients</i>"</p>
TEACHING EXPERIENCE	<p>Newburyport Continuing Education, Newburyport, MA <i>Faculty, 2011</i></p> <p>Brookline Continuing Education, Brookline, MA <i>Faculty, 2010-2012</i></p> <p>Boston Architectural College, Boston, MA <i>Faculty, 2006-2007</i></p> <p>University of Maine, Orono, ME <i>Guest Speaker, 2002-2006</i></p> <p>University of Massachusetts, Amherst, MA <i>Teaching Assistant, 1999-2000</i></p>
REGISTRATION	<p>Commonwealth of Massachusetts, license #1382</p> <p>State of Maine, license #3585</p>
EDUCATION	<p>University of Massachusetts, Amherst, MA Master of Landscape Architecture, 2001</p> <p>University of Maine, Orono, ME B.S. Landscape Horticulture, Magna Cum Laude, 1997</p>



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

RECEIVED
CITY CLERK'S OFFICE
NEWBURYPORT, MA
2024 FEB -7 A 9:35

To: President and Members of the City Council
From: Sean R. Reardon, Mayor
Date: February 12, 2024
Subject: Appointment

I hereby appoint, subject to your approval, the following named individual as a member of the Public Arts Committee. This term will expire on March 15, 2025.

Nicole Whelan
12 Lafayette Street
Newburyport, MA 01950

[Nicole Whelan](#)

12 Lafayette St

Newburyport, MA 01950

nwhelanpavao@yahoo.com

January, 31, 2024

Christine Jackson

Executive Assistant to the Mayor

City of Newburyport

60 Pleasant Street

Newburyport, MA 01950

Dear Ms. Jackson

I am submitting this letter with the intent of joining the Public Art Committee upon approval of the Mayor and City Council.

As part of the Public Art Committee I will support the studying of the City's needs, possibilities, and resources in support of public art, and in making recommendations to the City Council with respect to the acquisition, or creation and placement of said art.

I currently serve as a Parks Commissioner. In terms of art experience, I was an art teacher in Boston Public Schools for 5 years. I earned a Bachelor of Fine Art from William Smith College in 1998, majoring in Fine Art and minoring in Art History. I earned a master's degree in Art Education from Lesley University in 2003. I've served as a board member on the Board of Educators at the Museum of Fine Arts from 2010-2014.

Sincerely,

Nicole Whelan

Nicole Whelan

A handwritten signature in black ink, appearing to read 'Nicole Whelan', written in a cursive style.

NICOLE WHELAN

12 Lafayette Street, Newburyport, MA 01950
nwhelanpavao@yahoo.com, 617.694.9927

EXPERIENCE

- 2002-present **Curtis Guild Elementary, East Boston, MA**
Data Team, Universal Design for Learning Team, School Site Council
Math Leadership Team, Instructional Leadership Team,
Lighthouse Team Facilitator, Math Facilitator/Lead Teacher
- 2008-present **Teacher, 4th Inclusion (SEI, Gen Ed.)**
 - teach/have taught *Everyday Math, Engage NY Math, Investigations, Reading Street, Expeditionary Learning, Writers' Express, Writers' Workshop, History Alive*, as well as plan and implement supplemental lessons as needed to meet Massachusetts/Common Core State standards
 - design lessons for whole-group and small group with attention to needs of individual learners.
- 2002 - 2008 **Theater/Arts Teacher**
 - created performances for all grade levels while guiding children to create props and choreography
 - designed and implemented the visual art curriculum for grades K-5
 - created lessons that incorporate literacy, motor-skill development and math skills
- 2002 - 2006 **Henderson Elementary School (formerly O' Hearn School), Dorchester, MA**
Arts Specialist
 - created art lessons for grades K-0 through 5
 - served as Art Director for school performances; painting sets and creating props
 - created accommodated lessons for students with moderate to severe disabilities in inclusion setting
- 2004-2010 **Visual Thinking Strategies (Museum of Fine Arts), Boston, MA**
Site Coordinator
 - trained to guide student conversations when viewing fine art as well as train teachers in the process.

EDUCATION & LICENSURE

- 2002 - 2004 **Lesley University, Cambridge, MA**
Masters of Education (Pre K-8)
 - professional licensure, Visual Arts, PreK-8
 - initial licensure; Elementary, 1-6;
 - initial licensure; **English as a Second Language**, PreK-12
 - initial licensure; **Moderate Disabilities**, K-6 (pending completion of course work 6/15)
- 1994 - 1998 **William Smith College, Geneva, NY**
Bachelor of Arts: Studio Art, Writing (Independent) Dean's List: 1994, 1996, 1998
 - Study Abroad: Advanced Studies in England/University College, Oxford, Bath, England, 1996

VOLUNTEER, RECOGNITION & CONTACT WORK

- 2010-2013 **Board of Educators, Museum of Fine Arts, Board Member**
 - work with other educators from various districts to promote and develop educational connections between schools and the museum
- 2010-2018 **Frederick Sontag Prize for Urban Education, Award Winner (2010-2018)**
 - awarded by Harvard Business School, Harvard Graduate School of Education and Boston Public Schools to share effective teaching strategies and conduct lessons during Acceleration Academies to prepare students for MCAS
- 2012 **Boston Public Schools Math Workgroups, Grade 4 Team member**
 - co-wrote the Scope and Sequence for Boston Public Schools to connect current curriculum to new Common Core State Standards
- Summer 2012 **Consultant for the Writers Express Curriculum, Cambridge, MA**
 - Advised curriculum developers regarding adaptations and accommodations for English Language Learners and students with special needs



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

RECEIVED
CITY CLERK'S OFFICE
NEWBURYPORT, MA
2024 FEB -6 P 4:04

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: February 12, 2024
Subject: Appointment

I hereby appoint, subject to your approval, the following named individual as a member of the Public Arts Committee. This term will expire on March 15, 2025.

Shanna Sartori
2 Garden Street, Apt. #2
Newburyport, MA 01950

Shanna Sartori

Newbury, Massachusetts 01950
Shannasartori@gmail.com • 603-661-3020

Dear City of Newburyport,

I am interested in serving as a community member on the Newburyport Public Art Committee. Last year I became the Site Manager for Historic New England's Newbury and Amesbury properties. I also moved to downtown Newburyport this past autumn. In April of 2023, I received my master's degree in public history from Southern New Hampshire University. The research that I conducted while at SNHU centered around marginalized groups and their experiences throughout American history. My thesis focused on the influence of Puritanism on Wampanoag enslavement during King Philip's War. In addition to researching American history from a history-from-below approach, other public history topics I studied included urban renewal and city planning, including how to best utilize green spaces in cities and public artwork placement.

Before pursuing public history, I worked as an actor in New York City, where I founded my own theater company, The Night Owl Players. I successfully produced, fundraised, designed, and marketed four off-Broadway shows with that company. In addition to my work in the arts, I also have extensive experience in childcare and managing restaurants. I love working with the public and enjoy leading teams, problem-solving, and finding ways to creatively connect with others.

I believe my passion for the arts, experience in stage production and management, my love of history and art, as well as working with the public would make me a valuable addition to the Newburyport Public Art committee. I look forward to hearing from you.

Sincerely,
Shanna Sartori

Recently completed a master's program in Public History at Southern New Hampshire University. Over 12 years of experience in theater in New York City, producing, designing, and performing in several productions. Extensive experience working with the public with an exceptional focus on customer service and building positive, long-lasting relationships. Passion for historical interpretation and connecting the public with the past.

Professional Experience

HISTORIC NEW ENGLAND, Newbury, Massachusetts

Site Manager, October 2023-Current

Preventative Care Assistant, May 2023-October 2023

Research Intern, May 2022 - August 2022

Currently serving as the Site Manager for Historic New England's Newbury and Amesbury properties. Oversees five house museum's care, interpretation, and tours, including three 17th-century homes in Newbury. Responsible for all the programming and functions that are held at Spencer-Peirce-Little Farm. Manages over twenty staff and volunteers. Regularly engages with the community at the farm and during events. Oversees over a dozen MSPCA farm animals at Spencer-Peirce-Little Farm.

Served as the preventative care assistant for various Historic New England properties. Monitored environmental conditions and their impact on the collections. Used Integrated Pest Management to keep collections and the houses stable.

A research-based internship that focused on supporting and interpreting various house museums for Historic New England. The research included the Abenaki in western Maine, New Hampshire lawyer William Merchant Richardson, and English gardener William Bell. Geo-coded over four hundred historic properties for an exhibit on architect William Ralph Emerson. Utilized Leventhal Maps to overlay older maps of Boston with current maps to ensure the correct property and location were being found. Designed a hypothetical Gatsby-styled gala at Beauport, the Sleeper-McCann House which would act as a fundraiser.

THE HOUSE OF THE SEVEN GABLES, Salem, Massachusetts

Historical Interpreter, June 2023-October 2023

Lead educational and engaging tours through the famous 17th-century mansion in historic Salem, integrating both information regarding the city of Salem and the mansion's history, as well as the novel. A history from below lens was utilized when interpreting the history of Salem's indigenous community and the enslaved individuals who resided at the mansion.

PEABODY ESSEX MUSEUM, Salem, Massachusetts

PEM PAL Lead, July 2023-September 2023

Art and Nature Center Graduate Intern, January 2023-May 2023

Lead the education team's program, PEM Pals, a monthly hands-on activity that uses storytelling, movement, music, and art to explore the senses. Each month, a new children's book was selected, and an art-based activity was planned, inspired by the book.

A graduate internship in the Art and Nature Center that oversaw the daily management and care of two interactive exhibits, *Climate Action*, and *The Pod*. Lead climate-based conversations and engaged with the public using the Climate Action Cart, offering solutions, and answering questions regarding climate change. Co-lead and developed daily drop-in activities in the Create Space.

FLIGHT COFFEE, Dover, New Hampshire
Shift Leader, Barista, August 2020 - July 2022

Oversaw front-of-house operations at one of New Hampshire's most popular coffee shops. Interacted with each guest to ensure a positive and pleasant experience. Managed an effective, productive, and upbeat team that focused on teamwork. Produced high-quality coffee beverages in a fast-paced environment. Open and closed the café and oversaw live events. Created connections with patrons that put Flight in the center of Dover's community.

THE NIGHT OWL PLAYERS, New York, New York
Co-founder, Producer, January 2013 - July 2020

Founded the theater company, The Night Owl Players in New York City. Successfully produced four shows in New York with dozens of performances. The production work began with the reading and selection of a script. Fundraised in the form of crowdfunding as well as live events, including auctions and raffles. Assisted in the casting process and hired designers. Worked alongside the costume, set, and sound designers of the show. Managed the advertising and ticket sales of productions. Coordinated with the theater to load the show in and out.

FRED'S, New York, New York
Manager, Host, Bartender, Server, May 2016 - August 2020

Managed a popular family restaurant and bar, during peak business hours, including nights and weekends. Responsible for opening, closing, and overseeing operations. Supervised and trained dozens of front-of-house staff. Ensured a positive and organized flow of the restaurant atmosphere and operations during busy brunch and dinner shifts. Assessed and addressed customer and staff incidents as needed. Assisted with serving and bartending as needed.

CHILD CARE, New York, New York
Child Care Provider, 2008 - 2020

Took care of over 30 children in the Harlem area with ages ranging from newborns to middle school aged. Provided supervision and guidance in a private home setting including overnight stays. Responsible for drop-offs and pickups from school, aiding in homework, and arranging recreational, educational, and artistic activities out of the home. Mentored middle school-aged children with learning disabilities.

Education

Master of Arts in History, Public History, 2023
SOUTHERN NEW HAMPSHIRE UNIVERSITY- Manchester, New Hampshire

Bachelor of Arts in Theatre and Dance, Acting and Directing, 2007
KEENE STATE COLLEGE - Keene, New Hampshire



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2024 FEB -6 P 4: 04

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: February 12, 2024
Subject: Appointment

I hereby appoint, subject to your approval, the following named individual as a member of the Public Arts Committee. This term will expire on March 15, 2025.

Katherine Moran
9 Garden Street Apt. #2
Newburyport, MA 01950

Hello!

I want to express my enthusiasm regarding the openings on the board of the Newburyport Public Art Committee. My name is Katherine Moran and I recently graduated summa cum laude from Northeastern University with a BFA in Graphic and Information Design. As a young Designer, I am excited to develop in a dynamic design environment and sustain my lifelong journey of both professional and individual growth within a collective ethos.

I recently moved to Newburyport from Hampton, NH in September 2023 and I am eager to get involved in local efforts and be an active member of the community. As someone who has surrounded myself with and been enthralled in art and design my entire life, getting involved in the local art scene is important to me.

Throughout my education as well as in my current position as Architectural Designer, I have been exposed to city planning, problem solving within the parameters of zoning and other conditions as well as the process of approvals. In my past, I have completed various passion projects such as developing an identity around my handmade jewelry to showcase my designs while also creating a website to support it and promote other local artists as well. Through working at an intimate Architecture firm I have gained insight into the design process as well as the essential intricacies of working at a firm that go beyond the final product. It has provided me the opportunity to navigate the translation between design understanding and client expectation and to design for specific needs all while working within the parameters of the project scope. I have also sold artwork on a commission basis for the past 5 years.

Each stage of life has presented new challenges and sources of inspiration for me all which I believe have provided me a perspective that would benefit the Newburyport Public Art Committee. With that in mind, I hope you will consider me as an addition to your board!

Please see my attached resume and a PDF of my portfolio; a more extensive digital portfolio can be viewed at katherinemoran.com. I can be reached through email at imorankatherine54@gmail.com or phone at 603-918-3198.

If there is anything else I can do or send please let me know and I look forward to hearing from you!

Thank you for your consideration,

Katherine Moran

Katherine Moran

portfolio: katherinemoran.com
email: morankatherine54@gmail.com
phone: 603.918.3198

education

Northeastern University - Boston, MA

graduated May 2023 - summa cum laude

BFA in Design with a concentration in Graphic and Information Design

experience

Architectural Designer - CJ Architects - Portsmouth, NH

August 2022 – present

- Responsible for producing architectural designs that satisfy clients needs using CAD and imagery rendering software
- Conceptualize and implement improved website layout and marketing materials to improve clarity and optimize user experience
- Participate in client meetings and collaborate to develop final designs that balance their needs and requests

Architectural Intern - CJ Architects - Portsmouth, NH

July 2020 – August 2022

- Precisely drafted drawings using AutoCAD to adhere to specific clearances and building code requirements
- Organized in office filing systems, templates and protocols
- Used Adobe Creative Suite to create presentation materials for marketing purposes

projects

Northeastern University - Boston, MA

UNESCO World Heritage Site Rebrand

- Created an identity specific to the UNESCO Site by establishing a system of dynamic design elements to incorporate across 2D, 3D and screen applications

Gut Feelings Exhibition

- Curated an exhibition based on my research that considered how a user experiences information flow in order to achieve understanding of complex ideas

Mauran Typeface

- Explored the complexities of letterforms through the creation of a new typeface

Small Business Owner - Knocean Studio - Hampton, NH

June 2018 – November 2018

- Established identity through the development and adherence to a design system
- Collaborated and built partnerships with other artists in order to expand inventory
- Developed a website to market and promote the brand

Art Commissioner - KM Designs - Hampton, NH

September 2018 – present

- Discussed desired specifications and vision of artwork with customers
- Managed time to prioritize customer deadlines and balance order demands
- Delivered custom artwork to fulfill the client orders

skills

- Adobe InDesign
- Adobe Photoshop
- WordPress
- After Effects
- Adobe Illustrator
- AutoCAD
- HTML/CSS
- Premiere Pro



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MAYOR@CITYOFNEWBURYPORT.COM

To: President and Members of the City Council
From: Sean R. Reardon, Mayor
Date: February 12, 2024
Subject: Appointment

RECEIVED
CITY CLERK'S OFFICE
NEWBURYPORT, MA
2024 FEB - 1 P 2:07

I hereby appoint, subject to your approval, the following named individual as a member of the Public Arts Committee. This term will expire on March 15, 2025.

Peter B. Carzasty
35 Temple Street
Newburyport, MA 01950

PETER B. CARZASTY

Christine Jackson
The Mayor's office of the City of Newburyport, MA

Dear Ms. Jackson,

With great enthusiasm, I would like to submit my credentials and interest in joining the Newburyport Public Art Committee.

Since moving to Newburyport nearly seven years ago, I have been eager to engage with the community in all matters involving the arts and public policy. Having an extensive background in both and often overlapping interests during my 30+ years as a cultural advocate and communications strategist nationally and internationally.

I am incredibly proud of my work in New York City (Municipal Arts Society, Creative Time, Public Art Fund) and Pittsburgh (Pittsburgh Cultural Trust) involving public art and cultural policy within those two cities.

Since moving to Newburyport, I sat on the Steering Committee of the Newburyport Documentary Film Festival, having developed and nurtured the YES Award – Young Emerging-Filmmakers Showcase, inviting students from surrounding colleges and universities to complete with the winner awarded a \$1,000 sponsored by Dietz & Lynch Capital.

I volunteer at AJH and maintain a consulting business focusing on strategic communications and program development. One of my clients is the Arts & Business Council of Greater Boston's Creative Campus program - An Equity-Centered Cultural Land Trust for Advancing the Creative Economy.

Last year, thanks to Connie Preston, who arranged a tour with us and the mayor, we began to explore the Brown School as a potential purchase for developing it into a community center featuring affordable living/work and work-only spaces for the creative community. Unfortunately, we decline future activity surrounding the projects in early summer for various reasons.

I would be honored to serve on the committee. As I have welcomed many friends, especially from New York, I always take them on the rail trail to demonstrate the value of public art.

Sincerely,
Peter B. Carzasty, Fonder & Principal
Geah, Ltd.

35 TEMPLE STREET / NEWBURYPORT MA / 01950

PETER B. CARZASTY

<https://www.linkedin.com/in/carzasty/>

(917) 620-9042

COMMUNICATIONS / PROGRAM / IDENTITY SPECIALIST

Seasoned strategist executive with significant expertise in developing and launching new cultural and corporate initiatives, strategic identity campaigns, and programming platforms. Passionate, driven, self-motivated, collaborative, and entrepreneurial. In-depth New York, national, and international experience in non-profit and for-profit sectors. He has worked for over 60 cultural, corporate, civic, urban development, educational, and governmental agencies, design/architecture firms involving the arts & cultural policy, sponsorship, brand positioning, public relations, and programming initiatives creating greater visibility and market share.

Geah, LTD. (www.geahltd.com) New York, NY

August 2007 – Present

Cultural Consulting, Strategic Corporate, Arts & Non-Profit Partnerships

Founder and CEO

SERVICES AND SPECIALTIES (select examples):

Creating new programs and platforms for institutional development and advancement.

- Senior Advisor and Program Development for the Arts & Business Council's Creative Campus program. A Community-Building Real Estate Initiative for Advancing Equity, Sustainability, and Spatial Justice through the Creative Economy.

Forging productive alliances between business and non-profit marketplace.

- A new program series, "The Marriage of Business & the Arts," for the Luxury Marketing Council. Created the ongoing series bringing together senior executives from corporations such as American Express, CIT, Time Warner, and Montblanc as guest panelists and commentators.
- Co-founder of the online philanthropic web portal *ActiveCause, the Social Giving Network™*. Launched creating a rewards program for *RecycleBank*, leveraging nearly \$100K for national and regional charities in less than six months.

Developing communications plans and collateral materials for greater visibility and brand recognition

- The National Museum of Korea – Geah was the first Western communications specialist to develop a comprehensive situational analysis for increasing worldwide visibility. Elements of the extensive site visit report have been adopted by management for greater outreach and exposure.

Designing marketing materials to solidify brand identity and drive the business's bottom line.

- Burton Landscape Architecture Studio + Gallery – Developed first identity campaign, including written and collateral materials, immediately awarding a central new resort account and the company's first national media coverage/exposure.

Creating innovative cross-promotional opportunities/sponsorships.

- Jacob's Pillow Dance Festival 75th Anniversary Season – designed the institution's first interrogated corporate sponsorship platform, introducing Cunard, Steuben, La Mer, and Davidoff.

Cohn Davis Associates, New York, NY

November 2001 – August 2005

Executive Vice President

Provided end-to-end communications services for cultural and educational institutions and new facility launches, such as strategic planning, public relations, marketing, and institutional identity. A partial list of clients:

- **Joyce Theater Foundation, Inc.** (Designed identity/communications 5-year plan—a required component deliverable for the LMDC for their role in a planned arts center at Ground Zero)
- **Alvin Ailey American Dance Foundation, Inc** (Public/Media Relations for groundbreaking and opening of a new facility on West 55th Street – Page One The New York Times coverage)
- **Syracuse University/Newhouse School of Public Communications** (Strategic launch and staffing of the Goldring Arts Journalism Program surpassing first-year applicants by 150%)

The Kreisberg Group, Ltd., New York, NY
Senior Vice President
Director, Performing Arts

June 1993 – November 2001
February 1996 – November 2001
June 1993 – February 1996

Billables were more than \$450K annually. During tenure, managed program expense budgets ranging up to \$1M with individual project staffs varying to fourteen.

Developed agency's new division of Performing Arts, raising billables by 25% over four years.

Created/implemented corporate sponsorship programs for Warner Bros., Mattel, and Rolex.

Co-authored the media platform and implemented the subsequent "role out" of **Sara Lee Corporation's Millennium Gift to America** program—the divestiture of its \$130 million art collection donation to museums nationally and internationally. The program's success was instrumental in Sara Lee receiving the National Medal of Arts Award from President Bill Clinton, becoming a finalist for a PR Week Award, and 2-years of constant positive media attention. It increased revenue by 3-5%.

Planned/executed launches that included direct media relations and broader communication strategies for more than 15 new cultural facilities and programs nationally and internationally. A partial list of projects:

- **Lincoln Center for the Performing Arts, Inc.** (inaugural Lincoln Center Festival '96)
- **Boston Symphony Orchestra** (Seiji Ozawa Hall concert hall at Tanglewood)
- **Expo '98** (Oceanário de Lisboa in Lisbon, Portugal - center pièce of exposition)
- **Metropolitan Transit Authority** (Grand Central Terminal's \$200M restoration/revitalization)
- **New 42nd Street Inc.** (The New 42nd Street Studio Building and Theater in Times Sq.)
- **The New York Times Company** (design announcement of new headquarters on 8th Ave)
- **Pew Charitable Trusts** (national program: *Save As: Dance*)
- **American Center in Paris** (Frank Gehry's first European commission)

THE BROOKLYN ACADEMY OF MUSIC (BAM)
Director of Publicity and Public Relations

May 1987 – June 1993

Created and implemented international, national, and New York print /broadcast media and communications for individual events and long-range public image/institutional branding. Placed over 150 The New York Times institutional, event, features stories, and reviews.

Supervised a staff of four with a budget of \$250,000 + (excluding salaries).

Long-range and strategic institutional planning and launch of:

- 651 – a subsidiary presenting wing of BAM developed to provide relevant community-building programming in the new Majestic Theater;
- BAM's first endowment campaign in its 132-year history.

The development of BAM's new graphic and marketing identity is still in use.

Co-creator of "Arts Day U.S.A.," involving 45 arts organizations nationwide, campaigning for Senate approval of the National Endowment for the Arts reauthorization.

Designed and implemented all media coverage for the appearance of the late Princess of Wales for her first official solo visit as the Royal Patroness of the Welsh National Opera for its American debut – a national live broadcast event covered by more than 250 international print and broadcast journalists.

RELATED EXPERIENCE:

Guest Lecturer – Public Relations, Cultural Policy, Arts Philanthropy (1985 – Present – selected outlets)

Public Relations Society of New York, Luxury Marketing Council

New York University & Brooklyn College, Rutgers University & Iona College

NYU Robert F. Wagner School of Public Service

PUBLICATIONS:

Public Relations Career Directory (Public Relations Society of America) Contributing Chapter – *Performing Arts Public Relations: Life Backstage*)

Is it all About the Image? – How PR works in Architecture (Wiley Publishers, UK/NY) Case Study – *Santiago Calatrava's first United States building – The Milwaukee Art Museum*)

Performing Arts Management – A Handbook of Professional Practices (Allworth Press, NY)

Contributor to Chapter 7 – *Strategies for Selling Tickets*

Golden Crossroads (Palgrave Publishers, a division of Macmillan UK) Contributor to Chapter 2 – *New Approaches to Defining the Potential Roles of Fine Arts*)

The Marriage of Business and the Arts: A Fruitful Union Ripe for Reexamination ("How To..." article for membership newsletter and website – The Luxury Marketing Council)

PROFESSIONAL AFFILIATIONS :

Philharmonic Orchestra of the Americas (April 2008 – May 2011) Member, Board of Directors and Chair, Marketing/PR Committee, Chair, Executive Search Committee.

Danspace Project (July 1997 – May 2005)

Member of the Board of Directors and co-chair of an annual, highly successful fundraising gala for five years

Luxury Marketing Council (March 2006 – Present) Member and Designer/Moderator of the LMC's series, "The Marriage of Business & the Arts."

EDUCATION:

MFA – Performing Arts Administration – City University/Brooklyn College, NY

BFA – Dramatic Arts/Directing – Emerson College, Boston, MA

TESTIMONIAL REFERENCE:

Joseph V. Melillo, Executive Producer Emeritus, Brooklyn Academy of Music

You engage Peter for a unique service. His talent resides in accepting the professional assignment with a client but providing an immersive examination of the endeavor and offering various options for goals and objectives far beyond what is initially thought for the endeavor. Peter sees opportunities, implications, and connections. This kind of creativity and business acumen is rare in the communications industry. Success in his professional endeavors is achieved with efficiency and effectiveness.

Carol Brown, President Emeritus, Pittsburgh Cultural Trust & Heinz Endowments Trustee

Peter's management of the Pittsburgh Cultural Trust's strategic national communications program, working on behalf of the Trust and the Heinz Endowments, was extraordinary. His understanding of cultural enterprises, creative thinking, strategic planning, and capacity for detailed program execution achieved results beyond our expectations. Additionally, he possessed a keen comprehension and practical application of the Trust's activities so that they could be viewed as enlightened public policy. The Trust re-engaged Pittsburgh's political and media decision-makers in public dialogue and witnessed them become proactive advocates of our efforts. These actions were the direct result of Peter's work and his efforts.

Lori Dernavich, Leadership Advisor/Executive Coach, Life Sciences, Deep & High Tech

"I met Peter through the Luxury Marketing Council and his curated series, "The Marriage of Business and the Arts." Peter's professional strength is his spirited assessment and thorough forensic analysis of anything he sets his sights on. He has an uncanny awareness of the subject's potential value and relevance. He can incorporate the client's narrative within today's business and cultural environment. I love Peter's ability to turn even the smallest or obscure bit of information into a new, fresh, and compelling story, benefiting the bottom line."

Bruce Whitacre, Executive Director, Theatre Forward

Peter guided us through our renaming and launching of a critical research piece in 2015. We worked closely together over six months to prepare a launch video, engage thought leaders, and host a launch event in New York in October 2015. Peter was strategic, persistent, hard-working, committed to our efforts, and indispensable to our projects' success. He leveraged many critical contacts as we put our program together and offered constant valuable advice. His press contacts enabled us to achieve national visibility. He is a professional, creative, dynamic support to institutional and subject matter communications.

Gregory J. Furman, Founder & Chairman, The Luxury Marketing Council

Peter "walks on water." For me, it was a click' from our first meeting, so much so that he is a partner with honorary membership in The Luxury Council and architect of our "Marriage of Business and The Arts" series. Peter's many gifts include his in-depth understanding of the "culture" of the luxury industry sector and how to make the arts world a viable 'working' partner for brand awareness and customer appreciation. His considerable assets include his creative ability to think strategically, always with the big picture in mind, and his appreciation of the day-to-day business imperatives of top management. He is an intelligent deal-maker who can understand and keep a sharp eye on "measures of success," qualitative and quantitative. Peter is highly resourceful and has a most impressive network of top management folks who think as highly of him as I do and will return his calls in a New York minute. He possesses media and marketing savvy, has a great sense of humor, and is fun to work with. I am grateful to count Peter as a friend and trusted advisor. Since we first met, I routinely sought his counsel and have always trusted, respected, and relied on his good judgment, both business-wise and personally.



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: February 12, 2024
Subject: Appointment

RECEIVED
CITY CLERK'S OFFICE
NEWBURYPORT, MA
2024 FEB - 6 P 4: 00

I hereby appoint, subject to your approval, the following named individual as the Cultural Council liaison to the Public Art Committee. This term will expire on March 1, 2027.

Cynthia Schartman
12 Market Street
Newburyport, MA 01950

Cynthia Schartman
12 Market Street
Newburyport, MA 01950

City of Newburyport
60 Pleasant Street
Newburyport, MA 01950

January 25, 2024

To Whom It May Concern:

Respectfully I submit my resume for your consideration for a position on the Newburyport Public Art Committee. It is through my volunteer work with the Newburyport Cultural Council that I am aware of this committee. I would like to represent the interests of the Cultural Council as well as offer experience and insight from my professional work and my various other Newburyport involvements.

Prior to my awareness of this committee, I had enrolled in the New England Foundation for the Arts Making It Public (MIP) workshop. I did so because it is my belief that public art may be among the most potent yet nonconfrontational ways to both reflect and engage community. Given the opportunity, I would enjoy sharing content from MIP with the NBPT Public Art Committee.

Thank you for your consideration,

A handwritten signature in black ink that reads "Cindy Schartman". The signature is written in a cursive, flowing style.

Cindy Schartman

Cynthia Schartman

12 Market Street, Newburyport, MA 01950

ARCHITECTURE

Andrew Sidford Architects, Senior Associate

Newburyport, MA (2004 – Present)

- Design Development, Project Management, Sourcing and Detailing
- Design Direction and Mentoring of Junior Staff
- Marketing and Business Development

Past: **Woodman Associates Architects, Designer** Newburyport, MA (2002– 2004),
Benjamin Nutter Associates Architects, Designer Topsfield, MA (2000 – 2003)
Stopfel, Inc. Architects, Designer Boston, MA (May 2000 – October 2000)
O’Neil & Manion Architects, Designer Bethesda, MD (January 1999 - May 2000)

CULTURAL INSTITUTIONS

Museum of New Art / Portsmouth

Curatorial Committee (2020 to present)

Exhibit Development and Design

National Museum of American History, Howard Revis Design, National Museum of Health and Medicine, AIA Headquarters Gallery, New England Folklife Center, Very Special Arts Gallery, Cremona Foundation Collection of Nonconformist Art (1991-1999)

Architectural Preservation

Historic Port Tobacco, MD & L’Abbaye Moncel, Pontpoint, France (1992-1993)

EDUCATION

The George Washington University, Washington, DC, M.A. Museum Studies
Interdisciplinary program: Design, Anthropology and Architecture. Spring 1997
Graduate Fellowship. Spring 1997

St. Mary’s College of Maryland, BA History, Studio Art Minor, 1991
Archaeology Field School. Historic St. Mary’s City, MD. Summer 1990
Centre for Medieval and Renaissance Studies, Oxford, England. 1989

Massachusetts Cultural Council Professional Development Grant

New England Foundation for the Arts Conference, Fall 1999

EXTRA CURRICULAR

Local Cultural Council, Newburyport, MA. Member (2021 to present)
Outdoor Sculpture at Maudslay, Newburyport, MA. Participant (2018 to present)
Tinkerhaus, Newburyport, MA. Board Member (2018-2022)
2 Rivers Pottery Studio, Byfield, MA. Student (2022 to present)
Newburyport Holiday House Tour, Newburyport, MA. Volunteer (2016 to present)



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: February 12, 2024
Subject: Appointment

RECEIVED
CITY CLERK'S OFFICE
NEWBURYPORT, MA
2024 FEB -6 P 4:00

I hereby appoint, subject to your approval, the following named individual as the Cultural Council liaison to the Public Art Committee. This term will expire on March 1, 2027.

Paula Estey
3 Pine Street
Newburyport, MA 01950

To The City of Newburyport
Letter of Intent for The Public Art Committee
January 25, 2024

From:
Paula Estey, Executive Director of The PEG Center
3 Harris Street
Newburyport, MA 01950

Having been part of the committee that helped create our City's Public Art policy, it is my sincere interest to now serve as a member of The Public Art Committee. I feel that my decades of experience as an art curator and independent art contractor will bring with it an understanding and knowledge about the process of public art commissions and projects as well as a unique creative viewpoint to the process. I thank you for considering me to be part of this important cultural committee at such an expansive time in our City's history.

Paula Estey

Paula Estey
3 Pine Street
Newburyport, MA 01950
978-376-4746
paulaestey@thepegcenter.org
www.thepegcenter.org

Founder, Executive Director
The PEG Center for Art and Activism nonprofit organization 501c3
3 Harris Street
Newburyport, MA 01950
2014 to present

- Curate multiple exhibitions per year
- Create and coordinate community events
- Off-site art locations throughout the region
- Collaborate with other nonprofits to create programming, events and educational opportunities

Founder, The Women in Action Huddle of Greater Newburyport
3 Harris Street
Newburyport, MA 01950
2017- present

- Leader of women's activist and support group
- Responsible for speakers, events, initiatives, including the Edible Avenue of Indigenous Plants on a section of Newburyport's Rail Trail
- Responsible for liaison between activist groups in our area and the Huddle
- Organize marches, gatherings for climate causes
- Manages garden plots along The Clipper City Rail Trail, one of which grows food for First Parish Food Pantry
- Liaisons volunteer opportunities with other nonprofit organizations

Independent Art Contractor

2008-2012

- Responsible for pop-up art events throughout Metro Boston and Essex County
- Showcased the works of more than 100 artists to creative venues, from existing art venues to restaurants and event halls
- Curated, installed and produced art pop ups from inception to completion

Artist in Residence, Unity on the River Spiritual Center

2000-2008

58 Macy Street

Amesbury, MA 01913

- Produced two major collections for the center's permanent archives
- Taught multiple creative and spiritual classes
- Taught painting
- Facilitated Julia Cameron's "The Artist's Way" more than ten times to hundreds of participants
- Created and ran the Unity Art Gallery for ten years, producing more than 50 shows open to the public

Founder/Owner Paula Estey Designs

1995-2000

13 Cedar Street

Amesbury, MA 01913

- Wholesale functional pottery business, employing up to twelve people
- Responsible for five new design series per year
- Responsible for attending wholesale shows in Boston, New York and Philadelphia
- Clients included QVC and Nordstrom

Education

Goddard College, Plainfield, VT 1972-1975

Pingree School, South Hamilton, MA Graduated 1971

- President of the Student Council, 1970 & 1971



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

RECEIVED
CITY CLERK'S OFFICE
NEWBURYPORT, MA

2024 FEB -7 A 11:56

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: February 12, 2024
Subject: Confirmatory Re-appointment

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

Dennis Morel Jr.
83 Bow Ridge Road
Lynn, MA 01904

A handwritten signature in black ink, appearing to read 'Sean R. Reardon', written in a cursive style.



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

RECEIVED
CITY CLERK'S OFFICE
NEWBURYPORT, MA
2024 FEB -6 P 1:55

To: President and Members of the
City Council

From: Sean R. Reardon, Mayor

Date: February 12, 2024

Subject: Re-Appointment

I hereby re-appoint, subject to your approval, the following
named individual as a member of the Fruit Street Local
Historic District Commission. This term will expire on
March 15, 2027.

Kevin Wallace
40 Oak Street
Newburyport, MA 01950

Kevin Wallace
40 Oak Street
Newburyport, MA 01950
978.423.8771
Kmwallace01@comcast.net

Realtor REALTY ONE GROUP NEST , Newburyport, MA	2023-Present
Realtor, Sales Manager RE/MAX On the River , Newburyport, MA	2012-2023
Realtor Stone Ridge Properties , Newburyport, MA	2001-2012
Licensed Property and Casualty Salesperson Arthur S. Page Insurance , Newburyport, MA	1989-2001

I became a licensed Real Estate Sales person in 2001, bringing with me 10 years of experience and expertise as a local insurance agent. Prior to my career in insurance, I worked for a greater Boston financial institution as a residential mortgage lender and construction loan officer, making my move to real estate a natural transition. Having strong roots in the community, I am a past Director and past President for both the Greater Newburyport Association of Realtors and currently serve as the Treasurer for the North Shore Association of Realtors. I am a past Director for the Massachusetts Association of Realtors and served as a Focus Area Vice President for Professional Development and Technology. In addition, I was a member of the Newburyport Kelly School Re-Use Committee and a current member of the Fruit Street Historic District Commission. I have held past posts as Chairman of the Newburyport License Commission for 11 years, Chairman and Director of the Newburyport Maritime Society for 6 years and Board Member of the Greater Newburyport Chamber of Commerce & Industry and the Northern Essex Mental Health Center.



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

RECEIVED
CITY CLERK'S OFFICE
NEWBURYPORT, MA
2024 FEB - 1 P 3:29

To: President and Members of the
City Council

From: Sean R. Reardon, Mayor

Date: February 12, 2024

Subject: Re-Appointment

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

Robert Currier
3 Summit Place
Newburyport, MA 01950

A handwritten signature in black ink, appearing to read 'Sean R. Reardon', written in a cursive style.

January 30, 2024

To Whom it May Concern,

It is my sincere pleasure to be re-appointed to the Affordable Housing Trust. I am deeply committed to finding attainable and creative housing solutions in my community. I believe my extensive experience with Stratford Capitol Group gives me a unique perspective on the financing dynamics on this challenging but imperative endeavor.

Thank you in advance for your consideration and I look forward to working with the committee.

Sincerely,

Robert M. Currier

Robert M. Currier

3 Summit Place

Newburyport

Robert M. Currier
3 Summit Place
Newburyport, Massachusetts 01950
E-mail: robertmcurrier@gmail.com
978-270-3555

Summary

I served on the Newburyport Redevelopment Authority from 1982 to 1992. I was a member of the integral team that supervised the redevelopment and restoration of our city. I continue to be the proprietary agent for my company, Municipal Advisory Services, which provides permitting research and advice for housing development. I also served on the Newburyport Historical Commission from 1978-1982. I am passionate about finding creative solutions for affordable housing in our community.

EDUCATION

California State College at Hayward 1968 Bachelors in Economics and History

EXPERIENCE

Municipal Advisory Services 1985 to Present

Provides permitting research and consulting for commercial and industrial real estate development.

Stratford Capitol Group 1999-2023

Procured properties for affordable housing development.

Hold a current Massachusetts Real Estate brokerage License

RELATED SKILLS

I have a deep commitment to finding solutions to affordable housing in my community. My experience working with Stratford Capitol Group has helped me gain a keen understanding of the intricacies of the financing dynamic of affordable housing.

REFERENCES UPON REQUEST



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: February 12, 2024
Subject: Re-Appointment

RECEIVED
CITY CLERK'S OFFICE
NEWBURYPORT, MA
2024 FEB - 5 P 3:28

I hereby re-appoint, subject to your approval, the following
named individual as Director Planning and Development.
This term will expire on March 15, 2026.

Andrew R. Port
61 Water Street #5
Newburyport, MA 01950

ANDREW R. PORT, AICP



61 Water St # 5, Newburyport, MA 01950

617-680-3621

andy.port@gmail.com

OBJECTIVES

Director of Planning & Development

- Increase the efficiency of municipal planning, permitting, inspectional services and administration and ensure proper development of the community.
- Improve the physical form of communities through increased provisions for a mix of land uses, greenway networks, recreation and open space, affordable housing, economic development, multi-modal transportation, civic spaces, and preserved cultural and historical resources.
- Raise social capital and further a sense of community and place, through public engagement and education in the areas of community development and long-range planning.

PROFESSIONAL ASSOCIATIONS

American Institute of Certified Planners (AICP)

American Planning Association (APA)

Massachusetts Association of Planning Directors (MAPD)

Massachusetts Certified Public Purchasing Official Program (MCPPO):

- Procurement Training/Certification: Contracting for Design & Construction / Supplies & Services

EDUCATION

MASSACHUSETTS INSTITUTE OF TECHNOLOGY (MIT)

Department of Urban Studies & Planning (DUSP)

Master of City Planning (MCP) Degree – June 2004 (Concentration: Community & Land Use Planning)

UNIVERSITY OF MASSACHUSETTS, AMHERST, MA

Department of Landscape Architecture & Regional Planning

Bachelor of Science – Landscape Architecture (BSLA) Degree – May 1999

RESEARCH PROJECTS & PRESENTATIONS

THESIS: "APPLICATION OF SELECTED NEW URBANIST PRINCIPLES TO RESIDENTIAL INFILL DEVELOPMENTS IN MATURE SUBURBS OF GREATER BOSTON" (MIT)

THESIS: "RENOVATION & REVITALIZATION OF THE CAMPUS LANDSCAPE: A LANDSCAPE FOR LEARNING." (UMASS AMHERST)

SPEAKER: "MAKING THE CASE FOR SMART GROWTH: CONVINCING LOCAL COMMUNITIES."
(CITIZEN PLANNER TRAINING COLLABORATIVE - 2007 ANNUAL CONFERENCE:
"ADVANCED TOOLS & TECHNIQUES FOR PLANNING AND ZONING")

SPEAKER: "DEPLOYING A MUNICIPAL GEOGRAPHIC INFORMATION SYSTEM WITH LIMITED RESOURCES."
(SOUTHERN NEW ENGLAND PLANNING CONFERENCE - 2009)
(NORTHEAST ARC USERS GROUP - 2008 ANNUAL CONFERENCE)

RELATED COURSEWORK

City & Regional Planning	History of Architecture & Landscape Architecture
Planning Action & Economics	Urban Design Policy & Action
Urban Design & Development	Law & Politics of Land Use
Comm. Growth & Land Use Planning	Legal Issues in the Development Process
Geographic Information Systems	Information & Comm. Tech. in Community Development
Site Engineering & Structures	Theory in Environmental Design & Human Habitation
Landscape Planning & Design	Natural & Cultural Factors in Planning

PROFESSIONAL EXPERIENCE

CITY OF NEWBURYPORT, OFFICE OF PLANNING & DEVELOPMENT *July 2010–Present*

Director of Planning & Development

Notable Projects & Work:

- Master Plan Update – Principal Editor, Project Management, Public Participation
- Open Space & Recreation Plan – Project Manager, RFP Scope & Contract with Selected Firm
- Affordable Housing Plan – Project Manager, RFP Scope & Contract with Selected Firm
- 40R Smart Growth Overlay District – Principal Author, Oversight of Development Permitting
- MassWorks Infrastructure Grant (2015) – Awarded \$2M grant to upgrade the Graf Road Sewer Lift Station to support buildout within Newburyport's Smart Growth District and Business and Industry Park.
- Zoning & General Code Amendments (Various) – Principal Drafter, Revisions as Necessary
- Online Permitting – Procurement for City-Wide Web-Based Permitting System, Management and Oversight for Implementation and Rollout of Permits and Applications (Building & Planning)
- Newburyport Redevelopment Authority – Principal Author of Original Draft Special Act to Dissolve the NRA and transfer all land and assets to the City of Newburyport for Park Construction
- Newburyport Intermodal Parking Facility (Parking Garage) – Project Manager for \$15.5M Project Including Federal and State Funding, Land Acquisition, Relocation Services, Oversight of Design Team, & Contractors, Permitting, Procurement, etc.
- Inn Street Fountain Restoration & Splash Pad Project – Project Manager, Oversight of Design Team, Contractor, Scope of Services, Procurement, etc.
- Green Street Parking Lot Project – Project Manager, Oversight of Design Team, Contractor, Scope of Services, Procurement, etc.
- Inn Street Lighting Improvements – Project Manager, Oversight of Design Team, Contractor, Scope of Services, Procurement, etc.
- Market Landing Park Expansion – Project Manager, RFQ Design Scope & Contract with Selected Firm, Oversight for Schematic Design Phase & Contract Extension for Final Design Services
- Permit Assistance to Boards & Commissions – Oversight of Development Permitting, Resolution of Issues with developers, applicants, abutters, City officials and others as needed, Formalized and Streamlined the Process for drafting staff reports and clear, enforceable and defensible written decisions.
- Meeting & Public Hearing Management – Zoom Host for Remote Meetings and Public Hearings via online access in response to the Covid-19 Pandemic. Facilitate Public Participation, Visuals Support
- Design Contracts & Feasibility Studies – Drafted RFPs/Scope of Work and Contracts for Cutter Fire Station Architectural Feasibility Study, Brown School Adaptive Reuse Study and Youth Services Feasibility Study.

TOWN OF HANOVER, DEPARTMENT OF MUNICIPAL INSPECTIONS *Sept 2004 – June 2010*

Town Planner & Assistant Town Administrator – Responsibilities:

Administration of Planning Projects:

- Master Plan Update – Principal Author, GIS Mapping, Project Manager, Public Participation
- Recreation & Open Space Plan – Project Manager, Developed RFP & Contract with Selected Firm
- Historic Preservation Plan – Project Manager, Developed RFP & Contract with Selected Firm

- Affordable Housing Plan – Project Manager, Developed RFP & Contract with Selected Firm
- Recreation Facilities Master Plan – Project Manager, Developed RFP & Contract with Selected Firm
- GIS Development – Developed Mapping & Data for Town-wide GIS Accessible to all Town Agencies
- Community Preservation Act (CPA) – Bylaw Development, Town Meeting Articles, Project RFPs, Scopes of Work, Contracts, Project Management for multiple Contracts simultaneously.
- Transportation Improvement Program (TIP) – Support & Background for Funding Requests from MPO
- Grant Writing – Obtained Grant from MassGIS to upgrade Town Parcel Maps to “Level II” Standards

Project Review & Administration:

- Subdivisions – Recommendations Pursuant to Subdivision Control Law, Rules & Regulations.
- Special Permit & Site Plan Reviews – Recommendations Pursuant to Zoning Act, Zoning Bylaw.
- Develop Legally Defensible Decisions – For all Projects (Approved & Disapproved)
- Monitor Development Projects – From Approval through Construction, Compliance with Special Conditions, Site Plan Signoffs / Occupancy Permits & Reduction of Financial Guarantees.
- Interpretations of Land Use Regulations – In General & As Applied to Specific Projects
- Draft Various Request for Proposals (RFPs) – See above
- Zoning & General Bylaw Amendments – Recommendations & Draft Bylaws adopted by Town Meeting & Approved by Attorney General

Town Mapping & Geographic Information System (GIS):

- For All Town Agencies (see: <http://www.hanover-ma.gov/maps-gis/gis-viewer/gis-viewer.htm>)
- Various Town Maps & Assessors Maps Viewable Online
- Development of Town Layers (roads, subdivisions, development projects, voting precincts, municipal facilities, natural resources, zoning, etc.)

Website Design & Webmaster: (www.hanover-ma.gov)

- Announcements & Calendar of Events – Board Meetings, Agendas & Minutes, Town Meeting, etc.
- Bylaws & Regulations – Zoning Bylaw, Zoning Maps, General Bylaws, Various Rules & Regulations.
- Reports & Publications – Master Plan, Open Space Plan, Various Documents
- Town Maps & GIS – Various Maps (see: <http://www.hanover-ma.gov/maps.shtml>)
- Forms & Permits – Planning, Building, Conservation, Various Other Departments
- Town Directory – Descriptions & Contact Info for All Town Departments & Boards
- Online Payment Center – Utilization of Unibank/Unipay Services through Town Website
- Online Feedback Forms & Surveys – General Purpose, Department Specific, Master Plan Surveys
- Search Feature, Links, Local Papers, Community Resources

Town Representative to the Metropolitan Area Planning Council (MAPC)

Representative: Daily interaction with elected & appointed officials, general public, media, local/state/federal agencies. Presentations & Facilitation of Public Meetings

Department Head

- Administration of \$150,000 budget (Salaries & Line-Item Expenses)
- Administration of Project Budgets in excess of \$500,000 (Community Preservation, GIS, Master Plan, etc.)
- Administration and oversight of Procurement Processes
- Administration of Small Planning Office (Department of Municipal Inspections) & Coordination with other Permitting & Inspection Departments
- Attendance and Representation at Department Head Meetings, Annual State of the Town Meeting, etc.

CITY OF PEABODY, DEPARTMENT OF COMMUNITY DEVELOPMENT & PLANNING June 1999 – September 2004

Senior Planner – Responsibilities:

Administration of Planning Projects:

- Recreation & Open Space Plan – Principal Author, GIS Mapping, Project Manager
- Downtown Riverwalk & Historic Trail Master Plan – Principal Author, GIS Mapping, Project Manager
- Plan of City Owned Land – Principal Author, GIS Mapping, Project Manager

- Flood Hazard Mitigation Plan – Principal Author, Project Manager
- Stormwater Management Plan – Principal Author
- Wetlands & Rivers Protection Regulations – Principal Author, Agent/Administrator
- 2001 Comprehensive Master Plan Update – One of Principal Authors, Full GIS Mapping, & Website
- Comprehensive Re-Zoning Project – Project Management, Research, Ordinances, Regulations, Maps
- Comprehensive Emergency Management Plan for Hazardous Materials – GIS Mapping
- Downtown 2005 Plan – Graphics
- Massachusetts Community Preservation Act (CPA) – Education, Enactment, & Implementation. Successfully applied for and received funding for the following projects: Peabody Bikeway Design (\$162,000) and Riverwalk Park (\$62,000). Principal author of local bylaws, regulations, and application procedures.
- Census Reprecincting (2001) – Mapping & Data in accordance with State & Federal requirements.

Staff Review & Administration:

- Special Permit Applications & Site Plan Review – Pursuant to Peabody Zoning Ordinance.
- Request for Proposals & Bids for Capital Improvement Projects
- Zoning Amendments – Responsible for department-initiated recommendations as well as review of proposals and Council requests.

Project Management & Construction Administration:

For Capital Improvement Projects, including the following: Administration of construction services, from notice to proceed to project completion. Research. Preparation of request for proposals, design and construction drawings, details, specs for public bid, grant applications, and public presentation. Coordination between Architect, General Contractors, Sub-Contractors, and Director of facilities. Clerk of works. Attendance at job meetings, review of requisitions, work orders, change orders, selection of furnishings, and reports to the Mayor.

- Community Life Center Addition/Renovation & Parking Lot (plans & specifications for construction)
- Riverwalk Park (prepared plans & specifications for construction)
- Golf Course Maintenance Building
- Traffic Intersection Design
- Gateways Program ("Welcome to Peabody" Arches)
- Transportation Improvement Program (TIP) Applications

Supervision/Guidance for Planning Staff & Projects

Website Design & Webmaster (www.peabody-ma.gov)

Conservation Commission Administrator & Agent:

- Project review subject to local & state Wetlands & Rivers Protection Regulations.
- Site-inspection, public relations, issuance of Enforcement Orders & Criminal Complaints.

Representative: Daily interaction with elected & appointed officials, general public, media, local/state/federal agencies. Presentations & Facilitation of Public Meetings

CITY OF SPRINGFIELD, MA, PLANNING COMMISSION Sept 1998 - Nov 1998

Project Manager / Urban Planning Design Team – Responsibilities:

- Production of streetscape revitalization proposals and implementation maps to illustrate phased increases of connection between downtown Springfield & Connecticut River. Presentations to Mayor & City officials

LANDSDOWN QUADRANGLE, UNIVERSITY PARK AT MIT, CAMBRIDGE, MA Oct 1998 - Dec 1998

Project Manager / Urban Planning Design Team – Responsibilities:

- Design for urban park, AutoCAD plans and Photoshop renderings to represent design intentions in the context of the architectural environment. Presentation of a final design report and proposal.

NEW ENGLAND GREENWAY VISION PROJECT, UMASS, AMHERST, MA Jan 1999 - May 1999

Project Manager / Greenway Planning Design Team – Responsibilities:

- Production of written reports, plans, and proposals, GIS maps, and Photoshop images to represent town-wide and site-specific designs for pedestrian trail systems in Norwich Vermont.

- Presentation of a final design report and website illustrating the design process from concept through design.
- Work Featured in *Landscape Architecture Magazine*, Feb. 2000 issue. Web Site: www.umass.edu/greenway

COMPUTER PROFICIENCY

Windows, Microsoft Office (Word, Excel, Outlook, Access, Publisher, PowerPoint), PaintShop Pro, ArcView GIS 10.x, Pictometry (Electronic Field Study), Adobe Acrobat Professional, Website Design.

PERSONAL INTERESTS

Writing, Graphic Design, Web Design, Photography, Trail-Running, Biking, Rowing, Hiking, Camping.

REFERENCES

Available upon request.

END OF CONSENT AGENDA

BEGINNING OF REGULAR AGENDA

COMMUNICATIONS



Town of West Newbury

381 Main Street

West Newbury, Massachusetts 01985

Angus Jennings, Town Manager

978-363-1100, Ext. 111 Fax 978-363-1826

townmanager@wnewbury.org

January 28, 2024

City Council

ATTN: Edward C. Cameron Jr., City Council President

City of Newburyport

RE: Proposed Intermunicipal Agreement, Middle Street/Plummer Spring Bridge

To the Honorable City Council:

As you know, over these past six years, our communities have worked together toward solving our shared problem of the closure (in summer 2018) of the Middle Street / Plummer Spring Bridge, following its structural failure. Highlights of our collaboration to date include:

- 2018: Newburyport secured MDOT Small Bridge grant, providing \$500,000 of State funding. The City expended \$251,300 from the grant, which allowed engagement of the design engineer (BSC Group) and significant progress on survey/engineering/permitting. Roughly half of the grant funds (\$248,700) **remain available for project construction**.¹
- 2019: West Newbury secured MassWorks grant for \$1,000,000. The Town expended \$292,285 from the grant prior to the expiration of unspent funds on 6/30/23. During this time, the project successfully completed its design and permitting processes.
- 2020: Intermunicipal Agreement executed (2020), upon endorsement by Newburyport Mayor and Council,² and upon authorization of the West Newbury Select Board.³ IMA provided, generally, for 50/50 cost share for net (not grant-funded) project costs (based on the then-current cost estimates, which were appended to the IMA).
- 2021: West Newbury Town Meeting (in May) appropriated \$600,000 toward the project.

The IMA expired in September, 2021. Due in part to an updated (spring 2021) construction cost estimate that significantly exceeded the initial cost estimate, both communities understood that the increased costs would require new commitments of local, State and/or Federal funding.

Since that time, there have been a number of important milestones:

- The project has secured all required permits. Bid docs are prepared. **The project is “shovel ready,”** once the funding gap for construction costs can be filled.
- The Town (in fall 2023) secured an additional \$1.5M in State grant funds.⁴

¹ Of the \$500,000 MDOT grant, \$248,700 was made available only for construction. That funding remains available, and the original grant expiration date has been extended by MDOT upon Newburyport's prior extension requests. These construction funds will expire on 6/30/24 unless further extended by MDOT.

² By 11-0 vote of Newburyport City Council, August 31, 2020.

³ By 3-0 vote of West Newbury Select Board, June 8, 2020.

⁴ \$1,000,000 MassWorks grant awarded 9/21/23. \$500,000 MDOT Small Bridge grant awarded 11/7/23.

- The estimated project costs have also increased, with a detailed cost estimate prepared by the design engineer in May, 2023, and updated earlier this month to increase recommended contingency to reflect other recent publicly-bid bridge project costs.

The reflect these milestones, and to ensure that we lock in the existing \$1.8M in available, unspent State funding toward this project (in addition to the nearly \$550k in State grant funding already expended to get the project this far), **the time is right to resume work toward a new IMA**. In fact, for reasons outlined, an IMA will be necessary to bring this project to completion.

My office has worked with our Select Board and Town Counsel to prepare proposed amendments to the prior IMA that was previously in effect between the communities, intended to reflect the current circumstances, and to secure those intermunicipal agreements that will be legally required for the project (once fully funded) to move forward. Our draft is in a late stage of review, and will be sent for your and Mayor Reardon's consideration in the near term.

The major ingredients of the Town's proposal will include:

- That the Select Board and the City Council each formally authorize the work to take place within these public rights-of-way, in a form accepted by Bond Counsel;
- Clarification of each municipality's role with regard to project procurement, contracting, contract management, inspections, grants management, and record-keeping;
- Commit each municipality to continued efforts to secure non-local grant funding, including agreement that the City seeks extension of its remaining 2018 MDOT Small Bridge funds, and that it applies for a new MDOT Small Bridge grant in 2024;⁵
- Apportion net (non-grant-funded) project costs 50/50 between the communities,⁶ with default provisions in the event of non-payment; and
- If necessary or advisable for either community's financing of the project, a 2/3 majority vote of the legislative body of the borrowing community to authorize debt for its share of project costs (or, alternatively, for the Council to grant the Town rights to issue debt for the portion of the project located in Newburyport, in a form accepted by Bond Counsel).⁷

Our discussions with Bond Counsel (Locke Lord) and our Financial Advisor (Hilltop Securities) suggest options to borrow, if doing so proves necessary or beneficial: the Town and City could each issue debt for its share of the project costs; or, subject the City providing it rights to do so, and Select Board approval and Town Meeting authorization, the Town could issue debt for full project costs, with an IMA providing for City reimbursement of its share of debt service over the

⁵ In a January 2024 meeting with MDOT, regarding the Town's Small Bridge grant, MDOT officials expressed willingness to consider a new Small Bridge grant application from the City. The max grant award is \$500,000, and MDOT has previously confirmed that the project is eligible for a separate Small Bridge grant **each fiscal year**.

⁶ Subject to appropriation by City Council (in Newburyport) and Town Meeting (in West Newbury). Basis for 50/50 split based generally on: 1) land survey documenting municipal boundary at bridge midpoint; 2) consistent with prior IMA; 3) to align each communities' interest with regard to securing add'l non-local funding; 4) language in Mayor Reardon's project narrative for the Plummer Spring Bridge Replacement that "Both communities will share the balance of the bridge cost" (Newburyport FY2024-2028 Capital Improvement Program, proposed by Mayor Sean R. Reardon, May 8, 2023, pg. 45); and 5) basic fairness.

⁷ Locke Lord has advised that such an approach would be permissible, if agreed by both communities.

term of the IMA (which may be up to 25 years), provided that the term of the IMA exceeds the term of the debt.

While purely hypothetical, we (with Hilltop Securities) have drawn up borrowing scenarios to illustrate estimated annual debt service if the current estimated funding gap (\$2.1M) were to be financed, as well as if the City successfully obtained a new \$500k MDOT Small Bridge grant to reduce the estimated funding gap to \$1.6M.

If financed over a 20-year term, annual debt service for \$2.1M is estimated to be about \$153,000 per year. Annual debt service for \$1.6M is estimated to be about \$118,000 per year. Keeping in mind that the current estimated funding gap reflects West Newbury's direct appropriation of \$600,000, with no direct appropriation (yet) by the City – which will need to be taken into account in determining an appropriate inter-municipal cost share – it appears that project financing could be apportioned in a manner that each of our communities could bear.

Next Steps

In the next week or two, we expect to send to the Council and Mayor a proposed IMA for your consideration. Although we have not discussed terms in detail, Mayor Reardon and I have met on multiple occasions specifically to discuss the bridge, and on those occasions (which, admittedly, were some time ago), the Mayor expressed clear willingness to work toward a new IMA (while understanding clearly that its execution would require Council approval).

In order to take advantage of the \$1.5M in State grant funding awarded to West Newbury, to retain (upon MDOT approval of grant extension) the roughly \$250k in State grant funding awarded to Newburyport, to optimize Town efforts to secure Town Meeting approval (on April 29th) to extend the sunset date of the \$600k in local funds approved in May 2021, and to best position the project to secure additional State, Federal and/or local funding as needed to allow for project procurement and contract award, it will be necessary to execute an IMA this spring.

When it meets on February 6th to close the spring Town Meeting warrants, our Select Board will be asked to include articles regarding the Middle Street Bridge. In order to ensure that our proposals to our legislative body (Town Meeting) are in coordination and alignment with the City Council's considerations of its policy, budgeting and capital budgeting processes, it will be necessary to work together closely in the coming weeks and months.

I respectfully request that the Council either designate or authorize a member or members of your body to participate in an effort, with my office (on behalf of, and in consultation with, the Select Board), Mayor Reardon's office, our respective staff, and our respective legal and bond counsels, to refine the IMA as needed to get it in a form suitable for consideration by the full Council and Select Board. Achieving this **by the end of April** will optimize our chances of securing the Town Meeting vote(s) we'll need to fund our commitments to the project.

We in West Newbury recognize that the bridge project may not rank as highly on the City's list of capital improvement priorities as it does for West Newbury, but we also see a shared public interest in bringing this project to completion at this time. This will maximize available (and

prospective new) non-local funds, honor each municipality's prior commitments to MDOT and MassWorks in accepting and expending grant funds; and meet each municipality's obligation to maintain the functionality and the safety of its public infrastructure.

We do appreciate and thank you for your anticipated attention to this matter. On behalf of West Newbury's Select Board and residents, I look forward to continuing to work together.

Sincerely,



Angus Jennings
Town Manager

Attachments:

- Middle Street Bridge, Funding Summary, WORKING DRAFT, 1/28/24
- Estimated debt service tables, \$2.1M and \$1.6M, January 2024
- Expired IMA dated Sept., 2021: "Agreement By and Between The City of Newburyport and the Town of West Newbury Regarding Allocation of Costs for Evaluation, Design and Repair of The Plummer Spring Road/Middle Street Bridge"

cc: *West Newbury Select Board, Finance Committee*
The Honorable Mayor Sean Reardon; Chief of Staff Andrew Levine
Wayne Amaral, DPS Director; Jon-Eric White, City Engineer
MassDOT: Paul Stedman, District 4 Highway Director; Jonathan Lee, District 4 Bridge Engineer; Cassandra Gascon, Community Grants Program Administrator
Eddie Bates & Kristen Pennucci, MassDOT Small Bridge grant program

Middle Street Bridge, Funding Summary, WORKING DRAFT, 1/28/24		
Project Costs		
Construction costs	\$ 3,315,000	Source: BSC Group, 5/5/23; UPDATED 12/18/23
Design/Permitting	\$ 550,000	
Construction contingency (25%)	\$ 828,750	
Resident Engineer	\$ 200,000	
Construction Engineering Services	\$ 100,000	
TOTAL project costs (est.)	\$ 4,993,750	
Available Funds (grants)		
MassDOT Small Bridge grant, 2018, design funds (expended)	\$ 251,300	Awarded to Newburyport; construction funds due to expire 6/30/2024, if not further extended by MDOT
MassDOT Small Bridge grant, 2018, construction funds (remaining)	\$ 248,700	
MassWorks grant (2019, \$1M grant, partially expended)	\$ 292,285	Grant has now expired
MassWorks (2023)	\$ 1,000,000	Awarded to West Newbury
MassDOT Small Bridge grant (2023)	\$ 500,000	Awarded to West Newbury
Sub-Total: grant funding sources	\$ 2,292,285	
Available Funds (local appropriations)		
Town Meeting appropriation	\$ 600,000	Approved May 2021; sunset date 6/30/2024, if not further extended by Town Meeting
Newburyport (requiring City Council approval)	\$ -	Reardon's FY24 Capital Program (CIP #HW04); however, funding source identified as "State/Federal grant" (not local appropriation).
Sub-Total: local funding sources	\$ 600,000	
Est. Shortfall	\$ (2,101,465)	Based on existing appropriations and grants
Potential Funds		
MassDOT Small Bridge grant, 2024	\$ 500,000	MDOT has stated willingness to consider a new grant application from Newburyport, off cycle
Federal Bridge Formula Program funds	?	Work ongoing to determine project eligibility (or not)
	\$ 500,000	
Summary		
Modified Est. Shortfall	\$ 1,601,465	Assumes 2024 MDOT Small Bridge grant award to Newburyport
Source: Angus Jennings, Town Manager		
Notes		

Town of West Newbury, Massachusetts
\$2,100,000 General Middle St. Bridge Bonds; Dated July 15, 2024
20yrs - Level Debt Service
Interest Estimated, Subject to Change

Debt Service Schedule

Date	Principal	Coupon	Interest	Total P+I	Fiscal Total	Est. 50/50 Share
07/15/2024	-	-	-	-	-	-
01/15/2025	-	-	42,000.00	42,000.00	-	-
06/30/2025	-	-	-	-	42,000.00	21,000.00
07/15/2025	70,000.00	4.000%	42,000.00	112,000.00	-	-
01/15/2026	-	-	40,600.00	40,600.00	-	-
06/30/2026	-	-	-	-	152,600.00	76,300.00
07/15/2026	75,000.00	4.000%	40,600.00	115,600.00	-	-
01/15/2027	-	-	39,100.00	39,100.00	-	-
06/30/2027	-	-	-	-	154,700.00	77,350.00
07/15/2027	75,000.00	4.000%	39,100.00	114,100.00	-	-
01/15/2028	-	-	37,600.00	37,600.00	-	-
06/30/2028	-	-	-	-	151,700.00	75,850.00
07/15/2028	80,000.00	4.000%	37,600.00	117,600.00	-	-
01/15/2029	-	-	36,000.00	36,000.00	-	-
06/30/2029	-	-	-	-	153,600.00	76,800.00
07/15/2029	80,000.00	4.000%	36,000.00	116,000.00	-	-
01/15/2030	-	-	34,400.00	34,400.00	-	-
06/30/2030	-	-	-	-	150,400.00	75,200.00
07/15/2030	85,000.00	4.000%	34,400.00	119,400.00	-	-
01/15/2031	-	-	32,700.00	32,700.00	-	-
06/30/2031	-	-	-	-	152,100.00	76,050.00
07/15/2031	90,000.00	4.000%	32,700.00	122,700.00	-	-
01/15/2032	-	-	30,900.00	30,900.00	-	-
06/30/2032	-	-	-	-	153,600.00	76,800.00
07/15/2032	90,000.00	4.000%	30,900.00	120,900.00	-	-
01/15/2033	-	-	29,100.00	29,100.00	-	-
06/30/2033	-	-	-	-	150,000.00	75,000.00
07/15/2033	95,000.00	4.000%	29,100.00	124,100.00	-	-
01/15/2034	-	-	27,200.00	27,200.00	-	-
06/30/2034	-	-	-	-	151,300.00	75,650.00
07/15/2034	100,000.00	4.000%	27,200.00	127,200.00	-	-
01/15/2035	-	-	25,200.00	25,200.00	-	-
06/30/2035	-	-	-	-	152,400.00	76,200.00
07/15/2035	105,000.00	4.000%	25,200.00	130,200.00	-	-
01/15/2036	-	-	23,100.00	23,100.00	-	-
06/30/2036	-	-	-	-	153,300.00	76,650.00
07/15/2036	110,000.00	4.000%	23,100.00	133,100.00	-	-
01/15/2037	-	-	20,900.00	20,900.00	-	-
06/30/2037	-	-	-	-	154,000.00	77,000.00
07/15/2037	115,000.00	4.000%	20,900.00	135,900.00	-	-
01/15/2038	-	-	18,600.00	18,600.00	-	-
06/30/2038	-	-	-	-	154,500.00	77,250.00
07/15/2038	120,000.00	4.000%	18,600.00	138,600.00	-	-
01/15/2039	-	-	16,200.00	16,200.00	-	-
06/30/2039	-	-	-	-	154,800.00	77,400.00
07/15/2039	120,000.00	4.000%	16,200.00	136,200.00	-	-
01/15/2040	-	-	13,800.00	13,800.00	-	-
06/30/2040	-	-	-	-	150,000.00	75,000.00
07/15/2040	125,000.00	4.000%	13,800.00	138,800.00	-	-
01/15/2041	-	-	11,300.00	11,300.00	-	-
06/30/2041	-	-	-	-	150,100.00	75,050.00
07/15/2041	130,000.00	4.000%	11,300.00	141,300.00	-	-
01/15/2042	-	-	8,700.00	8,700.00	-	-
06/30/2042	-	-	-	-	150,000.00	75,000.00
07/15/2042	140,000.00	4.000%	8,700.00	148,700.00	-	-
01/15/2043	-	-	5,900.00	5,900.00	-	-
06/30/2043	-	-	-	-	154,600.00	77,300.00
07/15/2043	145,000.00	4.000%	5,900.00	150,900.00	-	-
01/15/2044	-	-	3,000.00	3,000.00	-	-
06/30/2044	-	-	-	-	153,900.00	76,950.00
07/15/2044	150,000.00	4.000%	3,000.00	153,000.00	-	-
06/30/2045	-	-	-	-	153,000.00	76,500.00
Total	\$2,100,000.00	-	\$992,600.00	\$3,092,600.00	-	\$1,546,300.00

Town of West Newbury, Massachusetts
\$1,600,000 General Middle St. Bridge Bonds; Dated July 15, 2024
20yrs - Level Debt Service
Interest Estimated, Subject to Change

Debt Service Schedule

Date	Principal	Coupon	Interest	Total P+I	Fiscal Total	Est. 50/50 Share
07/15/2024	-	-	-	-	-	-
01/15/2025	-	-	32,000.00	32,000.00	-	-
06/30/2025	-	-	-	-	32,000.00	16,000.00
07/15/2025	55,000.00	4.000%	32,000.00	87,000.00	-	-
01/15/2026	-	-	30,900.00	30,900.00	-	-
06/30/2026	-	-	-	-	117,900.00	58,950.00
07/15/2026	55,000.00	4.000%	30,900.00	85,900.00	-	-
01/15/2027	-	-	29,800.00	29,800.00	-	-
06/30/2027	-	-	-	-	115,700.00	57,850.00
07/15/2027	55,000.00	4.000%	29,800.00	84,800.00	-	-
01/15/2028	-	-	28,700.00	28,700.00	-	-
06/30/2028	-	-	-	-	113,500.00	56,750.00
07/15/2028	60,000.00	4.000%	28,700.00	88,700.00	-	-
01/15/2029	-	-	27,500.00	27,500.00	-	-
06/30/2029	-	-	-	-	116,200.00	58,100.00
07/15/2029	60,000.00	4.000%	27,500.00	87,500.00	-	-
01/15/2030	-	-	26,300.00	26,300.00	-	-
06/30/2030	-	-	-	-	113,800.00	56,900.00
07/15/2030	65,000.00	4.000%	26,300.00	91,300.00	-	-
01/15/2031	-	-	25,000.00	25,000.00	-	-
06/30/2031	-	-	-	-	116,300.00	58,150.00
07/15/2031	70,000.00	4.000%	25,000.00	95,000.00	-	-
01/15/2032	-	-	23,600.00	23,600.00	-	-
06/30/2032	-	-	-	-	118,600.00	59,300.00
07/15/2032	70,000.00	4.000%	23,600.00	93,600.00	-	-
01/15/2033	-	-	22,200.00	22,200.00	-	-
06/30/2033	-	-	-	-	115,800.00	57,900.00
07/15/2033	75,000.00	4.000%	22,200.00	97,200.00	-	-
01/15/2034	-	-	20,700.00	20,700.00	-	-
06/30/2034	-	-	-	-	117,900.00	58,950.00
07/15/2034	75,000.00	4.000%	20,700.00	95,700.00	-	-
01/15/2035	-	-	19,200.00	19,200.00	-	-
06/30/2035	-	-	-	-	114,900.00	57,450.00
07/15/2035	80,000.00	4.000%	19,200.00	99,200.00	-	-
01/15/2036	-	-	17,600.00	17,600.00	-	-
06/30/2036	-	-	-	-	116,800.00	58,400.00
07/15/2036	85,000.00	4.000%	17,600.00	102,600.00	-	-
01/15/2037	-	-	15,900.00	15,900.00	-	-
06/30/2037	-	-	-	-	118,500.00	59,250.00
07/15/2037	85,000.00	4.000%	15,900.00	100,900.00	-	-
01/15/2038	-	-	14,200.00	14,200.00	-	-
06/30/2038	-	-	-	-	115,100.00	57,550.00
07/15/2038	90,000.00	4.000%	14,200.00	104,200.00	-	-
01/15/2039	-	-	12,400.00	12,400.00	-	-
06/30/2039	-	-	-	-	116,600.00	58,300.00
07/15/2039	95,000.00	4.000%	12,400.00	107,400.00	-	-
01/15/2040	-	-	10,500.00	10,500.00	-	-
06/30/2040	-	-	-	-	117,900.00	58,950.00
07/15/2040	95,000.00	4.000%	10,500.00	105,500.00	-	-
01/15/2041	-	-	8,600.00	8,600.00	-	-
06/30/2041	-	-	-	-	114,100.00	57,050.00
07/15/2041	100,000.00	4.000%	8,600.00	108,600.00	-	-
01/15/2042	-	-	6,600.00	6,600.00	-	-
06/30/2042	-	-	-	-	115,200.00	57,600.00
07/15/2042	105,000.00	4.000%	6,600.00	111,600.00	-	-
01/15/2043	-	-	4,500.00	4,500.00	-	-
06/30/2043	-	-	-	-	116,100.00	58,050.00
07/15/2043	110,000.00	4.000%	4,500.00	114,500.00	-	-
01/15/2044	-	-	2,300.00	2,300.00	-	-
06/30/2044	-	-	-	-	116,800.00	58,400.00
07/15/2044	115,000.00	4.000%	2,300.00	117,300.00	-	-
06/30/2045	-	-	-	-	117,300.00	58,650.00
Total	\$1,600,000.00	-	\$757,000.00	\$2,357,000.00	-	\$1,178,500.00

CITY OF NEWBURYPORT



 IN CITY COUNCIL

ORDERED:

**Agreement By and Between
The City of Newburyport and the Town of West Newbury
Regarding Allocation of Costs for Evaluation, Design and Repair of
The Plummer Spring Road/Middle Street Bridge**

This Agreement is made as of this 17th day of September, 2020, by and between the City of Newburyport, a Massachusetts municipal corporation with its main office at City Hall, 60 Pleasant Street, Newburyport, MA 01950 (hereinafter referred to as "Newburyport") and the Town of West Newbury, a Massachusetts municipal corporation with its main office at the 1910 Office Building, 381 Main Street, West Newbury, MA 01985 (hereinafter referred to as "West Newbury").

RECITALS

Whereas, Newburyport and West Newbury in accordance with M.G.L. c. 40 §4A are authorized to enter into an agreement with another governmental unit to perform jointly or for that unit's services, activities or undertakings which any of the contracting units is authorized by law to perform; and

Whereas, Newburyport and West Newbury desire to enter into an Agreement to share the costs to evaluate the condition of the Plummer Spring Road/Middle Street Bridge over the Artichoke Reservoir (the "Bridge") situated on the border between Newburyport and West Newbury, and to share the costs of designing, bidding and making necessary repairs to the Bridge (the "Bridge Project"); and

Whereas, Newburyport and West Newbury both desire to work cooperatively in order to complete the repairs to the Bridge in the most expeditious fashion; and

Whereas, Newburyport has been authorized to enter into this agreement by vote of its City Council and approval of its Mayor; and

Whereas, West Newbury has been authorized to enter into this agreement by vote of its Board of Selectmen.

Now, therefore, in consideration of the mutual promises contained herein, Newburyport and West Newbury agree to the following terms, conditions and provisions.

1. **Effective Date and Term; Renewal:** This Agreement shall become effective when fully executed by Newburyport and West Newbury on the day first above written and shall continue, if renewed in accordance with the provisions hereinafter contained, until the completion of the Bridge Project.

The initial term of this Agreement shall be one year from the date first written above. The parties shall review the status of the Bridge Project on an annual basis and may renew this Agreement with such amendments as are mutually agreed upon; provided, however, that in no event shall the term of this Agreement, including any renewal thereof, exceed twenty-five (25) years. Any renewal shall be executed by the Mayor of Newburyport on behalf of the City of Newburyport and the Town Manager of the Town of West Newbury on behalf of the Town of West Newbury.

2. **Cost Sharing; Estimated Project Cost:** Newburyport and West Newbury mutually agree that they shall share equal responsibility for all aspects of the Bridge Project, including but not limited to, the costs of evaluation, project design, permitting, bidding, scheduling, oversight, construction, and contractor payment, to the extent that work is not undertaken by employees of Newburyport or West Newbury (all of whose costs and expenses shall be paid by their respective employer). To that end, Newburyport and West Newbury shall obtain the authorization of the other prior to incurring any such costs. Cost sharing shall pertain solely to work directly related to the Bridge Project, and shall be subject to appropriation.

The estimated Bridge project cost is contained in Appendix A attached to this Agreement. Funding, including any additional funding sources as described herein, shall be provided to address the costs as listed in Appendix A. Should additional funds for the Bridge Project in excess of this estimated cost be required, such additional costs shall be expressly subject to appropriation by both parties. Periodic financial statements shall be issued to both parties with respect to expenditures undertaken for the Bridge Project.

Notwithstanding anything set forth above, each party reserves the right to petition for an apportionment of the costs associated with the Bridge Project in accordance with the provisions of M.G.L. Ch. 84 §2.

3. **Cooperation:** Newburyport and West Newbury agree to work together to complete the Bridge Project design, bidding and repair as expeditiously as possible. Newburyport and West Newbury agree to use diligent efforts to obtain without undue delay, any required local, state or federal permit, clearances, approvals, and/or waivers for the Bridge Project. Newburyport and West Newbury acknowledge that each party has received grant funding for the completion of the Bridge Project, Newburyport having received a MassDOT grant and West Newbury having received a MassWorks grant, the terms and requirements of such grants being incorporated herein by reference. In the interest of complying with such grant requirements, the Bridge project must be completed by June 30, 2023.

4. **Liability:** Each party hereto shall be liable and responsible for the negligent or intentional acts of its employees, agents and contractors with respect to the Bridge Project, and shall hold each other harmless from any claims arising therefrom, to the extent permitted by law.

5. **Additional Funding Sources:** Newburyport and West Newbury agree to use their best efforts to secure such grants, reimbursements or other sources of funding for the Bridge Project. All such additional funding sources for the Bridge Project, whether received prior to or after the date of this Agreement shall reduce each party's obligations for costs by one half of the amount secured. The parties agree to comply with all terms and conditions set forth in such grants, reimbursements or other sources of funding.

6. **Notice and Change of Circumstances:** Each party shall promptly notify the other of any legal impediment, change of circumstances, including but not limited to changes in funding availability, insurance requirements, city or town approvals, or any condition or event which may adversely affect each party's ability to carry out any of its obligation, under this Agreement. Any request, demand, authorization, direction, notice, consent, waiver or other document provided or permitted by this Agreement to be made, given, furnished or filed with one party by another party shall be in writing and shall be delivered by hand or by certified mail, return receipt requested, or by overnight delivery service, in an envelope addressed to:

NEWBURYPORT:

Office of the Mayor
Newburyport City Hall
60 Pleasant Street
Newburyport, MA 01950

WEST NEWBURY:

Town Manager
1910 Office Building
381 Main Street
West Newbury, MA 01985

7. **Governing Law:** This Agreement is to be governed and construed in accordance with the laws of the Commonwealth of Massachusetts.

8. **Severability:** If any provision of this Agreement is determined to be invalid or unenforceable, the remaining provisions shall remain in force and unaffected to the fullest extent permitted by law and regulations.

9. **Modification and Amendment:** This Agreement may be modified or amended only by written mutual agreement of the Parties.

10. **Designation of Project Coordinator:** Newburyport and West Newbury shall each designate an employee to act as the Project Coordinator who will be the point of contact for all aspects of the Bridge Project for that party. Each Project Coordinator shall be copied on all correspondence or other communication with any third party involved in the Bridge Project. In the event of the temporary absence or unavailability of a Project

Coordinator, the Parties may designate a temporary Project Coordinator for the duration of such absence or unavailability.

11. **Oversight:** Newburyport and West Newbury agree that their respective employees, agents and officials shall have access to the Bridge during the pendency of this Agreement. Newburyport and West Newbury agree to promptly notify the other in the event that such party considers any work connected with the Bridge Project to be not in compliance with this Agreement, the Bridge Project contract issued pursuant to the joint Invitation for Bids ("IFB"), or applicable federal, state or local laws and applicable regulations.

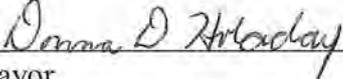
12. **Joint Invitation for Bids ("IFB"):** Newburyport and West Newbury shall prepare and advertise for a joint IFB for the construction of the Bridge Project and shall jointly open and evaluate bids and award a contract to the selected eligible and responsible bidder.

13. **Entire Agreement:** This Agreement, including all documents incorporated herein by reference, constitutes the entire integrated agreement between the parties with respect to the matters described. This Agreement supersedes all prior agreements, negotiations and representations, either written or oral, and it shall not be modified or amended except by a written document executed by the parties hereto.

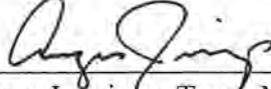
IN WITNESS WHEREOF, the parties hereto have executed this Agreement on the day and year first above written.

City of Newburyport

Town of West Newbury



Mayor
Duly authorized
By 11-0 vote of the
Newburyport City Council
AUGUST 31, 2020



Angus Jennings, Town Manager
Duly authorized
By unanimous 3-0 vote of the
West Newbury Board of Selectmen
June 8, 2020

July 6, 2020

Jon-Eric White, PE
City Engineer
Department of Public Services
16C Perry Way
Newburyport, MA 01950

RE: MOU - Preliminary Cost Estimate

Dear Jon-Eric

Below is the preliminary cost estimate based on the 30% design status of the Plummer Spring Road/Middle Street Bridge Replacement. The estimate is for the bridge type selected at the September 23rd, 2019 public hearing.

- 45'-0" span spread box beam
- 24'-0" roadway width with one 5'-6" sidewalk
- and S3-TL4 bridge rail
- Overall width 32'-6"
- Integral abutment on piles
- Preliminary Cost Estimate = \$2.6 M

The preliminary cost estimate does not include a contingency. For budgeting purposes, the two communities may find it prudent to include a contingency. At this preliminary design stage MassDOT usually includes a 20% contingency for bridge projects of similar magnitude.

Sincerely,

BSC Group, Inc.



Micah Morrison, PE, SE
Manager of Structural Engineering

cc: Peter Reed

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Engineers

Environmental
Scientists

Custom Software
Developers

Landscape
Architects

Planners

Surveyors

Development Agreement

This Agreement is entered into this the 14th day of November, 2023 by and between the City of Newburyport, 60 Pleasant St., Newburyport, MA by and through its Mayor (“City”) and Clipper City Development, LLC, a Massachusetts Limited Liability Company, 435 Main Street, Amesbury, MA 01913 (“Developer”).

WHEREAS, the Developer seeks to develop a certain parcel of property located in the HSR-A Zoning District (“HSR-A”) known as the “Mobile Gas Station” site (*107 State Street and 95 High Street, Assessors Map/Lot 33-43 and 33-42, respectively*) as more fully set forth on the plan attached hereto and which shall be referred to as the “Concept Plan” more specifically set forth on Exhibit A and consisting of 22,623 sq. ft. +/- (the “Premises”).

WHEREAS, the Developer has control of the Premises pursuant to a Purchase and Sale Agreement by and between the Premises Owner, Global Companies, LLC and the Developer which is dated May 18, 2023; and

WHEREAS, the Premises have been vacant for more than two years and is the site of a former gas station which use is no longer appropriate for the site and the existing zoning will not allow for an appropriate economically viable redevelopment of the Premises; and

WHEREAS, Developer and the City desire to facilitate viable adaptive reuse of said Premises for residential purposes, in a manner consistent with the development patterns in the general area and assure the redevelopment is done in a manner consistent with the architectural style and density of the surrounding historic area; and

WHEREAS, the City is desirous of the Developer undertaking the implementation of the Concept Plan and will assist and support the necessary zoning changes which will allow for the Concept Plan to be implemented.

NOW THEREFORE for good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged and for the mutual promises set forth below, the Parties agree as follows:

1. The Developer shall develop the Premises consistent with and in substantial conformance with the Concept Plan. It is fully understood and recognized by the City that the Concept Plan is merely a representation of the development generally and that details and final design have not yet occurred. Therefore, the City accepts and understands that the final design may result in minor changes to the actual exact location of the buildings and the detailed design of the structures. However, generally speaking the layout of the buildings on the lot, the location of units among buildings, the general parking layout, and the approximate height of the proposed buildings will all remain consistent with said Concept Plan. The exterior design of the proposed structures at 95-97 High Street shall be suggestive of the Victorian era architectural style, with cleanly appointed, not overly ornate features, not dissimilar to those found at the abutting property of 93 High Street. The exterior cladding shall be evocative of wood, and might have some masonry features. The window configurations/patterns will be

consistent with what might have been found in the Victorian era. The principal structure (3 units) will be 3 stories with a mansard style roof, with the third floor within the mansard roof. The height shall not exceed the 35 foot median roof height limit as permitted in the R3 zoning district. The secondary structure (1 Unit) may not be more than 2 ½ stories, and may have a roof style different from that of the principal structure. It is the design intention that the secondary structure have the appearance of a renovated carriage house that once belonged to the principal structure. Ground level outdoor recreational spaces for the individual units shall be generally located where shown on the conceptual site plan. The outdoor/recreational space for Unit 2, currently indicated as the middle unit of the principal structure on the conceptual site plan, shall be located at the second floor level opposite the high street side. Internal unit configurations may be further adjusted during final design and permitting, including the location for external points of ingress/egress to the individual units *(not including proposed garage doors which shall be located as shown)*.

2. The City will put forth the proposed zoning amendment attached hereto as Exhibit B without which the Concept Plan cannot be realized. The City will support the plan to facilitate redevelopment of the former gas station site consistent herewith, and as such make an effort to encourage an efficient hearing process between the City Council and Planning Board.
3. Once the City adopts the zoning, if it is adopted, the Developer will commence final design, and thereafter apply for all appropriate permits with the City in order to implement the Concept Plan. The proposed four-unit multifamily residential development will require, upon adoption of the zoning amendment contained in Exhibit B, a Special Permit for use from the Newburyport Zoning Board of Appeals (ZBA). As noted on the Concept Plan in Exhibit A, the proposed development and any plans submitted to the ZBA shall include only one driveway access off of State Street, at the southern end of the site, in order to provide a safe distance from the intersection with High Street. No driveway access or curb cut shall be permitted to the Premises off of the High Street frontage. All parking required for the four (4) dwelling units under Newburyport zoning shall be provided on-site (typical).
4. Any notice hereunder shall be in writing and shall be deemed duly given if mailed by certified or registered mail, postage and registration charges paid, by overnight delivery service with receipt, or by hand delivery to the City of Newburyport and the Developer at the addresses set forth below:

City of Newburyport
60 Pleasant Street
Newburyport, MA 01721
Attention: Mayor
Attention: Director of Planning & Development

With a copy to:

Karis North
Murphy, Hesse, Toomey & Lehane, LLP
50 Braintree Hill Office Park, Suite 410,
Braintree, MA 02184

To Developer
Clipper City Development LLC
435 Main Street
Amesbury, MA 01950
Attn: John Grossi

With a copy to:
Lisa L. Mead
Mead, Talerman & Costa, LLC
30 Green Street
Newburyport MA 01950

5. It is the expressed intention of the Developer that each and every term, condition and provision hereof be fully enforceable and binding on the Premises. Should, however, any one or more of the provisions contained herein for any reason be held to be invalid, illegal or unenforceable in any respect, such invalidity, illegality or unenforceability shall not affect any other provision hereof, but each shall be construed as if such invalid, illegal or unenforceable provision had never been included.
6. This Agreement shall be governed and constructed in accordance with the laws of the Commonwealth of Massachusetts. Nothing in this Agreement shall affect the rights of the City of Newburyport, in the exercise of any of its powers under applicable law with respect to the proposed development of the Property, including, but not limited, to the powers of the Newburyport Planning Board, City Council and/or Zoning Board pursuant to the Zoning amendment process and/or the Special Permit Process. Nothing in this Agreement shall release the Developer from the obligation to satisfy all applicable provisions of law in the proposed development of the Property.
7. If Developer shall default in the performance of any term, covenant or condition of this Development Agreement, which default shall continue for more than thirty (30) days after written notice to Developer (or if such default shall be reasonably expected to take more than thirty (30) days to cure, said longer period of time), Newburyport shall have the right to (i) terminate this Development Agreement; (ii) withhold any Approvals issued by Newburyport; or (iii) exercise any other remedy available at law or in equity, including

commencing an action for specific performance. Developer shall reimburse the City its reasonable legal fees and other expenses in seeking enforcement hereof.

8. In an effort to mitigate the existing and historic conditions of the intersection lighting system and walkways at the adjacent intersection, the Developer will pay to the City \$25,000 upon the issuance of the first certificate of occupancy, to be deposited in an account specifically to improve the intersection lighting and crosswalks at High and State Street. As indicated on the Concept Plan, the Developer shall install new sidewalks along both High and State Street frontages of the property including code complaint access ramps at the intersection. All such work shall be in accordance with relevant City ordinances, regulations and specifications issued by the Department of Public Services.
9. This Development Agreement shall be effective as of the date it shall be executed by both Developer and the City.
10. In the event the zoning is not approved on or before January 31, 2024, this agreement shall be null and void.
11. Prior to the initiation of any court proceeding regarding the terms of this Agreement or performance thereunder, the City and the Developer agree that such disputes shall be first subject to nonbinding mediation, for a period not longer than sixty (60) days.
12. This Development Agreement is the entire agreement among the parties with respect to the subject matter hereof and supersedes all prior and contemporaneous oral and written agreements and discussions.
13. This Agreement may be signed in counterparts and when put together shall be deemed the entire Agreement between the parties.

IN WITNESS WHEREOF, this instrument is sealed and delivered as of the date first above written.

City of Newburyport



Its Mayor

Name (*print legibly*):

Sean R. Reardon

Developer

Clipper City Development LLC

DocuSigned by:

3662870044926423

11/14/2023

Its Manager

Name (*print legibly*):

JOHN GROSSI

EXHIBIT A
PREMISES
CONCEPT PLAN

EXHIBIT B
PROPOSED ZONING AMENDMENT

ODNC164_10_30_2023

CITY OF NEWBURYPORT



IN CITY COUNCIL

October 30, 2023

(To Be Presented "As Amended" at 11/15/2023 Joint Public Hearing)

ORDERED:

A ZONING ORDINANCE AMENDMENT TO REZONE LAND AT THE INTERSECTION OF HIGH STREET AND STATE STREET, AND TO UPDATE THE DEFINITION OF MULTI-FAMILY RESIDENTIAL USE TO PERMIT REDUCED MASSING THROUGH THE USE OF MULTIPLE STRUCTURES

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

WHEREAS, the Newburyport City Council has previously initiated proceedings relative to continued "blight" on land which contains an abandoned gas station at the intersection of State Street and High Street; and

WHEREAS, the City wishes to facilitate a viable redevelopment project for this land which is both residential in nature, and more consistent with the surrounding intersection and neighborhood; and

WHEREAS, the definition of Multifamily use within the Newburyport Zoning Ordinance currently, and inadvertently, precludes the use of multiple structures in developments of three or more residential units, for the otherwise beneficial purposes of reducing apparent building volumes,

THEREFORE, LET IT BE ORDAINED THAT the definition for use number 103 within Section V-E of the Newburyport Zoning Ordinance (List of allowable uses) be amended and revised, pursuant to

Section XII-B (Adoption and Amendment) to read as follows, with deletions ~~stricken through and bold~~ and additions double underlined and in bold as follows:

Section V-E – List of allowable uses

USE	NUM	
Multifamily	103	<p><u>One or more</u> A building(s) or structure(s) that <u>together</u> contain(s) three (3) or more dwelling units on the same lot, and <u>where at least one such building or structure contains three (3) or more units.</u></p> <p><u>Where there is more than one dwelling unit in a building, the units must be separated by</u> either common floor-ceiling assemblies between the dwelling units, or Common Wall Connectors as defined in section II-B, definitions.</p>

AND FURTHER, THAT the Zoning Map of said Zoning Ordinance entitled “Zoning Map of the City of Newburyport,” referenced in Section III-C (entitled Zoning Map) is hereby amended pursuant to Section III-D “Changes to Zoning Map” by changing the zoning designation of the following parcels of land, in their entirety, from HSR-A (High Street Residential A) to R-3 (Residential Three):

- 107 State Street (Assessors Map/Lot 33-43)
- 95 High Street (Assessors Map/Lot 33-42)

Councillor Jennie L. Donahue

Councillor Edward C. Cameron Jr.

Councillor Heather L. Shand

Agreement

This Agreement is entered into this the ^{6th} ~~January~~ ^{February} 2024 by and between the City of Newburyport, 60 Pleasant St., Newburyport, MA by and through its Mayor ("City") and Global Companies LLC a Delaware limited liability company authorized to do business in Massachusetts and having an office at 800 South Street, Suite 500, Waltham, MA 02453 ("Global").

WHEREAS, Global owns certain parcels of property located at 107 State Street and 95 High Street, Assessors Map/Lot 33-43 and 33-42, respectively (collectively, the "Subject Property"), which is the subject of a Development Agreement dated November 14, 2023 between a local developer, Clipper City Development LLC, and the City; and

WHEREAS, Global intends to sell the Subject Property to said local developer, pursuant to a Purchase and Sale Agreement by and between Global and John Grossi, the developer's Manager dated May 18, 2023; and

WHEREAS, Global is willing to impose a use restriction on the Subject Property in exchange for the City's adoption of the zoning amendment provided in Exhibit A hereto that restricts the development of the Subject Property to residential uses only as provided herein;

NOW THEREFORE for good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged and for the mutual promises set forth below, the Parties agree as follows:

1. Subject to the Newburyport City Council voting to adopt the zoning amendment currently pending before it and as provided in Exhibit A hereto, which will facilitate the residential redevelopment of the Subject Property, Global agrees to restrict the future development of the Subject Property to residential uses only by incorporating a restriction within the first deed for the Subject Property conveyed out to another party. This Agreement and this deed restriction shall be enforceable regardless of whether the applicable zoning on the Subject Property allows non-residential development. *[It should be noted that the January 31, 2024 deadline for Council action identified within the initially executed Development Agreement will be extended by City and Developer to allow for two (2) procedural Council votes on the pending zoning amendment in February 2024.]*
2. The agreed upon language of the restriction to be incorporated into the deed shall be as follows:

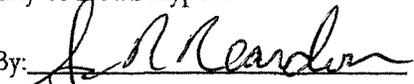
Notwithstanding the zoning applicable to the subject property, such property shall be used only for residential uses, as defined within the City of Newburyport zoning ordinances, and no non-residential uses of the subject property shall be permitted or otherwise allowed. This restriction on use shall run with the land, and shall be binding upon all future owners, successors, and assigns.

3. It is intended that this deed restriction shall be enforceable by the City, and evidence of this Agreement shall be sufficient evidence of the deed restriction in accordance with the above provisions, regardless of when the restriction is recorded.
4. If the Council does not vote to adopt the aforementioned zoning amendment by April 1, 2024 this Agreement shall terminate unless extended by the Parties in writing.

5. The parties hereby agree (a) to allow the exchange of counterpart signatures for the purposes of timely execution of this Agreement; and (b) that electronic copies of this Agreement and signatures thereon shall be treated as originals.

IN WITNESS WHEREOF, this instrument is sealed and delivered as of the date first above written.

City of Newburyport

By: 
Sean R. Reardon, Its Mayor

Global Companies LLC

By: 
Name: Sean F. O'Reilly
Title: Chief Legal Officer

CITY OF NEWBURYPORT



IN CITY COUNCIL

October 30, 2023

("As Amended" at the 11/15/2023 Joint Public Hearing)

ORDERED:

A ZONING ORDINANCE AMENDMENT TO REZONE LAND AT THE INTERSECTION OF HIGH STREET AND STATE STREET, AND TO UPDATE THE DEFINITION OF MULTI-FAMILY RESIDENTIAL USE TO PERMIT REDUCED MASSING THROUGH THE USE OF MULTIPLE STRUCTURES

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

WHEREAS, the Newburyport City Council has previously initiated proceedings relative to continued "blight" on land which contains an abandoned gas station at the intersection of State Street and High Street; and

WHEREAS, the City wishes to facilitate a viable redevelopment project for this land which is both residential in nature, and more consistent with the surrounding intersection and neighborhood; and

WHEREAS, the definition of Multifamily use within the Newburyport Zoning Ordinance currently, and inadvertently, precludes the use of multiple structures in developments of three or more residential units, for the otherwise beneficial purposes of reducing apparent building volumes,

THEREFORE, LET IT BE ORDAINED THAT the definition for use number 103 within Section V-E of the Newburyport Zoning Ordinance (List of allowable uses) be amended and revised, pursuant to Section XII-B (Adoption and Amendment) to read as follows, with deletions ~~stricken through and bold~~ and additions **double underlined and in bold** as follows:

Section V-E – List of allowable uses

USE	NUM	
Multifamily	103	<p><u>One or more</u> A building(s) or structure(s) that <u>together</u> contain(s) three (3) or more dwelling units on the same lot, and <u>where at least one such building or structure contains three (3) or more units.</u></p> <p><u>Where there is more than one dwelling unit in a building, the units must be separated by</u> either common floor-ceiling assemblies between the dwelling units, or Common Wall Connectors as defined in section II-B, definitions.</p>

AND FURTHER, THAT the Zoning Map of said Zoning Ordinance entitled “Zoning Map of the City of Newburyport,” referenced in Section III-C (entitled Zoning Map) is hereby amended pursuant to Section III-D “Changes to Zoning Map” by changing the zoning designation of the following parcels of land, in their entirety, from HSR-A (High Street Residential A) to R-3 (Residential Three):

- 107 State Street (Assessors Map/Lot 33-43)
- 95 High Street (Assessors Map/Lot 33-42)

Councillor Jennie L. Donahue

Councillor Edward C. Cameron Jr.

Councillor Heather L. Shand

Proposed Zoning Amendment to Rezone Land at the Intersection of High Street and State Street, and to Update the Definition of Multifamily Residential Use (ODNC00164)
Planning Board Report and Recommendations
December 6, 2023

In accordance with MGL c.40A s.5, the Planning Board submits to the City Council this report with recommendations concerning proposed Ordinance 164. The Planning Board discussed the proposed zoning ordinance amendment in a joint public hearing with the City Council’s Planning and Development Committee on November 15, 2023, and voted unanimously at that meeting to recommend approval with the amendments presented at the hearing. The Board adopted this report at its meeting on December 6, 2023.

The proposed ordinance will amend the zoning ordinance in two ways. First, it will change the zoning map by rezoning a parcel of land on the southeast corner of High Street and State Street from the High Street residential district A (HSR-A) to the R-3 multifamily district. Second, the ordinance (incorporating the revised language presented to the Planning Board) will change the definition of “multifamily” in Section V-E (List of allowable uses) to include uses with more than one building on the lot, provided that at least one of the buildings contains at least three dwelling units.

Proposed Zoning Map Amendment: HSR-A to R-3

The parcel¹ proposed for rezoning is currently zoned High Street Residential District A (HSR-A) and has been so zoned since the HSR-A district was created in 2017. Prior to 2017, this parcel and all the abutting and nearby parcels were zoned R-3.

The subject parcel is the westernmost parcel in the HSR-A district and is the only HSR-A parcel with frontage on two major streets. Apart from the parcel at 93 High Street, all the abutting parcels are zoned R-3, as are the great majority of the other parcels within 300 feet of the subject parcel. Notably, the parcels on the other three corners of the intersection of State and High Streets are all zoned R-3.

The subject parcel differs in its existing use and character from all abutting and proximate parcels, which are a mix of single-family and multifamily residences. In contrast, the subject parcel contains an abandoned automobile service station which is out of context with the surrounding neighborhood. Furthermore, because the parcel is well under the minimum lot area for the HSR-A district, any reuse of the parcel would require multiple dimensional variances from the zoning ordinance. Given the small size and substantial non-conformances for this parcel under the present HSR-A zoning, this parcel is unlike the larger estate-size parcels the City was seeking to preserve in character when the High Street zoning districts were adopted with larger dimensional requirements than would be appropriate or feasible for the subject parcel. In fact, the

¹ The land to be rezoned includes two tax parcels: 33-43 (107 State St.) and 33-42 (95 High St.). However, these two parcels have long been used as a unit: the former service station building is on lot 33-42 while lot 33-43 contained the fuel pumps and driveways. Furthermore, neither parcel complies with the minimum lot area requirement of the HSR-A district, and lot 33-42 does not comply with the minimum street frontage requirement. The two lots are thus effectively merged, and this report therefore uses the singular word “parcel” to refer to the two tax parcels as a single entity.

size and proportions of the subject parcel are more consistent with those found on the other three corners of the adjacent intersection, which are all zoned R3 (as the subject parcel was just a few years ago).

“Spot Zoning”

It has been suggested in public comment that the proposed rezoning of this parcel to accommodate a future multifamily residential use would constitute improper “spot zoning” because it would give a special benefit to the landowner that is not available to similar properties. However, the spot zoning characterization does not apply in this case for several reasons:

- First, the characterization of a zoning map change as “spot zoning” is questionable when the rezoning is to an existing adjacent zoning district.² As previously noted, the proposed ordinance would bring the subject parcel into the same zoning district as the majority of abutting and nearby parcels and thus make it more, rather than less, consistent with the overall zoning pattern of this part of the City.
- Second, while rezoning the parcel to R-3 will allow a prospective owner to develop the parcel for a use not currently allowed, the rezoning has been proposed in order to advance a significant objective of the City, i.e., to remove a blighted use of the property and replace it with a residential use that will enhance the neighborhood.
- Third, the proposed rezoning will support the purposes of the zoning ordinance, including “to conserve the value of property, with due consideration for the character of the zones and their peculiar suitability for particular uses” (Zoning Ordinance, Sec. I-C.2).

Based on these considerations, the Planning Board does not believe that the proposed rezoning of the subject parcel from the HSR-A district to the adjoining R-3 district would constitute impermissible spot zoning.

Scale and Impacts of the Proposed Redevelopment

Concerns were raised in public comment about several aspects of the redevelopment concept plan which is incorporated in the development agreement that has been executed by the City and the prospective buyer of the property. Those concerns include building height and massing, setbacks from High Street, increases in the grade of the site, and traffic safety. However, the Board’s responsibility in this instance is to determine whether it believes that the proposed rezoning is appropriate, and not to opine on any specific development plan for the subject site.

Concerns about the proposed site development should be addressed by the Zoning Board of Appeals in its review of a special permit application to be filed after the property is rezoned. The site plan and architectural elevations proposed at that time should be compliant with applicable dimensional requirements and otherwise address the Board’s concerns prior to approval. It should be noted that the Development Agreement includes several design parameters in narrative

² “Spot zoning has also been found to be less likely at the borders of districts. W.R. Grace & Co.- Conn., 56 Mass. App. Ct. at 571, citing *Coleman v. Bd. of Selectmen of Andover*, 351 Mass. 546 , 549 (1967).” *Franson v. City of Woburn*, MISC 15-000384 (Mass. Land Ct. Sept. 14, 2016).

format which further define the permissible scope of development and effectively limit the potential for incompatible architectural design at this prominent location along High Street.

Potential for Nonresidential Use

The Development Agreement that has been executed by the City and the current prospective developer specifies a four-unit multifamily residential development of the site. Based on the time and resources already spent by the developer in negotiating the purchase of the property and preparing the concept plans, it is highly likely that this site development concept will be implemented following approval of the rezoning. The Planning Board believes that rezoning the parcel to the R-3 district will result in a multifamily residential use of the property that is consistent with the Development Agreement.

However, concerns were expressed during public comment that the parcel could be developed for nonresidential uses given that the R-3 zoning district does permit – by discretionary special permit – uses like retail trade and retail services. In order to provide further assurance as to the future use of the property, Planning Director Port has reached out to both Global and the prospective buyer to request that a private covenant be recorded to prohibit nonresidential uses of this property in the future. While perhaps duplicative in the larger context here, this “belt and suspenders” approach may provide further confidence that only residential use of the parcel could even be proposed to the ZBA following passage of the subject R-3 zoning map change.

Planning Board Recommendation

Based on its review of the proposed ordinance, the presentation at the public hearing, and public comments, the Planning Board concurs with the proposed rezoning of the parcel to the R-3 district and recommends that the City Council approve this aspect of Ordinance 164.

Proposed Amendment to Definition of “Multifamily”

The current definition of “multifamily” in Section V-E of the zoning ordinance describes both a use (a lot containing three or more residential units) and a building type (a building containing three or more units). The proposed ordinance would amend the definition to provide more flexibility as to building type, allowing the multifamily *use* to include multiple buildings if it also contains at least one multifamily *building*.

This proposed change to the description of multifamily use was brought forward in conjunction with the zoning map change as a result of the analysis by the Planning Office of potential redevelopment plans for the parcel to be rezoned. Given the economic need to create at least four dwelling units on the site, it was determined that a plan that involved two structures – a main house and a secondary dwelling similar to a carriage house – would be more consistent with the character of most properties along the High Street corridor than a single structure with a larger footprint and mass. It is worth noting here that multifamily use is permitted only by special permit in all zoning districts (excluding the 40R Smart Growth District) thereby ensuring that discretionary plan review remains an effective tool should there be projects or sites elsewhere in the City where a single structure is still preferable.

In the case of the property that is proposed to be rezoned to the multifamily district, this definitional change would accommodate the development of a three-unit building and a second one-unit building, thereby reducing the total visual “massing” compared to providing four dwelling units in a single larger building.

Relationship to Section VI-C

Prior to and during the public hearing, the question was raised as to how the proposed definitional change related to the provision in Section VI-C of the ordinance, and specifically whether the proposed change would “override” Section VI-C. This section of the ordinance prohibits more than one residential building on a lot except where the Planning Board grants a special permit to permit two single-family dwellings on a lot.

As amended in April 2021, Section VI-C has two primary components:

- “(1) Except as otherwise permitted in this section VI-C or elsewhere in this zoning ordinance, only one (1) building containing residential dwelling units shall be erected, placed or converted to use as such on any lot.
- (2) In a zoning district where a two-family dwelling is allowed by right or by special permit, the planning board may grant a special permit to allow two (2) single-family dwellings on a lot”

[emphasis added]

Section VI-C(1) thus contemplates allowing multiple residential buildings on a single lot in particular circumstances. One of the options to do so is set forth in Section VI-C(2), which authorizes the Planning Board to grant a special permit to allow two single-family dwellings on a lot under specific site conditions and subject to specific dimensional and other standards. Another option that allows multiple residential buildings on a lot is in Section XIV of the Ordinance (Open Space Residential Development), which authorizes the Planning Board to grant a special permit for development of a larger parcel that promotes compact and efficient site development and preserves contiguous open space.

The proposed change in the definition of “multifamily” would add yet another option, giving the Zoning Board of Appeals the authority to allow, at its discretion, more than one building as part of its granting of a special permit for multifamily use. It should be noted that other than in the Smart Growth Overlay District, the zoning ordinance only allows multifamily use by special permit. Therefore, every application for multiple residential buildings on a lot entails a review and discretionary special permit by either the Planning Board or the ZBA.

Site Plan Review

Newburyport’s zoning ordinance provides for site plan review by the Planning Board for any development that contains five or more dwelling units. The definition of “multifamily” includes uses and buildings with three or more dwelling units. Thus, some uses allowed in the R-3 multifamily district – those with three or four dwelling units – are allowed by special permit from the Zoning Board of Appeals without site plan review by the Planning Board. Some

comments received with respect to the proposed rezoning have questioned whether the ZBA can adequately evaluate such special permit applications.

The Planning Board does not share this concern, for two reasons. First, the number of parcels in the R-3 district that are large enough to support two residential buildings is very limited, and the number of parcels in Business districts that have enough area and would only develop three or four dwelling units is also small. Second, the ZBA always has the authority to require an applicant for a special permit to pay for the costs of a peer review of the application.

Planning Board Recommendation

The Planning Board recommends that the City Council approve the proposed amendment of the definition of “multifamily” as amended in the presentation to the Planning Board:

“One or more building(s) or structure(s) that together contain(s) three (3) or more dwelling units on the same lot, and where at least one such building or structure contains three (3) or more units.

Where there is more than one dwelling unit in a building, the units must be separated by either common floor-ceiling assemblies between the dwelling units, or Common Wall Connectors as defined in section II-B, definitions.”

Respectfully submitted,

Newburyport Planning Board
Rick Taintor, Chair



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

MEMORANDUM

TO: Members of Planning Board and City Council (P&D/COTW)

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

CC: Sean R. Reardon, MAYOR

**RE: Update Regarding ODNC164_10_30_2023
Zoning Amendment Global R3 Multi-Family (COTW)**

DATE: February 6, 2024

The purpose of this memorandum is to provide a brief update regarding the above zoning amendment, which was held in committee and carried over from the prior Council session.

As you may recall, the Planning Board and City Council Planning & Development (P&D) Committee held a required Joint Public Hearing on the proposed zoning amendment on November 15, 2023. At that time, a new “as amended” version was presented and became the working version of this amendment. This version is posted to the P&D Committee webpage accordingly, and is attached here for your convenience. The Planning Board closed its portion of the joint public hearing and subsequently issued an advisory report on December 6, 2023. Although forwarded to the Council on December 7, 2023 this report was not entered as a late file for the December 12, 2023 regular Council agenda (*last meeting of the calendar year*) and carried over to this session along with the amendment. As such, I have attached hereto a copy of the Planning Board’s report and recommendation for your convenience, along with a copy of the “as amended” version currently in committee.

The P&D Committee kept this proposed zoning amendment in committee since late last year, pending a commitment from Global that any future uses of the property would be restricted to residential use only (*contingent of course upon the Council’s commensurate adoption of the proposed zoning amendment making such residential development feasible*). While a Development Agreement is already in place with the local buyer/developer regarding scale and composition of the proposed residential development (*even prior to ZBA permitting*), abutters expressed concern that reverting this land back to the previous R3 zoning designation would also allow a path to commercial uses of the property. While it is in my view highly unlikely that the ZBA would be in a position to grant such a discretionary Special Permit for commercial use at this location, it was agreed that we would seek a “belt and suspenders” approach to ensuring the best possible outcome for this gas station redevelopment. After roughly two months of exchanges with attorneys on both sides, we have obtained the attached written agreement from Global to ensure a deed restriction prohibiting non-residential uses pending Council adoption of the zoning amendment. Once the zoning amendment is adopted, Global would place the subject permanent restriction into the first conveyance/deed out to the new buyer, thereby closing the loop (*while protecting the interests of both Global and the City, respectively*). Following adoption of the zoning amendment, and closing of their private Purchase and Sale (P&S) Agreement, proposed plans (*e.g. building elevations*) can be

reviewed in greater detail by the Zoning Board of Appeals during permitting, with such plans to be consistent with terms contained within the Development Agreement (*e.g. maximum number of units, overall site layout, maximum building height, architectural style, etc.*)

I believe that this agreement and update addresses the outstanding concern and request from both Councilors and abutters. Unless the Council has additional concerns regarding the proposed zoning amendment, or implications for redevelopment of this site, I recommend that the Committee now advance the “as amended” version of the zoning amendment for two readings/votes by the full Council. For procedural purposes, I presume that this memorandum, and materials attached hereto, can be included within the 2/12/24 regular meeting packet/agenda, at which time they could be either referred to committee (P&D) or simply received and filed (R&F) given that corresponding action may be taken by the Council that night on the related matter (*ODNC164_10_30_2023*). In either case I defer to the Council’s preferences.

ORDERS

CITY OF NEWBURYPORT



IN CITY COUNCIL

ORDERED:

February 12, 2024

Pursuant to the Votes Act of 2022 the City Council of the City of Newburyport hereby approves early voting in person at the Senior/Community Center, 331 High Street, Newburyport for the Presidential Primary, State Primary, and Final Election according to the following schedule:

For the Presidential Primary March 5, 2024:

Saturday February 24, 2024: 8 am to 2 pm

Monday February 26, 2024: 8:30 am to 3:30 pm

Tuesday February 27, 2024: 8:30 am to 3:30 pm

Wednesday February 28, 2024: 8:30 am to 3:30 pm

Thursday February 29, 2024: 8:30 am to 6:30 pm

Friday March 1, 2024: 8:30 am to 11:30 am

For the State Primary September 3, 2024:

Saturday August 24, 2024: 8 am to 2 pm

Monday August 26, 2024: 8:30 am to 3:30 pm

Tuesday August 27, 2024: 8:30 am to 3:30 pm

Wednesday Aug 28, 2024: 8:30 am to 3:30 pm

Thursday August 29, 2024: 8:30 am to 6:30 pm

Friday August 30, 2024: 8:30 am to 11:30 am

For the Final Election November 5, 2024:

Saturday October 19, 2024: 8 am to 2 pm

Monday October 21, 2024: 8:30 am to 12:30 pm

Tuesday October 22, 2024: 8:30 am to 12:30 pm

Wednesday October 23, 2024: 8:30 am to 12:30 pm

Thursday October 24, 2024: 8:30 am to 2 pm

Friday October 25, 2024: 8:30 am to 10:30 am

Saturday October 26, 2024: 8 am to 2 pm
Monday October 28, 2024: 8:30 am to 3:30 pm
Tuesday October 29, 2024: 8:30 am to 3:30 pm
Wednesday October 30, 2024: 8:30 am to 3:30 pm
Thursday October 31, 2024: 8:30 am to 6:30 pm
Friday November 1, 2024: 8:30 am to 11:30 am

And further, the City Clerk is hereby authorized to hire by and through the Police Marshal the requisite police details for the above-mentioned Primary and Final Elections.

And further, the poll workers on the attached list entitled 'Poll Workers' are hereby appointed in accordance with the Voters Act of 2024.

The City Clerk is hereby instructed to send a notice of this order to the Elections Division of the Secretary of State and to publish these days and hours on the internet.

Poll Workers

Ronald Booth
Paula Burke
Anne Margaret Bushnell
Veronica Carleo
Susan Carnduff
Gail Clark
Joanne Deorocki
Mary Dissette
Michael Dissette
Raymond Domingo
Karen Eaton
Candace Erickson
Joanne Foley
Gary Gorski
Claudia Gorski
Nancy Harrington
Amber Hewett
Irene Hoover
Susan Keslof
Susan LaBay
Maryann Lawler
Betty Leary
Alastair Lee
Karen Murphy
Mike Murphy
Sue Olsen
Sandra Pilt

Scott Purdie
Glenn Richards
Soren Richelsen
Julie Rocco
Kathleen Schoonmaker
Rose Simpson
Phil Stern
Jesslyn Sullivan
Katrina Sullivan
Sheila Taintor
Joseph Teixeira
Anne Wilt
Ann Wilt
Marguerite Wood
Ghlee Woodworth
Dianne Yurkavich

Councillor Edward C. Cameron, Jr.

CITY OF NEWBURYPORT



IN CITY COUNCIL

ORDERED:

AN ORDER APPROVING THE DESIGN WORK FOR THE YOUTH AND RECREATION CENTER

WHEREAS, the City Council authorized the expenditure of \$200,000.00 to engage the firm of EGA Architects of Newburyport, MA to design the Youth and Recreation Center and they have completed the Design Development phase; and

WHEREAS, the amount of \$80,000.00 has been expended of the \$200,000.00 authorization; and

WHEREAS, there is a Design Development partial set attached hereto and labeled 'Newburyport Youth Services, 59 Low Street, Newburyport, MA, 01950 Design Development Submission 09-07-2023, Architect: EGA Architects, P.C. and incorporated herewith and designated 'Partial DD set.pdf'; and

WHEREAS, there is a Design Development Cost Estimates spreadsheet dated 1/11/2024 detailing a total amount of \$7,225,138.00 submitted by the firm of PM&G and there is a second estimate in the total amount of 6,483,926.00 submitted by the firm of South Coast and said spreadsheet is incorporated herewith and designated 'Design Development Cost Estimates'; and

WHEREAS, these same cost estimates include a breakdown of costs for the 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; and

WHEREAS, the next step in the process is to move into the Construction Document phase of the project including Bidding Assistance and Construction Administration.

NOW, THEREFORE, the City Council hereby authorizes the Administration to proceed to the remaining sixty percent (60%) of the project for construction documents, bidding assistance and construction administration as referenced.

Councillor Edward C. Cameron, Jr.



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

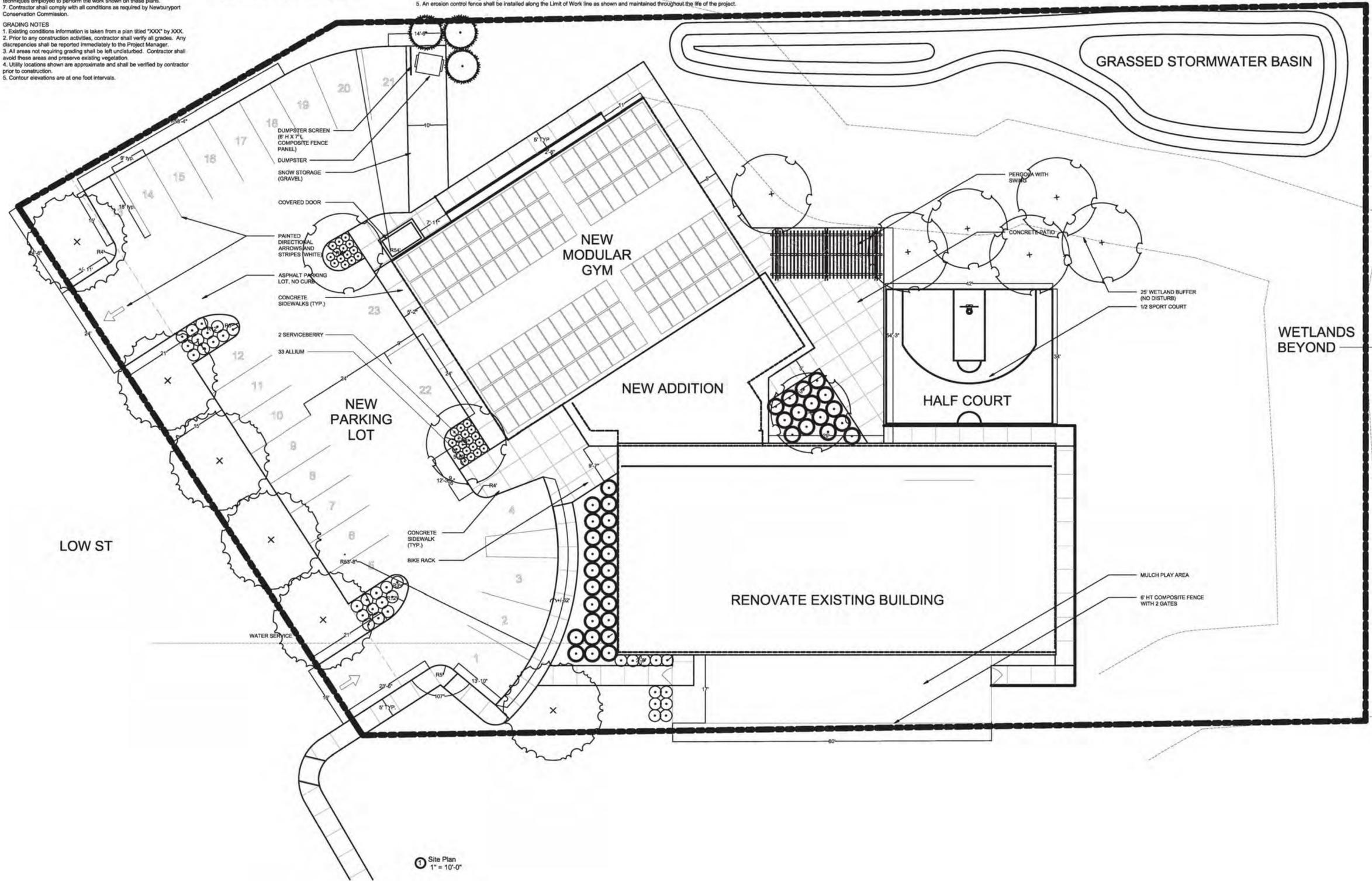
1. Existing conditions information is taken from a plan titled "XXX" by XXX.
2. Prior to any construction activities, contractor shall verify all grades. Any discrepancies shall be reported immediately to the Project Manager.
3. All areas not requiring grading shall be left undisturbed. Contractor shall 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 Woblesley.
5. An erosion control fence shall be installed along the Limit of Work line as shown and maintained throughout the life of the project.



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

Issued For:	Date:
PROGRESS	09/29/2023

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Building Key:

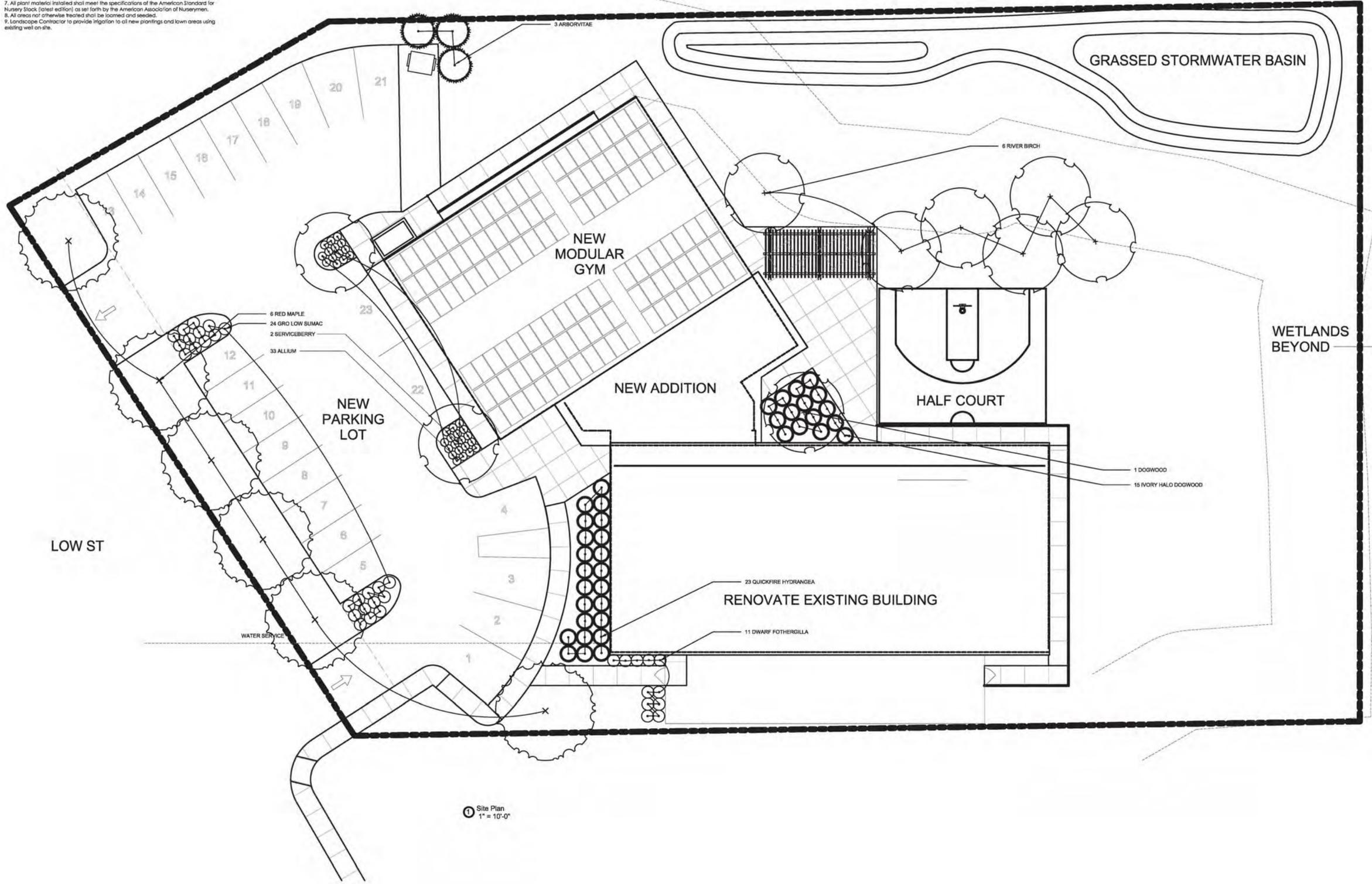
Sheet Title:
Site Plan

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 loamed 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

Issued For:	Date:
PROGRESS	09/29/2023

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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:
 WDC Interiors

Newburyport Youth Services
 59 Low Street
 Newburyport, MA 01950

Issued For:	Date:
DD SET	09/08/2023

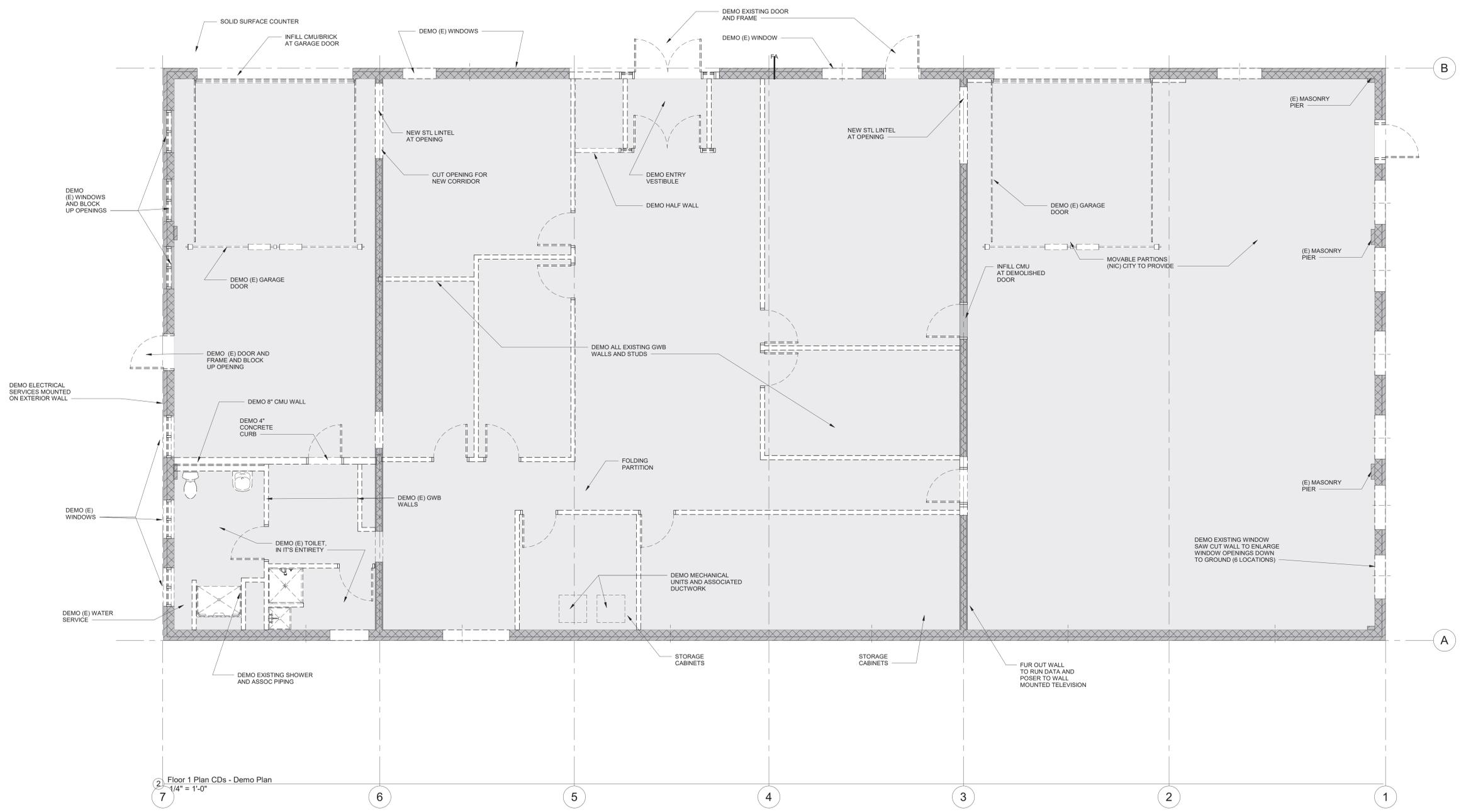
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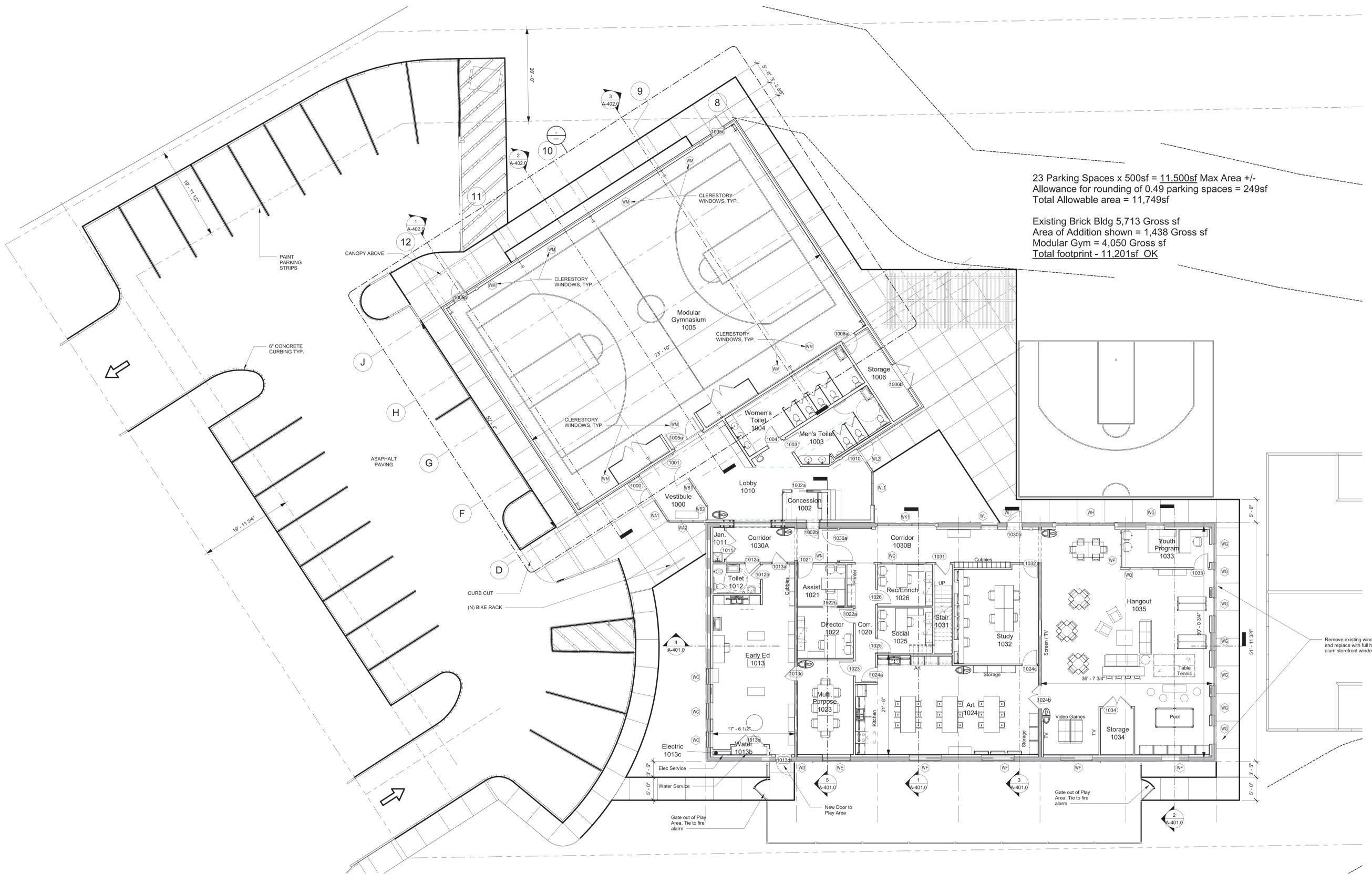
Sheet Title:
Cover

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"



23 Parking Spaces x 500sf = 11,500sf Max Area +/-
Allowance for rounding of 0.49 parking spaces = 249sf
Total Allowable area = 11,749sf

Existing Brick Bldg 5,713 Gross sf
Area of Addition shown = 1,438 Gross sf
Modular Gym = 4,050 Gross sf
Total footprint - 11,201sf OK

Remove existing windows
and replace with full height
alum storefront windows

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
- ⊗ TRACK LIGHTS
- ⊗ VANITY LIGHT

ACOUSTICAL TILE KEY
 TILE TYPE - SEE SPEC.
 SUSPENSION TYPE - SEE SPEC.
 2x-#

- CEILING TAG KEY**
- 1A - MATERIAL - SEE CEILING TYPE LEGEND
 - 2C-1 - HEIGHT ABOVE FINISHED FLOOR
 - # - INDICATED SECOND
 - - CEILING TYPE ABOVE

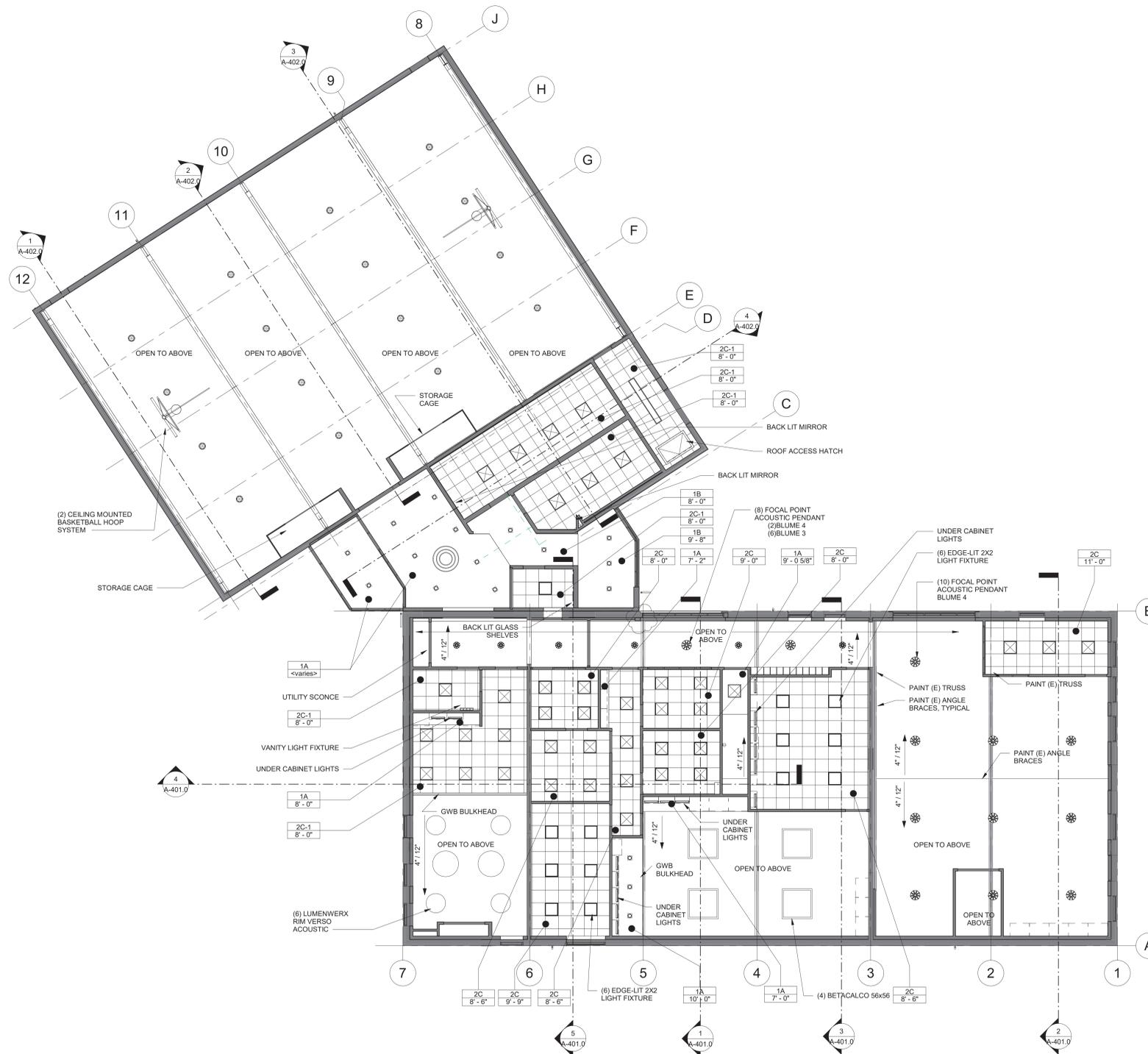
1. FOR ACOUSTICAL CEILING TILE TYPES AND SUSPENSION SYSTEM TYPES, REFER TO SPECIFICATIONS.

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

© EGA, P.C.

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

CIVIL ENGINEER:
 STRUCTURAL ENGINEER:
 MEP ENGINEER:
 BLW ENGINEERS
 INTERIOR DESIGNER:
 WDC Interiors

Newburyport Youth Services
 59 Low Street
 Newburyport, MA 01950

Issued For:	Date:
DD SET	09/08/2023

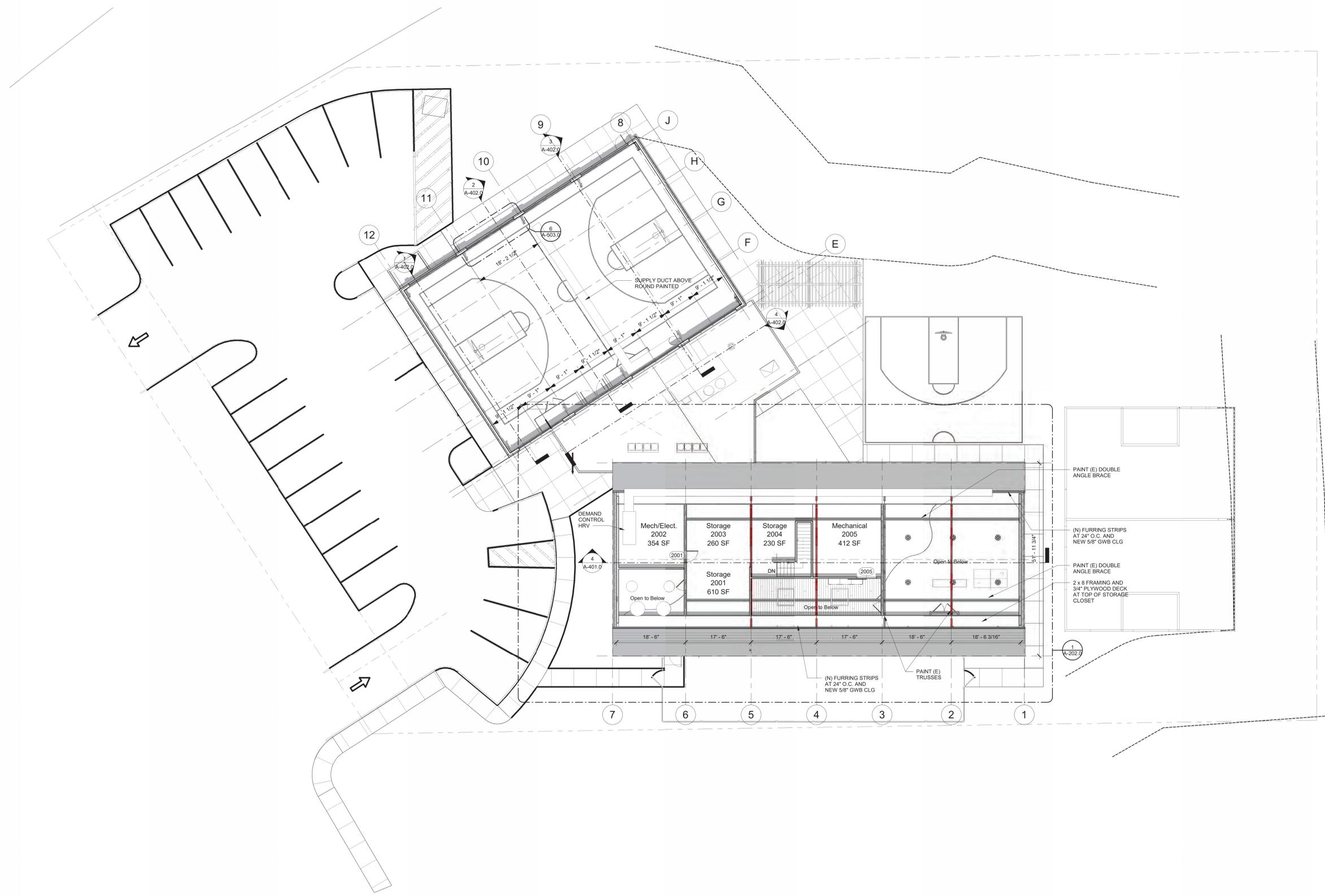
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Building Key:

Sheet Title:
 Floor 1 Reflected Ceiling Plan

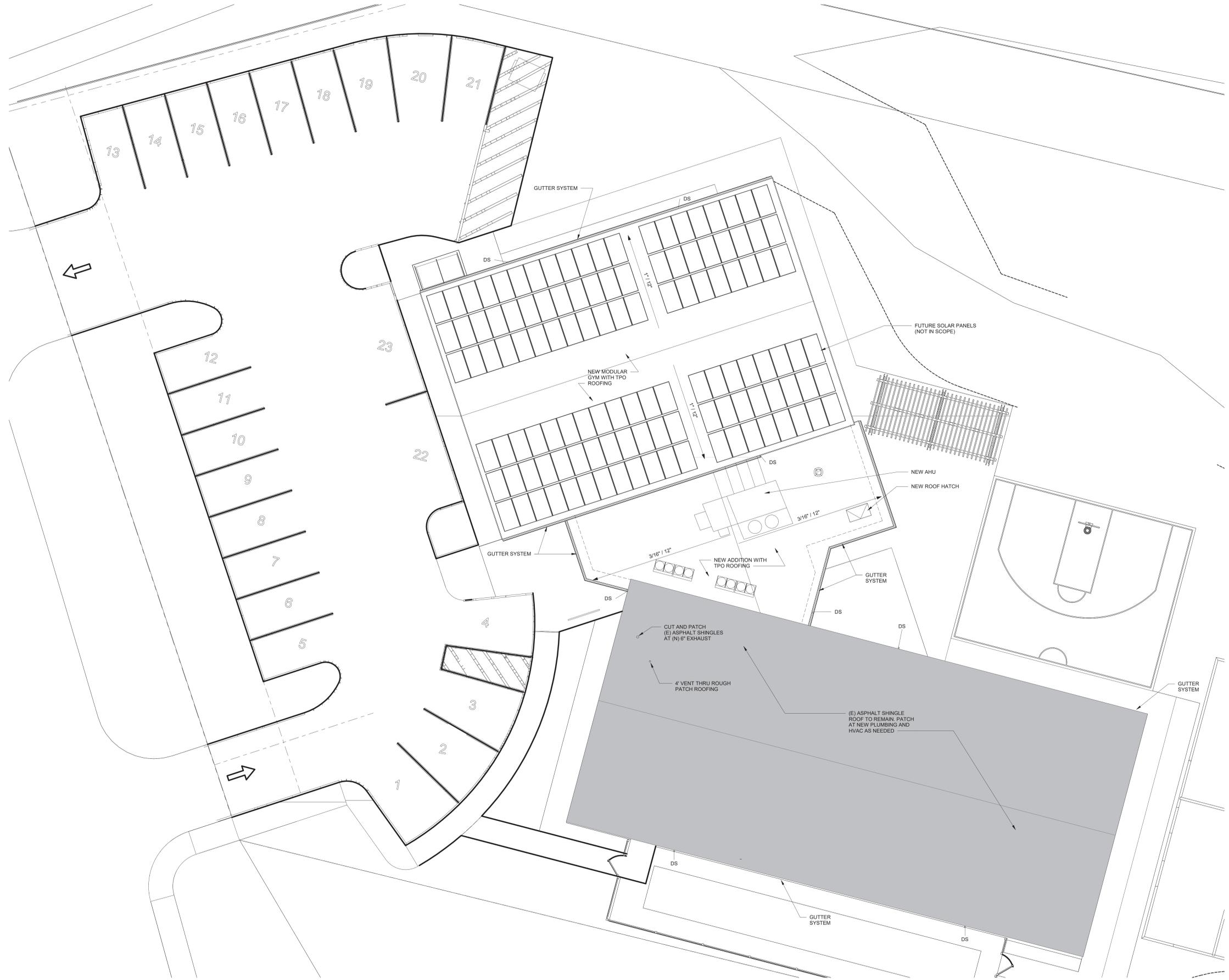
Sheet Number:
A-104.0

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"

EGA
ARCHITECTS

© EGA, P.C.
One Vernon Street
Newburyport, MA 01950
Phone: 978-462-5515
Fax: 978-462-5525

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

Newburyport Youth Services
59 Low Street
Newburyport, MA 01950

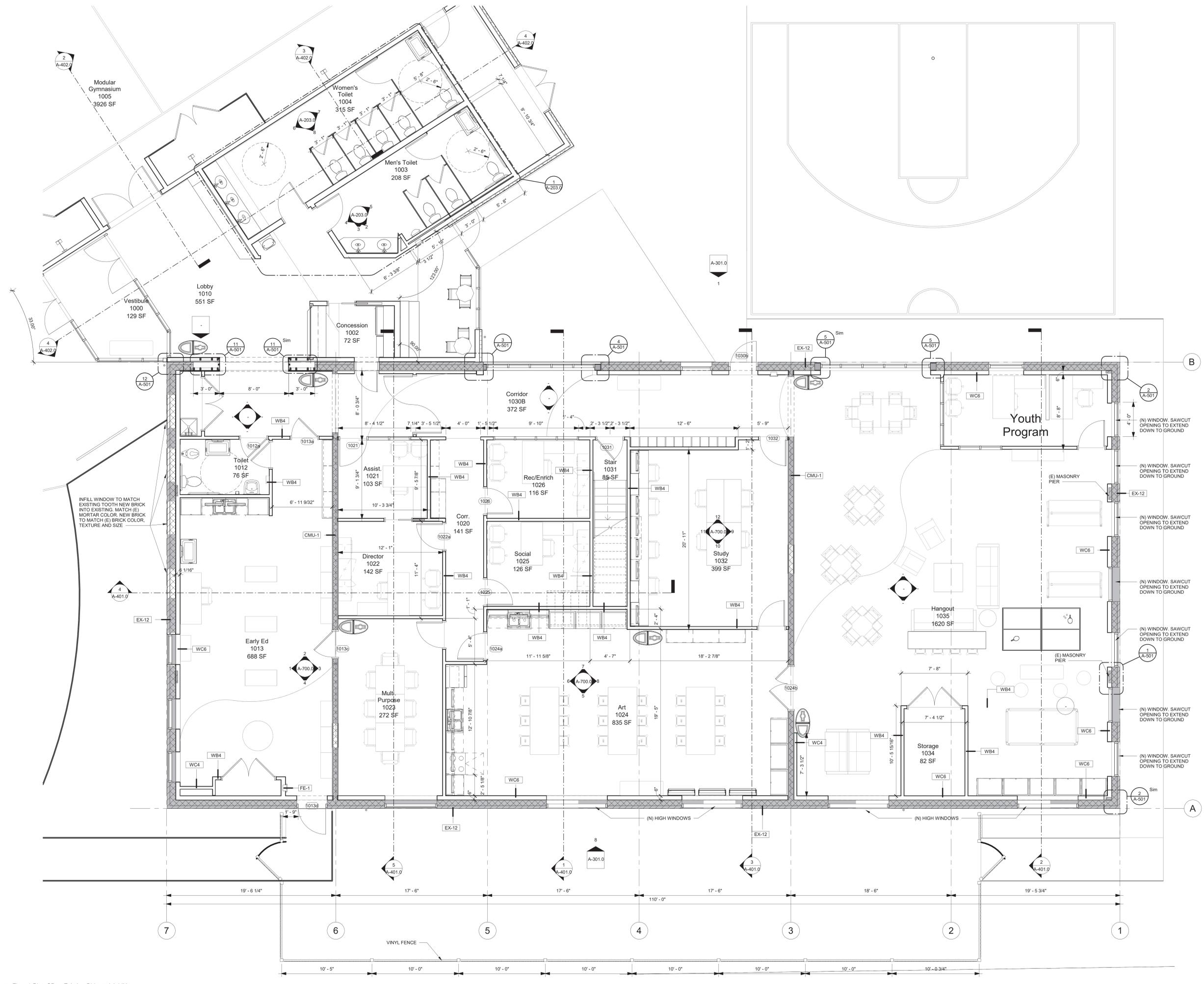
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Building Key:

Sheet Title:
Roof Plan

Sheet Number:
A-106.0



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

EGA
ARCHITECTS

© EGA, P.C.

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

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

Newburyport Youth Services
59 Low Street
Newburyport, MA 01950

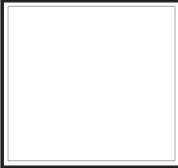
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Building Key:

Sheet Title:
First Floor Existing Building

Sheet Number:
A-201.0



CIVIL ENGINEER:
STRUCTURAL ENGINEER:
MEP ENGINEER:
BLW ENGINEERS
INTERIOR DESIGNER:
WDC Interiors

Newburyport Youth Services
59 Low Street
Newburyport, MA 01950

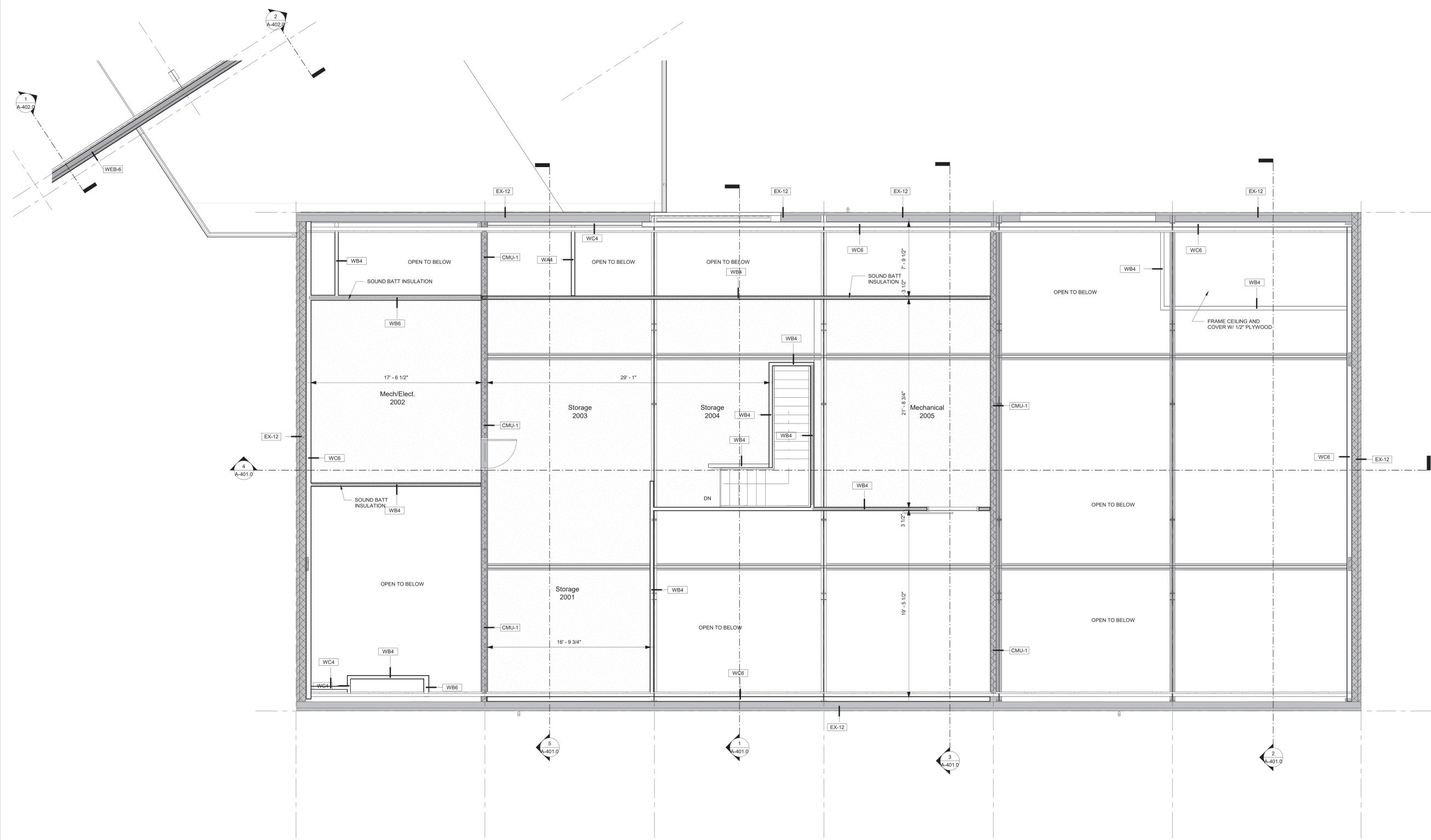
Issued For:	Date:

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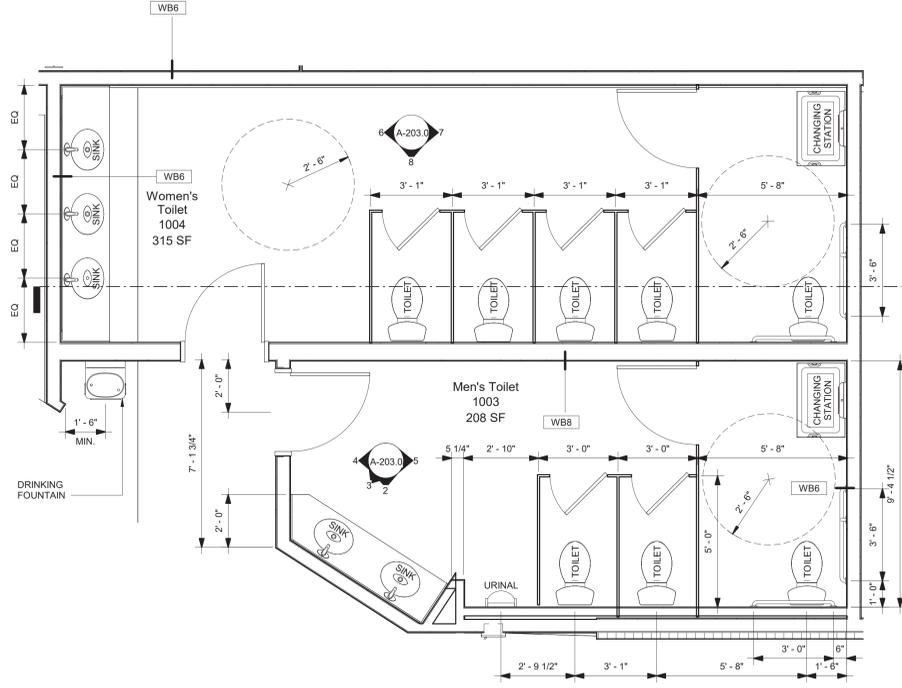
Building Key:

Sheet Title:
Second Floor Existing Building

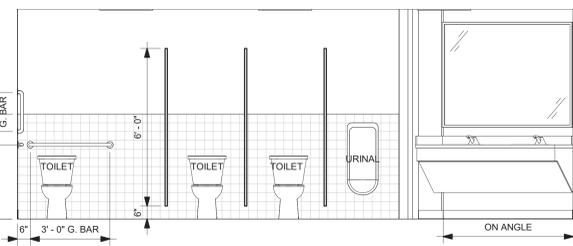
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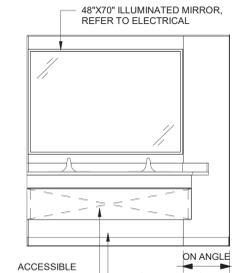
1 Floor 2 Plan - Callout 1
1/4" = 1'-0"



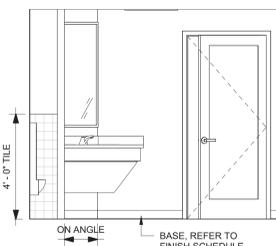
1 Floor 1 Plan CDs - Toilets Partial Plan
3/8" = 1'-0"



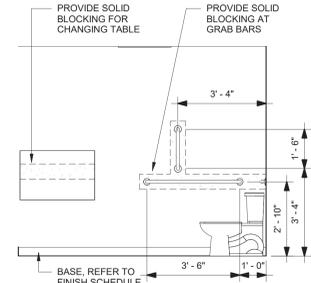
2 Men's Toilet Elevation
3/8" = 1'-0"



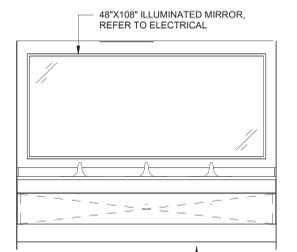
3 Men's Toilet Elevation
3/8" = 1'-0"



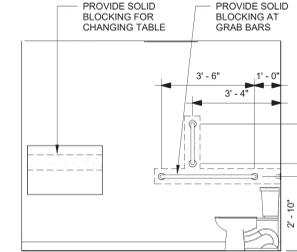
4 Men's Toilet Elevation
3/8" = 1'-0"



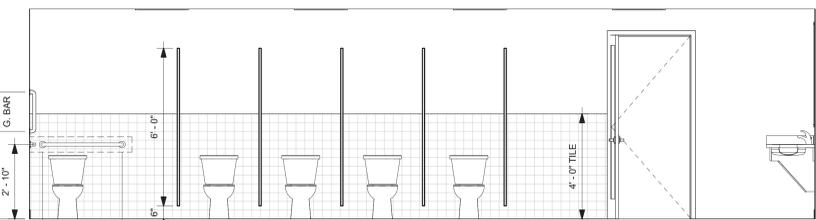
5 Men's Toilet Elevation
3/8" = 1'-0"



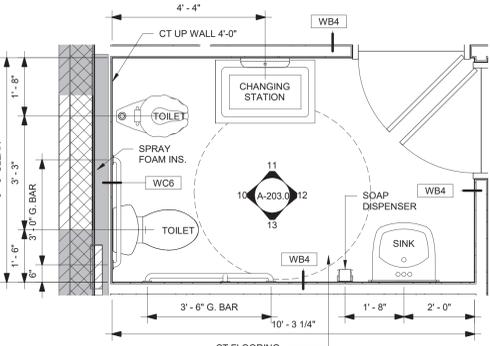
6 Women's Toilet Elevation
3/8" = 1'-0"



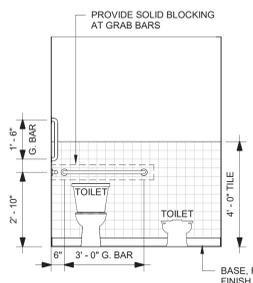
7 Women's Toilet Elevation
3/8" = 1'-0"



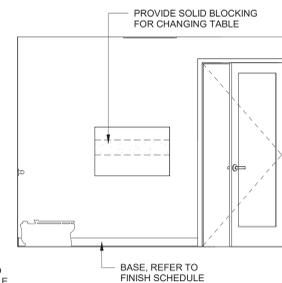
8 Women's Toilet Elevation
3/8" = 1'-0"



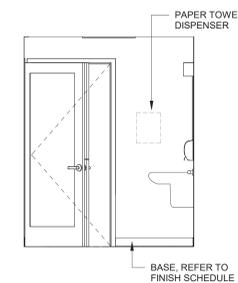
9 Preschool Toilet Plan
1/2" = 1'-0"



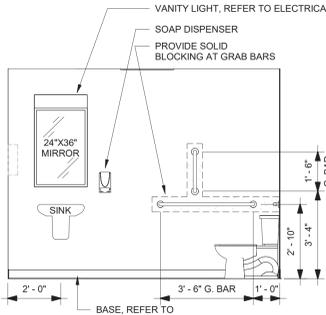
10 Preschool Toilet Elevation
3/8" = 1'-0"



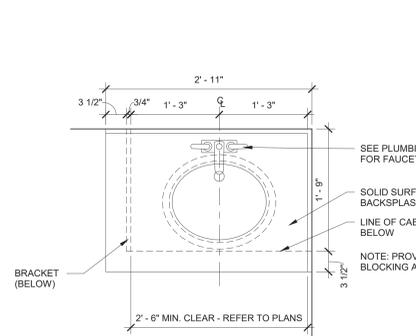
11 Preschool Toilet Elevation
3/8" = 1'-0"



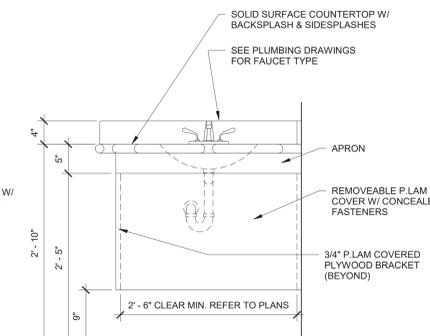
12 Preschool Toilet Elevation
3/8" = 1'-0"



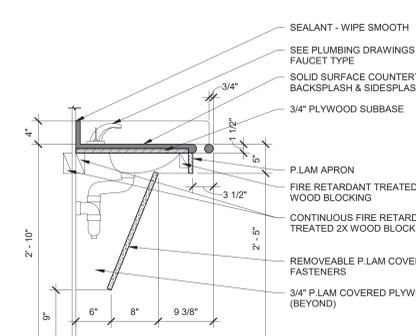
13 Preschool Toilet Elevation
3/8" = 1'-0"



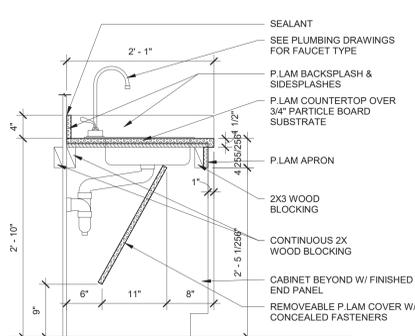
14 Detail Bathroom Countertop Plan - Solid Surface w/ Integral Grab Rail
1" = 1'-0"



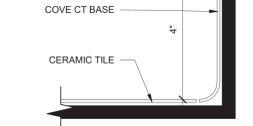
15 Detail Bathroom Countertop Elevation - Solid Surface w/ Integral Grab Rail
1" = 1'-0"



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

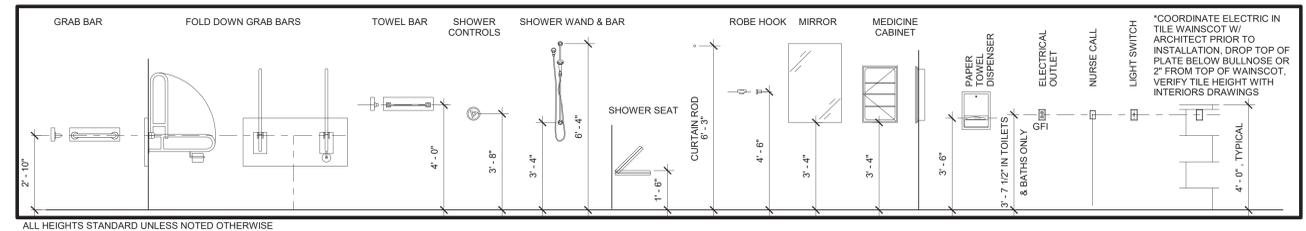


17 Detail Kitchen Accessible Sink Base Section - P.Lam
1" = 1'-0"



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"

EGA ARCHITECTS
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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

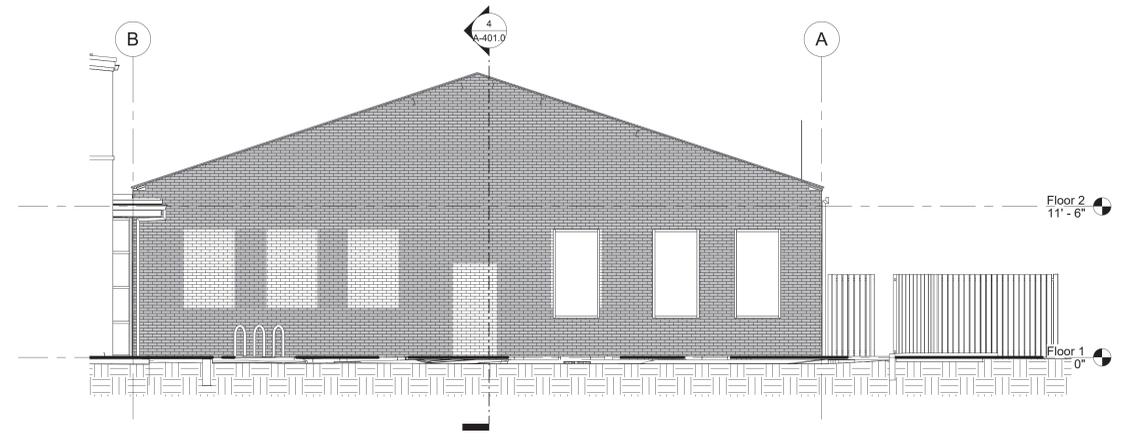
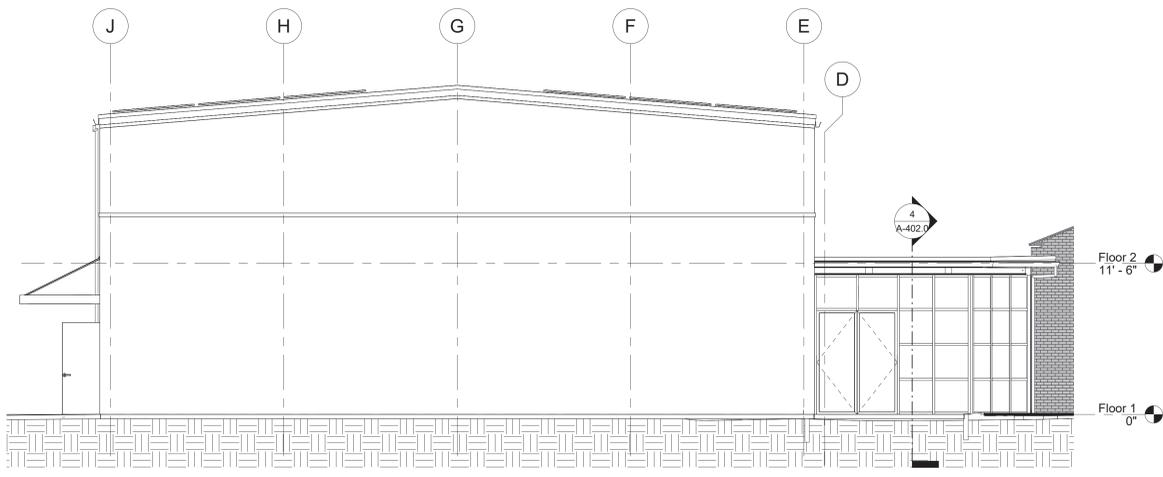
Issued For:	Date:
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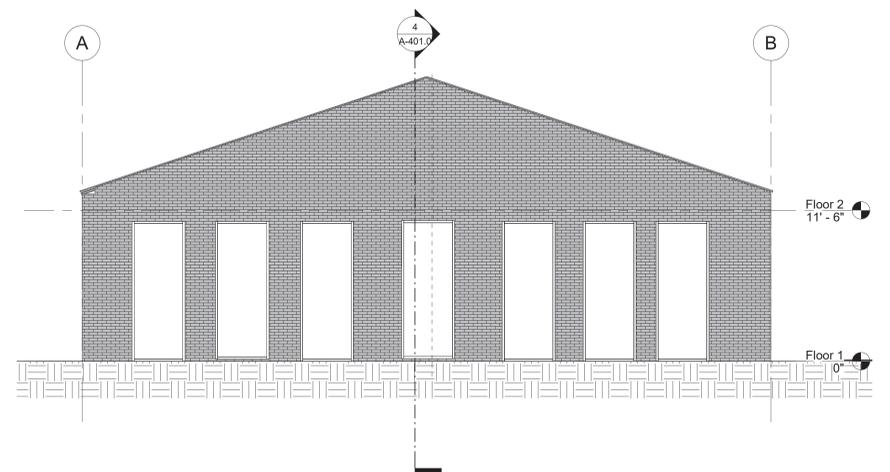
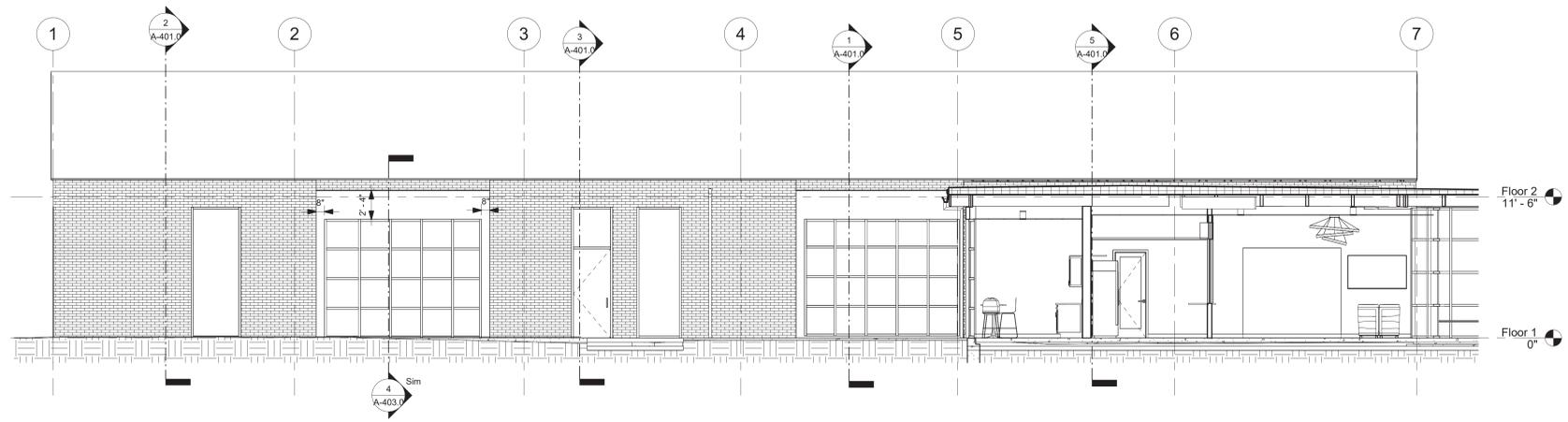
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Bath Elevations

Sheet Number:
A-203.0



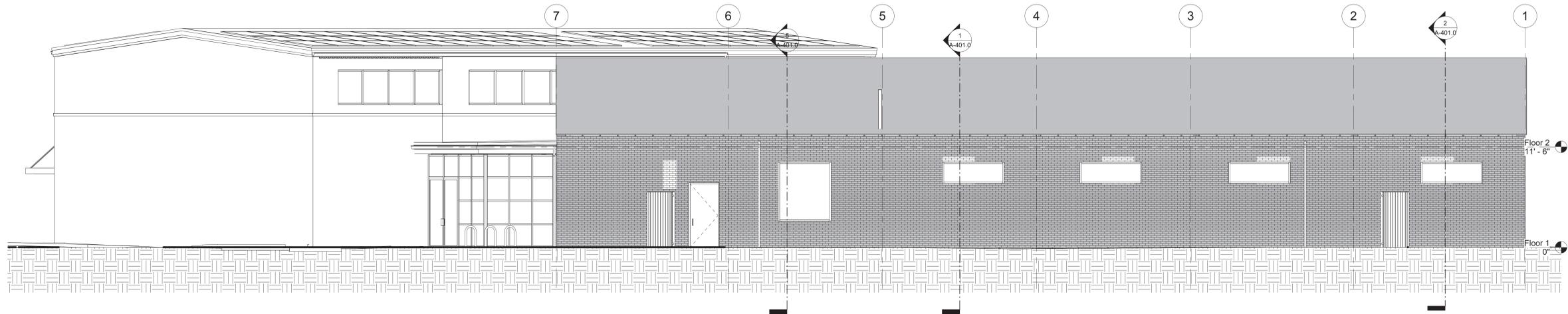
4 Elevation 3 - a
3/16" = 1'-0"

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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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

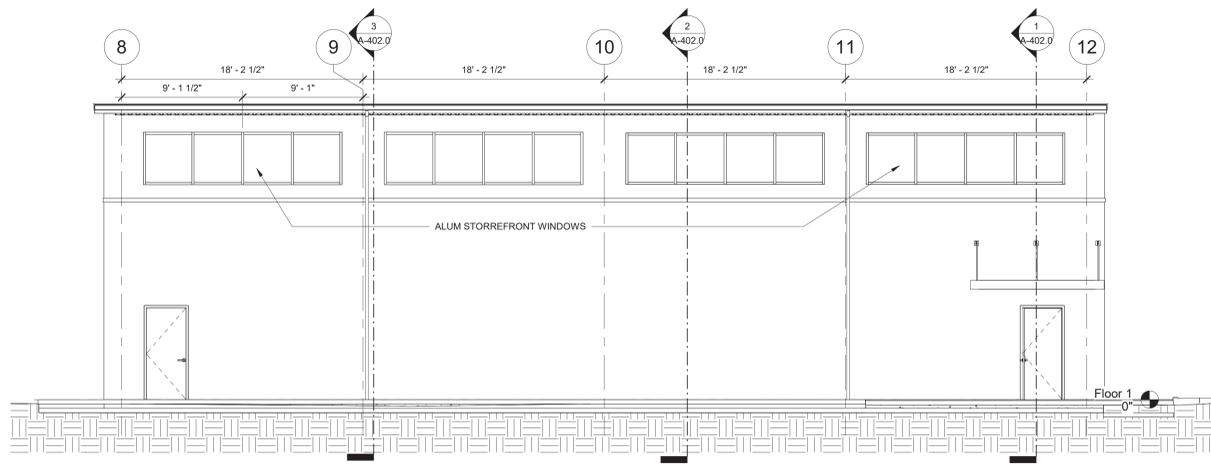
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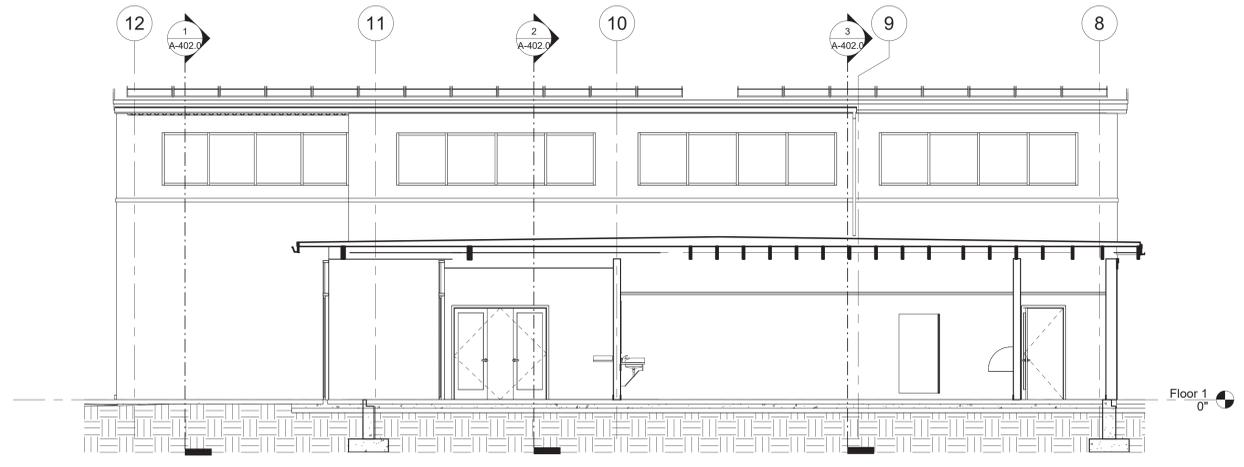
Building Key:

Sheet Title:
Elevations

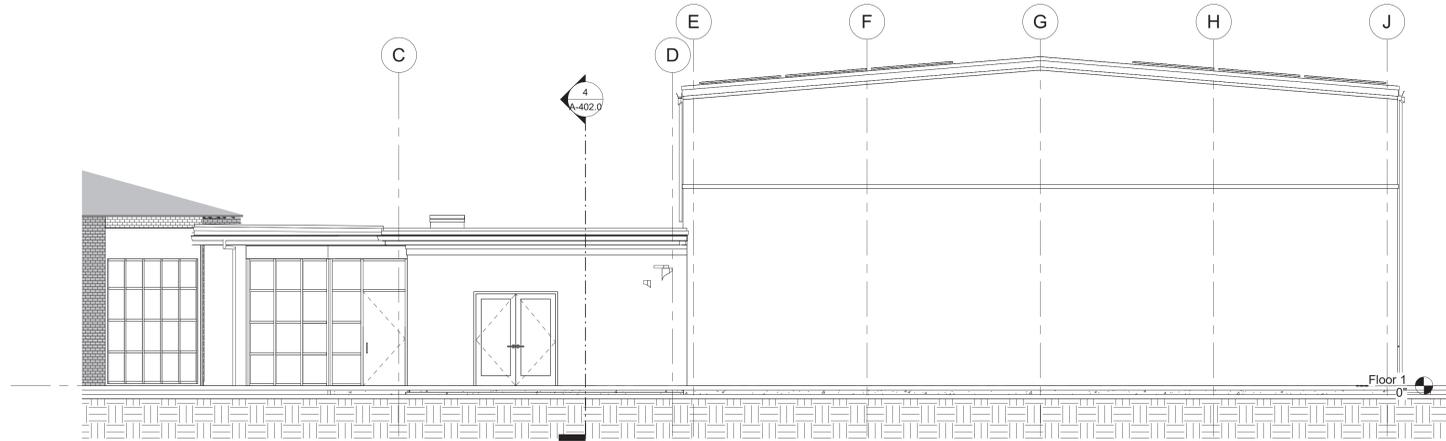
Sheet Number:
A-301.0



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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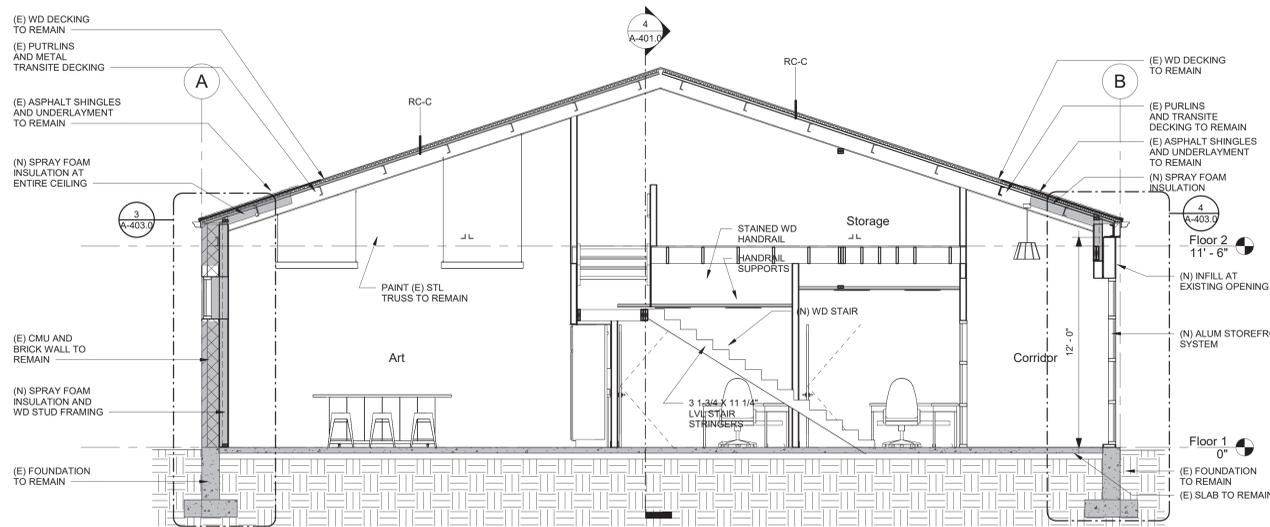
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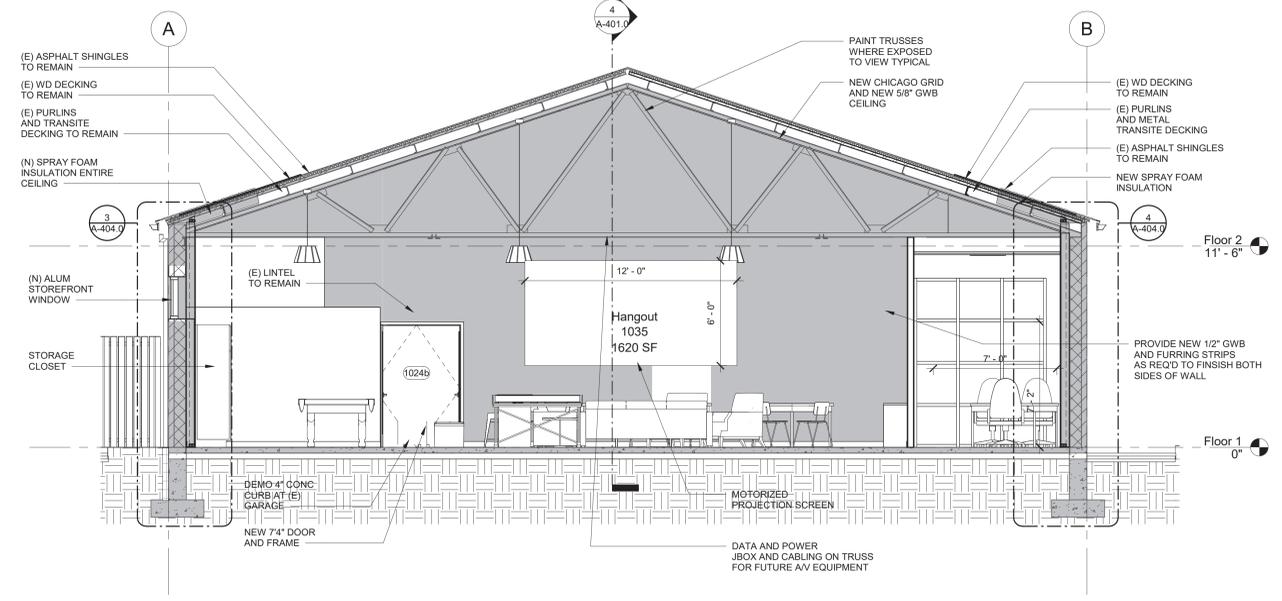
Building Key:

Sheet Title:
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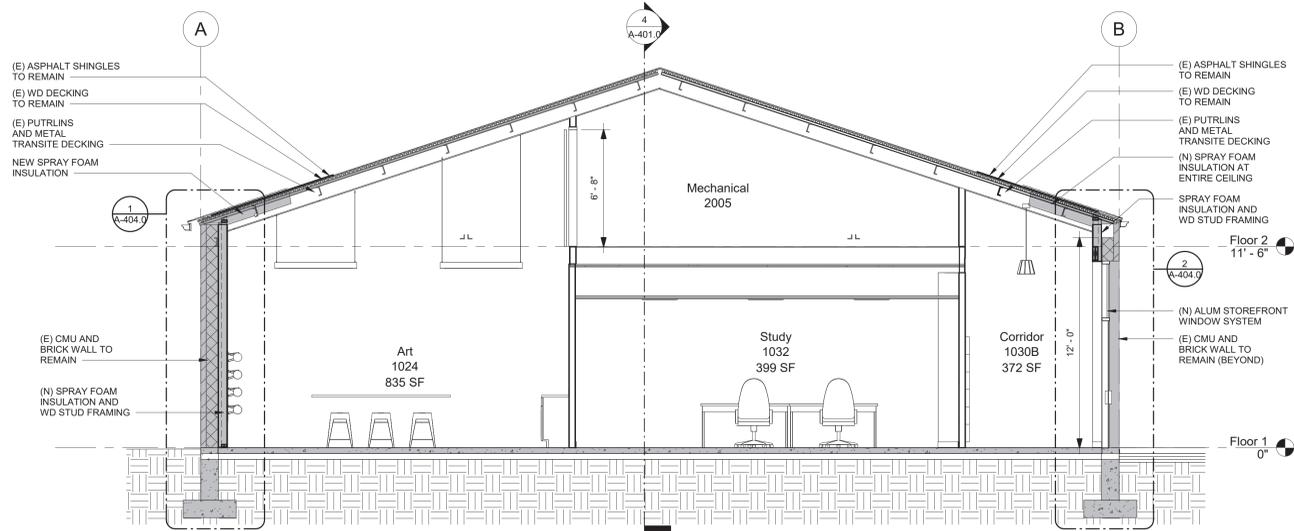
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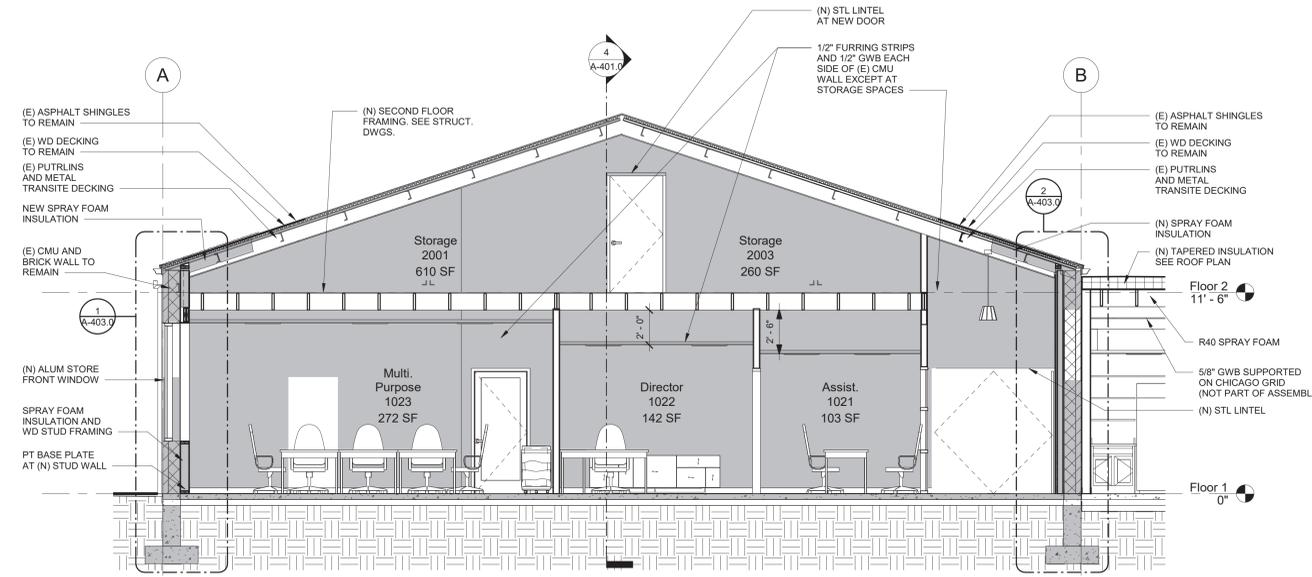
1 Typical Section
1/4" = 1'-0"



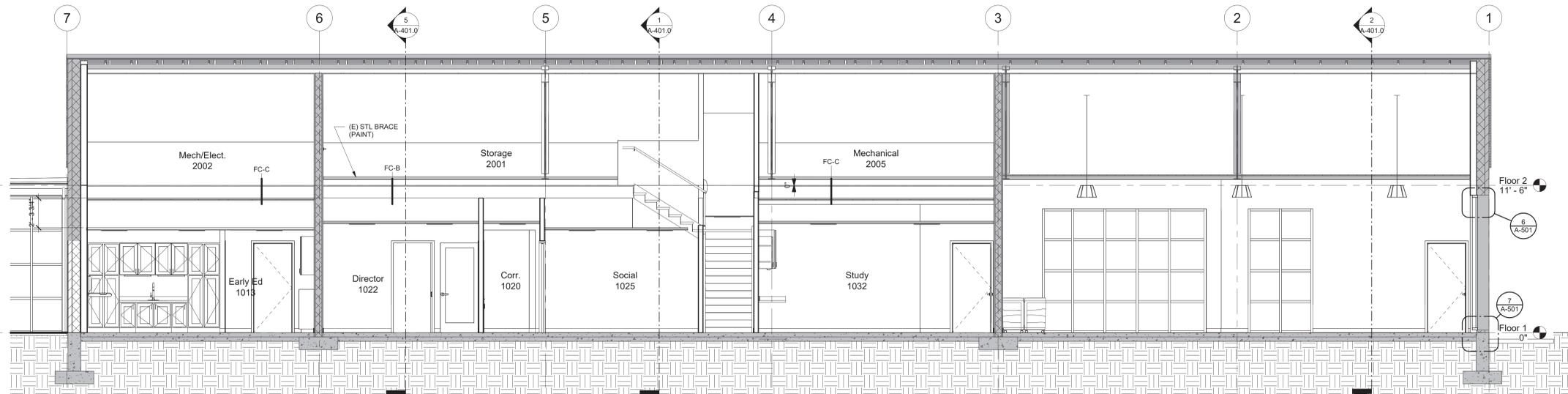
2 Typical Section6
1/4" = 1'-0"



3 Typical Section7
1/4" = 1'-0"



5 Typical Section8
1/4" = 1'-0"



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

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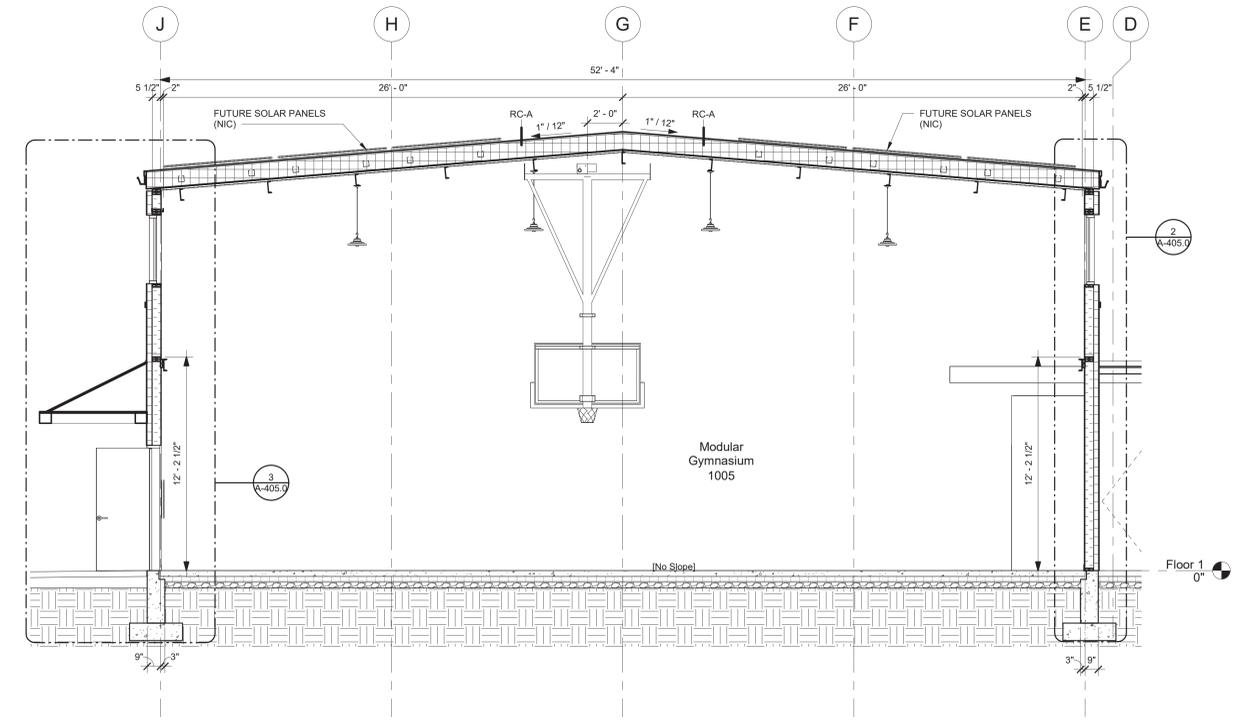
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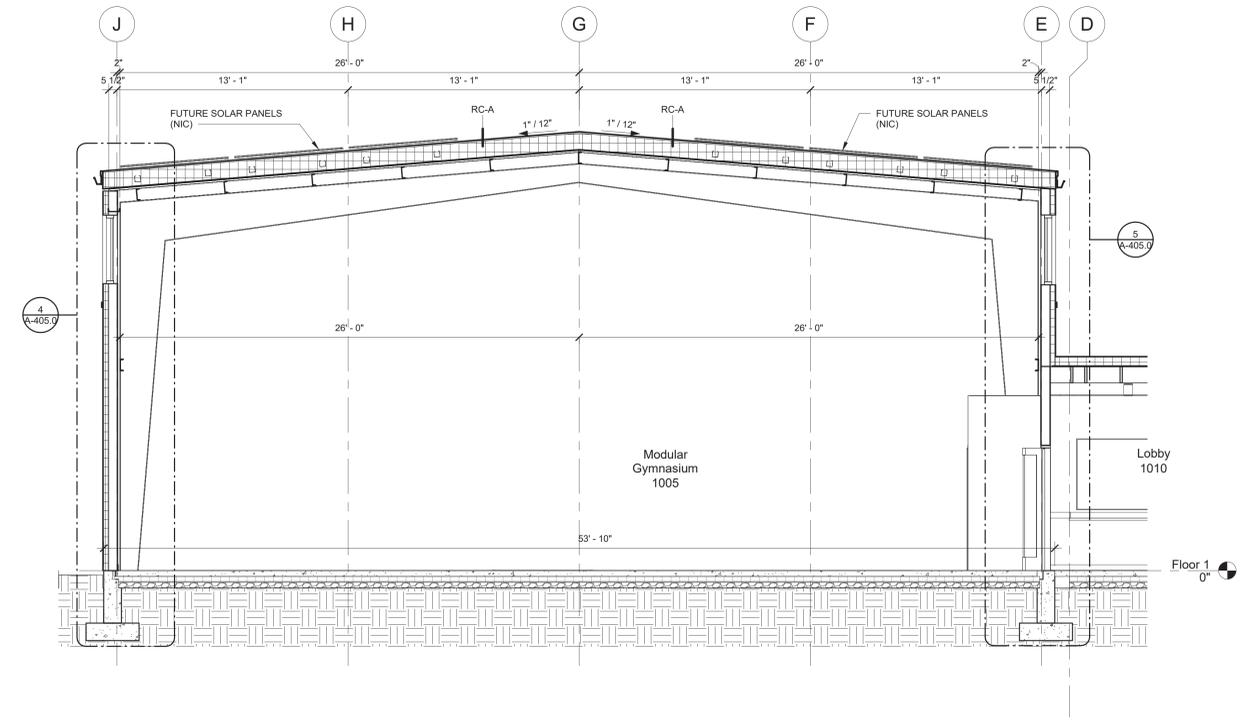
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Sheet Title:
Building Sections

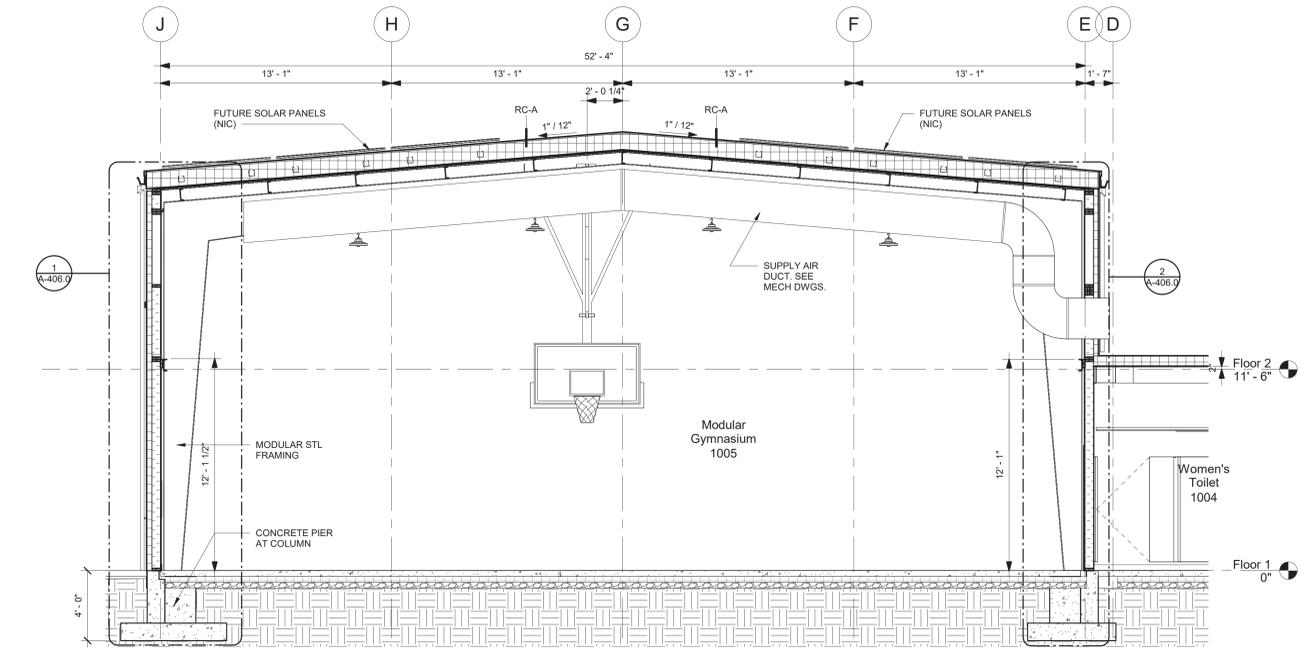
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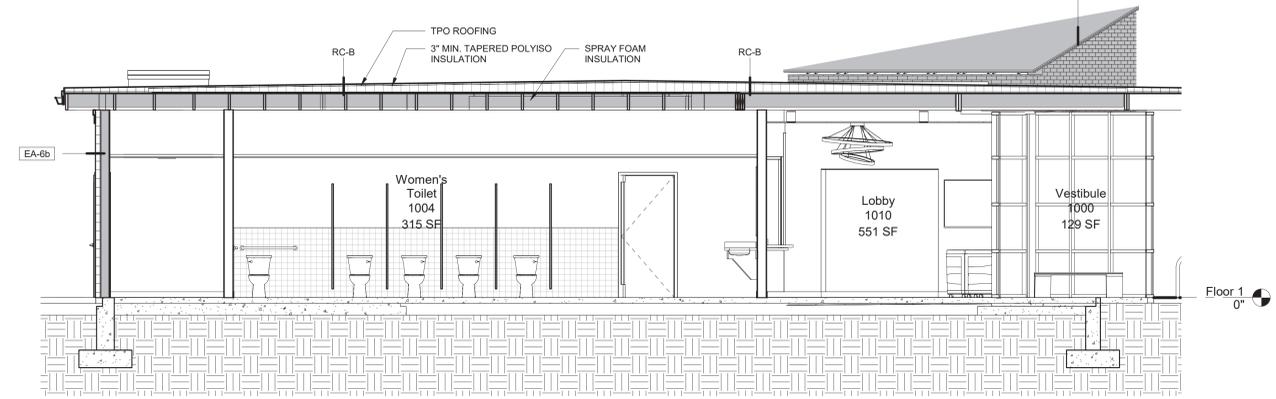
1 Section 5
1/4" = 1'-0"



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"



**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:	2/6/2024	
City Department:	Fire Department	
Staff Contact:	Chief Stephen Bradbury	
<i>Grant Overview</i>		
Grant Type:	State Grant	
Funding Agency:	Department of Fire Services https://www.mass.gov/orgs/departement-of-fire-services	
Program Name:	Firefighter Safety Equipment Grant Program https://www.mass.gov/info-details/grants-for-fire-departments	
Project Name:	Firefighter Safety Equipment Grant	
Project Description:	<p>The application period for the FY24 Firefighter Safety Equipment Grant ended on December 1, 2023. The award list for FY24 applicants can be found here: FY24 Firefighter Safety Equipment Grant Awards. This program is offered annually to fire departments of every city, town, fire district, and authority of the Commonwealth. \$5 million of funding is available through this program to provide fire departments with equipment that makes the dangerous job of firefighter safer.</p> <p>Newburyport funds will be used to purchase: leather boots, complete set of gear and helmet.</p>	
Award Amount:	\$14,100.66	
Payment Method:	Cost Reimbursement	
Length of Grant:	1 year	
Start Date:	Upon execution of grant agreement	
End Date:	6/30/2024	
Award Acceptance Deadline:	Award acceptance deadline	<input checked="" type="checkbox"/> N/A
<i>Local Match/Required Resources</i>		
Local Match (City Funds):	NA	
Local Match (In-Kind):	NA	
Resources Required When Grant Program Ends:	None	
<i>For Office Use Only</i>		
City Council Packet Date:	2/12/2024	
Emergency Measure?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No



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:	1/26/2024	
City Department:	Fire Department	
Staff Contact:	Chief Stephen Bradbury	
<i>Grant Overview</i>		
Grant Type:	Federal Grant (State Pass-Through)	
Funding Agency:	Massachusetts Emergency Management Agency (MEMA) https://www.mass.gov/orgs/massachusetts-emergency-management-agency	
Program Name:	Emergency Management Performance Grants https://www.mass.gov/info-details/emergency-management-performance-grant-empg	
Project Name:	Annual EMPG Grant	
Project Description:	<p>Funding for up to four wet suits (survival suits). The Department of Homeland Security, Federal Emergency Management Agency's Emergency Management Performance Grant (EMPG) program provides state, local, tribal and territorial emergency management agencies with the resources required for implementation of the National Preparedness System and works toward the National Preparedness Goal of a secure and resilient nation. The EMPG's allowable costs support efforts to build and sustain core capabilities across the prevention, protection, mitigation, response and recovery mission areas. Funds may be used to support local and/or regional emergency management activities in the following cost categories: Planning, Organizational, Equipment, Training, and Exercises. Annual funding is based on the size of the community [Population 15,000-19,999 = \$4,600.00].</p>	
Award Amount:	\$4,600.00	
Payment Method:	Cost Reimbursement	
Length of Grant:	1 year	
Start Date:	Upon execution of grant agreement	
End Date:	6/30/2024	
Award Acceptance Deadline:	3/11/2024	<input type="checkbox"/> N/A
<i>Local Match/Required Resources</i>		
Local Match (City Funds):	None	
Local Match (In-Kind):	The EMPG program has a dollar-for-dollar cost-share requirement. The contribution can be cash (hard match) or in-kind (soft match). Newburyport's match reflects staff time dedicated to emergency preparedness training and exercises.	
Resources Required When Grant Program Ends:	None	
<i>For Office Use Only</i>		

City Council Packet Date:	2/12/2024	
Emergency Measure?	<input type="checkbox"/> Yes	<input type="checkbox"/> No

Councillor Sharif I. Zeid

COMMITTEE ITEMS

Committee Items – February 12, 2024

Budget & Finance

In Committee:

- COMM00531_01_29_2024 FY2024 Mid-Year Budget Report
- TRAN00177_01_29_2024 Mayor: General Fund Free Cash \$27,046 to Fire: Injured-on-Duty \$27,046 (COTW)
- TRAN00180_01_29_2024 Fire Dept.: CIP Radio Equipment \$13,000 to
Fire Maint-Buildings & Grounds \$13,000
- TRAN00178_01_29_2024 Parking: RRFA-Paid Parking Fund \$33,006 to PKG LPR System \$33,006
- TRAN00179_01_29_2024 DPS: General Fund Free Cash \$43,300 to
Roadway & Sidewalk Improvements \$43,300
- ORDR00532_01_29_2024 Gift Acceptance \$10,012 Newburyport Black History Initiative



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:

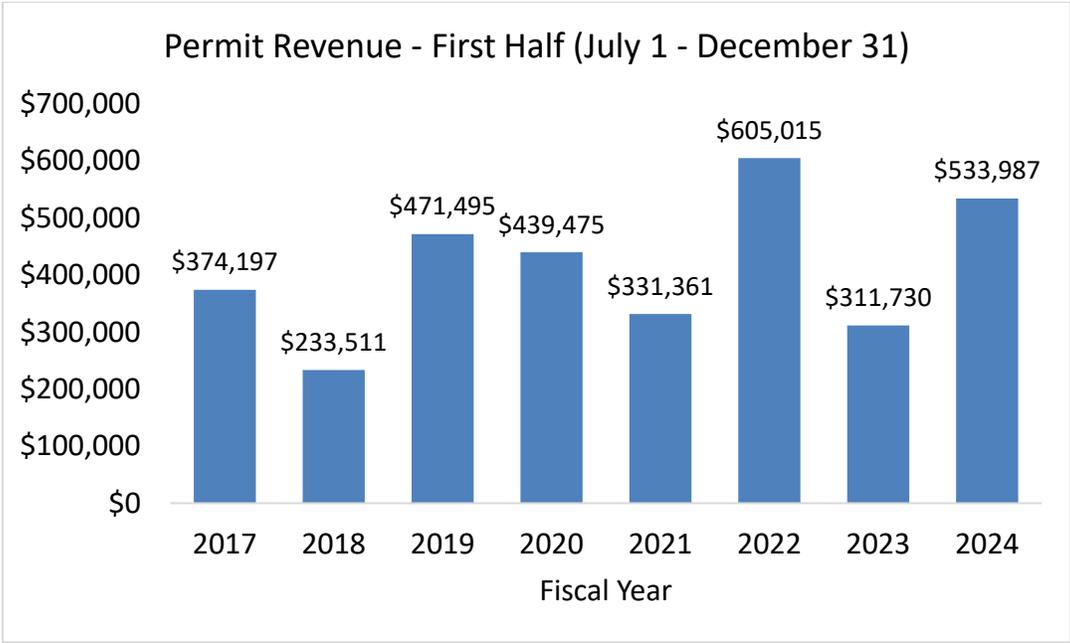
- Mid-year expenditures were at 48.6% of budget for the General Fund, 50.6% for the Water Ent. Fund, 45.2% for the Sewer Ent. Fund, 61.4% for the Harbormaster Ent. Fund.
- We anticipate the potential for operating budget transfers in the following line items by year-end:

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:

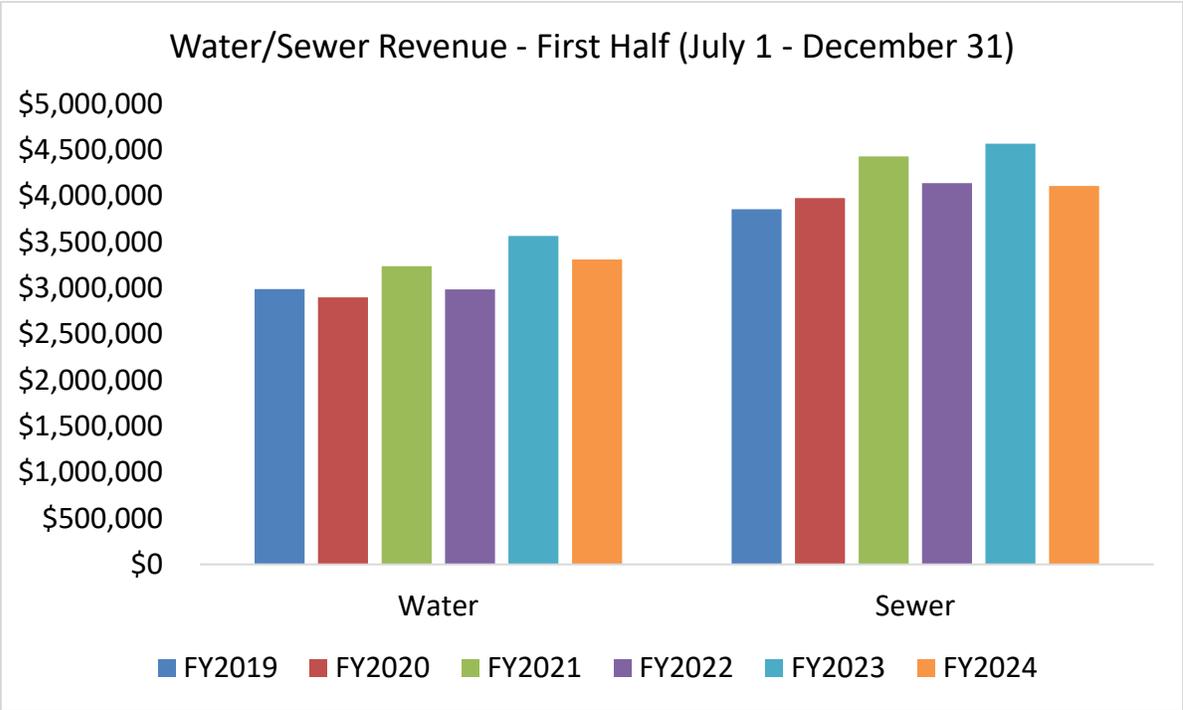
- Mid-year revenue was at 47.6% of the FY2024 estimate for the General Fund, 50.7% for the Water Ent. Fund, 50.9% for the Sewer Ent. Fund and 56.4% for the Harbormaster Ent. Fund.
- Overall local receipts for the General Fund were up 18.7% compared to the first half of FY2023 buoyed by higher than estimated 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.



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

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

Why Funds Are Needed:

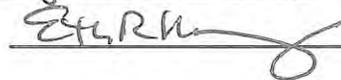
A supplemental budget appropriation of \$64,263 was made to cover payroll from 7/1/2023 to 12/31/2023 for the former fire chief, while an application for accidental disability retirement was reviewed by the Newburyport Retirement System. The application is still under review and an appropriation of \$27,046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

Sean R. Reardon, Mayor:



Date: 1/23/2024

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

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.

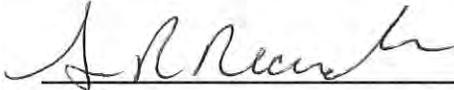
Transfer To:

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

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.

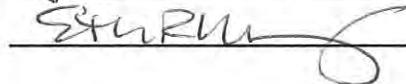
Sean R. Reardon, Mayor:



Date:

1/23/2024

Ethan R. Manning, Auditor:



Date:

1/19/2024

City Council Action:

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



HVAC/ Plumbing Contractors
Commercial • Residential

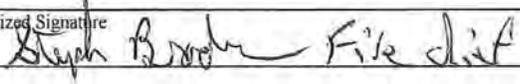
SALES • SERVICE • INSTALLATION



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 herby 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  <i>Stephen Bouché</i> File chief</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 Kitchin

Date of Acceptance: 1/5/24

Signature: _____



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:

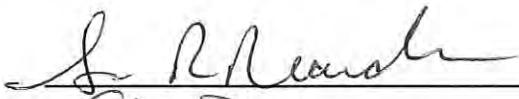
This fund is a receipts reserved for appropriation account. Funding sources include parking meter collections, violations and permits generated from the Downtown Paid Parking Program.

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
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:</p> <p>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

In City Council January 29, 2024:

Motion to refer collectively ORDR00532_01_29_2024 to Budget & Finance, ORDR00533_01_29_2024 and ORDR00534_01_29_2024 to Budget & Finance and COTW by Councillor Zeid, seconded by Councillor McCauley. So voted.

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

Committee Items – February 12, 2024

General Government

In Committee:

- ORDR00528_01_08_2024
- APPT00462_01_29_2024

Local Acceptance of G.L. 41 s.110A

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

CITY OF NEWBURYPORT



IN CITY COUNCIL

ORDERED:

January 8, 2024

THAT, the City Council of the City of Newburyport votes to accept the provisions of M.G.L. c.41, §110A which provides that any public office in any city or town may remain closed on any or all Saturdays as may be determined from time to time, in a city by the city council, subject to the provisions of the city charter.

Councillor Heather L. Shand

In City Council January 8, 2024:

Motion to refer to General Government by Councillor Zeid, seconded by Councillor Preston.
Roll call vote, 11 yes, motion passes.



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

RECEIVED
CITY CLERK'S OFFICE
NEWBURYPORT, MA

2024 JAN 24 P 12:34

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 23, 2024
Subject: Appointment

I hereby appoint, subject to your approval, the following named firm to serve in the office of City Solicitor. This term will expire on January 31, 2025.

Murphy Hesse Toomey & Lehane LLP
50 Braintree Hill Office Park
Suite 410
Braintree, MA 02184

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

Committee Items – February 12, 2024

Licenses & Permits

In Committee:

- APPL00169_01_08_2024 5K & 13.1 YuKan Sports 6/9/24, 7/21/24, 9/29/24 Riverwalk Brewing
- APPL00173_01_29_2024 Plum Autoworks 2nd Hand Motor Vehicle License

NEWBURYPORT SPECIAL EVENT APPLICATION

RECEIVED
CITY CLERK'S OFFICE
NEWBURYPORT, MA

Tel. _____

Fax. _____

(For Street Closure or Any Use of a Public Way - Please complete page 3 of this application) 2023 DEC 22 A 9:16

NAME OF EVENT: 5K & 13.1

Date: 6/9/24, 7/21/24, 9/29/24 Time: from 8:00am to 11:100am

Rain Date: n/a Time: from _____ to _____

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

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

3. Description of Property: Riverwalk Brewing Co Public _____ Private

4. Name of Organizer: YuKan Sports, LLC City Sponsored Event: Yes _____ No

Contact Person Rich Morrell

Address: PO Box 780, Rockport, MA 01966 Telephone: 978-879-9007

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

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

5. Number of Attendees Expected: 500

6. MA Tax Number: 27-3695540

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

8. What Age Group is the Event Targeted to? 18-70

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

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

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

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

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

Performers _____ Dancing _____ Amplified Sound Stage _____

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

Other _____ Total # _____

Name of Carnival Operator: _____

Address: _____

Telephone: _____

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

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

If yes:

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

If no:

- a) # of trash container(s) to be provided by DPS n/a
- b) # of recycling container(s) to be provided by Recycling Office n/a

c) \$45.00/hr/DPS employee charge must be paid by the organizer to DPS in advance of the event (Fee for Special Events). The hours required for the event will be determined by DPS.

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

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

10 Standard # _____ ADA accessible

Name of company providing the portable toilets: United Site Services

FOR STREET CLOSURE OR ANY USE OF A PUBLIC WAY

PARADE _____ ROAD RACE X WALKATHON _____

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

YuKan Sports, LLC

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

Rich Morrell 978-879-9007

PO Box 780

Rockport, MA 01966

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

Rich Morrell 978-879-9007

PO Box 780

Rockport, MA 01966

4. Date of Event: 6/9/24, 7/21/24, 9/29/24 Expected Number of Participants: 500

5. Start Time: 8:00am Expected End Time: 11:00am

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

Start and finish at 40 Parker St., Newburyport, MA 01950

Parker St. to Mulliken Way to Malcom Hoyt Dr. to Scotland Rd.

Loop through Newbury and West Newbury before returning to Parker St. Please see attached maps.

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

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

9. Formation Location & Time for Participants: 40 Parker St. 7:00am

10. Dismissal Location & Time for Participants: 40 Parker St. 11:30am

11. Additional Parade Information:

• Number of Floats: n/a

• Locations of Viewing Stations: n/a

• Are Weapons Being Carried: Yes _____ No X

• Are Marshalls Being Assigned to Keep Parade Moving: Yes _____ No X

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

CITY MARSHAL

4 Green St.

FIRE CHIEF

0 Greenleaf St.

DEPUTY DIRECTOR

16A Perry Way

CITY CLERK

60 Pleasant St.

HEALTH DIRECTOR

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

Updated April 1, 2022

DEPARTMENT APPROVAL (for Committee Member use only):

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

Approval Required _____ Date: 11/14/23 Signature: 

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

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

Sec. 13-97. - Road races, walkathons, bicycle and other 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 supenvote of the city council.

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

Signed: _____



Date: _____

11/14/23

Town & Country Half Marathon

(21.0975 km)

Newburyport, Massachusetts

Start/Finish & Turnaround marked with PK-Nail and a spot of blue paint (UP = Utility Pole).

Start/Finish: On west side of 40 Parker Road parking lot 18 ft 7 inches east of the parking lot curb, 22 ft 7 inches S of a parking lot light pole, & 26 ft 4 inches S from end of handicapped ramp to the RiverWalk Brewing Co. on opposite side.

Mile 1: On northwest side of Parker St 18 ft 3 inches SW of a storm drain on same side, & 8 ft 3 inches SW of the southwest side of 104 Parker St (pink bldg) on opposite side.

Mile 2: On north side of Scotland Rd 56 ft NE of UP 64 84 on same side but opposite northeast side of Scotland Heights Dr.

Mile 3: On northwest side Scotland Rd 27 ft NE of "Massachusetts State Police Newbury" sign in grass opposite driveway for 193 Scotland Rd.

Mile 4: On northwest side of South St 66 ft NE of UP 27 20 20 with "Speed Limit 30 & Caution Children" signs & about 130 ft NE of driveway for 50 South St.

Mile 5: On northeast side of Ash St even with southeast side of driveway for 220 Ash St.

Mile 6: On east side of Moulton St 9 ft S of UP 46 46 on opposite side, about 150 ft SW of unmarked driveway for a house high on hill.

Mile 7: On north side of Indian Hill St at the beginning of intersection with Garden St & 25 ft E of mailboxes for 55 & 57 Indian Hill.

Mile 8: On south side of Rogers St 35 ft W of UP 11 11, about 95 ft W of "Raw Milk Eggs" farm sign, & about 150 ft E of 40 Rogers mailbox.

Mile 9: On east side of Turkey Hill Rd at beginning of sharp curve about 75 ft SW of double yellow curve signs on opposite side.

Mile 10: On south side of South/Scotland Sts 38 ft W of I-95 West Exit Ramp & opposite I-95 West Entrance Ramp.

Mile 11: On south side of Scotland Rd 9 ft W of "Speed Limit 45" sign on same side & about 130 ft W of driveway for 105 Scotland.

Mile 12: On southeast side of Scotland/Parker Sts in the middle of the intersection with Highfield Rd.

Turnaround (TA): In middle of Perkins Way 17 ft 6 inches E of a red Fire Hydrant & 88 ft 10 inches E of UP with no # both on north side of Perkins Way, UP is opposite east side of driveway for 4 Perkins Way.

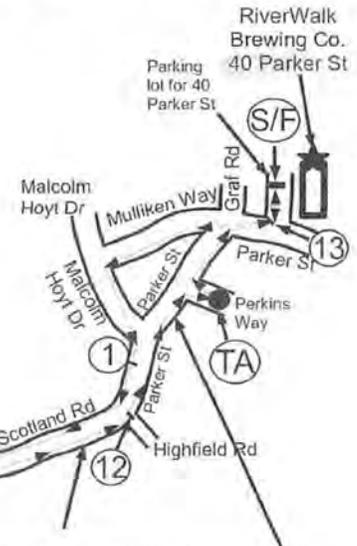
Mile 13: On west side of the entrance to the parking lot for 40 Parker St, 23 ft S of "Parking for 40 Parker Street Business Only..." sign, & 12 ft 6 inches N of the white shoulder line on north side of Parker St.

Start/Finish (S/F) Detail



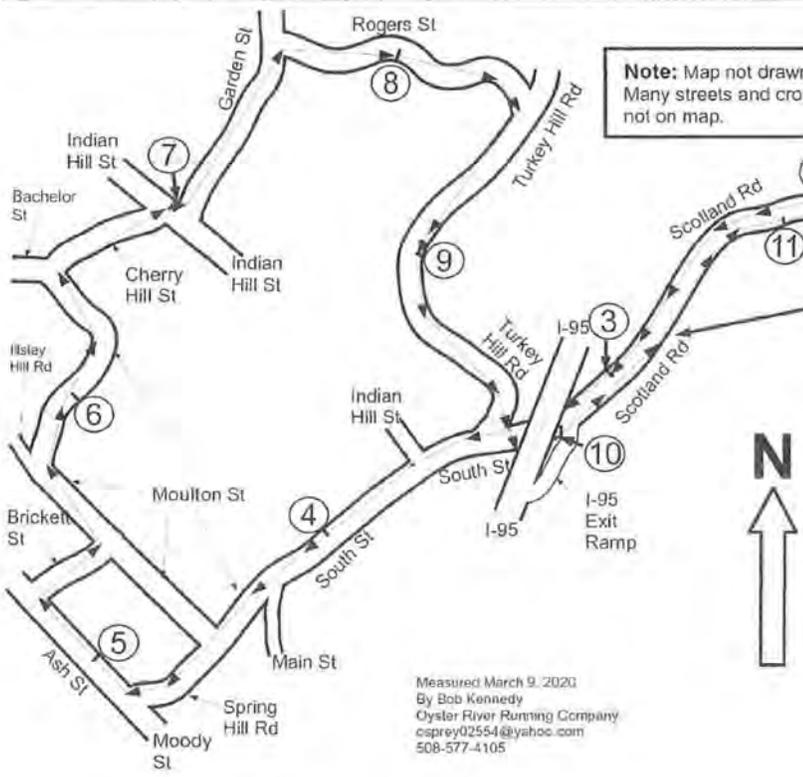
USATF Certificate

MA2000286
Effective: 03/19/2020
Through: 12/31/2030



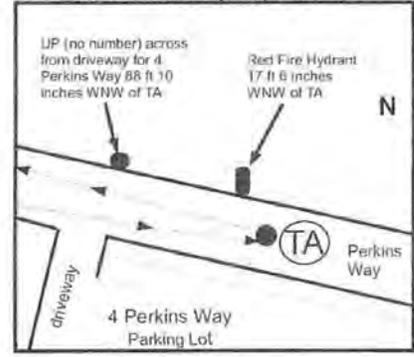
Note: Map not drawn to scale. Many streets and cross streets not on map.

Restrictions: Runners restricted to the wide shoulder to the right of the white shoulder line of Parker St, Scotland Rd & South St going out and returning.



Measured March 9, 2020
By Bob Kennedy
Oyster River Running Company
osprey02554@yahoo.com
508-577-4105

Turnaround (TA) Detail



CERTIFICATE OF INSURANCE

PRINT DATE: 10/26/2023

CERTIFICATE NUMBER: 202310261011462

AGENCY:

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

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

NAMED INSURED:

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

INSURERS AFFORDING COVERAGE:

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

EVENT INFORMATION:

Town & Country Half Marathon (6/9/2024 - 6/9/2024)

POLICY/COVERAGE INFORMATION:

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

INS	TYPE OF INSURANCE:	POLICY NUMBER(S):	EFFECTIVE:	EXPIRES:	LIMITS:
A	GENERAL LIABILITY				
	X Occurrence	1-TRE-IN-17-01338542-01	11/1/2023 12:01 AM	11/1/2024 12:01 AM	GENERAL AGGREGATE (Per Event) \$4,000,000
	X Participant Legal Liability				EACH OCCURRENCE \$2,000,000
	X Sexual Abuse & Molestation				DAMAGE TO RENTED PREMISES (Each Occ.) \$2,000,000 MEDICAL EXPENSE (Any one person) EXCLUDED PERSONAL & ADV INJURY \$2,000,000 PRODUCTS-COMP/OP AGG \$2,000,000 Abuse-Molestation - Each Occurrence \$2,000,000 Abuse-Molestation - Annual Aggregate \$4,000,000
A	UMBRELLA/EXCESS LIABILITY				
	X Occurrence	1-TRE-IN-17-01338543-01	11/1/2023 12:01 AM	11/1/2024 12:01 AM	EACH OCCURRENCE \$3,000,000 AGGREGATE \$3,000,000
B	OTHER				
	X EXCESS LIABILITY	0313-1301	11/1/2023 12:01 AM	11/1/2024 12:01 AM	EACH OCCURRENCE \$7,000,000 AGGREGATE \$7,000,000

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

The City of Newburyport is an additional insured.

CERTIFICATE HOLDER:

City of Newburyport
60 Pleasant Street
Newburyport MA 01950

NOTICE OF CANCELLATION:

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

AUTHORIZED REPRESENTATIVE:



CERTIFICATE OF INSURANCE

PRINT DATE: 11/10/2023

CERTIFICATE NUMBER: 202311091014448

AGENCY:

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

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NAMED INSURED:

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

INSURERS AFFORDING COVERAGE:

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

EVENT INFORMATION:

IPA 5K & Half Marathon (7/21/2024 - 7/21/2024)

POLICY/COVERAGE INFORMATION:

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

INS	TYPE OF INSURANCE:	POLICY NUMBER(S):	EFFECTIVE:	EXPIRES:	LIMITS:
A	GENERAL LIABILITY				
	X Occurrence	1-TRE-IN-17-01338542-01	11/1/2023 12:01 AM	11/1/2024 12:01 AM	GENERAL AGGREGATE (Per Event) \$4,000,000
	X Participant Legal Liability				EACH OCCURRENCE \$2,000,000
	X Sexual Abuse & Molestation				DAMAGE TO RENTED PREMISES (Each Occ.) \$2,000,000
					MEDICAL EXPENSE (Any one person) EXCLUDED
					PERSONAL & ADV INJURY \$2,000,000
					PRODUCTS-COMP/OP AGG \$2,000,000
					Abuse-Molestation - Each Occurrence \$2,000,000
					Abuse-Molestation - Annual Aggregate \$4,000,000
A	UMBRELLA/EXCESS LIABILITY				
	X Occurrence	1-TRE-IN-17-01338543-01	11/1/2023 12:01 AM	11/1/2024 12:01 AM	EACH OCCURRENCE \$3,000,000
					AGGREGATE \$3,000,000
B	OTHER				
	X EXCESS LIABILITY	0313-1301	11/1/2023 12:01 AM	11/1/2024 12:01 AM	EACH OCCURRENCE \$7,000,000
					AGGREGATE \$7,000,000

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

The City of Newburyport is an additional insured.

CERTIFICATE HOLDER:

City of Newburyport
 60 Pleasant Street
 Newburyport MA 01950

NOTICE OF CANCELLATION:

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

AUTHORIZED REPRESENTATIVE:

CERTIFICATE OF INSURANCE

PRINT DATE: 11/10/2023

CERTIFICATE NUMBER: 202311091014447

AGENCY:

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

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

INSURERS AFFORDING COVERAGE:

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

EVENT INFORMATION:

PortRun 5K & Half Marathon (9/29/2024 - 9/29/2024)

POLICY/COVERAGE INFORMATION:

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

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A	GENERAL LIABILITY				
	X Occurrence	1-TRE-IN-17-01338542-01	11/1/2023 12:01 AM	11/1/2024 12:01 AM	GENERAL AGGREGATE (Per Event) \$4,000,000
	X Participant Legal Liability				EACH OCCURRENCE \$2,000,000
	X Sexual Abuse & Molestation				DAMAGE TO RENTED PREMISES (Each Occ.) \$2,000,000 MEDICAL EXPENSE (Any one person) EXCLUDED PERSONAL & ADV INJURY \$2,000,000 PRODUCTS-COMP/OP AGG \$2,000,000 Abuse-Molestation - Each Occurrence \$2,000,000 Abuse-Molestation - Annual Aggregate \$4,000,000
A	UMBRELLA/EXCESS LIABILITY				
	X Occurrence	1-TRE-IN-17-01338543-01	11/1/2023 12:01 AM	11/1/2024 12:01 AM	EACH OCCURRENCE \$3,000,000 AGGREGATE \$3,000,000
B	OTHER				
	X EXCESS LIABILITY	0313-1301	11/1/2023 12:01 AM	11/1/2024 12:01 AM	EACH OCCURRENCE \$7,000,000 AGGREGATE \$7,000,000

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

The City of Newburyport is an additional insured.

CERTIFICATE HOLDER:

City of Newburyport
60 Pleasant Street
Newburyport MA 01950

NOTICE OF CANCELLATION:

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

AUTHORIZED REPRESENTATIVE:



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.

SELECTED

MAY 18 2004
REGISTRATION DIVISION

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

Committee Items – February 12, 2024

Planning & Development

In Committee:

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

CITY OF NEWBURYPORT



IN CITY COUNCIL

October 30, 2023

("As Amended" at the 11/15/2023 Joint Public Hearing)

ORDERED:

A ZONING ORDINANCE AMENDMENT TO REZONE LAND AT THE INTERSECTION OF HIGH STREET AND STATE STREET, AND TO UPDATE THE DEFINITION OF MULTI-FAMILY RESIDENTIAL USE TO PERMIT REDUCED MASSING THROUGH THE USE OF MULTIPLE STRUCTURES

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

WHEREAS, the Newburyport City Council has previously initiated proceedings relative to continued "blight" on land which contains an abandoned gas station at the intersection of State Street and High Street; and

WHEREAS, the City wishes to facilitate a viable redevelopment project for this land which is both residential in nature, and more consistent with the surrounding intersection and neighborhood; and

WHEREAS, the definition of Multifamily use within the Newburyport Zoning Ordinance currently, and inadvertently, precludes the use of multiple structures in developments of three or more residential units, for the otherwise beneficial purposes of reducing apparent building volumes,

THEREFORE, LET IT BE ORDAINED THAT the definition for use number 103 within Section V-E of the Newburyport Zoning Ordinance (List of allowable uses) be amended and revised, pursuant to Section XII-B (Adoption and Amendment) to read as follows, with deletions ~~stricken through and bold~~ and additions **double underlined and in bold** as follows:

Section V-E – List of allowable uses

USE	NUM	
Multifamily	103	<p><u>One or more A building(s) or structure(s) that together contain(s) three (3) or more dwelling units on the same lot, and where at least one such building or structure contains three (3) or more units.</u></p> <p><u>Where there is more than one dwelling unit in a building, the units must be separated by</u> either common floor-ceiling assemblies between the dwelling units, or Common Wall Connectors as defined in section II-B, definitions.</p>

AND FURTHER, THAT the Zoning Map of said Zoning Ordinance entitled “Zoning Map of the City of Newburyport,” referenced in Section III-C (entitled Zoning Map) is hereby amended pursuant to Section III-D “Changes to Zoning Map” by changing the zoning designation of the following parcels of land, in their entirety, from HSR-A (High Street Residential A) to R-3 (Residential Three):

- 107 State Street (Assessors Map/Lot 33-43)
- 95 High Street (Assessors Map/Lot 33-42)

Councillor Jennie L. Donahue

Councillor Edward C. Cameron Jr.

Councillor Heather L. Shand

In City Council October 30, 2023:

Motion to waive the rules and accept the late files by Councillor Zeid, seconded by Councillor Lane. ODNC00164 referred to Planning & Development and COTW. So voted.

In City Council December 11, 2023:

Motion invoke Rule 7H by Councillor Cameron, seconded by Councillor Wright. 9 yes, 1 no (Zeid), 1 present (Lane). So voted.

Committee Items – February 12, 2024

Public Works & Safety

In Committee:

- COMM00532_01_29_2024 Email from Councillor Zeid re Phillips Dr.

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:

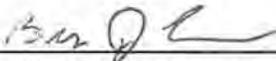
THAT, subject to the conditions shown below, a grand total of \$4,389,000 from various sources is appropriated to the Phillips Drive Neighborhood Roadway, Drainage, and Water line Improvements Project. The funding sources are shown as follows:

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

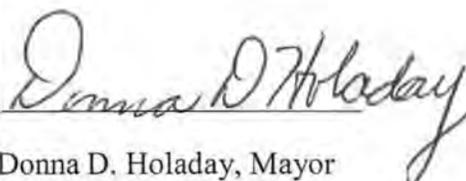

 Councillor Charles F. Tontar

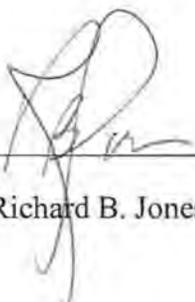
In City Council May 24, 2021:

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	\$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	\$28,800.00	\$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

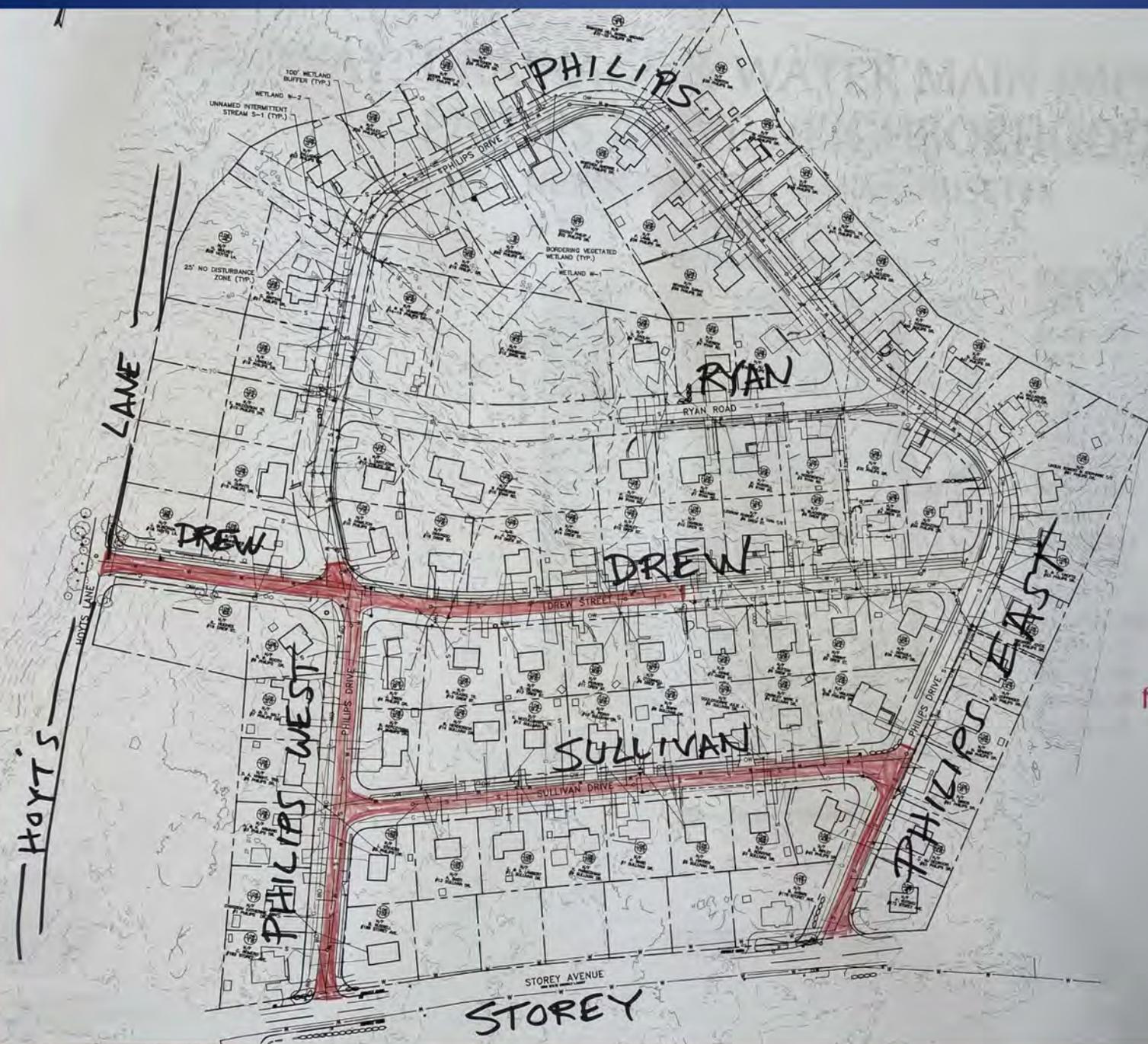
INTROS

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

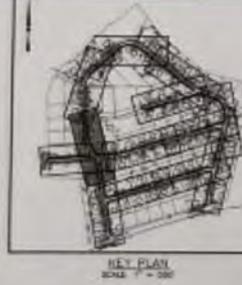
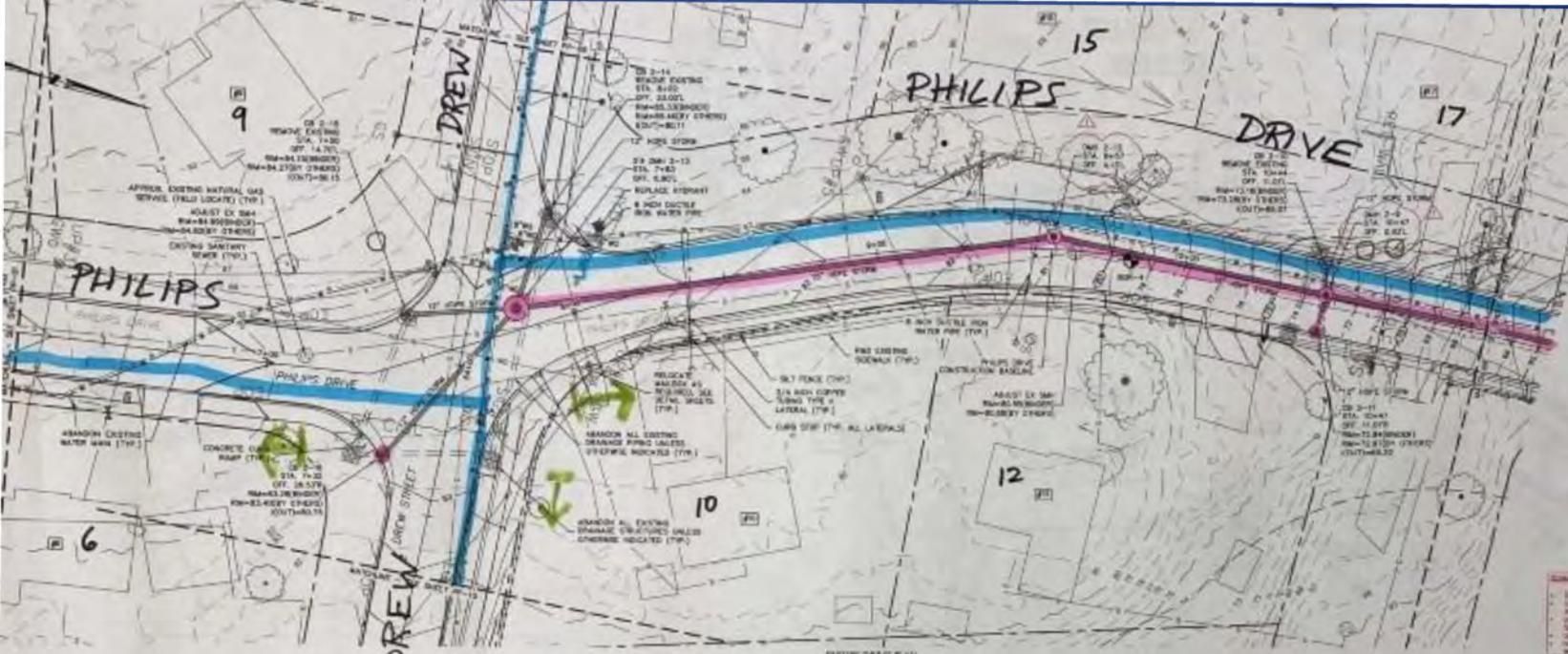
WORK COMPLETED

(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%)



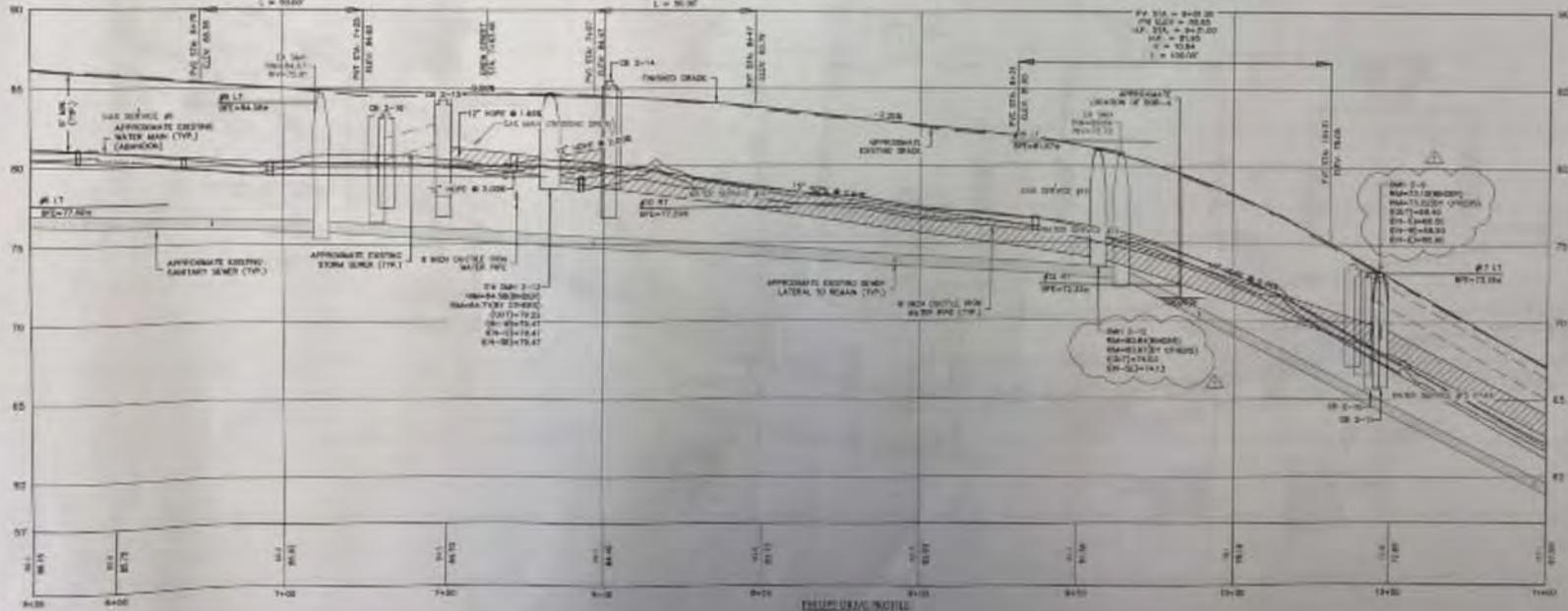
RED = PAVED - BINDER ONLY
 UTILITIES COMPLETE



SUMMARY OF DESIGN NOTES

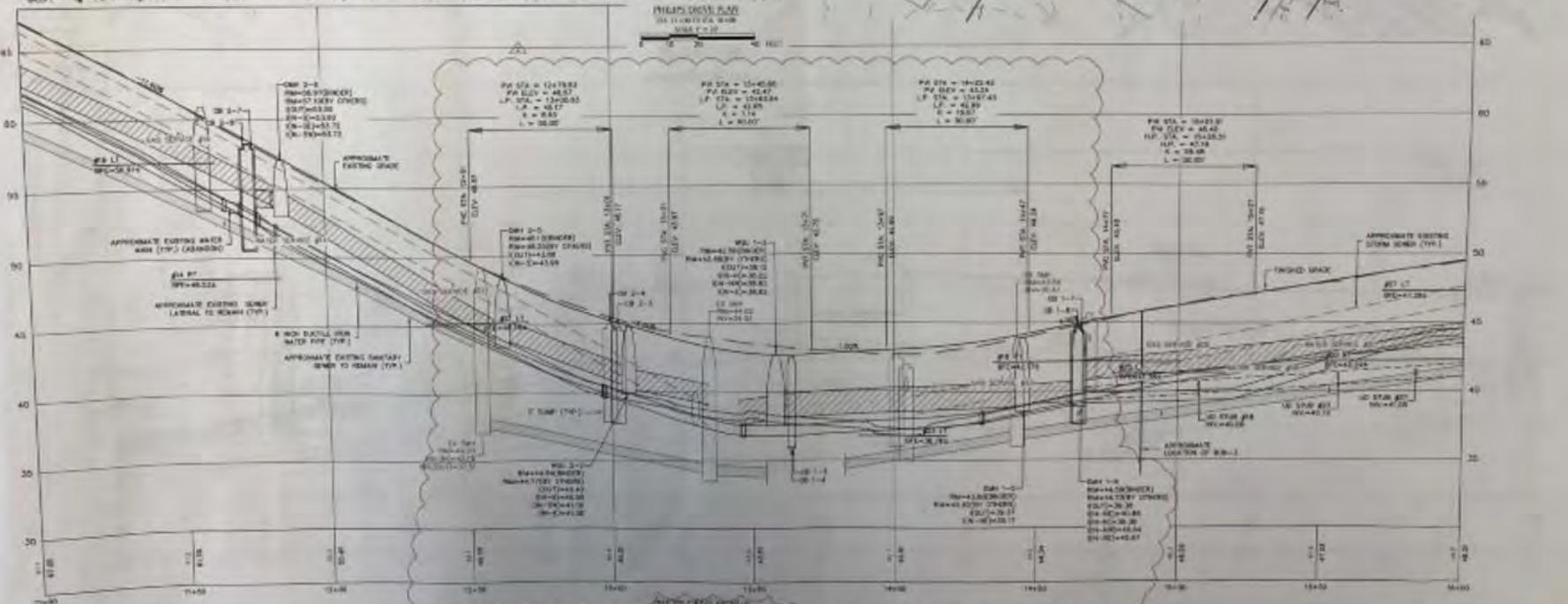
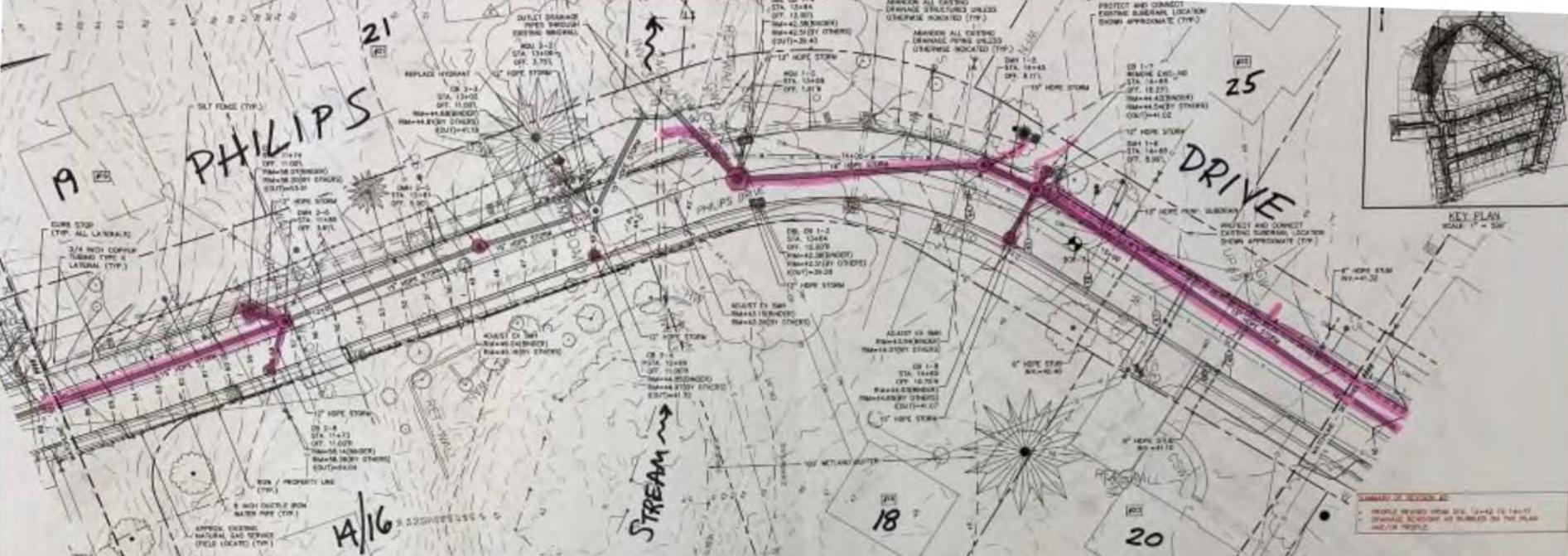
1. GRADE OF PHILIPS DRIVE IS BASED ON THE PLAN AND/OR PROFILE. GREATER LOCATIONS OF EXISTING AND PROPOSED WATER MAIN AND/OR SEWER.
2. APPROXIMATE LOCATIONS OF EXISTING NATURAL GAS MAIN AND SEWER.
3. APPROXIMATE EXISTING SANITARY SEWER MAINS.
4. NATURAL GAS AND SEWER SHOWN ON THE PROFILE. MARKS INDICATE THE LOCATION.

PHILIPS DRIVE PLAN
SCALE 7" = 100'



PHILIPS DRIVE PROFILE
SCALE 7" = 10' VERT
SCALE 1" = 40' HORZ

ISSUED FOR CONSTRUCTION



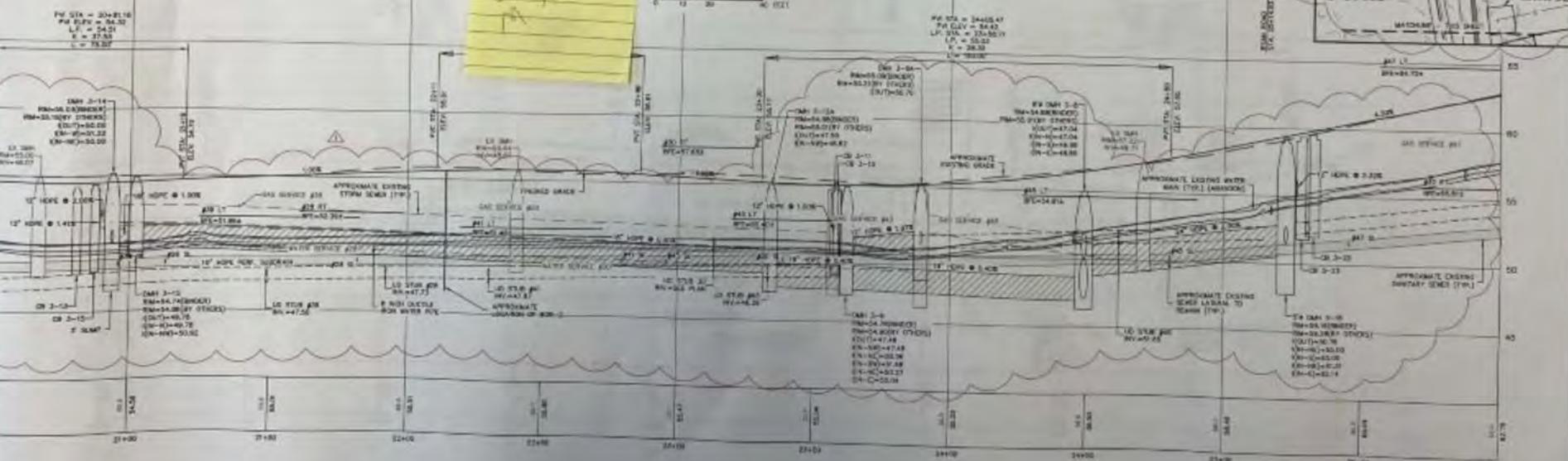
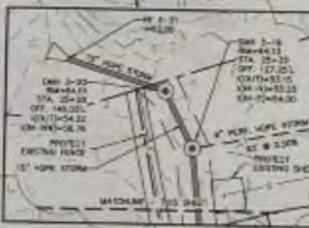
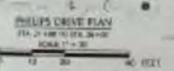
- NOTES FOR WORK ON AT PHILIPS DRIVE PROPERTY
1. PROTECT ALL UNBUILT AREAS WITH 4" X 4" LAMIN AND BIRD LARD UPON COMPLETION OF THE WORK.
 2. PROTECT EXISTING PIPES AND ELECTRICAL WIRING SYSTEM TO THE HOUSE.
 3. SANITARY PLUMBING TO 18" HOPE SHALL BE WITH A COMPAUND-TYPE OF CONNECTION. SECURELY FASTENED.
 4. CONTRACTOR TO PROVIDE AS-BUILTS TO ENGINEER FOR COMPLETION OF EXISTING PLANS.
 5. CONTRACTOR TO LEAVE WOOD FROM CUT TREES AT LOCATION TO BE DETERMINED BY THE PROPERTY OWNER OR BY PHILIPS DRIVE.

PHILIPS

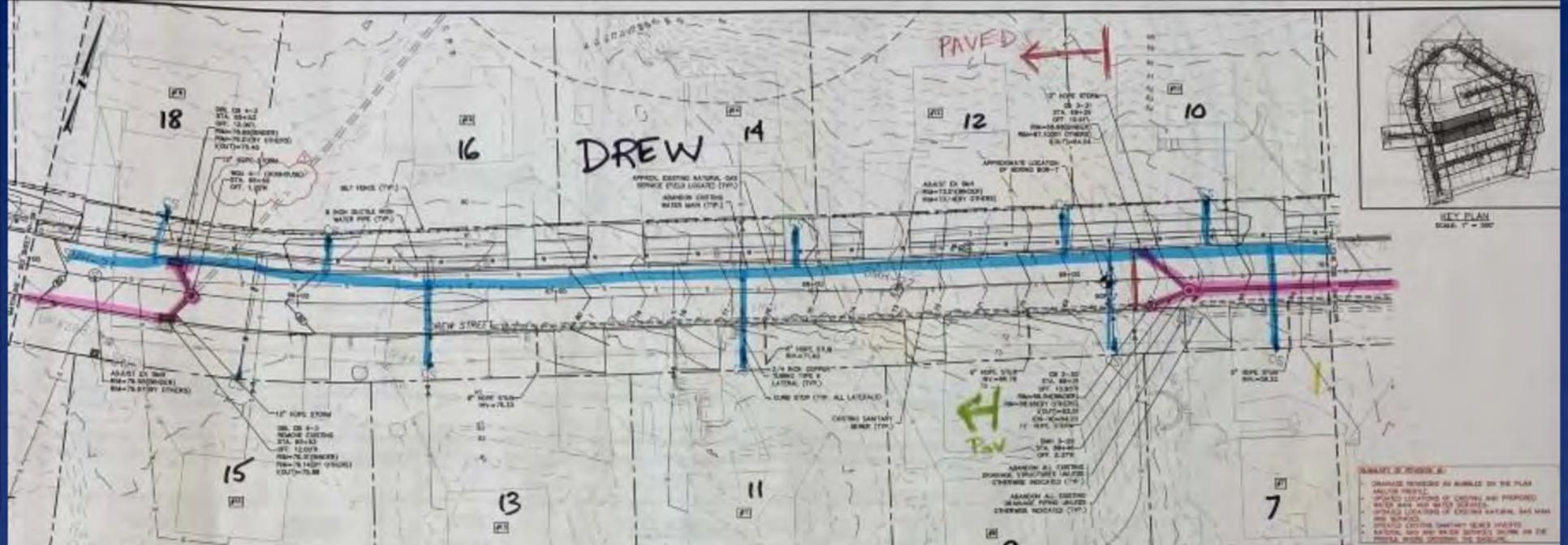


ALL FROM PG 3-11 TO 3-14
LAND CHECKING AS SHOWN ON THE
PROFILE.
CROSS OF EXISTING AND PROPOSED
MATCH SHOWN.
CROSS OF EXISTING NATURAL GAS MAIN
AND SANITARY SEWER SHOWN ON THE
MATCH SHOWN.

Handwritten notes on a yellow sticky note:
PHILIPS DRIVE
PLAN
18\"/>



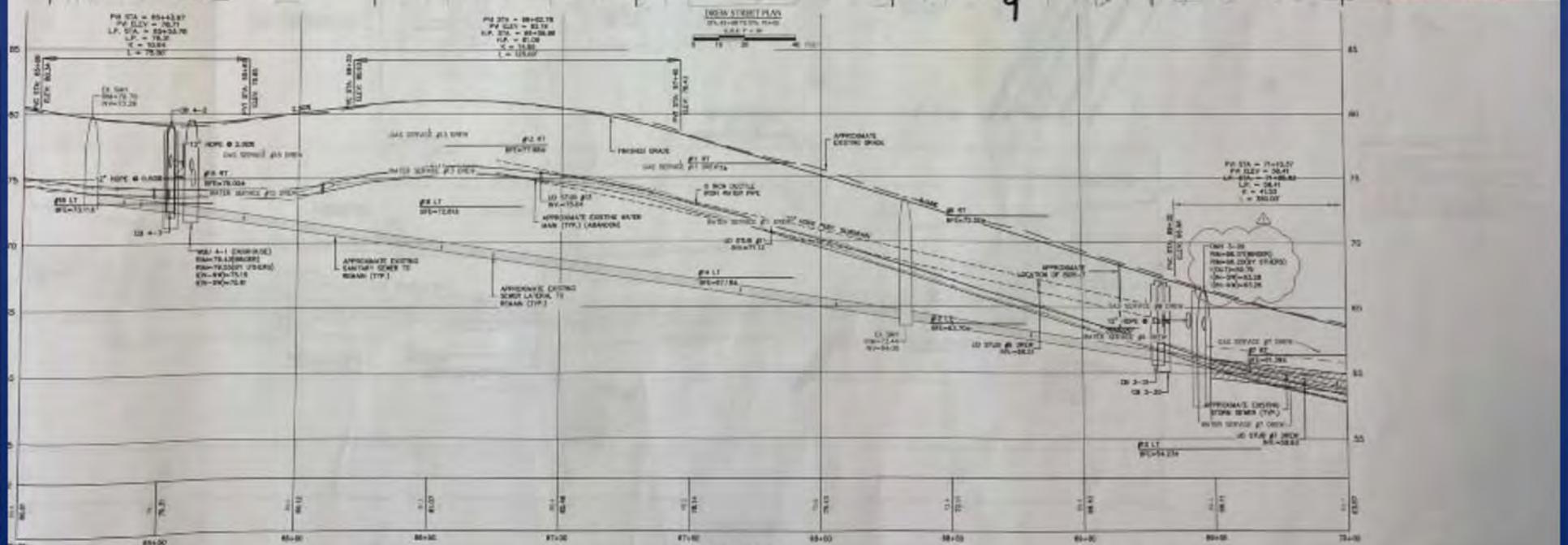
PHILIPS DRIVE PROFILE
18\"/>



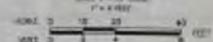
KEY PLAN
SCALE: 1" = 50'

NOTES:

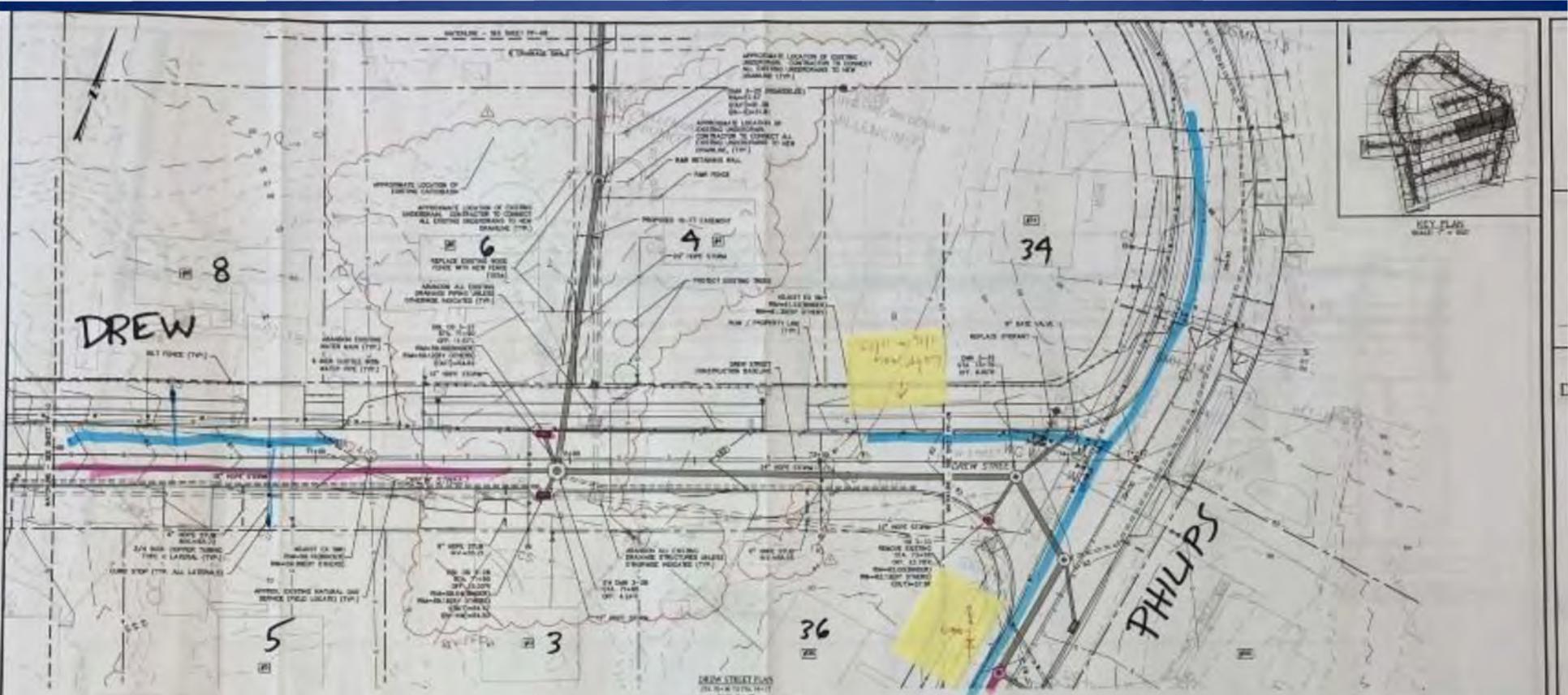
- 1. DRAINAGE SHOWN AS ALLOWED BY THE PLAN.
- 2. ALL UTILITIES SHOWN.
- 3. APPROXIMATE LOCATIONS OF EXISTING AND PROPOSED MANHOLES AND WATER SERVICES.
- 4. APPROXIMATE LOCATIONS OF EXISTING SANITARY, GAS MAIN AND WATER SERVICES.
- 5. APPROXIMATE EXISTING SANITARY SERVICE LOCATIONS.
- 6. EXISTING AND PROPOSED WATER SERVICES SHOWN ON THE ORIGINAL PLANS, INCLUDING THE SCHEDULE.



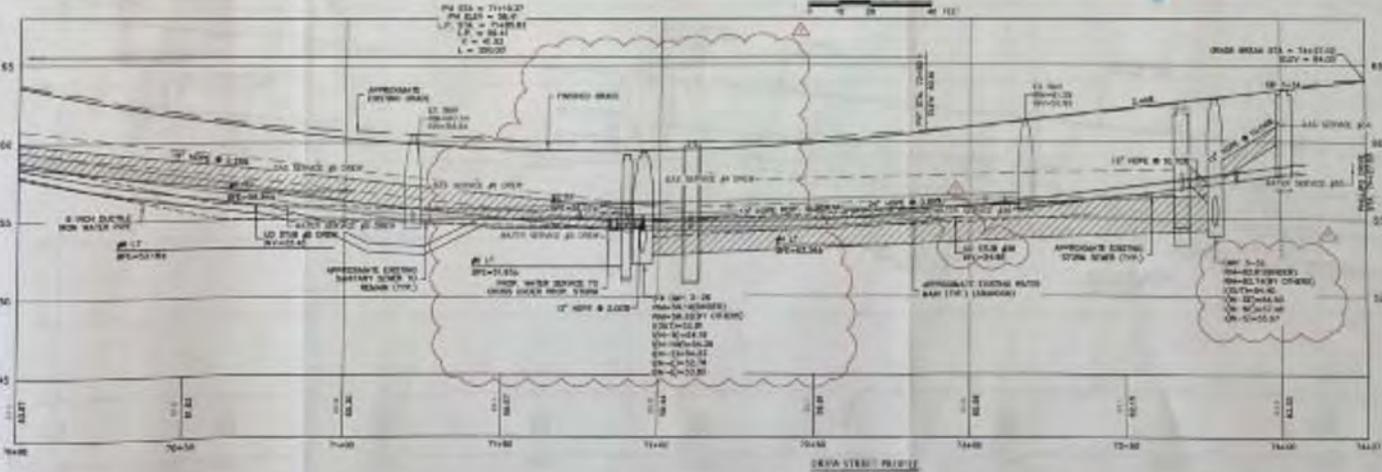
DREW STREET PROFILE
VERTICAL CURVE DATA
SCALE: 1" = 10' VERT
1" = 40' HOR



ISSUED FOR CONSTRUCTION



DREW STREET PLAN
 25.5'-0" TO 27.0'-0" (10'-0" TO 11'-0")
 SCALE: 1" = 20'



DREW STREET PROFILE
 25.5'-0" TO 27.0'-0" (10'-0" TO 11'-0")
 SCALE: 1" = 20'

SUMMARY OF REVISIONS:

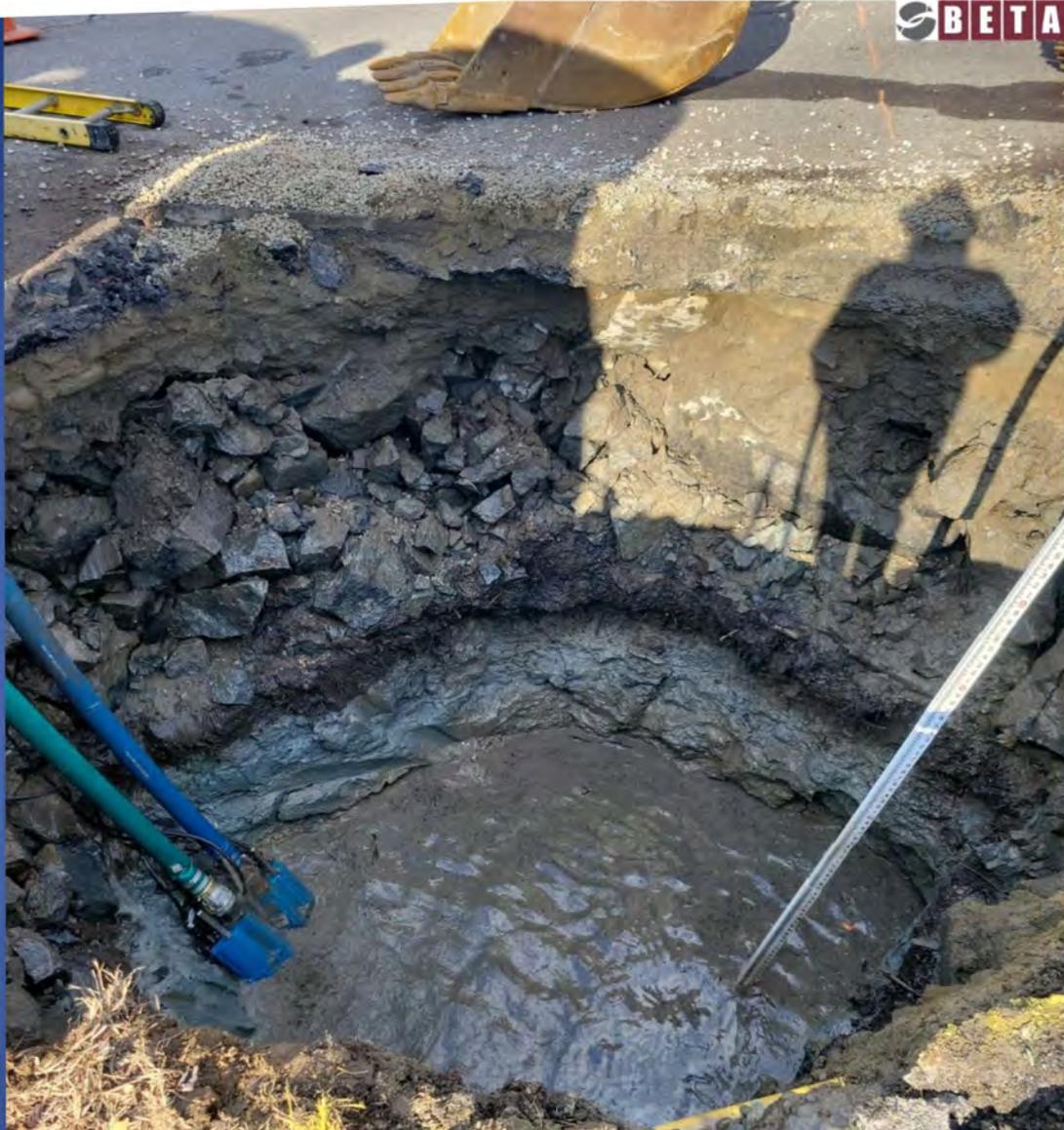
- 1. REVISION NUMBER AND DATE ON THE PLAN AND/OR PROFILE.
- 2. REVISION DESCRIPTION OF CHANGES AND REVISION MADE WITH ANY REASON THEREOF.
- 3. CHECKED - DATE AND BY WHOM (FOR PLAN, PROFILE AND ELEVATIONS).
- 4. UPDATED EXISTING ELEVATIONS WHERE APPLICABLE AND ANY NEW ELEVATIONS DETERMINED BY THE SURVEY WORK SHOWN ON THE PLAN.

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



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:

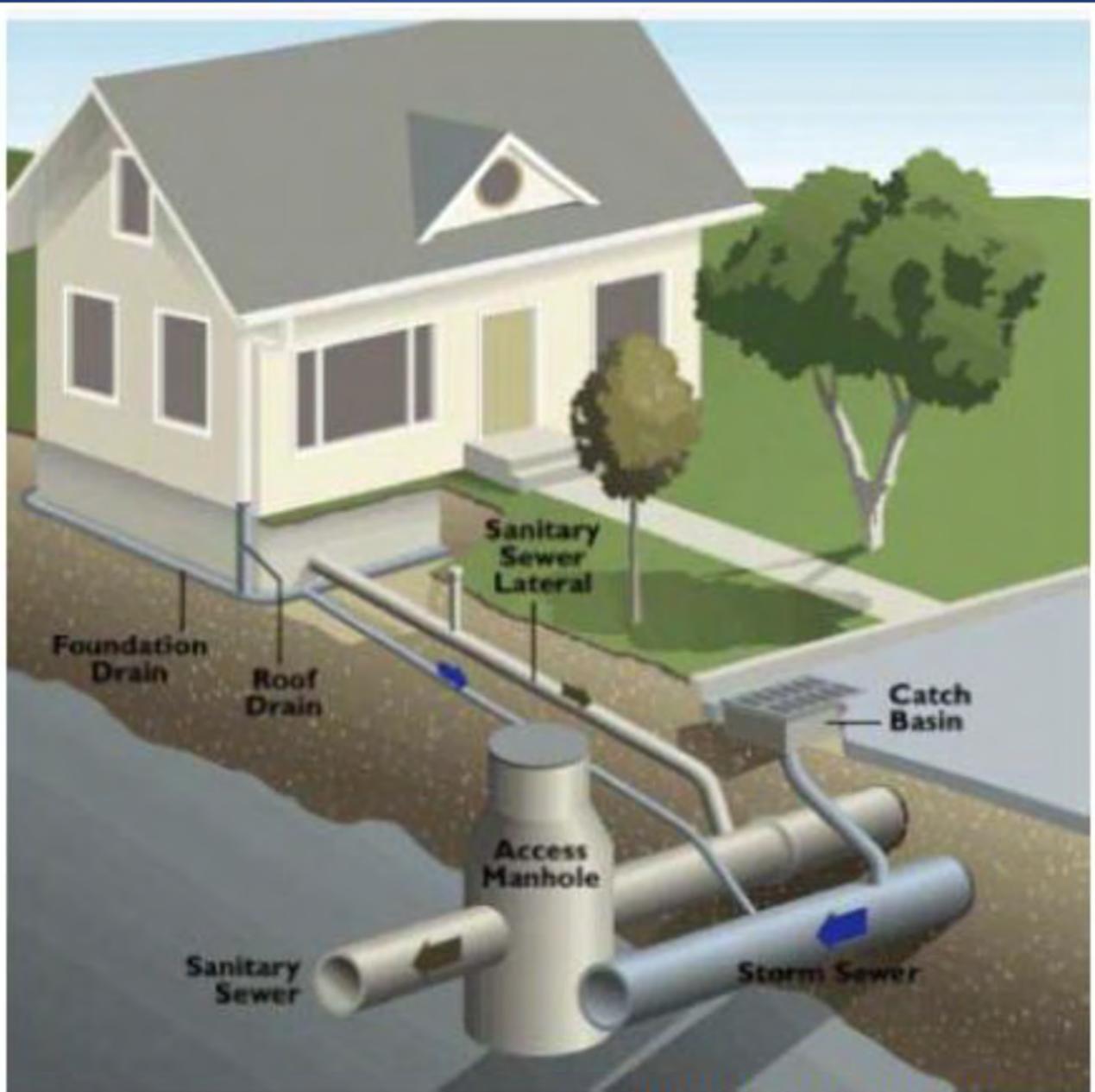
Sewage System, sewerage system, sanitary drainage system, building drain

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

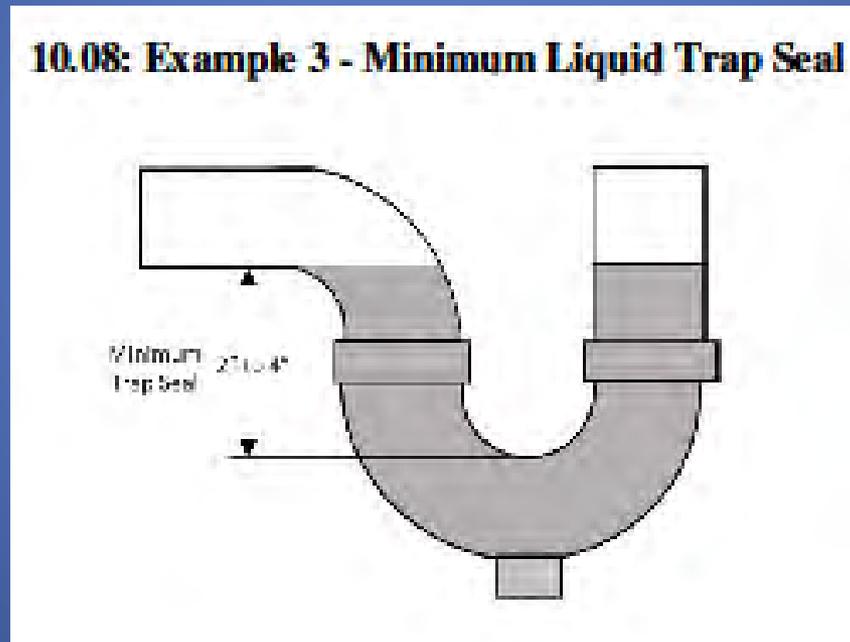
Section 10.02: Basic Principles

(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:



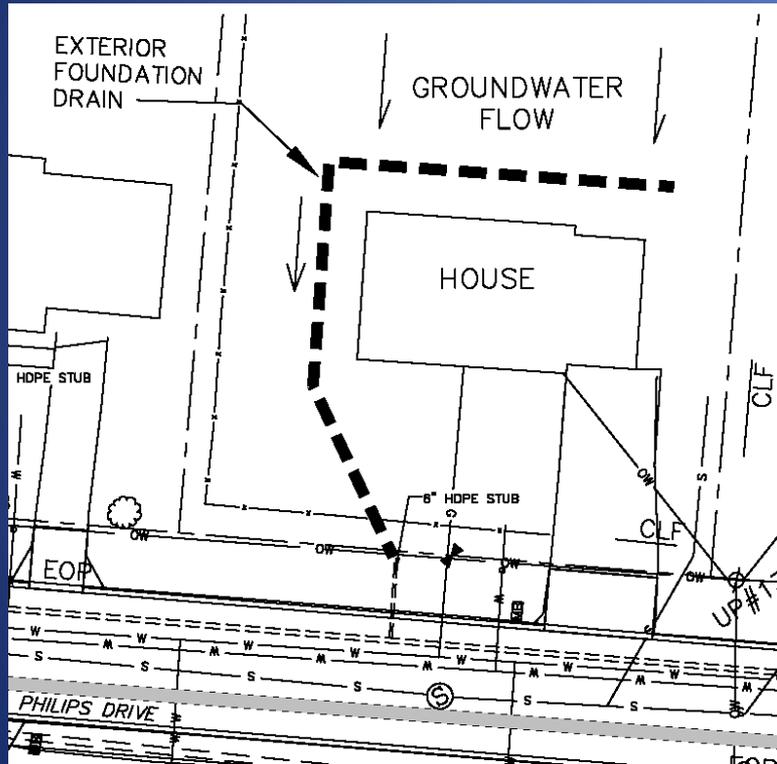
Reference: MA State Plumbing Code

FOUNDATION DRAIN CONNECTIONS

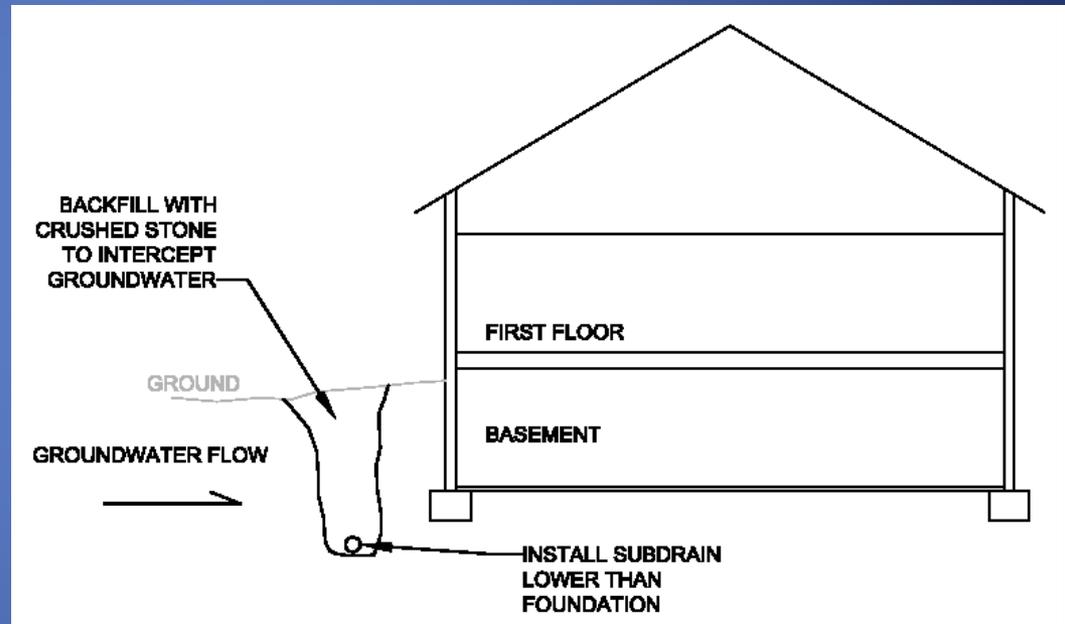
NEXT STEPS:

- 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