

CITY COUNCIL MEETING

AGENDA

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

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

- 1. MOMENT OF SILENCE**
- 2. PLEDGE OF ALLEGIANCE**
- 3. CALL TO ORDER**
- 4. LATE FILE**

- COMM00465_02_27_2023 Street Paving Plan FY23-FY28
- ODNC00142_02_27_2023 Amend Ch 5-62 Bldg Code Fees
- ORDR00430_02_27_2023 EP Emergency Preamble: Waiver of Ch 5-62 Bldg Code Fees
- ORDR00430_02_27_2023 Waiver of Ch 5-62 Bldg Code Fees

- 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

- February 13, 2023 (Approve)

8. COMMUNICATIONS

- APPL00121_02_27_2023 IPA5K Road Races 4/16/23, 7/16/23, & 10/1/23 (L&P)
- APPL00122_02_27_2023 2nd Hand Vehicle License-Newburyport Sunoco (L&P)
- COMM00461_02_27_2023 Brown School Gymnasium Considerations (GG/COTW)
- COMM00462_02_27_2023 Ltr. From Kathleen O'Connor Ives re: drinking water concerns (PW&S)
- COMM00463_02_27_2023 NYS Facility Funding Discussion (B&F/COTW)
- COMM00464_02_27_2023 Brown School RFI Councillor Zeid Redline (GG/COTW)

9. TRANSFERS

10. APPOINTMENTS

- APPT00384_02_27_2023 Jon-Eric White Temporary DPS Director (PW&S)

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

BUDGET & FINANCE

Re-Appointment:

- APPT00372_01_30_2023 Ethan Manning 31 Howard St. Dir. of Fin./City Auditor 2/1/2026
- ORDR00388_11_01_2022 NYS Facility Bond Order (COTW)
- COMM00443_11_01_2022 59 Low St. FAQs (COTW)
- COMM00458_01_30_2023 FY2023 Mid-Year Budget Report

COMMUNITY SERVICES

- ORDR00419_01_30_2023 Resolution Pete Pollard
- COMM00460_01_30_2023 Letters of Support for Parks Plan
- ORDR00417_01_30_2023 Parks Reorganization Plan (COTW)

PLANNING & DEVELOPMENT

Re-Appointment:

- APPT00378_02_13_2023 Greg Earls 2 Sanborn Rd. Hampton Falls, NH Building Comm. 3/1/2026

PUBLIC WORKS & SAFETY

- APPT00368_01_30_2023 Kim Emmons 9 Doe Run Dr. Water/Sewer Comm. 2/1/2025
- APPT00381_02_13_2023 Wilfred "Paul" Suozzo, Jr. 7 Hunter Dr. Water/Sewer Comm. 3/1/2025
- ORDR00413_01_30_2023 Parking Garage Inn Permit Fee
- ORDR00421_02_13_2023 National Grid Virginia Lane/Storey Ave. Easement

END OF CONSENT AGENDA

REGULAR AGENDA

9. MAYOR'S UPDATE

10. FIRST READING APPOINTMENTS

11. COMMUNICATIONS

- COMM00465_02_27_2023 LATE FILE Street Paving Plan FY23-FY28

12. TRANSFERS

13. SECOND READING APPOINTMENTS

- APPT00377_02_13_2023 Becky MacKnight 13 Farrell St. Tree Commission 3/1/2026
- Re-appointments:*
- APPT00379_02_13_2023 Lorraine Ward 7 Sullivan Dr. Human Rights Comm. 3/1/2025
 - APPT00380_02_13_2023 Kristen Farrell 28 Spofford St. Comm. On Disabilities 3/1/2026
 - APPT00383_02_13_2023 Susanne Gallagher 3 Garnet St. Board of Registrars 3/1/2026

14. ORDERS

- ORDR00423_02_27_2023 Resolution in Support of Changing the State Flag & Seal of Massachusetts
- ORDR00424_02_27_2023 EP Election Calendar 2023
- ORDR00424_02_27_2023 Election Calendar 2023
- ORDR00425_02_27_2023 Exchange Club Gift Acceptance
- ORDR00426_02_27_2023 Police Cruiser Equipment Lease

- ORDR00427_02_27_2023 NYSA Gift Acceptance
- ORDR00428_02_27_2023 Request for Expressions of Interest (RFI) for former Brown School Property
- ORDR00429_02_27_2023 Amended City Council Rules 2023
- ORDR00430_02_27_2023 EP LATE FILE Emergency Preamble: Waiver of Ch 5-62 Bldg Code Fees
- ORDR00430_02_27_2023 LATE FILE Waiver of Ch 5-62 Bldg Code Fees

15. ORDINANCES

- ODNC00138_02_27_2023 Amend Municipal Fee Schedule - Inn Permit
- ODNC00139_02_27_2023 Amend Municipal Fee Schedule Food Truck
- ODNC00140_02_27_2023 Amend Municipal Fee Schedule Parking Fines
- ODNC00141_02_27_2023 Zoning Amendment STRU
- ODNC00142_02_27_2023 LATE FILE Amend Ch 5-62 Bldg Code Fees

16. COMMITTEE ITEMS

Ad Hoc Committee on Adaptive Reuse of Brown School Property

In Committee:

Ad Hoc Committee on Market Landing Park and COTW

In Committee:

- ORDR00389_11_01_2022 Naming Rights Market Landing Park

Budget & Finance

In Committee:

Re-Appointment:

- APPT00372 01 30 2023 Ethan Manning 31 Howard St. Dir. of Fin./City Auditor 2/1/2026
- ORDR00388 11 01 2022 NYS Facility Bond Order (COTW)
- COMM00443 11 01 2022 59 Low St. FAQs (COTW)
- COMM00458 01 30 2023 FY2023 Mid-Year Budget Report
- ORDR00336_03_28_2022 ARPA Amesbury 250K (COTW)
- ODNC00129_11_01_2022 Defining Conflict Rule for Dept. Heads (COTW)
- ODNC00130_11_01_2022 Grants, Gifts, and Fees (COTW)
- ODNC00132_11_14_2022 Mandated Reporting

Community Services

In Committee:

- ORDR00419 01 30 2023 Resolution Pete Pollard
- COMM00460 01 30 2023 Letters of Support for Parks Plan
- ORDR00417 01 30 2023 Parks Reorganization Plan (COTW)
- ORDR00418_01_30_2023 Resolution Purple Heart City
- ORDR00422_02_13_2023 Newburyport Commission on Disabilities Bylaws

General Government

In Committee:

Re-Appointment:

- ORDR00415_01_30_2023 Brown School Ad Hoc Update
- ORDR239_02_8_2021 Council Rule 7 and 10B

Licenses & Permits

In Committee:

- ODNC047_01_27_2020 General Ordinance - Short Term Rental Units Rules

Planning & Development

In Committee:

Re-appointment:

- APPT00378 02 13 2023 Greg Earls 2 Sanborn Rd. Hampton Falls, NH Building Comm. 3/1/2026
- COMM00445_11_14_2022 59 Low Street Plan (COTW)
- ODNC00135_01_30_2023 Zoning Amendment ITIF Remove Residential Use
- ODNC00136_01_30_2023 General Code Amendment Planning Board Membership (COTW)
- ODNC00137_01_30_2023 Zoning Amendment Planning Board Membership (COTW)

Public Works & Safety

In Committee:

- APPT00368 01 30 2023 Kim Emmons 9 Doe Run Dr. Water/Sewer Comm. 2/1/2025
- APPT00381 02 13 2023 Wilfred "Paul" Suozzo, Jr. 7 Hunter Dr. Water/Sewer Comm. 3/1/2025
- ORDR00413 01 30 2023 Parking Garage Inn Permit Fee
- ORDR00421 02 13 2023 National Grid Virginia Lane/Storey Ave. Easement
- COMM00412_05_31_2022 Ltr Ann Jaronyk re: Traffic Safety
- COMM00414_05_31_2022 Ltr. Emily Dunn re: Traffic on Merrimac Street
- COMM00456_12_12_2022 Letters re: Curb Cut 4 Wilkinson Dr. & 34 Hale St.
- ODNC00103_01_10_2022 Streets, Sidewalks, and Other Public Places Alterations & Maintenance
- COMM00459_01_30_2023 Ltr. Residents concerned with speeding on Arlington St.
- APPT00382_02_13_2023 Thomas O'Brien 11 Moseley Ave. Water/Sewer Comm. 3/1/2025

17. GOOD OF THE ORDER

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

19. ADJOURNMENT

LATE FILE ITEMS

COMM00465_02_27_2023 Late File

Ward 2 FY 24												
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	Estimated Cost	
FAIR ST	CHARTER ST	SPRING ST	2023	Very Poor	Reclamation	139.00	0.03	28	TBD	TBD	\$ 12,598.79	
	ESSEX ST	MIDDLE ST	2023	Poor	Reclamation	172.94	0.03	49	TBD	TBD	\$ 15,675.68	
	LIBERTY ST	WATER ST	2023	Fair	Reclamation	530.66	0.10	61	TBD	TBD	\$ 74,821.35	
	MIDDLE ST	LIBERTY ST	2023	Poor	Reclamation	187.88	0.04	58	TBD	TBD	\$ 26,490.30	
	ORANGE ST	CHARTER ST	2023	Very Poor	Reclamation	63.49	0.01	23	TBD	TBD	\$ 5,754.54	
	PROSPECT ST	TEMPLE ST	2023	Poor	Reclamation	166.30	0.03	60	TBD	TBD	\$ 15,073.10	
	SPRING ST	ESSEX ST	2023	Very Poor	Reclamation	85.72	0.02	8	TBD	TBD	\$ 7,769.37	
	TEMPLE ST	ORANGE ST	2023	Very Poor	Reclamation	171.49	0.03	34	TBD	TBD	\$ 25,727.18	
	FRUIT ST	HIGH ST	PROSPECT ST	2023	Poor	Mill & Overlay	576.47	0.11	59	2022	Brick	\$ 150,834.29
MIDDLE ST	CENTER ST	FAIR ST	2023	Poor	Reclamation	339.00	0.06	51	TBD	TBD	\$ 61,193.13	
	FAIR ST	INDEPENDENT ST	2023	Very Poor	Reclamation	193.43	0.04	29	TBD	TBD	\$ 47,771.76	
	INDEPENDENT ST	FEDERAL ST	2023	Very Poor	Reclamation	416.66	0.08	35	TBD	TBD	\$ 92,232.84	
TOTAL											\$ 535,942.34	

Ward 2 FY 25												
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	Estimated Cost	
ALLEN STREET	HIGH ST	PROSPECT ST	2025	Poor	Reclamation	655.26	0.12	25	2024	TBD	\$ 284,496.36	
SCHOOL STREET	FEDERAL ST	LIME ST	2025	Poor	Mill & Overlay	602.86	0.11	59	2024	TBD	\$ 230,221.80	
GARDEN STREET	OTIS PL	STATE ST	2025	Poor	Mill & Overlay	338.05	0.06	59	2024	TBD	\$ 128,333.38	
INDEPENDENT STR	WATER ST	MIDDLE ST	2025	Poor	Mill & Overlay	602.00	0.12	60	2024	TBD	\$ 230,221.00	
TOTAL											\$ 873,272.54	

Ward 2 FY 28												
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	Estimated Cost	
BROMFIELD COUR	BROMFIELD ST	DEAD END	2027	Very Poor	Reclamation	322.31	0.06	27	2026	Concrete	\$ 32,459.83	
BROMFIELD STREET	HIGH ST	WATER ST	2027	Poor	Mill & Overlay	322.31	0.06	51	2026	Concrete	\$ 173,186.42	
ATWOOD STREET	LIME ST	FEDERAL ST	2027	Poor	Mill & Overlay	597.74	0.11	56	2026	Concrete	\$ 30,099.77	
BECK STREET	FEDERAL ST	LIME ST	2027	Very Poor	Reclamation	296.54	0.06	22	2026	Brick	\$ 29,865.27	
CENTER STREET	LIBERTY ST	WATER ST	2027	Very Poor	Mill & Overlay	427.35	0.08	40	2026	Brick	\$ 39,367.60	
SPRING STREET	FAIR ST	FEDERAL ST	2027	Poor	Mill & Overlay	609.20	0.12	59	2026	Concrete	\$ 53,744.54	
TOTAL											\$ 358,723.44	

CITY OF NEWBURYPORT



IN CITY COUNCIL

ORDERED:

February 27, 2023

AN ORDINANCE TO AMEND AN ORDINANCE ENTITLED BUILDINGS AND BUILDING REGULATIONS

EMERGENCY PREAMBLE

Whereas, Chapter 5, Buildings and Building Regulations, Article III, Building Construction Standards Section 5-62, Fees, of the City Code of Ordinances requires that the fee for a building permit shall be payable to the office of the City Treasurer/Collector by the owner before such a permit is issued; and

Whereas, from time to time it may be in the public interest and for good cause shown to provide for the deferment of payment of the required building permit fee; and

Whereas, providing for the creation of affordable housing is in the public interest and is a priority of the City of Newburyport, and allowing for an alternate fee payment schedule may facilitate and accomplish creation of affordable housing in the best interest of the City; and

Whereas, the current building permit payment requirement may have an immediate and detrimental impact on the creation of affordable housing in the City; and

Whereas, enactment of this emergency ordinance amendment shall address the immediate protection of affordable housing in the City.

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

Chapter 5	Buildings and Building Regulations
Article III	Building Construction Standards
Section 5 - 62	Fees

THAT Chapter 5 Article III, Section 5 - 62 of the Code of Ordinances, City of Newburyport, Massachusetts, is hereby amended to read as follows, with ~~deletions double-stricken and in italicized~~, and additions double-underlined and italicized:

The fees for building permits for buildings or structures pursuant to the state building code adopted in section 5-61 shall be pursuant to the schedule set annually by order of the city council and published in the municipal fee schedule on file with the city clerk, and shall be payable to the office of the city treasurer/collector by the owner before such a permit is issued. All religious societies, churches, hospitals, charitable institutions and persons building fall-out shelters for protection in the event of enemy attacks, shall be exempted from payment of all fees under this section.

Provided however, the city council may, for good cause shown, defer the payment of said fees until any required inspection shall be performed pursuant to 780 CMR.

Councillor Heather L. Shand



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

MEMORANDUM

TO: Honorable Members of the Newburyport City Council

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

CC: Sean R. Reardon, Mayor
Andrew Levine, Chief of Staff
Ethan Manning, Director of Finance
Greg Earls, Building Commissioner

RE: Temporary Deferment of Building Permit Fee – 166 Route 1 (Haley’s 40R Project)

DATE: February 23, 2023

The purpose of this memo is to provide a brief summary and rationale for the basis of expedited action by the Council at your February 27, 2023 regular meeting in relation to the following items also included/referenced within the Council packet:

1. An emergency preamble
2. An Ordinance amending our Code to allow for fee waivers in specific cases
3. An Order deferring payment of the required fee in this specific instance – a Building Permit Fee for 166 Route 1 (*otherwise known as the Haley’s 40R Smart Growth District development project*)

The 166 Route 1 (*Haley’s 40R*) development project has already been approved by the Newburyport Planning Board and no other zoning approvals are needed for this project, which represents the third such project permitted within the City’s 40R Smart Growth District, all of which have been undertaken by MINCO.

The City has benefited greatly from the new 40R Smart Growth District and these three projects, which are being constructed in sequence following market needs and available development financing. All three projects are rental projects and include no less than twenty-five percent (25%) of the units as so-called “affordable housing” as that term is interpreted and applied by state regulations and the Department of Housing and Community Development (DHCD) in particular. Based upon the high affordable housing requirement within the District as well as the rental model of MINCO’s development projects, the City is not only facilitating the creation of much needed affordable housing units within a new transit-oriented neighborhood, but the City has also benefited recently from a so-called “safe harbor” status under MGL 40B, due to the incremental progress the City is making towards the creation of qualifying new affordable units.

While MINCO would like to undertake construction of the Haley’s 40R development project immediately following the completion of their 3 Boston Way building, recent fluctuations in the markets have made it difficult to secure necessary materials and infrastructure for its completion. For example, they are still after many months awaiting

delivery of an electrical transformer. MINCO's ability to proceed with construction of the Haley's 40R development is therefore limited by the ability to finance this work simultaneously at the present time. They must first complete the 3 Boston Way project. MINCO has been an excellent partner in the development of new residential and mixed-use projects within the City's Smart Growth District, and in particular the creation of affordable housing units.

MINCO has applied for building permits to construct this Haley's 40R project in recent days. Obtaining this permit prior to March 3, 2023 would also allow the City to maintain our current "safe harbor" status under MGL 40B. This is because developers must obtain building permits within one year of local Smart Growth District plan approvals by DHCD's timelines. This next step has been delayed due to factors outside of MINCO's direct control, which do not threaten the timely completion of the project. Given the timeframes involved, the uniqueness of the circumstances here, and the financing constraints MINCO must work within, it would appear beneficial to the City to grant MINCO's request for a postponement or deferment of the sizable fee required for issuance of a Building Permit in a project of this magnitude. MINCO has not requested a waiver of the fee, but rather approval to submit the required fee closer to their start of actual construction. The City's Finance Director has confirmed that delaying the receipt of these funds would not affect the City's financial position. The Building Inspector is also comfortable with this approach as the City will have multiple approval points of the project in the future and the Developer must pay the full fee prior to receiving those further approvals.

MINCO has been able to expedite the development of architectural plans for submission to the Building Commissioner, but with only a few days left before March 3, 2023, the Building Commissioner does not have the ability to accept such a deferment on payment of the fee without Council approval of same. The proposed Ordinance amendment would incorporate a standard provision whereby the Council could waive or defer the payment of a codified fee under appropriate circumstances. The related Order would then authorize this specific instance of a deferred fee payment so that our collective progress in creation of affordable units can proceed as soon as is reasonably feasible, in line with the City's Smart Growth principles for the appropriate location of denser housing developments within the City.

Thank you in advance for your consideration.

CITY OF NEWBURYPORT



IN CITY COUNCIL

ORDERED:

February 27, 2023

EMERGENCY PREAMBLE

Pursuant to Newburyport Charter Section 2-9(b), and as further defined in section 1-7(7) thereof, an emergency exists due to the exigency of the circumstances as described in the related order. Therefore, the City Council hereby affirmatively declares that an emergency exists such that ORDR00430_02_27_2023 may be voted upon at its first introduction.

Councillor Heather L. Shand

CITY OF NEWBURYPORT



IN CITY COUNCIL

ORDERED:

February 27, 2023

AN ORDER ISSUING A DEFERMENT FOR THE PAYMENT OF BUILDING PERMIT FEES BEFORE ISSUING A PERMIT FOR THE MINCO PROJECT AT 166 ROUTE 1

WHEREAS, MINCO's project to be located at 166 Route 1, the so-called Haley's 40R development, has already been approved by the Newburyport Planning Board and no other zoning approvals are needed for this project, and

WHEREAS, MINCO will begin construction of the Haley's 40R development later than anticipated because of market fluctuations, supply chain issues, and ongoing work on their other project in Newburyport; and

WHEREAS, MINCO has requested a deferment of payment of fees required for the building permit for the Haley's 40R development; and

WHEREAS, the City is confident in MINCO's intent to continue with the project and its ability to pay the building permit fee closer to the time of construction; and

WHEREAS, deferment of the payment of fees required for the building permit for the Haley's 40R development will further the creation of affordable housing in the public interest; and

WHEREAS, Section 5-62 of the City of Newburyport Code of Ordinances allows the City Council to issue a deferment, for good cause shown, with respect to the collection of the fee for a building permit.

NOW THEREFORE:

The City Council of the City of Newburyport, based upon the statements above-made, hereby finds that there is good cause for the deferment of fees for the building permit for the project located at 166 Route 1, Newburyport, MA.

This deferment is non-transferrable and is issued only to the developer currently applying for the building permit. This deferment allows the City to issue a building permit before the complete payment of the required fee described above. Said fees shall be collected prior to any inspection pursuant to 780 CMR, and no occupancy permit shall be issued until such required fee is paid to the City Treasurer/Collector.

Councillor Heather L. Shand



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CC: Sean R. Reardon, Mayor
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Ethan Manning, Director of Finance
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RE: Temporary Deferment of Building Permit Fee – 166 Route 1 (Haley’s 40R Project)

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While MINCO would like to undertake construction of the Haley’s 40R development project immediately following the completion of their 3 Boston Way building, recent fluctuations in the markets have made it difficult to secure necessary materials and infrastructure for its completion. For example, they are still after many months awaiting

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Thank you in advance for your consideration.

CONSENT AGENDA

CITY COUNCIL MEETING

MINUTES

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

Pole Hearing 6:45 pm

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

POLE HEARING:

CALL TO ORDER:

At 6:45 pm City Clerk, Richard B. Jones called the role. The following Councillors answered present Wright, Zeid, Donahue, McCauley, Preston, Vogel, Wallace, and Shand. Councillors Cameron and Khan present at 6:50 pm, Councillor Lane present at 6:55 pm.

John Butler present from National Grid.

Motion to refer to Public Works & Safety by Councillor McCauley, seconded by Councillor Zeid. So voted.

Public Comment:

Ken Irwin, 296 High Street

Public hearing closed 7:00 pm

1. MOMENT OF SILENCE

Remembering Mary Page Know, Diane Rohner, and Forrest Stanwood.

2. PLEDGE OF ALLEGIANCE

3. CALL TO ORDER

7:00 pm City Clerk Richard B. Jones called the role, the following City Councillors answered present: Wright, Zeid, Cameron, Donahue, Khan, Lane, McCauley, Preston, Vogel, Wallace, and Shand. 11 present.

4. LATE FILE

5. PUBLIC COMMENT

Renee Ames 17 Forrester St.

Ben Harman 298 High St

Evan Dutcher

Quinn Macdonald

Stacey Macmillan 16 Highland Ave.

Devynn Macdonald

Sarah DeOliveira

Michael Underwood 21 Beck ST.

Jonathon Ames

Sharon Kennedy 24 Munroe St.

Chris Sawtelle 29 Summer St.

Mike Leonard 13 Tyng St.

6. MAYOR'S COMMENT

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7. APPROVAL OF MINUTES

- January 24, 2023 (Approve)
- January 30, 2023 (Approve)

8. COMMUNICATIONS

9. TRANSFERS

10. APPOINTMENTS

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- APPT00378_02_13_2023 Greg Earls 2 Sanborn Rd. Hampton Falls, NH Building Comm. 3/1/2026 (P&D)
 - APPT00379_02_13_2023 Lorraine Ward 7 Sullivan Dr. Human Rights Comm. 3/1/2025
 - APPT00380_02_13_2023 Kristen Farrell 28 Spofford St. Comm. On Disabilities 3/1/2026
 - APPT00383_02_13_2023 Susanne Gallagher 3 Garnet St. Board of Registrars 3/1/2026

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

BUDGET & FINANCE

- TRAN00148_01_30_2023 Mayor: RRFA Sale of Municipal Buildings \$200,000 to NYS Center Design Services \$200,000 (w/EGA Architects Proposal) (COTW) **AMENDED**
- TRAN00147_01_30_2023 Fire Dept.: General Fund-Free Cash \$164,891 to Salary Fire Chief \$80,845, Firefighter Overtime \$75,000, and Emergency Mgt. Dir. \$9,046
- ORDR00401_12_12_2022 Karen Jones Cashman Multi-Sport Court Gift Acceptance
- ORDR00414_01_30_2023 Rotary Club Gift Acceptance

GENERAL GOVERNMENT

Re-Appointment:

- APPT00373_01_30_2023 KP Law 101 Arch St. Boston City Solicitor 2/1/2024 (COTW)

PLANNING & DEVELOPMENT

- COMM00455_12_12_2022 Net Zero report West End Fire Station
 - APPT00366_01_09_2023 Christopher Sawtelle 20 Summer St. Historical Comm. 2/1/2026
 - APPT00376_01_30_2023 *Confirmatory* Jennifer Blanchet 4 Island Lane Zoning Administrator 12/31/2024
- Re-Appointments*
- APPT00363_01_09_2023 Jennifer Blanchet 4 Island Ln., Newbury Zoning Admin. 12/31/23
 - APPT00369_01_30_2023 Carole Wagan 9 Olive St. Conservation Comm. 2/1/2025
 - APPT00370_01_30_2023 David Vine 47 Marlboro St. Conservation Comm 2/1/2025
 - APPT00374_01_30_2023 Karen Wiener 7 Lincoln St. Affordable Housing Trust 2/1/2025
 - APPT00371_01_30_2023 Susanne Marzi Cameron 17 Hancock St. Affordable Housing Trust 2/1/2025
 - ORDR00416_01_30_2023 Newburyport Multi-Hazard Mitigation Plan 2022

PUBLIC WORKS & SAFETY

- APPT00375_01_30_2023 Jamie Tuccolo 19 Quentin Dr. Temp. Dir. DPS 4/16/2023

END OF CONSENT AGENDA

Motion to approve the Consent Agenda by Councillor Zeid, seconded by Councillor Lane. So voted.

REGULAR AGENDA

Motion to waive the rules to take TRAN00148__01_30_2023 out of order by Councillor Zeid, seconded by Councillor Lane. So voted.

Motion to approve as amended in committee by Councillor Zeid, seconded by Councillor Wright.

Motion to strike amendment by Councillor Khan, seconded by Councillor Vogel. Roll call vote. 8 yes, 3 no (MW, SZ, JM). Motion passes.

Motion to approve on floor, amendment stricken. Roll call vote 6 yes (EC, JD, AK, CP, BV, HS), 5 no (MW, SZ, BL, JM, CW). Motion passes.

9. MAYOR'S UPDATE

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

10. FIRST READING APPOINTMENTS

11. COMMUNICATIONS

12. TRANSFERS

13. SECOND READING APPOINTMENTS

14. ORDERS

- ORDR00421_02_13_2023 National Grid Virginia Lane/Storey Ave. Easement
Motion to refer to Public Works & Safety by Councillor Zeid, seconded by Councillor Donahue. So voted.
- ORDR00422_02_13_2023 Newburyport Commission on Disabilities Bylaws
Motion to refer to Community Services by Councillor McCauley, seconded by Councillor Donahue. So voted.

15. ORDINANCES

- ODNC00134_01_09_2023 2nd Reading Amend to Municipal Fees Schedule Passport Photos
Motion to approve on 2nd reading by Councillor Zeid, seconded by Councillor McCauley. Roll call vote. 11 yes. Motion passes.

16. COMMITTEE ITEMS

Ad Hoc Committee on Adaptive Reuse of Brown School Property

In Committee:

Ad Hoc Committee on Market Landing Park and COTW

In Committee:

- ORDR00389_11_01_2022 Naming Rights Market Landing Park

Budget & Finance

In Committee:

- TRAN00148 01 30 2023 Mayor: RRFA Sale of Municipal Buildings \$200,000 to NYS Center Design Services \$200,000 (w/EGA Architects Proposal) (COTW) **AMENDED**

- **TRAN00147 01 30 2023** **Fire Dept.: General Fund-Free Cash \$164,891 to Salary Fire Chief \$80,845, Firefighter Overtime \$75,000, and Emergency Mgt. Dir. \$9,046**

Motion to approve by Councillor Zeid, seconded by Councillor Zeid, seconded by Councillor McCauley. So voted.

- **ORDR00401 12 12 2022** **Karen Jones Cashman Multi-Sport Court Gift Acceptance**

Motion to approve by Councillor Zeid, seconded by Councillor Zeid, seconded by Councillor McCauley. So voted.

- **ORDR00414 01 30 2023** **Rotary Club Gift Acceptance**

Motion to approve by Councillor Zeid, seconded by Councillor Zeid, seconded by Councillor McCauley. So voted.

- ORDR00336_03_28_2022 ARPA Amesbury 250K (COTW)
- ODNC00129_11_01_2022 Defining Conflict Rule for Dept. Heads (COTW)
- ODNC00130_11_01_2022 Grants, Gifts, and Fees (COTW)
- ODNC00132_11_14_2022 Mandated Reporting
- ORDR00388_11_01_2022 NYS Facility Bond Order (COTW)
- COMM00443_11_01_2022 59 Low St. FAQs (COTW)
- COMM00458_01_30_2023 FY2023 Mid-Year Budget Report

Re-Appointment:

- APPT00372_01_30_2023 Ethan Manning 31 Howard St. Dir. of Fin./City Auditor 2/1/2026

Community Services

In Committee:

- COMM00460_01_30_2023 Letters of Support for Parks Plan
- ORDR00417_01_30_2023 Parks Reorganization Plan (COTW)
- ORDR00418_01_30_2023 Resolution Purple Heart City
- ORDR00419_01_30_2023 Resolution Pete Pollard

General Government

In Committee:

Re-Appointment:

- **APPT00373 01 30 2023** **KP Law 101 Arch St. Boston City Solicitor 2/1/2024 (COTW)**

Motion to approve by Councillor Shand, seconded by Councillor Zeid. Motion to amend term date to 5/1/2023 by Councillor Donahue, seconded by Councillor Zeid. Friendly amendment by Councillor Wallace to the term end date of 6/30/2023. Roll call vote. 9 yes, 2 no (JM, BV). Motion passes. Motion to approve as amended with 6/30/2023 term end date by Councillor Shand, seconded by Councillor Zeid. 10 yes, 1 no (BV). Motion passes.

- ORDR00415_01_30_2023 Brown School Ad Hoc Update
- ORDR239_02_8_2021 Council Rule 7 and 10B

Licenses & Permits

In Committee:

- ODNC047_01_27_2020 General Ordinance - Short Term Rental Units Rules

Planning & Development

In Committee:

- **COMM00455 12 12 2022** **Net Zero report West End Fire Station**

Motion to receive and file by Councillor Cameron, seconded by Councillor McCauley. So voted.

- **APPT00366 01 09 2023** **Christopher Sawtelle 29 Summer St. Historical Comm. 2/1/2026**

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

- **APPT00376 01 30 2023** **Confirmatory Jennifer Blanchet 4 Island Lane Zoning Administrator 12/31/2024**

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

Re-Appointments

- **APPT00363 01 09 2023** **Jennifer Blanchet 4 Island Ln., Newbury Zoning Admin. 12/31/23**

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

- **APPT00369 01 30 2023** **Carole Wagan 9 Olive St. Conservation Comm. 2/1/2025**

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

- **APPT00370 01 30 2023** **David Vine 47 Marlboro St. Conservation Comm 2/1/2025**
Motion to approve by Councillor Cameron, seconded by Councillor Zeid. Roll call vote. 11 yes. Motion passes.

- **APPT00374 01 30 2023** **Karen Wiener 7 Lincoln St. Affordable Housing Trust 2/1/2025**
Motion to approve by Councillor Cameron, seconded by Councillor Zeid. Roll call vote. 11 yes. Motion passes.

- **APPT00371 01 30 2023** **Susanne Marzi Cameron 17 Hancock St. Affordable Housing Trust 2/1/2025**
Councillor Cameron recused. Motion to approve by Councillor Zeid, seconded by Councillor Lane. Roll call vote. 10 yes, 1 recused (EC). Motion passes.

- **ORDR00416 01 30 2023** **Newburyport Multi-Hazard Mitigation Plan 2022**
Councillor Wallace recused. Motion to approve by Councillor Cameron, seconded by Councillor Vogel. Roll call vote. 10 yes, 1 recused (CW). Motion passes.

- COMM00445_11_14_2022 59 Low Street Plan (COTW)
- ODNC00135_01_30_2023 Zoning Amendment ITIF Remove Residential Use
- ODNC00136_01_30_2023 General Code Amendment Planning Board Membership (COTW)
- ODNC00137_01_30_2023 Zoning Amendment Planning Board Membership (COTW)

Public Works & Safety

In Committee:

- **APPT00375 01 30 2023** **Jamie Tuccolo 19 Quentin Dr. Temp. Dir. DPS 4/16/2023**
Motion to approve by Councillor Wallace, seconded by Councillor Lane. Roll call vote. 10 yes, 1 present (JD). Motion passes.

- COMM00412_05_31_2022 Ltr Ann Jaroncyk re: Traffic Safety
- COMM00414_05_31_2022 Ltr. Emily Dunn re: Traffic on Merrimac Street
- COMM00456_12_12_2022 Letters re: Curb Cut 4 Wilkinson Dr. & 34 Hale St.
- ODNC00103_01_10_2022 Streets, Sidewalks, and Other Public Places Alterations & Maintenance
- COMM00459_01_30_2023 Ltr. Residents concerned with speeding on Arlington St.
- APPT00368_01_30_2023 Kim Emmons 9 Doe Run Dr. Water/Sewer Comm. 2/1/2025
- ORDR00413_01_30_2023 Parking Garage Inn Permit Fee

17. GOOD OF THE ORDER

Councillor Donahue:

Ward 2 Meeting Saturday, February 18th at 10:00 am Newburyport Public Library: Community Room at 94 State Street.
Adult cannabis meeting – public information session Thursday, February 16th 7:00-8:30 pm Senior and Community Center: Main Room at 331 High Street.

18. ADJOURNMENT

Motion to adjourn at 9:37 pm by Councillor Zeid, seconded by Councillor Vogel. So voted.

COMMUNICATIONS

Tel. _____

Fax. _____

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

NAME OF EVENT: IPA5K Road Races

Date: 4/16/23, 7/16/23, 10/1/23 Time: from _____ to _____

Rain Date: _____ Time: from _____ to _____

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

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

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

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

Contact Person Rich Morrell

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

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

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

5. Number of Attendees Expected: 250

6. MA Tax Number: 27-3695540

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

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

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

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

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

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

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

Performers _____ Dancing _____ Amplified Sound X Stage _____

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

Other _____ Total # _____

Name of Carnival Operator: _____

Address: _____

Telephone: _____

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

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

If yes:

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

If no:

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

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

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

5 Standard # _____ ADA accessible

Name of company providing the portable toilets: United Site Services

FOR STREET CLOSURE OR ANY USE OF A PUBLIC WAY

PARADE _____ ROAD RACE X WALKATHON _____

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

2. Name, Address & Daytime Phone Number of Organizer: _____
 Rich Morrell 978-879-9007
 PO Box 780
 Rockport, MA 01966

3. Name, Address & 24/7 Telephone Number of Person Responsible for Clean Up _____
 Rich Morrell 978-879-9007
 PO Box 780
 Rockport, MA 01966

4. Date of Event: 4/16/23, 7/16/23, 10/1/23 Expected Number of Participants: 250

5. Start Time: 10:00am Expected End Time: 11:00am

6. Road Race, Parade or Walkathon Route: (List street names & **attach map of route**): _____
 Start and finish at 40 Parker St Newburyport, MA 01950
 Parker St to Mulliken Way to Malcom Hoyt Dr to Scotland Rd
 to Highfield Rd to Livingston Lane in Newbury. (see attached map)

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

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

9. Formation Location & Time for Participants: 40 Parker St 9:00am

10. Dismissal Location & Time for Participants: 40 Parker St 11:00am

11. Additional Parade Information:
- Number of Floats: n/a
 - Locations of Viewing Stations: n/a
 - Are Weapons Being Carried: Yes _____ No X
 - Are Marshalls Being Assigned to Keep Parade Moving: Yes _____ No X

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

CITY MARSHAL _____ 4 Green St. FIRE CHIEF _____ 0 Greenleaf St.

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

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

FOR STREET CLOSURE OR ANY USE OF A PUBLIC WAY

PARADE _____ ROAD RACE X WALKATHON _____

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

2. Name, Address & Daytime Phone Number of Organizer: _____
Rich Morrell, YuKan Sports, LLC, PO Box 780, Rockport, MA 01966 978-879-9007

 X

3. Name, Address & 24/7 Telephone Number of Person Responsible for Clean Up _____
Rich Morrell 978-879-9007

4. Date of Event: 4/16/23, 7/16/23, 10/1/23 Expected Number of Participants: 250

5. Start Time: 10:00am Expected End Time: 11:00am

6. Road Race, Parade or Walkathon Route: (List street names & attach map of route): _____
Start and finish at 40 Parker St. Newburyport, MA 01950.
Parker St. to Mulliken Way to Malcom Hoyt Dr. to Scotland Rd
to Highfield Rd to Livingston Lane in Newbury. Please see attached map.

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

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

9. Formation Location & Time for Participants: 40 Parker St. 9:00am

10. Dismissal Location & Time for Participants: 40 Parker St 11:00am

11. Additional Parade Information:
- Number of Floats: n/a
 - Locations of Viewing Stations: n/a
 - Are Weapons Being Carried: Yes _____ No X
 - Are Marshalls Being Assigned to Keep Parade Moving: Yes _____ No X

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

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

DEPUTY DIRECTOR [Signature] 16A Perry Way CITY CLERK _____ 60 Pleasant St.

DEPARTMENT APPROVAL (for Committee Member use only):

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

Approval Required _____ Date: 2-23-23 Signature: 

_____ 1. Special Events: _____

_____ 2. Police: _____
Is Police Detail Required: _____ # of Details Assigned: _____

_____ 3. Traffic, Parking & Transportation: _____

_____ 4. ISD/Health: _____

_____ 5. Recycling: _____

_____ 6. ISD/Building: _____

_____ 7. Electrical: _____

_____ 8. Fire: _____
Is Fire Detail Required: _____ # of Details Assigned: _____

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

_____ 10. Parks Department: _____

_____ 11. License Commission _____

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

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

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

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

(c) *Definitions.*

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

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

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

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

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

(d) *Limitations.*

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(e) Enforcement.

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

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

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

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

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

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

Signed: 

Date: 2/21/23

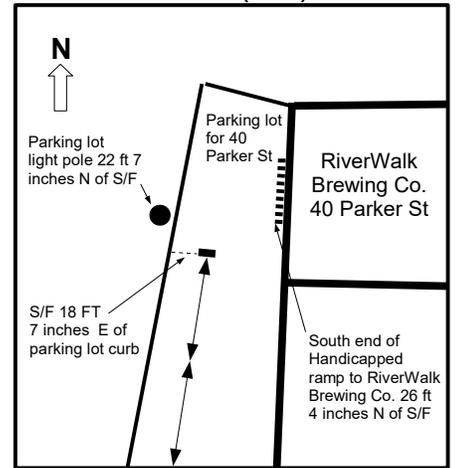
RiverWalk IPA 5K

Newburyport, Massachusetts



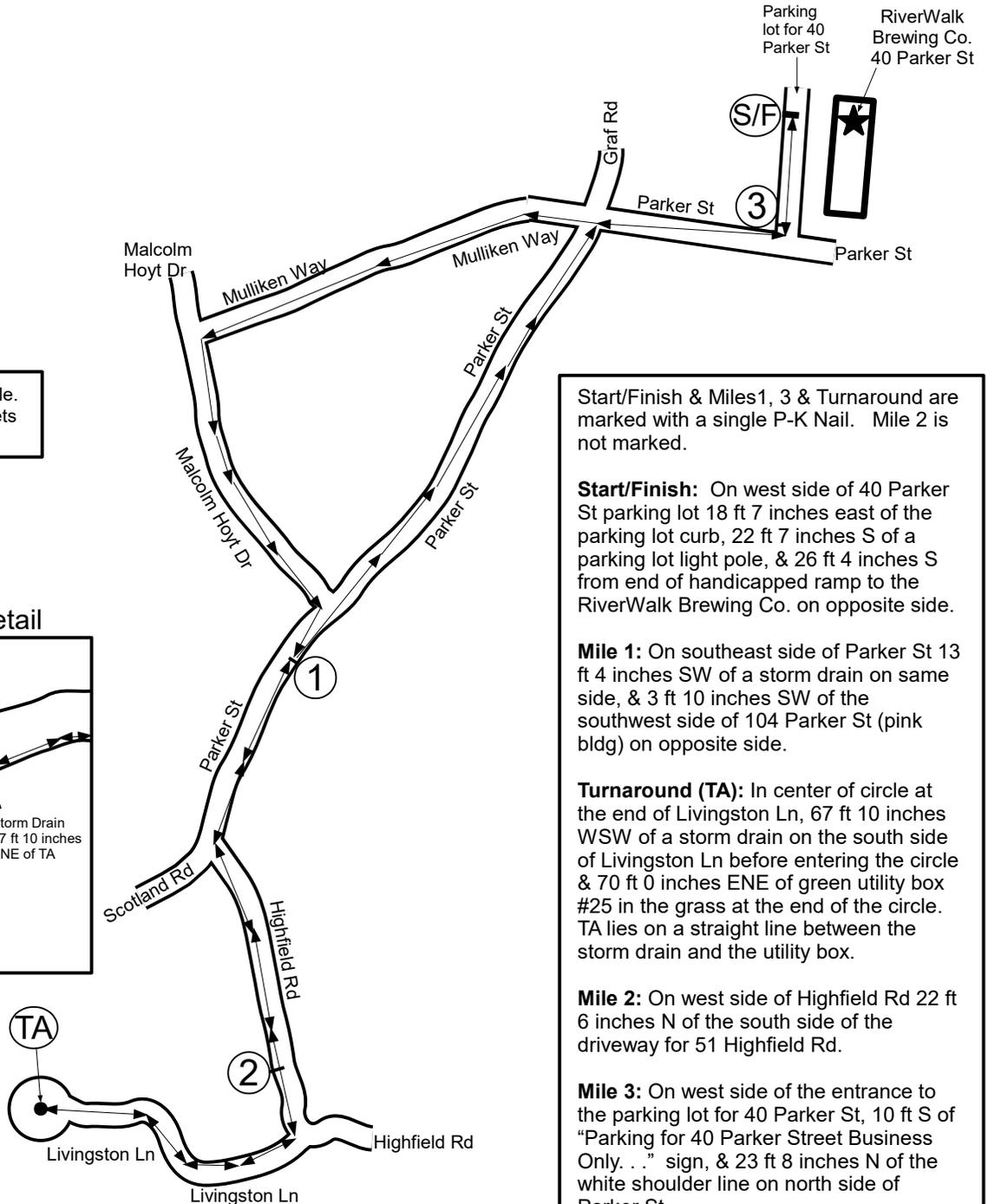
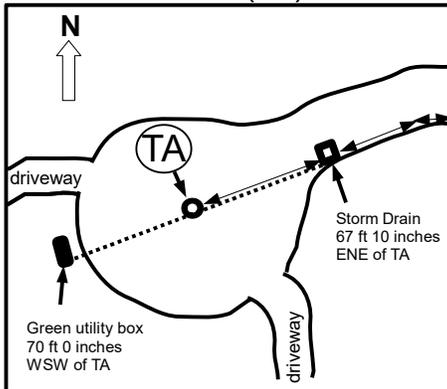
USATF Certificate MA18001BK
Effective March 5, 2018 to December 31, 2028

Start/Finish (S/F) Detail



Note: Map not drawn to scale.
Many streets and cross streets not on map.

Turnaround (TA) Detail



Start/Finish & Miles 1, 3 & Turnaround are marked with a single P-K Nail. Mile 2 is not marked.

Start/Finish: On west side of 40 Parker St parking lot 18 ft 7 inches east of the parking lot curb, 22 ft 7 inches S of a parking lot light pole, & 26 ft 4 inches S from end of handicapped ramp to the RiverWalk Brewing Co. on opposite side.

Mile 1: On southeast side of Parker St 13 ft 4 inches SW of a storm drain on same side, & 3 ft 10 inches SW of the southwest side of 104 Parker St (pink bldg) on opposite side.

Turnaround (TA): In center of circle at the end of Livingston Ln, 67 ft 10 inches WSW of a storm drain on the south side of Livingston Ln before entering the circle & 70 ft 0 inches ENE of green utility box #25 in the grass at the end of the circle. TA lies on a straight line between the storm drain and the utility box.

Mile 2: On west side of Highfield Rd 22 ft 6 inches N of the south side of the driveway for 51 Highfield Rd.

Mile 3: On west side of the entrance to the parking lot for 40 Parker St, 10 ft S of "Parking for 40 Parker Street Business Only. . ." sign, & 23 ft 8 inches N of the white shoulder line on north side of Parker St.

CERTIFICATE OF INSURANCE

PRINT DATE: 2/21/2023

CERTIFICATE NUMBER: 20230221960139

AGENCY:

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

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

NAMED INSURED:

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

INSURERS AFFORDING COVERAGE:

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

EVENT INFORMATION:

IPA 5K - Spring (4/16/2023 - 4/16/2023)

POLICY/COVERAGE INFORMATION:

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

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

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

The City of Newburyport is an additional insured.

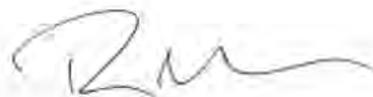
CERTIFICATE HOLDER:

City of Newburyport
60 Pleasant Street
Newburyport MA 01950

NOTICE OF CANCELLATION:

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

AUTHORIZED REPRESENTATIVE:



CERTIFICATE OF INSURANCE

PRINT DATE: 2/21/2023

CERTIFICATE NUMBER: 20230221960138

AGENCY:

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

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

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Indianapolis IN 46204

INSURERS AFFORDING COVERAGE:

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

EVENT INFORMATION:

IPA5K - Summer (7/16/2023 - 7/16/2023)

POLICY/COVERAGE INFORMATION:

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

INS	TYPE OF INSURANCE:	POLICY NUMBER(S):	EFFECTIVE:	EXPIRES:	LIMITS:
A	GENERAL LIABILITY				
	<input checked="" type="checkbox"/> Occurrence	1-TRE-IN-17-01338542-00	11/1/2022 12:01 AM	11/1/2023 12:01 AM	GENERAL AGGREGATE (Applies Per Event) \$4,000,000
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					PRODUCTS-COMP/OP AGG \$2,000,000
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	<input checked="" type="checkbox"/> Occurrence	1-TRE-IN-17-01338543-00	11/1/2022 12:01 AM	11/1/2023 12:01 AM	EACH OCCURRENCE \$3,000,000
					AGGREGATE \$3,000,000
B	OTHER				
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					AGGREGATE \$7,000,000

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The City of Newburyport is an additional insured.

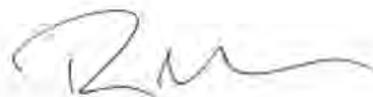
CERTIFICATE HOLDER:

City of Newburyport
60 Pleasant Street
Newburyport MA 01950

NOTICE OF CANCELLATION:

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AUTHORIZED REPRESENTATIVE:



CERTIFICATE OF INSURANCE

PRINT DATE: 2/21/2023

CERTIFICATE NUMBER: 20230221960137

AGENCY:

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

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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:

IPA5K - Fall (10/1/2023 - 10/1/2023)

POLICY/COVERAGE INFORMATION:

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

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	<input checked="" type="checkbox"/> Occurrence	1-TRE-IN-17-01338542-00	11/1/2022 12:01 AM	11/1/2023 12:01 AM	GENERAL AGGREGATE (Applies Per Event) \$4,000,000
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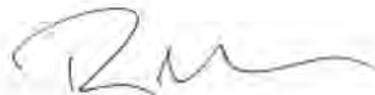
CERTIFICATE HOLDER:

City of Newburyport
60 Pleasant Street
Newburyport MA 01950

NOTICE OF CANCELLATION:

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AUTHORIZED REPRESENTATIVE:



RECEIVED
CITY CLERK'S OFFICE
NEWBURYPORT, MA

THE COMMONWEALTH OF MASSACHUSETTS

2023 FEB 13 P 12:42

_____ OF _____

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

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

1. What is the name of the concern? GNFD inc DBA

Newburyport SUNOCO

Business address of concern. No. 59 stony Ave St.,

Newburyport MA 01950 City -- Town.

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

S corporation

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

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

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

President George daaboul 44 clipper way Newburyport MA 01950

Secretary _____

Treasurer _____

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

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

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

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

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

Gas station, Repair facility, Parking lot, state inspection station. All mentioned facilities will be used as part of the Car dealer business.

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

If so, state name of manufacturer _____

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

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

If so, in what city — town Newburyport

Did you receive a license? Yes (Yes or No) For what year? 2022-2021, 2020, 2019-2018-2017

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

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

Residence 44 Clipperton, Newburyport MA 01970

IMPORTANT

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

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

APPLICANT WILL NOT FILL THE FOLLOWING BLANKS

Application after investigation _____
(Approved or Disapproved)

License No. _____ granted _____ Fee \$ _____

Signed _____

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

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

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

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

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

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

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

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

APPLICANT WILL NOT FILL THE FOLLOWING BLANKS

Application No. _____

Class _____ License No. _____

Name _____

St. and No. _____

City — Town _____

Date Issued _____

Remarks _____

SELECTIVEN

REC-113
MAY 16 2004

Memorandum

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

1. **Purpose**

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

2. **Bond Requirement**

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

3. **Dealers Subject to Bond Requirement**

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

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

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

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

4. Bond Issue Clarifications

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

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

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

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

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

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

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

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

5. Class 2 Licensee Definition Expanded

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

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

6. Comment on the Expanded Definition of Class 2 Licensee

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

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

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

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

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

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

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

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

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

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

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

9. Summary

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

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

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



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

U/W Code

CODING SOURCE 0# Acct Number:		EFFECTIVE DATE 12/19/2022
POLICY NUMBER SU4490005		EXPIRATION DATE 12/19/2023
<input type="checkbox"/> NEW <input checked="" type="checkbox"/> RENEWAL <input type="checkbox"/> ENDORSEMENT		TRANS. EFFECTIVE DATE
INSURED		BOND AMOUNT \$25,000.00
GNFD, Inc. dba Newburyport Sunoco		TOTAL PREMIUM \$250.00
ADDRESS		CSP/POLICY TYPE
59 Storey Avenue		TRANS. 2111 POLICY CT 1 UND. 4
Newburyport, MA 01950		SIC # 55211 BILL CODE 1
OBLIGEE (FULL ADDRESS REQUIRED)		LINE 2273
Commonwealth of MA, Registry of Motor Vehicles		STATE OR FOREIGN COUNTRY 20
One Copley Place		TAX TOWN (Required for AL, FL, GA, KY, LA, SC)
Boston, MA 02119		PLAN 01
NATURE OF RISK Dealer Bond		PLAN WITH SURCHARGE (Required for KY)
SERIES X	COMPANY CODE 1	COMMISSION 30%
REG. OFF. 04	AGENT NO. 70135	CLASS CODE 927
AGENT		FIDELITY FORM (Col. 48)
MACDONALD & PANGIONE		SURETY TYPE OF CONTRACT (Col. 50)
ADDRESS		GROSS LIMIT 000 TREATY LIMIT
104 MAIN ST		ENDORSEMENT
NORTH ANDOVER MA 01845		
RENEWAL METHOD: <input checked="" type="checkbox"/> COLLECTION OF PREMIUM <input type="checkbox"/> CONTINUATION CERTIFICATE <input type="checkbox"/> NEW BOND		
BOND APPROVED BY:		BOND SIGNED BY: DATE
		Lauri A. Emmerich (Attorney-in-Fact) 11/10/2022
REMARKS:		

Repair Shop Requirement

BROWN SCHOOL GYMNASIUM – CONSIDERATIONS

1. BROWN SCHOOL GYMNASIUM RENOVATION ESTIMATES

- * Complete Upgrade @ \$4.5 Million +
- * Value Engineered Upgrade @ \$1.8 Million +

Questions:

- * *How would each of these upgrades be financed?*
- * *What is the estimated time frame required to complete the Value Engineered option?*
- * *Were the city to proceed with the Value Engineered option, when might the second phase be implemented at an estimated cost of \$2.5 Million + (2022 dollars)?*
- * *How would this second phase be financed?*
- * *How would implementing the second phase impact use of the gym while the work is in progress?*
- * *Is securing LEED Certification a consideration? If not, why not*

2. LOW STREET GYMNASIUM

EGA Architects Conceptual Design Estimates, November 1, 2022:

- * Gym/Option A @ 1.6 Million
- * Gym/Option B @ \$1.3 Million
- * Future Gym/Option C @ \$1.3 Million - \$1.7 Million

Questions:

- * *Can any decision with regard to upgrading the Brown School gym be made before a final decision is reached regarding the NYS Low Street (or other) location, and whether or not it will include an onsite gym?*
- * *Would it not be more fiscally responsible to invest in a Low Street gym either now or later rather than investing comparable dollars in what would only be a “first phase” renovation of the Brown School gym?*

3. BROWN SCHOOL PLAYGROUND

In accordance with the Playground Order (9.30.13), regardless of what might evolve with regard to the Brown School building, an area at least equal in size to the current schoolyard, including the playground, basketball court, and amphitheater, must be “held permanently.”

To date, the only plans (2014, 2017) that have been proposed relative to this order involve relocating the playground from its current location to the approximately 7,000 square foot area abutting Prospect Street.

This area is currently occupied by the “basketball court,” which comprises four opposing hoops. Therefore, the court would need to be relocated to another area within the schoolyard. This new location must not be proximate to the playground due to obvious reasons of “incompatible activities.”

Also, none of the plans include any reference to the amphitheater. However, in its current location it presents problems in terms of space efficiencies within the schoolyard.

(The Order is unclear as to what constitutes the “schoolyard.” Some might actually argue that assigning the existing open area, or “schoolyard,” to parking is in violation of the Playground Order.)

It seems apparent that however the schoolyard layout evolves, it may not be possible to retain all four basketball hoops. Indeed, it may be difficult to dedicate the space required for one or two hoops.

Questions/Comments:

* *Would reducing the numbers of hoops be in violation of the Order?*

* *Were the playground to be moved to the southern edge of the property, as has been proposed, what measures will be taken to discourage individuals, especially unescorted children, from wending their way to the playground via Milk Street, and through the parking lot in and around cars, both parked and in motion?*

4. BROWN SCHOOL PUBLIC OPINION SURVEY/FEBRUARY 2018

* Question 5. How often do you or your family use the gymnasium at the Brown School for activities NOT through the Newburyport Youth Services? (218 Responses)

- **Rarely/Never @ 86%**
- Monthly @ 6%
- Weekly @ 14%

Questions:

- * *Has any member of the City Council or City Government been made aware of any significant support for bringing the gym “back on line” since the building was closed?*
- * *If so, has this support been quantified and shared publically?*
- * *Why are none of the other school gyms (Bresnahan, Nock Middle School, High School) available during afternoons and evenings when these schools are not in session?*

5. BROWN SCHOOL GYMNASIUM – DEMOLITION + REMOVAL

There are a number of compelling arguments for removing the gym and kitchen/hallway.

- * Improved parking area layouts and locations (^)
- * Potential increase in numbers of parking spaces
- * Dedicated parking/standing for emergency and service vehicles
- * Increased recreational area(s) for Brown School residents
- * Dedicated location for trash barrels/recycling bins storage
- * Separate areas for playground/basketball courts. (SEE BELOW)
- * Traffic flow options to and from site. (Prospect Street, Lime Street, Milk Street).

In short, removing the gym and the kitchen/hallway results in a significant increase in open space surrounding the Brown School, and provides significant new opportunities for maximizing the efficient allocation of that space.

Doing so will also measurably enhance the overall development prospects.

(^^) Parking area plans as previously submitted do not take in to consideration the proliferation of large Sport Utility (and similar) vehicles. These vehicles will need more room to safely navigate in the areas as currently proposed.

Questions:

Who within the City government might assume responsibility for producing the following?

** Estimate or estimates for demolishing the gym and kitchen/hallway?*

** Schematic drawings illustrating various space allocation scenarios assuming the gym, kitchen/hallway are removed from the site?*

~ ~ ~

JOHN PEAR
48 – 50 Milk Street

johnpear@comcast.net
978.872.5312

February 15, 2023

RECEIVED
CITY CLERK'S OFFICE
NEWBURYPORT, MA

2023 FEB 15 P 2:32

Newburyport City Council
60 Pleasant Street
Newburyport City Hall
Newburyport, MA 01950

To the Members of the Newburyport City Council:

I am a resident of the City of Newburyport and am submitting this communication to share with you my concerns regarding the quality of Newburyport's drinking water. Specifically, Newburyport has PFAS in its drinking water, high levels of tri-halo-methanes and high levels of halo-acetic acids, amongst other contaminants.

Massachusetts Sierra Club has published a report detailing 261 public water systems in Massachusetts. Between 2016-2021, Newburyport was tested for six PFAS chemicals and five out of the six chemicals were detected at a total amount of 112 parts per trillion. The DEP limit is 20 parts per trillion.

In comparison, Amesbury tested for 18 chemicals. Six were detected with a total of 4 parts per trillion. Haverhill had a total of 4.9 parts per trillion. Again, the report lists Newburyport with 112 parts per trillion. If this report is not accurate, the city needs to set the record straight.

The PFAS family of chemicals are called "forever chemicals" and come from non-stick and water-repelling chemicals, staying in the environment and human bodies. The EPA confirms through peer-reviewed studies that PFAS chemicals have adverse health impacts.

I submit two questions to the City of Newburyport:

- 1) What is the shorter-term and long-term plan to improve the quality of our drinking water?
- 2) What is the city doing to clearly and successfully notify residents about drinking water quality so we may purchase filters for our homes while the city addresses the problems?

The issue of our drinking water quality should rise to the top of the priority list for the City of Newburyport and merits a meeting of the Committee of the Whole in conjunction with the Water and Sewer Commission.

With sincerity,



Kathleen O'Connor Ives, Resident

2 Prince Place

Newburyport, MA 01950

NYS Facility Funding Discussion

Committee on Budget and Finance

February 16, 2023

NYS Facility – Funding Status

- **5/9/2022: \$30,000 approved for schematic design**
- 11/1/2022: Presentation to City Council outlining three design
 - Option A: \$8.1 million, Option B: \$5.7 million, Option 3: \$3.0 million (no gym)
 - \$5.7 million loan order requested to fund design/construction (ORDR00388_11_01_2022)
- **2/13/2023: \$200,000 approved for full design/bidding**



Recommend that ORDR00388_11_01_2022 be received and filed while costs and funding needs are reviewed further during the design process.

Project Funding Sources

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

Can the City Afford New
Debt for this Project?

Borrowing Overview

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

- For example:

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

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

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

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

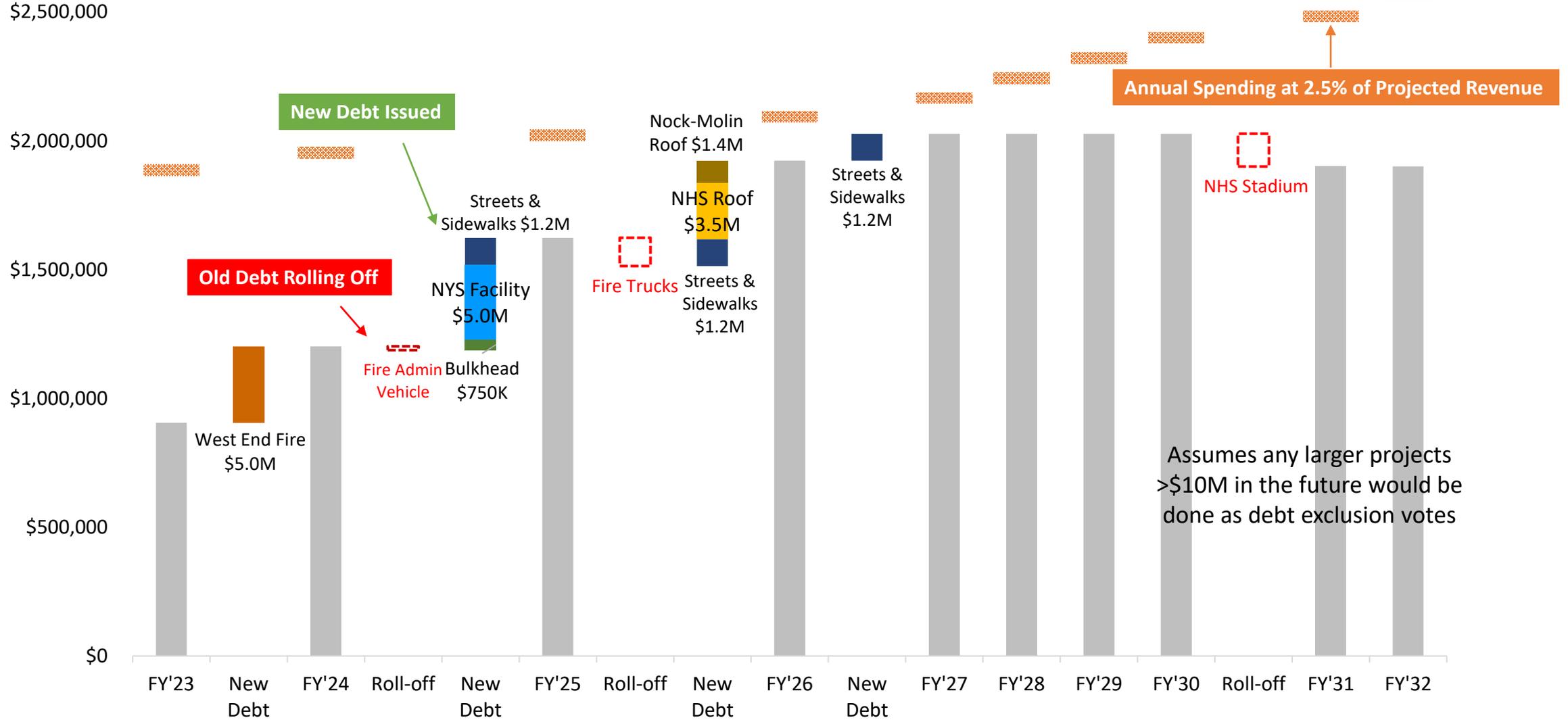
Project	Borrowing Amount	Annual Payment	Final Payment
Ordinary (Non-Excluded)			
Boardwalk	\$293,800	\$78,910	6/30/2017 *
School	\$218,700	\$38,482	6/30/2017 *
Equipment	\$576,000	\$70,780	6/30/2018 *
School Renovations	\$402,000	\$51,104	6/30/2018 *
School Demountables	\$150,500	\$34,431	6/30/2018 *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

Project	Borrowing Amount	Annual Payment	Final Payment
Ordinary (Non-Excluded) - Continued			
Firehouse Renovation	\$400,000	\$24,687	6/30/2037
Drainage	\$400,000	\$23,499	6/30/2037
Drainage	\$434,000	\$25,541	6/30/2044
Fire Admin Vehicle	\$45,000	\$15,342	6/30/2024
Roof Replacements	\$413,000	\$22,216	6/30/2046
Fire Trucks	\$1,402,500	\$95,708	6/30/2040
Phillips Drive Drainage	\$1,474,500	\$134,960	6/30/2037
West End Fire Station	\$9,190,000	\$496,198	6/30/2053
Paying Off >10 Yrs	\$13,759,000	\$838,151	
Self-Supported			
Parking Facility	\$6,344,500	\$370,013	6/30/2044
Excluded from Levy Limit			
Library	\$2,056,310	\$274,100	6/30/2020 *
High School	\$4,084,600	\$442,445	6/30/2025
Bresnahan School	\$19,752,000	\$1,220,261	6/30/2038
Nock/Molin School	\$13,235,398	\$790,579	6/30/2038
Senior/Community Center	\$6,238,000	\$420,451	6/30/2035
Nock/Molin Baseball Field	\$1,680,000	\$140,238	6/30/2030

*Bonds that have rolled-off over past six years

General Fund Non-Excluded Debt Service (10 Year Example)

For Illustrative/Discussion Purposes Only



Note: Excludes Parking Garage and Excluded Debt

Projected 10-Year Budget Impact

For Illustrative/Discussion Purposes Only

Year	<u>To Fund Projected New Debt*</u>			<u>To Fund 2.5% of Annual Revenue</u>		
	Budget	\$ Change	% Change	Budget	\$ Change	% Change
FY2023	\$1,472,544			\$1,472,544		
FY2024	\$1,546,347	\$73,803	5.01%	\$1,591,095	\$118,551	8.05%
FY2025	\$1,623,848	\$77,502	5.01%	\$1,719,191	\$128,096	8.05%
FY2026	\$1,705,234	\$81,386	5.01%	\$1,857,599	\$138,408	8.05%
FY2027	\$1,790,699	\$85,465	5.01%	\$2,007,150	\$149,551	8.05%
FY2028	\$1,880,447	\$89,748	5.01%	\$2,168,741	\$161,591	8.05%
FY2029	\$1,974,694	\$94,246	5.01%	\$2,343,342	\$174,601	8.05%
FY2030	\$2,073,664	\$98,970	5.01%	\$2,531,999	\$188,657	8.05%
FY2031	\$2,177,594	\$103,930	5.01%	\$2,735,845	\$203,846	8.05%
FY2032	\$2,286,733	\$109,139	5.01%	\$2,956,101	\$220,257	8.05%

*Based on example shown on previous slide

Bond anticipation notes would be used to stabilize increases from year to year

Impact of Borrowing on Annual Tax Bill

For Illustrative/Discussion Purposes Only

Project	Amount	Debt Service	Portion of Tax Bill	% of Tax Bill
West End Fire Station	\$9,190,000	\$496,198	\$67	0.8%
NYS Facility	\$5,000,000	\$289,150	\$39	0.4%
Bresnahan School	\$19,752,000	\$1,220,261	\$166	1.9%
Nock/Molin School	\$13,235,398	\$790,579	\$107	1.2%
Senior/Community Center	\$6,238,000	\$420,451	\$57	0.6%
Total Average Annual Single-Family Tax Bill			\$8,920	100.0%

(Based on Single-Family Home = \$830,500, FY'23 Tax Rate = \$10.74)

Newburyport Brown School Request for Information (RFI) Draft Outline

Revised 2/21/2023 (based upon 2/6/2023 committee meeting/edits made to a 1/31/2023 draft)

I. Objective

a. What is the opportunity?

The City of Newburyport is preparing to offer the former Brown School at 40 Milk Street for adaptive reuse ~~for the production of affordable housing~~. To ensure a successful RFP process, the City is seeking scenarios for highest and best use(s) of the property **based upon the redevelopment goals outlined in Section III below**, ~~which may not necessarily be the highest dollar value paid upon sale or disposition~~.

That portion of the property protected by Article 97 restrictions (see related Council Order) must be maintained and is not part of the RFI solicitation.

The City is open to reviewing concepts based on **a fee interest sale of surplus property**.

The property has a FY2023 total assessed value of \$6,262,200.

b. Who is the Review Authority?

~~To be determined. [Note from City Code Section 2-32: "The committee on general government shall be concerned with supervision of city properties whose custody has not been assigned to a specific municipal department."]~~

c. What is the solicitation?

- To ensure a successful **potential** RFP process, the City is seeking preliminary concepts and qualifications of development teams to assess feasibility of redevelopment scenarios and inform a future RFP.
- The City is using this solicitation to gather information on potential redevelopment scenarios. Since the City is not disposing of its interest in the property by way of this solicitation, it is therefore not subject to Uniform Procurement Act (Ch. 30B).

d. What is the solicitation process?

- The City is inviting responses from development teams that can demonstrate their ability to successfully preserve and reuse former school buildings for the production of affordable housing.
- After reviewing responses, the City will summarize and publicize the proposals to the Newburyport community and ~~for~~ its City Council.
- The City may choose to invite all respondents for informational interviews in a fair and transparent manner.
- The City may or may not move forward with issuance of an RFP for Brown School at the conclusion of this solicitation.

II. Background

- a. Location of property, neighborhood context
- b. Brief history of Brown School: previous and current uses
- c. Site and building conditions: reference past studies and plans (i.e., feasibility studies, housing production plan)
- d. Regulatory conditions: existing zoning and other restrictions (i.e., park use, demolition of school building prohibited, requirement for a preservation restriction, prevailing neighborhood conditions)

Commented [SZ1]: What is the point of this statement?

Commented [SZ2]: We shouldn't publish this with a TBD in my opinion.

Commented [SZ3]: This is misleading. The Committee may be concerned with buildings but does not have any authority to actually do or decide anything. Generally, matters are decided by the City acting through the City Council and the Mayor via constructs in our Charter and Ordinance.

III. Redevelopment Goals

Include a summary of community feedback collected in past public outreach. Based on ad-hoc committee feedback:

- Production of affordable housing with a **preference for older adults aged 62 and above**. All affordable units must meet the requirements for inclusion in the Department of Housing and Community Development's (DHCD) Subsidized Housing Inventory (SHI) **at no less than 60% AMI**.
- ~~Regardless of elevator service it is preferred that any accessible housing units be located on the ground floor.~~
- Highest and best uses of the grounds and existing structures
- **Preservation of the existing gym as a community space, if at all possible.**
- ~~Potential preservation of the first floor for municipal office space.~~
- A financially feasible project that allows the City to remain fiscally solvent and that allows a developer to demonstrate a project that can be cared for and maintained going forward.
- A project that comports with the character of the neighborhood, respecting the narrow streets and constrained access.
- A development approach that includes a robust community engagement process

Commented [SZ4]: This bullet point should move to the top of the list.

Commented [SZ5]: Extremely loaded

Commented [SZ6]: I'm not sure what this means? This needs more detail and clarity

IV. Submission requirements

a. Qualifications

- Development team members: Provide resumes for each member to demonstrate that the team has qualified professionals to accomplish the project successfully.
- Development team experience: Provide a narrative illustrating the team/organization's mission and areas of expertise. Describe the team's experience in similar projects within the past 5 years. Include information on team's relevant experience on permitting and financial capacity to successfully complete the project.

b. Development concept

- Prepare one or more development concepts based on **highest and best uses** of the property and buildings. Each concept must be accompanied by a narrative including assumptions relative to zoning and permitting for the project (i.e., **what zoning changes, if any, are expected** and anticipated permits, etc.), and timelines to secure necessary permits.
- *"All responses should be responsive to the redevelopment goals outlined in Sec. III to the greatest extent feasible, recognizing that there may be variation in the mixture of uses proposed by each respondent, the type, percentage and depth of affordable housing units proposed, etc. Where an adaptive reuse concept cannot adhere to, or be permitted under, the existing Brown School Overlay District (BSOD) zoning or does not involve preservation of the existing gym space, respondents shall provide a **written explanation as to why modification of the BSOD zoning or removal of the gym would be necessary to facilitate the proposed project, for the purposes of financing or as otherwise required for overall feasibility.**"*

Commented [SZ7]: What happened to language about receiving at least one concept that comports with existing, hard-fought zoning

Commented [SZ8]: According to the developer?

Commented [SZ9]: Loaded/leading

Commented [SZ10]: BSOD was hard fought public policy, if we don't respect it, neither will applicants.

c. Project financing

- Provide a preliminary pro forma, including sources and uses of funds.
- Provide a brief narrative on how the development team plans to utilize proposed financing sources, including permanent loans, DHCD subsidies, tax credits, local funding sources, and other grant programs.
- An estimated timeline for any such project

d. Transparency

- If invited verbally or in writing to submit by any City staff, elected official, or appointed member of a board or commission to disclose the nature of the invite.

V. **Review**

The City will review responses based on, but not limited to, the following criteria:

- a. Completeness of proposal and inclusion of all submission requirements

- b. Responsiveness to redevelopment goals as outlined in Sec. III
- c. Demonstration of ability to successfully execute similar projects
- d. Qualifications of development team

VI. **Important dates**

- a. RFI available date
- b. Site tour
- c. Questions deadline
- d. Proposals due

**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

February 21, 2023

Dear Clerk Jones,

As you know, Director of Public Services Jamie Tuccolo will be resigning effective March 3, 2023. I am designating Jon-Eric White to perform the duties of the office of Director of Public Services on a temporary basis until the office can be filled. We are currently engaged in the process to pick the permanent director and I anticipate bringing forward the selected candidate to the Council for approval in the coming weeks. I certify that Mr. White is qualified to perform the duties which will be required and that I make this designation solely in the interests of the city of Newburyport.

Sincerely,

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

Sean R. Reardon
Mayor

JON-ERIC WHITE, P.E.

Newburyport, MA 01950 • cell 978-417-1969

REGISTRATION: Registered Professional Civil Engineer, Massachusetts, No. 37227
LEED Accredited Professional

EXPERIENCE: **DEPARTMENT OF PUBLIC SERVICES, CITY OF NEWBURYPORT, MA**
City Engineer, March 2009 – Present

City Engineer for City of Newburyport – a coastal community of approximately 18,000 residents and more than 700 businesses. The position manages the Engineering Department with assistant engineers and interns to provide general civil engineering consultation for all City Departments and for both public and private projects. The Engineering Department is also responsible for:

- The City's compliance with EPA NPDES MS4 Permit and creation of the City's Stormwater Ordinance
- Design and preparation of construction bid documents for various roadway, utility, and miscellaneous infrastructure improvement projects throughout the city
- Review of projects being permitted through the Planning Department
- Creation and implementation of design and construction standards for the Department of Public Services (aka DPW)
- Management of various public works projects

BORREGO SOLAR SYSTEMS, INC., CHELMSFORD/LOWELL, MA
Regional Engineering Manager, January 2008 – September 2008

Regional Engineering Manager for the new east coast branch of Borrego's expanding solar design and installation firm. Responsibilities included:

- Creation of engineering department; managing/hiring of staff
- Create alliances with structural and electrical engineering sub-consultants
- Quality, accuracy, and financial success of design projects produced by the department
- Provided design support to Sales Department and Construction Project Managers
- Building Permit approval of all projects
- Assist with the creation of company-wide design standards and processes

BSC GROUP, INC., BOSTON, MA
Project Manager/Associate, November 1999 – January 2008

Project Manager/Associate for the planning, design, permitting, and construction phase services for a wide variety of civil/site and highway/roadway design projects for both private and public clients. Responsibilities included:

- Maintain client and public agency contact throughout the projects
- Management of project's engineering and administrative staff; monitor project progress for compliance with budget and schedule
- Permit approvals of all projects

GUERTIN & ASSOCIATES, INC., STONEHAM, MA
Project Manager, August 1998 – October 1999

Project Manager for the design of a number of MassHighway highway design projects for various municipalities throughout Massachusetts. Responsible for:

- Management of project's engineering and administrative staff; monitor project progress for compliance with budget and schedule
- Design of highways and roadways for MassHighway Projects
- Local and state permit approvals of all projects

SVERDRUP CIVIL, INC., BOSTON, MA
Senior Civil Engineer, July 1995 - July 1998

- Deputy Project Manager and Senior Civil Engineer for multiple public works projects. Responsible for:
- Engineering Services During Construction for the \$377M CA/T Mainline Tunnel Contract C15A1 Management of engineering and administrative staff; maintaining schedule
 - Construction administration of work orders and engineering drawing updates
 - Design and construction management of parking facilities for the MBTA Old Colony Railroad Project
 - Maintain client and public agency contact

BRYANT ASSOCIATES, INC., BOSTON, MA
Senior Civil Engineer, June 1988 - July 1995

Senior Civil Engineer on a number of municipal site developments, highways/roadways, and parking facilities on both public and private projects. Responsibilities included the management and design of projects for the MWRA, BWSC, MassHighway, Boston Children's Hospital, and a number of private retail and site development projects

MAGUIRE GROUP, INC., WALTHAM, MA
Civil Engineer - Transportation/Highway Design, June 1986 - June 1988

Civil Engineer responsible for highway and roadway design, environmental permit layouts, quantity take-offs, and specification writing for a number of public and private clients

EDUCATION: University of Massachusetts, Amherst, MA
Bachelor of Science Civil Engineering and Management, 1986
SEI PV Design/Installation Training Course

RELATED SKILLS: AutoCAD, HydroCAD, MS Office/Project, Survey Experience

AFFILIATIONS: American Society of Civil Engineers, Boston Society of Civil Engineers

COMMUNITY SERVICE: Boxford Baseball Board member, Babe Ruth Baseball League Director and coach, Little League coach, Committee Chairman Cub Scouts Pack 41, various awareness events and fundraisers

REFERENCES: Available upon request

END OF CONSENT AGENDA

BEGINNING OF REGULAR AGENDA

COMMUNICATIONS

COMM00465_02_27_2023 Late File

Ward 2 FY 24												
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	Estimated Cost	
FAIR ST	CHARTER ST	SPRING ST	2023	Very Poor	Reclamation	139.00	0.03	28	TBD	TBD	\$ 12,598.79	
	ESSEX ST	MIDDLE ST	2023	Poor	Reclamation	172.94	0.03	49	TBD	TBD	\$ 15,675.68	
	LIBERTY ST	WATER ST	2023	Fair	Reclamation	530.66	0.10	61	TBD	TBD	\$ 74,821.35	
	MIDDLE ST	LIBERTY ST	2023	Poor	Reclamation	187.88	0.04	58	TBD	TBD	\$ 26,490.30	
	ORANGE ST	CHARTER ST	2023	Very Poor	Reclamation	63.49	0.01	23	TBD	TBD	\$ 5,754.54	
	PROSPECT ST	TEMPLE ST	2023	Poor	Reclamation	166.30	0.03	60	TBD	TBD	\$ 15,073.10	
	SPRING ST	ESSEX ST	2023	Very Poor	Reclamation	85.72	0.02	8	TBD	TBD	\$ 7,769.37	
	TEMPLE ST	ORANGE ST	2023	Very Poor	Reclamation	171.49	0.03	34	TBD	TBD	\$ 25,727.18	
	FRUIT ST	HIGH ST	PROSPECT ST	2023	Poor	Mill & Overlay	576.47	0.11	59	2022	Brick	\$ 150,834.29
MIDDLE ST	CENTER ST	FAIR ST	2023	Poor	Reclamation	339.00	0.06	51	TBD	TBD	\$ 61,193.13	
	FAIR ST	INDEPENDENT ST	2023	Very Poor	Reclamation	193.43	0.04	29	TBD	TBD	\$ 47,771.76	
	INDEPENDENT ST	FEDERAL ST	2023	Very Poor	Reclamation	416.66	0.08	35	TBD	TBD	\$ 92,232.84	
TOTAL											\$ 535,942.34	

Ward 2 FY 25												
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	Estimated Cost	
ALLEN STREET	HIGH ST	PROSPECT ST	2025	Poor	Reclamation	655.26	0.12	25	2024	TBD	\$ 284,496.36	
SCHOOL STREET	FEDERAL ST	LIME ST	2025	Poor	Mill & Overlay	602.86	0.11	59	2024	TBD	\$ 230,221.80	
GARDEN STREET	OTIS PL	STATE ST	2025	Poor	Mill & Overlay	338.05	0.06	59	2024	TBD	\$ 128,333.38	
INDEPENDENT STR	WATER ST	MIDDLE ST	2025	Poor	Mill & Overlay	602.00	0.12	60	2024	TBD	\$ 230,221.00	
TOTAL											\$ 873,272.54	

Ward 2 FY 28												
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	Estimated Cost	
BROMFIELD COUR	BROMFIELD ST	DEAD END	2027	Very Poor	Reclamation	322.31	0.06	27	2026	Concrete	\$ 32,459.83	
BROMFIELD STREET	HIGH ST	WATER ST	2027	Poor	Mill & Overlay	322.31	0.06	51	2026	Concrete	\$ 173,186.42	
ATWOOD STREET	LIME ST	FEDERAL ST	2027	Poor	Mill & Overlay	597.74	0.11	56	2026	Concrete	\$ 30,099.77	
BECK STREET	FEDERAL ST	LIME ST	2027	Very Poor	Reclamation	296.54	0.06	22	2026	Brick	\$ 29,865.27	
CENTER STREET	LIBERTY ST	WATER ST	2027	Very Poor	Mill & Overlay	427.35	0.08	40	2026	Brick	\$ 39,367.60	
SPRING STREET	FAIR ST	FEDERAL ST	2027	Poor	Mill & Overlay	609.20	0.12	59	2026	Concrete	\$ 53,744.54	
TOTAL											\$ 358,723.44	

**APPOINTMENTS
SECOND READING**

Second Reading Appointments

February 27, 2023

- APPT00377_02_13_2023 Becky MacKnight 13 Farrell St. Tree Commission 3/1/2026
- APPT00379_02_13_2023 Lorraine Ward 7 Sullivan Dr. Human Rights Comm. 3/1/2025
- APPT00380_02_13_2023 Kristen Farrell 28 Spofford St. Comm. On Disabilities 3/1/2026
- APPT00383_02_13_2023 Susanne Gallagher 3 Garnet St. Board of Registrars 3/1/2026

RECEIVED
CITY CLERK'S OFFICE
NEWBURYPORT, MA

2023 JAN 32 P 12:19



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 13, 2023
Re: Appointment

I hereby appoint, subject to your approval, the following
named individual as a member of the Tree Commission.
This term shall expire on March 1, 2026.

Becky MacKnight
13 Farrell Street
Newburyport, MA 01950

Hi Sean,

I've attached my resume to be considered for the Newburyport Tree Commission. I would like to be on the commission because I want to give back to my community and I think joining a commission would be both gratifying and a nice way to get to know members of my city that I might not otherwise meet. I am a geologist by training, with a Bachelors in Geology from Amherst College and Masters in Earth Science from the University of California at Santa Cruz, and I have worked in environmental consulting and environmental education for almost two decades. The Tree Commission is appealing to me because I am a huge proponent of nurturing and protecting our environment. I truly believe that exposure to nature, even if it just a tree on street corner, promotes good health both physically and mentally. I also understand the aesthetic and monetary value that city trees add to a community. I do not have any formal botanical training, but I am eager to learn. In addition, as an independent consultant running my own business, I am highly organized and detail-oriented and I am skilled with basic computer programs. Finally, I enjoy volunteering my time. I am a regular volunteer for the Essex County Greenbelt and Our Neighbors Table, among other volunteer efforts highlighted on my resume. I understand that a volunteer position requires a commitment and I would honor the commitment of the Tree Commission if I was appointed.

Many thanks,
Becky

BECKY MACKNIGHT

13 Farrell Street • Newburyport, MA 01950
303.818.8121 • becky.macknight@gmail.com

CURRENT EMPLOYMENT

Independent Environmental Scientist/Consultant (2017-present)

- Sole proprietor consultant, currently working on a contract basis on a variety of projects related to coastal and water resources, climate change adaptation, permitting, environmental education and outreach, and other natural resource subjects.
- Interim Project Coordinator for the new Bass Institute at The Governor's Academy, assisting faculty with outreach focused on the salt marsh, environmental sciences, and connecting students with the natural history of the area.

EDUCATION

University of California, Santa Cruz (2001-2004)

- M.S., Earth Sciences
- Masters thesis: "Sediment, nutrients, and macroalgae on the south Molokai reef flat, Hawaii."
- Awards: PADI Foundation Grant, Myers Oceanography and Marine Biology Trust Grant, and UCSC Graduate Research Fellowship
- Teaching Assistant & Guest Lecturer: Oceanography (2003-2004), Geologic Principals (2002)

Amherst College, Amherst, MA (1995-1999)

- B.A., Geology, magna cum laude with distinction in Geology
- Honors thesis: "Geochemical and tectonic investigation of basalts and associated deep-sea sediments on the Nicoya Peninsula, Costa Rica."
- Secondary concentration in Anthropology
- Teaching Assistant (1996-1997) and Head Teaching Assistant (1998): Principles of Geology

The School for Field Studies, Turks and Caicos Islands, B.W.I. (1997)

- Semester focused on environmental and socioeconomic policy, marine resource management, and marine ecology
- Prepared a biostatistical assessment of Queen Conch for the South Caicos Fisheries Department

PREVIOUS EMPLOYMENT & RESEARCH EXPERIENCE

Project Coordinator & Science Instructor, The Governor's Academy, Newbury, MA (2019-2021)

- Conducted outreach for the Science Department of an independent, coeducational high school to identify opportunities for students and faculty to work directly with the local scientific and environmental community
- Represented Governor's at meetings and symposia to increase the school's presence and participation in the regional scientific community, and guest lectured on geoscience topics
- During the 2020-2021 academic year, broadened focus to: identify quality online resources for teachers to use with students learning in a hybrid setting, find and set up relevant remote guest lecturers, and identify resources to improve the diversity, equity and inclusion of the curriculum

Geologist/Environmental Scientist, Horsley Witten Group, Inc., Newburyport, MA/Exeter, NH (2012-2017)

- Part-time environmental professional at a progressive environmental engineering and planning firm
- Worked on a variety of projects related to coastal adaptation planning, water and wetland resources and regulations, hydrogeology and geology, watershed management plans, permitting, and green infrastructure
- Tasks included research, literature review, report writing, editing, data analysis, and field work

Geologist, GZA GeoEnvironmental, Inc., Newburyport, MA (2010-2011)

- Part-time environmental consultant with a focus on coastal erosion, water resources permitting, and site evaluation
- Compiled report on beach erosion and erosion control methods for Plum Island, MA and participated in an inter-agency workgroup (CZM, USGS & Town of Newbury)
- Provided scientific analysis at public meetings related to potential solutions for erosion

Staff Geologist II/Water Resource Scientist, AMEC, Boulder, CO (2007-2009)

- Provided consulting services and project management related to geosciences, natural resources, wetlands, and water resources
- Specialized in environmental permitting and compliance, including fulfilling USACE, NEPA, state, and local requirements for a variety of private and public sector clients
- Completed wetland delineations, site inspections for natural and environmental hazards, as well as surface water and algae sampling

Staff II Geologist, Geomatrix Consultants, Oakland, CA (2006-2007)

- Coordinated and conducted soil, groundwater, and surface water investigations, processed environmental data, and wrote technical reports pertaining to contaminant hydrogeology
- Gained experience in project management and development of project-specific health and safety

California Sea Grant Fellow & Consultant, Monterey Bay National Marine Sanctuary, CA (2004-2006)

- Implemented geoscience applications for resource management through a fellowship, and subsequently via an independent contract, with the Sanctuary's Research Team
- Created technical reports and GIS-based analysis tools related to coastal erosion and armoring, birds and wildlife, water quality monitoring, and the Elkhorn Slough National Estuarine Research Reserve
- Wrote and edited scientific content for Sanctuary websites and outreach material

USGS Graduate Intern/UCSC Graduate Researcher, Santa Cruz, CA (2001-2004)

- Researcher on 12 field campaigns to Hawaii with the USGS Coral Reef Project to examine oceanographic and sedimentary dynamics in coastal environments, with a focus on human impacts
- Conducted composition, grain size, and isotope analyses on Hawaiian sediment and macroalgal samples to decipher influence of land-derived sediment on Molokai's reef flat ecosystem
- Supervised undergraduates assisting with field work and sample processing

UCSC Graduate Researcher, Papua New Guinea (2001)

- Scientific party member aboard the R/V Melville using the unmanned submersible JASON to gather geologic and biologic samples from drowned coral reef platforms in the Huon Gulf
- Processed side-scan sonar data to create bathymetric maps for selection of JASON sampling sites

Geologist, URS Corporation, San Francisco, CA (2001)

- Developed skills in applied hydrology and geology at an international environmental consulting firm
- Managed data, wrote technical reports, performed Phase I environmental site assessments, and trained in a variety of field activities, including drilling, environmental sampling, and site reconnaissance

USGS Geologic Mapping Intern, Menlo Park, CA (1999-2000)

- Conducted extensive geologic mapping in California and Nevada and constructed digital maps
- Developed and maintained several USGS web sites
- Assumed lead role in organizing a USGS Open House for public education

Perry Fellows Intern, Lee Stocking Island, Bahamas (1999)

- Awarded internship at the Caribbean Marine Research Center field station
- Directly assisted marine scientists in fish population and behavior surveys, benthic habitat assessment, and coral-algal relationship studies
- Maintained boats, field/dive gear, and field station facilities

VOLUNTEER EXPERIENCE

- Volunteer Property Monitor for the Essex County Greenbelt Land Trust (2017-present)
- Volunteer for Our Neighbor's Table Food Pantry (2018-present)
- Volunteer for the Newburyport Public Schools, including current member of the Nock Middle School Council (2012-present)
- Volunteer animal caretaker at Appleton Farms, The Trustees of Reservations (2021-2022)
- Massachusetts COASTSWEEP Coastal Clean-Up Event Coordinator, Plum Island, MA (2016, 2018, 2022)

PROFESSIONAL CONTRIBUTIONS

**Please note that my last name changed from Stamski to MacKnight in 2006.*

- Graymer, R.W., E.E. Brabb, D.L. Jones, J. Barnes, R.S. Nicholson, and R.E. *Stamski (2007). "[Geologic Map and Map Database of Eastern Sonoma and Western Napa Counties, California.](#)" *United States Geological Survey Scientific Investigations Map 2956*: 28 p.
- *Stamski, R.E. and M.E. Field (2006). "[Characterization of sediment trapped by macroalgae on a Hawaiian reef flat.](#)" *Estuarine, Coastal and Shelf Science* 66 (1-2), p. 211-216.
- *Stamski, Rebecca (2005). "[Beach and Coastal Systems: Coastal Erosion and Armoring in Southern Monterey Bay.](#)" *Ecosystem Observations for the Monterey Bay National Marine Sanctuary*, Contributed Ecosystem Observations, p. 6-7.
- *Stamski, R. (2005). "[Coastal Erosion and Armoring in Southern Monterey Bay: A technical report in support of the Monterey Bay National Marine Sanctuary Coastal Armoring Action Plan.](#)" Internal National Oceanic and Atmospheric Administration Report: 78 p.
- *Stamski, Rebecca (2005). "[The impacts of coastal protection structures in California's Monterey Bay National Marine Sanctuary.](#)" *Marine Sanctuaries Conservation Series MSD-05-3*. U.S. Department of Commerce, National Oceanic and Atmospheric Administration, Marine Sanctuaries Division, Silver Spring, MD: 18 p.
- *Stamski, R.E. and M.E. Field (2003). "Trapping of land-derived sediment by macroalgae on the S. Molokai Reef Flat, Hawaii." *GSA Abstracts with Programs* 35(6), p. 282, September 2003.
- Blake, M.C., R.W. Graymer, R.E. *Stamski (2002). "[Geologic map and map database of Western Sonoma, Northernmost Marin and Southernmost Mendocino Counties, California.](#)" *United States Geological Survey Miscellaneous Field Studies, MF-2402*: 43 p.
- *Stamski, R.E., T.A. Harms and T.W. Gardner (1999). "Tectonic investigations of basalts and associated sediments in the southern Nicoya Peninsula, Costa Rica." *GSA Abstracts with Programs, NE Section* 31(2), p. 69, March 1999.



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
2023 JAN 32 P 2:52

To: President and Members of the City Council
From: Sean R. Reardon, Mayor
Date: February 13, 2023
Subject: Re-appointment

I hereby re-appoint, subject to your approval the following named individual as a member of the Human Rights Commission. This term will expire on March 1, 2025.

Lorraine Ward
7 Sullivan Drive
Newburyport, MA 01950



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

RECEIVED
CITY CLERK'S OFFICE
NEWBURYPORT, MA

2023 FEB -7 P 2:40

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 13, 2023

Subject: Re-Appointment

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

Kristen Farrell
28 Spofford Street
Newburyport, MA 01950

Kristen M. Farrell

28 Spofford Street, Newburyport MA 01950

Email: km.farrell@outlook.com

Phone: 978.423.2900

Credentials:

RID Certified: Interpreter (CI): National Registry of Interpreters for the Deaf. April 28, 2005

RID Certified: Transliterater (CT): National Registry of Interpreters for the Deaf. November 1, 2004

MCDHH Approved – Statewide Contract Agreement: Massachusetts Commission for the Deaf and Hard of Hearing, Boston, MA. Contract valid: February 7, 2003 to present.

NH State Licensed: Department of Education, Division of Adult Learning and Rehabilitation, Office of the Deaf and Hard of Hearing, Concord, NH. License valid: June 8, 2002 to present.

Professional Associations:

Certified Member, National Registry of Interpreters for the Deaf

Member, International Medical Interpreters Association

Member, Massachusetts Registry of Interpreters for the Deaf

Education:

Deaf Studies, Sign Language Interpreter Certificate Program: Northern Essex Community College, Haverhill, MA. Degree Received: May, 2002.

Bachelor of Science, Animal and Biological Sciences, 1995: University of Vermont, Burlington VT.

- Concentrated in genetics and dairy science.

Professional Experience:

Community Interpreter, various locations in the Southern New England area, July 2002 to Present.

- Serving as a freelance American Sign Language Interpreter, throughout the Deaf and Deaf-Blind Communities, specializing in the medical field.
- Providing interpreter services to multiple agencies, businesses, corporations, and entities throughout Southern New England.

Honors and Activities:

Newburyport Commission on Disabilities: Appointed by the Mayor of Newburyport, January 2014 to Present.

- Serving as Commission Secretary/Treasurer since April 2014.
- Serving the City of Newburyport and its residents and visitors, to promote accessibility within all aspects of the City.

Cure SMA: Elk Grove Village, IL.

- New England Chapter Vice President, November 2014 to Present.
- Cure SMA 5K Race Director, 2016 to Present. Grew a grassroots fundraising 5K to over 250 participants per year, fundraising over \$100,000 to date.

University of Pennsylvania School of Medicine, Orphan Disease Center: Spinal Muscular Atrophy Patient Advisory Board: Philadelphia, PA.

- Serving in an advisory role January 2018 to January 2019.

References:

Available upon request



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

RECEIVED
CITY CLERK'S OFFICE
NEWBURYPORT, MA
2023 FEB -8 A 10: 07

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 13, 2023

Subject: Re-Appointment

I hereby re-appoint, subject to your approval, the following named individual as a full-time Registrar for the Newburyport Board of Registrars. This term will expire on March 1, 2026.

Susanne F. Gallagher
3 Garnet Street
Newburyport, MA 01950

ORDERS

CITY OF NEWBURYPORT



IN CITY COUNCIL

ORDERED:

February 27, 2023

Resolution in Support of Changing the State Flag & Seal of Massachusetts

Whereas the history of the Commonwealth is replete with instances of conflict between the European Colonists and the Native Nations of the region, who first extended the hand of friendship to the Colonists on their shores in 1620, and helped them to survive starvation during the settlers' first winters on their land;

Whereas members of the Native Nation for whom the Commonwealth of Massachusetts is named were ambushed and killed by Myles Standish, first commander of the Plymouth Colony, in April of 1623, barely two years after the Pilgrims arrived on their shores;

Whereas the naked Colonial broadsword brandished above the head of the Native man on the Massachusetts State Flag and Seal is modeled after Myles Standish's own broadsword, borrowed for that purpose from the Pilgrim Hall in Plymouth by the illustrator Edmund Garrett in 1884;

Whereas the belt binding the Native's cloak on the Flag and Seal is modeled after a belt worn by Metacomet, known to the English as King Philip, who was among the Wampanoag leaders who resorted to a mutually destructive war in 1675-76 in defense of Native lands against Colonial encroachment;

Whereas the proportions of the body of the Native man in the Flag and Seal were modeled from a Native skeleton kept in Winthrop, the bow modeled after a bow taken from a Native man shot and killed by a colonist in Sudbury in 1665, and his facial features taken from a photograph of an Ojibwe chief from Great Falls, Montana, considered by the illustrator to be a "fine specimen of an Indian," though not from Massachusetts;

Whereas the history of relations between Massachusetts since Colonial times and the Native Nations who continue to live within its borders includes the forced internment of thousands of so-called "praying Indians" on Deer Island, in Boston Harbor, where they died by the hundreds of exposure in 1675, their subsequent enslavement in Boston, Bermuda, and the Caribbean Islands, the offering of 40 pounds sterling as bounty for the scalps of Native men, women and children in Massachusetts beginning in 1686, increased to 100 pounds sterling for the scalps of Native adult males by 1722, half that amount for Native women and children;

Whereas Native Americans were legally prohibited from even stepping foot into Boston from 1675 until 2004, when that law was finally repealed;

Whereas the 400th anniversary of the landing of the colonists at Plymouth Plantation in the year 2020, afforded every citizen of the Commonwealth a chance to reflect upon this history and come to an awareness of the possibility of a better relationship between the descendants of Colonial immigrants and the Native Nations of the Commonwealth;

Whereas Native Americans have long suffered the many abuses of racism, the appropriation of their symbols for public schools and sports teams, the loss of their ancestral lands and the encroachment of their cultural lifeways;

Whereas the area now known as the City of Newburyport shares a rich Native history with modern tribal Nations like the Massachusett, the Mi'kmaq, the Pennacook and the Wabanaki, who inhabited this area for thousands of years before the first colonial settlers arrived in 1635;

Now, therefore, **BE IT RESOLVED** that the City of Newburyport hereby adopts this resolution in support of the work of the Special Commission Relative to the Seal and Motto of the Commonwealth, established by a Resolve of the General Court in 2021 and appointed by the Governor to recommend changes to the current flag and seal of Massachusetts, and **in support of a new seal and motto for the Commonwealth** that may better reflect our aspirations for harmonious and respectful relations between all people who now call Massachusetts home. The city clerk shall forward a copy of this resolution to Sen. Marc Pacheco and Rep. Antonio Cabral, who serve as members of the Special Commission on the Seal and Motto of the Commonwealth, and to Sen. Bruce Tarr and Rep. Dawne Shand with the request that they support the work of the aforementioned Special Commission and advocate for a new flag and seal for the Commonwealth.

Councillor Heather L. Shand

CITY OF NEWBURYPORT



IN CITY COUNCIL

ORDERED:

February 27, 2023

EMERGENCY PREAMBLE

Pursuant to Charter Section 2-9 (b) and as further defined in Section 1-7(7) an emergency exists due to the fact that the matter referenced in ORDR00424_02_27_2023, the calendar of elections, contains certain dates that need to be entered into the State election system before the end of February.

Therefore, the City Council hereby affirmatively declares that an emergency exists such that ORDR00424_02_27_2023 may be voted upon at its first introduction to this Council.

Councillor Heather L. Shand

CITY OF NEWBURYPORT



IN CITY COUNCIL

ORDERED:

February 27, 2023

CITY OF NEWBURYPORT ELECTION CALENDAR

1. Wednesday, March 1, 2023 at 8:00 a.m. First day and hour to obtain nomination papers.
2. Friday, July 28, 2023 at 5:00 p.m. – Last day and hour to obtain nomination papers.
3. *Tuesday, August 1, 2023 at 5:00 p.m. – Last day and hour to submit nomination papers to the Board of Registrars of Voters for certification of signatures.
4. Tuesday, August 15, 2023 at 5:00 p.m. – Last day and hour to submit nomination papers certified by Board of Registrars to City Clerk.
5. Thursday, August 17, 2023 at 5:00 p.m. – Last day and hour to file withdrawals of/or objections to nomination papers with the City Clerk.
6. Friday, August 18, 2023 at 10:00 a.m. – Drawing by lot for positions on ballot for **Preliminary Election of September 19, 2023** in Council Chamber.
7. Saturday, September 9, 2023 at 5:00 p.m. – Last day and hour to register voters for **Preliminary Election**
8. **Tuesday, September 19, 2023** – **Preliminary Election** (if necessary)
9. Friday, September 22, 2023 at 10:00 a.m. – Drawing by lot, of positions on ballot for **Municipal Election of November 7, 2023** in Council Chamber.
10. Monday, September 25, 2023 at 5:00 p.m. – Last day and hour to file recount petition with City Clerk for **Preliminary Election**.
11. Saturday, October 28, 2023 at 5:00 p.m. – Last day and hour to register voters for **Biennial Municipal Election**
12. Tuesday, October 31, 2023 – Last day to post warrant.
13. **Tuesday, November 7, 2023** – **Biennial Municipal Election**

14. Friday, November 17, 2023 at 5:00 p.m. – Last day and hour to file recount petition with City Clerk.

*Board of Registrars need not certify more names than required plus 20%. Certified signatures of at least fifty (50) voters are the minimum necessary for placement on the preliminary ballot (M.G.L. Ch. 43, Section 44C).

Councillor Heather L. Shand

CITY OF NEWBURYPORT



IN CITY COUNCIL

ORDERED:

February 27, 2023

THAT, The CITY COUNCIL of the City of Newburyport accepts with gratitude a gift from the Exchange Club of Greater Newburyport, in the amount of \$600.00 to be used for the purpose of sponsoring two camperships with Newburyport Youth Services in memory of member Bob McGrail, who passed in 2019. Said funds are accepted in accordance with M.G.L. Chapter 44, Section 53A.

Councillor Sharif I. Zeid

Exchange Club to sponsor camperships

The Exchange Club of Greater Newburyport is sponsoring two camperships with the Newburyport Youth Services in memory of member Bob McGrail, who died in 2019.

With funds collected from donors to the New England District Exchange Clubs Foundation, the camperships will allow those with financial need to participate in summer or after-school activities that might otherwise be out of reach.

McGrail was a charter member of the club, a past local president and one of the club's two district presidents. But more than that, he was for many years the heart and soul of the club with his lively personality and his dedication to both the club and to community service. He had a classic way of making each person he met feel special. And, he had a special fondness for projects that enriched the lives of children.

The club will continue to fund these sponsorships each year into the future. In that way, McGrail's spirit of giving lives on in a way that would have been special to him

The Exchange Club, established locally in 1976, is part of the National Exchange Club, founded in 1911, to provide community services that make our communities better places in which to live.

Stuart Deane

President

Exchange Club of Greater Newburyport

CITY OF NEWBURYPORT



IN CITY COUNCIL

ORDERED:

February 27, 2023

THAT, the City Council of the City of Newburyport, in accordance with M.G.L. c. 44, §21C and upon the recommendation of the Mayor, hereby authorizes the following lease purchase financing agreements for the acquisition of equipment that may be acquired through the issuance of debt under M.G.L. c. 44 or improvement of a capital asset the improvement of which may be financed by the issuance of debt under M.G.L. c. 44, the term of such agreement not to exceed the useful life of the equipment or improvement as determined by the Mayor, and to authorize the departments specified below to enter into such agreements on behalf of the City or to take any other action relative thereto.

<u>Equipment/capital asset</u>	<u>Borrowing Amount</u>	<u>Maximum Term</u>	<u>Authorized Department</u>
Police Cruisers (2)	\$85,000	3 years	Police Department

Councillor Sharif I. Zeid



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: President and Members of the Newburyport City Council

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

Date: February 21, 2023

Subject: Police Cruisers Lease Authorization

The Police Department requests authorization to finance two police cruisers with lease-to-purchase agreements. All payments and borrowing costs will be funded by the existing Lease of Vehicles line item in the budget (01210008-58502). Per [IGR 19-9](#), City Council authorization, by a two-thirds majority vote, is required for all borrowing, including lease purchase financing agreements.

Below is a summary of the proposed acquisition and estimated annual payment:

2023 Chevy Tahoe (2)	\$113,139
Down Payment	-\$31,712
<hr/>	
Lease Amount	\$81,427
<i>Borrowing Authorization Request</i>	<i>\$85,000</i>
Est. Annual Payment (3 Year Term)	\$28,000

Thank you for your consideration.

CITY OF NEWBURYPORT



IN CITY COUNCIL

ORDERED:

February 27, 2023

THAT, The CITY COUNCIL of the City of Newburyport accepts with gratitude a gift from the Newburyport Youth Soccer Association, in the amount of \$1,920.65, to be used for the purpose of installing two LED lights at the Cashman Park soccer fields as approved and recommended by the Parks Commission. Said funds are accepted in accordance with M.G.L. Chapter 44, Section 53A.

Councillor Sharif I. Zeid

CITY OF NEWBURYPORT



IN CITY COUNCIL

ORDERED:

February 27, 2023

AN ORDER TO APPROVE AND ISSUE A REQUEST FOR EXPRESSIONS OF INTEREST (RFI) IN RELATION TO THE FORMER BROWN SCHOOL PROPERTY

WHEREAS, on April 11, 2022, the City Council approved Order 324 (ORDR00324_03_14_2022), as amended, establishing the Ad Hoc Committee on Adaptive Reuse of the Brown School Property; and

WHEREAS, on September 27, 2022 the City Council approved Communication 432 (COMM00432_09_12_2022) amending the Membership and Proposed Timeline referenced in the prior Order 324, including anticipated completion of the Committee's work by February 2023; and

WHEREAS, the Ad Hoc Committee on Adaptive Reuse of the Brown School Property has met several times since its establishment, and on February 22, 2023 a vote was taken to approve the attached outline for substantive terms to be included within a Request for Expressions of Interest (RFI) in relation to future uses of the former Brown School property in advance of any formal vote of surplus property designation, authorization for disposition and issuance of a Request for Proposals (RFP); and

WHEREAS, said RFI is not a formal procurement/disposition process intended to satisfy the statutory/regulatory prerequisites for legal disposition (*sale/lease*) of municipal property, and the results and any responses thereto shall not be binding on the City; and

WHEREAS, the purpose of this RFI is to gather sufficient information from the private and non-profit sector as to what adaptive reuse options may be feasible and of interest in the current market;

NOW, THEREFORE, the City Council hereby approves the attached outline for substantive terms to be included within a Request for Expressions of Interest (RFI) for the former Brown School Property; and

FURTHER, the City Council hereby forwards this approved outline to the Mayor and Director of Planning and Development with a request for their assistance: (a) towards the issuance of an RFI consistent with the attached outline; and (b) by forwarding a copy of all formal responses to said RFI ultimately received to the City Council for review and consideration in relation to any final disposition and adaptive reuse of the former Brown School property; and

FURTHER, upon approval of this Order the Council's Ad Hoc Committee on Adaptive Reuse of the Brown School shall be dissolved forthwith.

Councillor Heather L. Shand

Newburyport Brown School

Request for Information (RFI) Draft Outline

Revised 2/21/2023 (based upon 2/6/2023 committee meeting/edits made to a 1/31/2023 draft)

I. Objective

a. What is the opportunity?

The City of Newburyport is preparing to offer the former Brown School at 40 Milk Street for adaptive reuse for the production of affordable housing. To ensure a successful RFP process, the City is seeking scenarios for highest and best use(s) of the property based upon the redevelopment goals outlined in Section III below, which may not necessarily be the highest dollar value paid upon sale or disposition.

That portion of the property protected by Article 97 restrictions (see related Council Order) must be maintained and is not part of the RFI solicitation.

The City is open to reviewing concepts based on a fee interest sale of surplus property.

The property has a FY2023 total assessed value of \$6,262,200.

b. Who is the Review Authority?

To be determined. [Note from City Code Section 2-32: "The committee on general government shall be concerned with supervision of city properties whose custody has not been assigned to a specific municipal department."]

c. What is the solicitation?

- To ensure a successful RFP process, the City is seeking preliminary concepts and qualifications of development teams to assess feasibility of redevelopment scenarios and inform a future RFP.
- The City is using this solicitation to gather information on potential redevelopment scenarios. Since the City is not disposing of its interest in the property by way of this solicitation, it is therefore not subject to Uniform Procurement Act (Ch. 30B).

d. What is the solicitation process?

- The City is inviting responses from development teams that can demonstrate their ability to successfully preserve and reuse former school buildings for the production of affordable housing.
- After reviewing responses, the City will summarize and publicize the proposals to the Newburyport community and/or its City Council.
- The City may choose to invite all respondents for informational interviews in a fair and transparent manner.
- The City may or may not move forward with issuance of an RFP for Brown School at the conclusion of this solicitation.

II. Background

- a. Location of property, neighborhood context
- b. Brief history of Brown School: previous and current uses
- c. Site and building conditions: reference past studies and plans (i.e., feasibility studies, housing production plan)
- d. Regulatory conditions: existing zoning and other restrictions (i.e., park use, demolition of school building prohibited)

III. **Redevelopment Goals**

Include a summary of community feedback collected in past public outreach. Based on ad-hoc committee feedback:

- Production of affordable housing with a preference for older adults aged 62 and above. All affordable units must meet the requirements for inclusion in the Department of Housing and Community Development's (DHCD) Subsidized Housing Inventory (SHI) at no less than 60% AMI.
- Regardless of elevators service it is preferred that any accessible housing units be located on the ground floor.
- Highest and best uses of the grounds and existing structures
- Preservation of the existing gym as a community space, if at all possible.
- A financially feasible project that allows the City to remain fiscally solvent
- A development approach that includes a robust community engagement process

IV. **Submission requirements**

a. Qualifications

- Development team members: Provide resumes for each member to demonstrate that the team has qualified professionals to accomplish the project successfully.
- Development team experience: Provide a narrative illustrating the team/organization's mission and areas of expertise. Describe the team's experience in similar projects within the past 5 years. Include information on team's relevant experience on permitting and financial capacity to successfully complete the project.

b. Development concept

- Prepare one or more development concepts based on highest and best uses of the property and buildings. Each concept must be accompanied by a narrative including assumptions relative to zoning and permitting for the project (i.e., what zoning changes, if any, are expected and anticipated permits, etc.), and timelines to secure necessary permits.
- *"All responses should be responsive to the redevelopment goals outlined in Sec. III to the greatest extent feasible, recognizing that there may be variation in the mixture of uses proposed by each respondent, the type, percentage and depth of affordable housing units proposed, etc. Where an adaptive reuse concept cannot adhere to, or be permitted under, the existing Brown School Overlay District (BSOD) zoning or does not involve preservation of the existing gym space, respondents shall provide a written explanation as to why modification of the BSOD zoning or removal of the gym would be necessary to facilitate the proposed project, for the purposes of financing or as otherwise required for overall feasibility."*

c. Project financing

- Provide a preliminary pro forma, including sources and uses of funds.
- Provide a brief narrative on how the development team plans to utilize proposed financing sources, including permanent loans, DHCD subsidies, tax credits, local funding sources, and other grant programs.

V. **Review**

The City will review responses based on, but not limited to, the following criteria:

- a. Completeness of proposal and inclusion of all submission requirements

- b. Responsiveness to redevelopment goals as outlined in Sec. III
- c. Demonstration of ability to successfully execute similar projects
- d. Qualifications of development team

VI. **Important dates**

- a. RFI available date
- b. Site tour
- c. Questions deadline
- d. Proposals due

CITY OF NEWBURYPORT



IN CITY COUNCIL

ORDERED:

NEWBURYPORT CITY COUNCIL RULES (2023) As Amended

Proposed Amendments as follows, with deletions ~~double-stricken-through-in-bold~~, and additions double-underlined and in bold:

PURPOSE

Pursuant to the City of Newburyport Home Rule Charter (Charter), except as otherwise provided by the General Laws of the Commonwealth of Massachusetts (General Laws) or by the Charter, the legislative powers of the City Council of the City of Newburyport (Council) may be exercised in a manner determined by it. The purpose of these rules of the Council (Rules) is to establish in writing the manner in which the Council shall exercise its legislative powers.

ORGANIZATION

Rule 1. No later than December 31 after each regular municipal election, the City Clerk (Clerk) shall provide notice to each member of the Council for the coming two-year legislative session of the date, time, and place of the first meeting of the Council in the next calendar year, to be known as the Inaugural Meeting.

Rule 1A. At the Inaugural Meeting, the Council shall, by majority vote of all its 11 members, notwithstanding any vacancies (Full Council), elect a President from within its membership. The City Clerk (Clerk) shall preside at the Inaugural Meeting until such time as a President is elected. The Full Council shall vote to set the date of its next regular meeting before it may vote to adjourn the Inaugural Meeting.

Rule 1B. No later than at its next meeting after the Inaugural Meeting, the Council shall, by majority vote of the Full Council, adopt its Rules for such calendar year.

Rule 1C. No later than at its next meeting after the Inaugural Meeting, the Council shall, by majority vote of the Full Council, adopt a schedule of regular meetings of the Council for the remainder of such calendar year.

Rule 1D. In the second year of each two-year legislative session, no Inaugural Meeting shall occur. Instead, at its first meeting of such calendar year, the Council shall, by majority vote of the Full Council: (1) elect a President from within its membership; (2) adopt its Rules for such calendar year; and (3) adopt a schedule of regular meetings of the Council for the remainder of such calendar year.

MEETINGS

Rule 2. Council meetings shall be held in the Council Chamber of City Hall or as a hybrid meeting, unless the President, or a majority of the Full Council, determine by any means reasonable and practicable, and give written notice to all members, that such meeting will be held in an alternate location or as a remote meeting.

Rule 2A. Special meetings of the Council shall be held at the call of the President, or any six (6) or more members, for any lawful purpose, by causing a notice of such special meeting to be delivered in hand or by email to residence of each member. This notice shall, except in an emergency of which the President shall be the sole judge, be delivered at least forty-eight (48) hours in advance of the time set, and shall specify the purpose or purposes for which the special meeting is to be held. The Clerk shall cause a copy of each such notice to be posted immediately, including on the City's Website, in accordance with applicable laws.

Rule 2B. If any meeting of the Council is in session at 10:30 pm, said meeting shall be adjourned until 7:30pm of the following evening, unless another date and time is voted by a majority of the Full Council. The regular Council meeting shall start at 7:00 pm.

HOLIDAYS

Rule 3. Except as otherwise provided in the Charter, whenever the day set by these Rules for any meeting of the Council, regular or special, shall fall upon a holiday, then such meeting shall be canceled or postponed to a date certain by majority vote of the Full Council.

PRESIDING OFFICER

Rule 4. The President, if present, shall preside at all meetings. In the absence of the President, the senior-most member in terms of consecutive, uninterrupted service on the Council shall serve during the absence of the President. If more than one member has served the same length of time, the Council shall elect a President Pro Tem by majority vote from the most senior Councillors in terms of consecutive, uninterrupted service on the Council.

DUTIES AND POWERS OF THE PRESIDING OFFICER

Rule 5. The presiding officer shall: preserve decorum and order; speak to points of order in preference to other members; decide all questions of order, subject to appeal to a super-majority of the Full Council; declare all votes, or permit the Clerk to do so; and perform any other duties consistent with the office that may be provided by charter, ordinance, or by other vote of the Council.

Rule 5A. If any member doubts a vote as declared, the presiding officer, without further debate on the question, shall require that a count be taken by roll call of the membership.

Rule 5B. During any meeting, whether regular or special, the presiding officer may, at any time, call for a five-minute recess.

RELINQUISHING THE CHAIR

Rule 6. When the presiding officer desires to relinquish the Chair, they may call upon any Councillor to take the Chair, but such call to the Chair shall not continue beyond the will of the presiding officer so relinquishing the Chair, or beyond an adjournment of the Council, except as hereafter provided. If the presiding officer wishes to express an opinion on any subject under debate, they shall relinquish the Chair as above provided, and shall not resume the Chair until they are through speaking, and all points of order arising therefrom have been decided by the Councillor presiding in their place. Notwithstanding the foregoing, the presiding officer may, however, state facts and give opinions upon questions of order without relinquishing the Chair.

COMMITTEES AND COMMITTEE BUSINESS

Rule 7. The President shall appoint all members to all City Council Committees, both standing and ad hoc, designate the Chair of each such Committee, who shall serve as its presiding officer, and fill any vacancies thereon as they arise. Likewise, the President may establish, dissolve, and/or reconfigure ad hoc Committees in his or her discretion, provided that such ad hoc Committees shall be re-established each two-year legislative session. Ad hoc committees may include members other than members of the Council for purposes of deliberation, but they may not vote. Except as otherwise provided in Rule 12, the Council shall, by a majority vote, refer each matter newly introduced through the Council agenda (Agenda) to a single Committee, either standing or ad hoc, for review at a public meeting of such Committee, before such matter may be acted upon again by the Council. Notwithstanding the foregoing, a Councillor may make all parliamentary motions, including a motion to receive and file the newly introduced matter.

Rule 7A. Pursuant to the Newburyport Code (Code), there shall be six (6) ~~nine (9)~~ standing committees of the Council, as follows, each consisting of three (3) members of the Council, and concerned with the matters specified for it in the Code:

- Committee on Budget & Finance
- ~~Committee on Education~~
- Committee on General Government
- Committee on Licenses & Permits
- Committee on Community Services ~~Neighborhoods & City Service;~~
- Committee on Planning & Development
- Committee on Public Works & Safety
- ~~Committee on Public Utilities~~
- ~~Committee on Rules~~

Rule 7B. Except as provided expressly otherwise in these Rules, a matter shall not be referred to more than one Committee, either separately or jointly, nor may a matter be referred to the Full Council sitting as the Committee-of-the-Whole except by super-majority vote.

Rule 7C. Committees may meet at any time, in open and/or executive session, at any place within the City of Newburyport, subject to the Massachusetts General Laws, the City Charter, and the Newburyport Code.

Rule 7D. Committees shall meet and review each matter referred to them by the Council no later than thirty (30) calendar days after such referral.

Rule 7E. Committee meetings may be cancelled when scheduled during any time when a declared snow emergency is in effect.

Rule 7F. During a meeting of the Council, the Chair of a Committee, whether regular or ad hoc, may remove any matter from such Committee to bring it to the floor for discussion by the Council, upon making a motion to do so, receiving a second from any other Councillor, regardless of Committee membership, and upon affirmative vote of the Full Council. Once such matter is before the Council (on the floor), any Councillor may then make a motion regarding such matter to approve it, not approve it, or refer it back to the original or to another Committee, and all parliamentary rules, including motions to amend, to table, and so on, shall be available, subject to these Rules.

Rule 7G. In the event that either: (a) the Committee has failed to meet and review a matter within the required 30 days under Rule 7D; or (b) the Chair of a Committee has failed to remove any matter from such Committee after (6) weeks of its original referral to such Committee, such matter may be removed from such Committee to bring it to the floor for discussion by the Council, provided that a petition signed by no fewer than two Councillors has been filed with the City Clerk--with copies to both the President and the relevant Committee Chair -- in accordance with Rule 16.

Rule 7H. Any matter that remains in Committee at the end of the Council's two-year legislative session shall die, unless a majority of the Full Council votes at its last meeting of such session to carry such item into the succeeding session. Any item that remains on the table at the end of the Council's two-year legislative term shall die, and may not be carried on.

Rule 7I. For any Committee item relating to the disposition of any real property, including, without limitation, purchase or sale, an appraisal of the fair market value of said real property, performed by a duly licensed professional based upon the requirements and guidelines of the current Uniform Standards of Professional Appraisal Practice (USPAP), shall be presented to the Council no fewer than seven (7) calendar days before such Committee item can be brought to the floor. The appraisal must be dated within twelve (12) calendar months of the date the relevant item is removed from Committee. The appraisal may be presented in Executive Session and/or may otherwise remain confidential in accordance with the City's Charter, and applicable law.

Rule 7J. Any Measure to authorize the issuance of a bond in an amount over \$500,000 shall not be removed from the committee to which it is first referred until the greater of thirty (30) calendar days or one (1) regular meeting of the City Council has elapsed since such referral.

SUFFICIENCY OF VOTE

Rule 8. The affirmative vote of a majority of the members present shall be sufficient to adjourn any meeting of the Council or its Committees.

Rule 8A. Except as expressly provided in these Rules, the affirmative vote of a majority or super-majority, as may be required by law, of the Full Council, rather than of the quorum present, shall be required to adopt any ordinance, order, or other vote or proceeding adopted, or which might be adopted

(Measure). Consistent with the Charter, Measures include, without limitation, all transfers, expenditures, and acceptance of funds, which shall be put into effect by an order of the Full Council.

MANNER OF VOTING

Rule 9. The Council and each of its Committees, standing and ad hoc, shall vote at a duly noticed public meeting, unless otherwise permitted under the Open Meeting Law.

Rule 9A. A vote to confirm Mayoral Appointments on a second reading shall be by roll call of the Full Council.

Rule 9B. Approval of any ordinance shall require two (2) readings and two (2) roll-call votes to be held at separate City Council meetings, while approval of any other Measure requires one (1) reading and one (1) vote, which, except in the case of bond order, may be by voice vote. Amendments to any motion to approve, not approve, or to refer back to Committee may be recorded by voice vote, including such parliamentary motions in regard to an ordinance. Following its passage on first reading, such ordinance shall be timely posted to the City's Website, as defined in the Charter, in a manner prescribed by the City Clerk. Notwithstanding the foregoing, pursuant to the Charter, votes regarding Mayoral Appointments shall be treated specially under Rule 20.

Rule 9C. At the Inaugural Meeting, the Clerk shall begin the order of roll-call voting throughout such meeting with that Councillor whose last name is first in alphabetical order. At each successive meeting that requires a roll call vote or votes, the Clerk shall begin roll calls throughout such meeting with the Councillor whose last name follows the previous Councillor in alphabetical order until the last meeting of the two-year legislative term. Notwithstanding the foregoing, the Clerk shall, for all votes at all meetings, call the President to vote last.

Rule 9D. In the event that a member of the Council or one of its Committees wishes to have his or her vote recorded differently after announcement of the results of a roll call vote by the Clerk or presiding officer, the member must receive unanimous consent from every other present member of the Council or the Committee, as the case may be.

Rule 9E. A motion to table once seconded is not debatable, but clarifying points of information shall be allowed for the purpose of understanding the effects of such proposed tabling.

GAINING THE FLOOR

Rule 10. All Councillors, when desiring to speak on a matter, shall raise their hands and respectfully address the President, and wait until recognized by the presiding officer.

Rule 10A. Once recognized by the President, the Councillor shall stand to speak on the matter. A Councillor shall remain standing while speaking, and shall sit down to indicate to the President the conclusion of the Councillor's speech.

Rule 10B. No Councillor shall speak a second time on any motion until each Councillor has the opportunity to speak once, however the President may permit a Councillor to speak out of turn to respond to questions directed to them by another Councillor.

Rule 10C. In speaking, members shall at all times confine themselves to the motion in order, shall use parliamentary language and appropriate demeanor, and shall strive to refer to all other members by their ward or as an At-Large Councillor, or as the Chair or a member of a particular Committee, etc., rather than by their first or last names.

Rule 10D. No member shall leave a Council or Committee meeting while it is in session to seek or accept counsel, nor may such member while away from such meeting exchange information pertaining to an item on the meeting agenda, nor to conduct any other city business.

Rule 10E. The Council President and Committee Chairs, as the case may be, shall have the responsibility and discretion for recognizing speakers other than Council or Committee members. Any member of the Council or a Committee may request of the presiding officer recognition of a speaker other than a member, but the presiding officer's determination whether to grant such recognition shall not be appealed.

SPONSORSHIP OF MATTERS

Rule 11. With the sole exception of a Mayoral Appointment, as described in Rule 20, no Measure or other matter beside a Communication, of any kind, shall be placed on the Agenda by any City official or other person, including, without limitation, the Mayor, nor may it be acted upon by the Council, unless it is sponsored by a member of the Council. Each such matter carried over from a previous, two-year legislative term must be sponsored by a current member of the Council.

Rule 12. Except in the case of an Emergency Measure, as regulated under the Charter, the Council shall not pass or otherwise adopt any Measure until it has first been reviewed at a public meeting of a Committee in accordance with Rule 7.

Rule 12A. Failure of by any person, including, without limitation, an applicant or a city official, to meet a deadline, specified by law, regulation, or rule shall not constitute an Emergency. For example, and without limitation, the Council shall not approve a license or permit, or otherwise authorize, any person to use public property for a road race or other event by Emergency Measure solely because such event is scheduled to occur before the Council's next meeting.

Rule 12B. Pursuant to the Charter, no Measure making a grant, renewal, or extension, whatever its kind or nature, or a franchise or special privilege, shall be passed as an emergency measure, and, except as provided by the laws of the Commonwealth, no such grant, renewal, or extension shall be made otherwise than by ordinance.

Rule 12C. Pursuant to the Charter, an Emergency Measure shall become effective immediately upon its adoption without signature by the Mayor, or at such later time as the emergency measure expressly provides.

Rule 12D. In the event that a sponsor of any Measure or other matter is not present physically or telephonically at a meeting of the Council when the Clerk reads such Measure or other matter, then the Council shall not consider such Measure or other matter, unless all sponsors of such measure have presented a written statement requesting the Council to proceed in the absence of such sponsor.

WITHDRAWING ITEMS FROM THE AGENDA

Rule 13. After a Measure or other matter is reached on the Agenda and read aloud by the Clerk, it shall be deemed to be in possession of the Council, and shall be disposed of in some matter by vote. At any time prior to a Measure or other matter being brought before the Council through such reading, it may be withdrawn provided all sponsors so notify the President or the Clerk.

RECONSIDERATION

Rule 14. Notwithstanding Rule 9D, after a vote has been taken on a Measure or other matter, it shall be in order for any member voting with the prevailing side to move reconsideration thereof at the same meeting at which the vote was taken, and such motion shall be disposed of accordingly. Alternatively, such member may file with the Clerk, not later than noon of the next business day following such meeting, written notice of a motion to reconsider such vote. After receiving such written notification from a member, the Clerk shall place the motion for reconsideration on the Agenda for the next regular meeting of the Council, and the Clerk shall forthwith, either verbally or in writing, notify the Full Council of such filing.

DUTIES OF THE CLERK

Rule 15. The Clerk shall attend and keep all records of all meetings of the Council, shall record the names of the members present, shall record the vote of members on roll calls, and shall have the care and custody of the City records, and all documents, plans, and papers pertaining to the business of the Council. The Clerk shall also, at the request of a member, assist in the drafting of items to be presented at the meetings of the Council. The Clerk shall cause notice to be made to each Councillor of each meeting of the Council, regular and special, and of Committee meetings, and shall also post notice on the City Website at least 48 hours prior to commencement.

DEADLINE FOR AGENDA ITEMS

Rule 16. Printed materials regarding any matter, including, without limitation, the full text of new Measures, to be considered by the Council at its next regular meeting shall be presented in complete form to the Clerk not later than 9:00 am on the Wednesday preceding such regular meeting. Notwithstanding the preceding sentence, not later than 4:00pm on the Wednesday preceding a regular meeting, Committee Chairs shall submit to the Clerk the text of any Measures they intend to remove from Committee and put into the possession of the full Council. Except as otherwise provided under Rule 18A, papers presented after these times shall be considered Late-Filed Items, which shall not be taken up without a suspension of these Rules, which requires a super-majority vote of the Council. The provisions of this Rule 16 apply to all persons, and in all cases, without exception, including to all members and other City officials, such as the Mayor and Department heads, as well as the public.

AGENDA AND PACKET

Rule 17. For each meeting of the Council, the Clerk in consultation with the President shall compile the Agenda of all matters to come before the Council at such meeting, in accordance with the order of business listed below, and shall make available to the public such Agenda and all supporting documents (together, Packet) to be considered by the Council by 5:00 pm of the fourth (4th) calendar day prior to such meeting; provided, however, that in the case of a special meeting the Agenda shall be made available as otherwise provided by law and these Rules, and no Packet shall be required. The Clerk shall cause a digital ~~printed~~ copy of the Packet to

be delivered to each Councillor by their email ~~individually preferred means~~, and to be posted on the City Website at least 48 hours prior to commencement.

Items that are to be added to the Agenda as Late-Filed Items must be submitted for approval to be placed on the Agenda immediately following the Call to Order.

The order of business for the Agenda shall be as follows:

- ~~1.~~ Moment of Silence
- ~~2.~~ Pledge of Allegiance
- ~~3.~~ Call to Order
- ~~4.~~ Late-Filed Items
- ~~5.~~ Public Comment
- ~~6.~~ Proclamations
- ~~7.~~ Mayors Comment
- ~~8.~~ Consent Agenda
 - ~~a.~~ Approval of Minutes
 - ~~b.~~ Communications (including Applications)
 - Transfers
 - ~~c.~~ Orders ~~(including Transfers/Appropriation Orders)~~ and Resolutions
 - ~~d.~~ First Reading of Mayoral Appointments
 - Items to be removed from Committees with approval of the Consent Agenda
- ~~9.~~ Regular Agenda
 - Second Reading of Mayor's Appointments
 - ~~10.~~ Communications
 - Transfers
 - ~~11.~~ Orders ~~(including Transfers/Appropriation Orders)~~ and Resolutions
 - ~~12.~~ Ordinances
 - ~~13.~~ Committee Reports (including all Measures with any amendments or revisions for the Council to consider)
 - ~~14.~~ Good of the Order
 - ~~15.~~ Adjournment

Rule 17A. The Consent Agenda shall be reserved for routine and non-controversial matters that may be considered apart from the rest of the Agenda and approved collectively and without debate.

The President has the sole discretion to place matters on the Consent Agenda excepting Committee Measures. Pursuant to the deadlines set in Rule 16, Committee Chairs may ask the Clerk to place Committee Measures on the Consent Agenda. This rule shall not be construed to limit or alter other rules relating to removing measures from Committee including, without limitation, Rules 7F and 7G. The retention thereon of any measure in the Consent Agenda is subject to the unanimous consent of the members present when the Council reaches the Consent Agenda during its meeting. Committee items removed from the Consent Agenda shall be handled during the regular agenda under the measure's respective Committee report, under Rule 7F.

The Clerk shall read matters on the Consent Agenda by title only. At any time before the Council acts upon the Consent Agenda, any member of the Council may cause any matter or matters listed upon the Consent Agenda to be removed and then placed into the appropriate portion of the regular Agenda, either by providing written notice to the President and/or the Clerk, or, alternatively, by rising and so requesting by motion. The Council shall then, without debate permitted, vote collectively on all matters remaining on the Consent Agenda, by simple majority of the Full Council. Such vote may be conducted by voice vote at the discretion of the presiding officer.

Rule 17B. Supporting ~~copied (paper copy)~~ documents for Council agenda items shall be digitally placed in the Packet and provided to Council members ~~only the first time the item is introduced to the Council. Subsequently, as items are taken up for debate, whether in committee or during regular meetings, it shall be the responsibility of each Councillor to have retained the documents for reference.~~ Notwithstanding the foregoing, the electronic version of the packet, posted on the website, shall be complete.

PUBLIC COMMENT

Rule 18. There shall be designated a Public Comment time during each meeting of the City Council. The procedure for this comment time is listed below:

1. Individuals who wish to speak before the Council, whether on their own behalf or on behalf of a group, must sign in on the door of the Council Chamber prior to the start of the Public Comment segment of the meeting. Each speaker must provide his or her name and the address where they reside permanently (i.e. legal domicile), and indicate which Agenda item they will be speaking on. The President will advise attendees of their right to speak and responsibility to sign-up.
2. Two minutes allotted to each speaker.
3. One opportunity per individual to speak.
4. Comment must be related to an Agenda item.
5. Speakers who are attorneys shall disclose the identity of all clients whose interests are materially affected by the Agenda item upon which they speak.

Rule 18A. There shall be designed a Mayor's Comment time during each regular meeting of the City Council. The procedure for this comment time is listed below:

1. To address the Council during the Mayor's Comment period, the Mayor may provide notice to the President at any time prior to the Call to Order.
2. The Mayor will be allowed to speak for a total of seven (7) minutes.
3. The Mayor will be offered reserved seating on the front bench of the Council Chambers
4. Notwithstanding the normal deadline for written materials to be submitted to the City Clerk under Rule 16, the Mayor may submit a written report to the Full City Council not later than 11:00am on the day of the Council meeting, and such report shall not be deemed a Late-Filed item.
5. Nothing in this rule prohibits the Mayor from speaking otherwise in compliance with the Charter and these Rules.

PRESENTATIONS

Rule 19. To be included on the Council Agenda, presentations by individuals or groups must be sponsored by a Councillor ~~in~~ writing pursuant to Rule 16, and approved by the President, in which case such presentation shall be placed in the Communications segment of the Agenda, for a period not longer than twenty (20) minutes.

MAYORAL APPOINTMENTS

Rule 20. Mayoral Appointments do not require sponsorship by a member of the Council, but shall require two (2) readings and two (2) votes by the Council, the second such vote by roll call. For its first reading, each such appointment, including reappointments, shall be accompanied by submittal to the Clerk of the appointee's resume in accordance with Rule 16. The first reading shall be placed in the Consent segment of the Council's Agenda for referral to the Council's next meeting, sitting as the Committee of the Whole.

Rule 20A. As with any Consent Agenda item, a single member of the Council may move such item to the regular Agenda. As provided in the Charter, the Council may elect to refer any proposed Mayoral Appointment to a standing or ad hoc Committee, which shall review such appointment and may make a recommendation to the Full Council not fewer than seven (7) nor more than 45 days after such referral. Such Committee may require any person whose name has been referred to it to appear before such Committee, or before the Full Council, to give any information relevant to the appointment that the Committee of the Full Council may require. Notwithstanding the optional referral of proposed appointments provided for in this Rule 20A, appointments and reappointments of the following officers shall always be referred through the Consent Agenda to the standing committee with oversight over such board or commission:

- Members of the Board of Health
- Building Commissioner;
- Building Inspector;
- City Auditor/Director of Finance;
- City Librarian;
- City Treasurer;
- Director of the Department of Public Services;
- Members of the Conservation Commission and Conservation Agent;
- Harbormaster;
- Members of the License Commission;
- Members of the Newburyport Waterfront Trust board;
- Members of the Planning Board, Planning Director, and Zoning Administrator;
- Members of the Water and Sewer Commission; and
- Members of the Zoning Board of Appeal.

Rule 20B. The Health Director, upon appointment by the Board of Health, shall be placed in the packet for referral to the Committee on Public Works & Safety for review and recommendation to the full Council as a receive and file.”

MID-YEAR BUDGET REVIEW

Rule 21. Each calendar year, the Committee on Budget & Finance shall schedule and hold a public meeting to conduct a Mid-Year Budget Review as soon as practical after six (6) months of actual expenditures are available in written form, but no later than February 28. The Chair of the Committee shall cause the Finance Director to attend, pursuant to the Charter, the Chair shall invite all members of the Council, as well. Pursuant to the Charter, the Chair shall ask the Finance Director to distribute to the Full Council documentation in support of the Mid-Year Budget Review no less than two (2) weeks before such meeting, including a year-to-date actual budget summary. Further pursuant to the Charter, any member of

the Council may request that a Department Head be present at the Mid-Year Budget Review meeting, by making a request through the Chair of Budget & Finance.

ELECTRONIC COMMUNICATION DEVICES

Rule 22. The audible use of mobile phones, radios, and other electronic communication devices by any person, including members of the Council, but excepting on-duty public safety officers, is strictly prohibited within the Council Chamber while the Council is in session, and all such devices shall be turned off or otherwise made to be silent.

Rule 22A. Members of the Council may read from or listen to or otherwise obtain information from a computer, tablet, or other electronic device within the Council Chamber while the Council is in session, such as by conducting computer searches online.

Rule 22B. Except as otherwise permitted under the Open Meeting Law, no member of the Council shall, at any time while the Council is in session, be permitted to communicate with other people, either located within or without the Chamber, using such any electronic device, whether verbally or otherwise, audibly or inaudibly.

PARLIAMENTARY PRACTICE

Rule 23. In all matters of parliamentary practice not provided for in these rules, the Council shall use Robert's Rules of Order as a guide.

RECUSAL

Rule 24. Upon his or her recusal regarding a matter, a member of the Council or a Committee shall leave the room where the meeting is being conducted, and such member shall not be counted as part of the quorum on that matter. Notwithstanding the foregoing, a recused member may, if permitted under applicable law, remain in the room solely if they wish to give testimony on the matter.

Rule 24A. If the matter is to be addressed in open session, then the recusal shall be made orally and shall be included as part of the official public record. The recused member may obtain and review any records of such public discussions and/or action by the Council or Committee on the matter.

Rule 24B. If the matter is to be addressed in executive session, then the recusal must be made orally during the open session before the Council or Committee goes into such executive session and shall be included as part of the official public record. A member so recused shall not knowingly obtain or review a recording, minutes, or any other non-public information regarding such matter, other than the fact of his or her own recusal.

AMENDING THE RULES

Rule 25. Any amendment of these Rules shall require successful passage of an order by the Full Council, by simple majority, as provided in these Rules.

SUSPENDING THE RULES

Rule 26. Except as otherwise, expressly provided in these Rules, a motion to suspend the rules shall require a two-thirds super-majority vote of the Full Council.

REMOTE PARTICIPATION

Rule 27.

THAT, The CITY COUNCIL of the City of Newburyport hereby authorizes remote participation in meetings held by all City of Newburyport public bodies subject to the Open Meeting Law and pursuant to 940 CMR 29.10. For the purposes of this order, remote participation shall be permitted under the following terms and conditions:

Media: Telephone, internet, satellite enabled audio/video conferencing, or other similar technology may be used for remote participation provided that the participant and all in attendance can hear each other. If videoconferencing is used, the member participating remotely must be visible to all in attendance.

Quorum: A quorum of the public body, including the chair or, in the chair's absence, the person authorized to chair the meeting, must be physically present at the meeting location before an absent member may participate remotely.

Votes: If any member of the public body is participating remotely, all votes of the body, including those taken in open session, are required to be by roll call and the results of the roll must be recorded in the minutes.

Status: A member participating remotely may vote, and is not deemed to be absent from the meeting, including for purposes of MGL Chapter 39 Section 23D.

Reasons: Acceptable reasons for participating remotely include one or more of the following: personal illness, personal disability, emergency, military service or geographic distance. A member cannot participate remotely for convenience.

Notification: A member who will not be present at a meeting must notify the chair as far in advance as possible. The chair must announce at the beginning of the meeting the name of the person participating remotely and the reason. The categories listed above under Reasons may be used for this announcement such that a member's privacy rights are protected, especially with respect to illness or disability.

Technical Issues: If technical issues arise with the media connection, the chair must decide how to address them. Deliberations shall be suspended while the difficulties are addressed. If the remote member is disconnected during the meeting, the minutes must reflect this fact.

Use of Plans and Other Visuals: The chair or, in the chair's absence, the person authorized to chair the meeting, shall distribute to remote participants, in advance of the meeting, copies of all relevant documents, exhibits, and presentation materials used during the meeting. If a member of the public body is remotely participating in a public hearing relative to the issuance of any permit involving a site plan or architectural drawings, that member must utilize video conferencing such that all maps, plans or other presentation materials used or referenced

during the meeting are visible. This requirement for video conferencing is not necessary where the member has already received a copy of all relevant maps, plans, or other presentation materials and no new materials are introduced during the meeting.

Executive Session: There shall be no remote participation in any executive session including, but not limited to, any vote to go into or out of said executive session.

FURTHER, any City of Newburyport public body utilizing remote participation is required to comply with all provisions of 940 CMR 29.10 as summarized above, as well as all other requirements of the Open Meeting Law and all of the Massachusetts Attorney General's Division of Open Government's regulations.

COUNCIL GROUP EMAIL

Rule 28. There shall be a group council email with an address of citycouncil@cityofnewburyport.com. The intended use is for the public to contact all councillors without the use of individual emails. It is not to be used for any deliberation as defined in G.L. 30A et al.

Councillor Heather L. Shand

CITY OF NEWBURYPORT



IN CITY COUNCIL

ORDERED:

February 27, 2023

EMERGENCY PREAMBLE

Pursuant to Newburyport Charter Section 2-9(b), and as further defined in section 1-7(7) thereof, an emergency exists due to the exigency of the circumstances as described in the related order. Therefore, the City Council hereby affirmatively declares that an emergency exists such that ORDR00430_02_27_2023 may be voted upon at its first introduction.

Councillor Heather L. Shand

CITY OF NEWBURYPORT



IN CITY COUNCIL

ORDERED:

February 27, 2023

AN ORDER ISSUING A DEFERMENT FOR THE PAYMENT OF BUILDING PERMIT FEES BEFORE ISSUING A PERMIT FOR THE MINCO PROJECT AT 166 ROUTE 1

WHEREAS, MINCO's project to be located at 166 Route 1, the so-called Haley's 40R development, has already been approved by the Newburyport Planning Board and no other zoning approvals are needed for this project, and

WHEREAS, MINCO will begin construction of the Haley's 40R development later than anticipated because of market fluctuations, supply chain issues, and ongoing work on their other project in Newburyport; and

WHEREAS, MINCO has requested a deferment of payment of fees required for the building permit for the Haley's 40R development; and

WHEREAS, the City is confident in MINCO's intent to continue with the project and its ability to pay the building permit fee closer to the time of construction; and

WHEREAS, deferment of the payment of fees required for the building permit for the Haley's 40R development will further the creation of affordable housing in the public interest; and

WHEREAS, Section 5-62 of the City of Newburyport Code of Ordinances allows the City Council to issue a deferment, for good cause shown, with respect to the collection of the fee for a building permit.

NOW THEREFORE:

The City Council of the City of Newburyport, based upon the statements above-made, hereby finds that there is good cause for the deferment of fees for the building permit for the project located at 166 Route 1, Newburyport, MA.

This deferment is non-transferrable and is issued only to the developer currently applying for the building permit. This deferment allows the City to issue a building permit before the complete payment of the required fee described above. Said fees shall be collected prior to any inspection pursuant to 780 CMR, and no occupancy permit shall be issued until such required fee is paid to the City Treasurer/Collector.

Councillor Heather L. Shand



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

MEMORANDUM

TO: Honorable Members of the Newburyport City Council

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

CC: Sean R. Reardon, Mayor
Andrew Levine, Chief of Staff
Ethan Manning, Director of Finance
Greg Earls, Building Commissioner

RE: Temporary Deferment of Building Permit Fee – 166 Route 1 (Haley’s 40R Project)

DATE: February 23, 2023

The purpose of this memo is to provide a brief summary and rationale for the basis of expedited action by the Council at your February 27, 2023 regular meeting in relation to the following items also included/referenced within the Council packet:

1. An emergency preamble
2. An Ordinance amending our Code to allow for fee waivers in specific cases
3. An Order deferring payment of the required fee in this specific instance – a Building Permit Fee for 166 Route 1 (*otherwise known as the Haley’s 40R Smart Growth District development project*)

The 166 Route 1 (*Haley’s 40R*) development project has already been approved by the Newburyport Planning Board and no other zoning approvals are needed for this project, which represents the third such project permitted within the City’s 40R Smart Growth District, all of which have been undertaken by MINCO.

The City has benefited greatly from the new 40R Smart Growth District and these three projects, which are being constructed in sequence following market needs and available development financing. All three projects are rental projects and include no less than twenty-five percent (25%) of the units as so-called “affordable housing” as that term is interpreted and applied by state regulations and the Department of Housing and Community Development (DHCD) in particular. Based upon the high affordable housing requirement within the District as well as the rental model of MINCO’s development projects, the City is not only facilitating the creation of much needed affordable housing units within a new transit-oriented neighborhood, but the City has also benefited recently from a so-called “safe harbor” status under MGL 40B, due to the incremental progress the City is making towards the creation of qualifying new affordable units.

While MINCO would like to undertake construction of the Haley’s 40R development project immediately following the completion of their 3 Boston Way building, recent fluctuations in the markets have made it difficult to secure necessary materials and infrastructure for its completion. For example, they are still after many months awaiting

delivery of an electrical transformer. MINCO's ability to proceed with construction of the Haley's 40R development is therefore limited by the ability to finance this work simultaneously at the present time. They must first complete the 3 Boston Way project. MINCO has been an excellent partner in the development of new residential and mixed-use projects within the City's Smart Growth District, and in particular the creation of affordable housing units.

MINCO has applied for building permits to construct this Haley's 40R project in recent days. Obtaining this permit prior to March 3, 2023 would also allow the City to maintain our current "safe harbor" status under MGL 40B. This is because developers must obtain building permits within one year of local Smart Growth District plan approvals by DHCD's timelines. This next step has been delayed due to factors outside of MINCO's direct control, which do not threaten the timely completion of the project. Given the timeframes involved, the uniqueness of the circumstances here, and the financing constraints MINCO must work within, it would appear beneficial to the City to grant MINCO's request for a postponement or deferment of the sizable fee required for issuance of a Building Permit in a project of this magnitude. MINCO has not requested a waiver of the fee, but rather approval to submit the required fee closer to their start of actual construction. The City's Finance Director has confirmed that delaying the receipt of these funds would not affect the City's financial position. The Building Inspector is also comfortable with this approach as the City will have multiple approval points of the project in the future and the Developer must pay the full fee prior to receiving those further approvals.

MINCO has been able to expedite the development of architectural plans for submission to the Building Commissioner, but with only a few days left before March 3, 2023, the Building Commissioner does not have the ability to accept such a deferment on payment of the fee without Council approval of same. The proposed Ordinance amendment would incorporate a standard provision whereby the Council could waive or defer the payment of a codified fee under appropriate circumstances. The related Order would then authorize this specific instance of a deferred fee payment so that our collective progress in creation of affordable units can proceed as soon as is reasonably feasible, in line with the City's Smart Growth principles for the appropriate location of denser housing developments within the City.

Thank you in advance for your consideration.

ORDINANCES

CITY OF NEWBURYPORT



IN CITY COUNCIL

ORDERED:

February 27, 2023

THAT pursuant to the CITY OF NEWBURYPORT Code of Ordinances Section 13-180.1.(f)(1) hereby amends and approves the following schedule of parking fees and fines in the municipal parking garage as shown in Appendix B below:

Amended as follows, with deletions ~~double-stricken and italicized~~, and additions double-underlined and italicized:

<u><i>Inn Daily Permit for the Garage</i></u>	<u><i>\$16.00/per day</i></u>
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Inn is defined as a hotel/inn including conference and meeting facilities and bed and breakfast. Visitors may park overnight up to a maximum of seven (7) days.

Councillor James J. McCauley

CITY OF NEWBURYPORT



IN CITY COUNCIL

ORDERED:

February 27, 2023

Appendix B Municipal Fee Schedule

Section 2 Municipal Fees by Category

Sec. 2-G Licenses, permits, signs and business regulations

THAT the City Council of the City of Newburyport hereby amends Appendix B, Section 2 Municipal Fees by Category, Section 2-G Licenses, permits, signs and business regulations specifically the following fee for food trucks with deletions ~~double-stricken and italicized~~ and additions double-underlined and italicized:

2-G - Licenses, permits, signs and business regulations.

Lodging house licenses	Fees
Lodging houses	\$2.00
Bed and Breakfast	\$20.00
Transient Vendor/Food Trucks License	Fees
Annual notice for transient vendor license applications	\$10.00
Transient vendors, excluding food trucks	\$1,000.00
Food trucks	\$1,500.00 <u>\$350.00</u>

Councillor James J. McCauley

CITY OF NEWBURYPORT



IN CITY COUNCIL

ORDERED:

February 27, 2023

Appendix B Municipal Fee Schedule

Section 2 Municipal Fees by Category

Section 2-D – City Clerk (vital records, certification and parking).

The City Council of the City of Newburyport hereby amends Ordinance Section 2-D City Clerk (vital records, certification and parking specifically the following parking fines with deletions ~~double-stricken and italicized~~ and additions double-underlined and italicized:

Section 2-D – City Clerk (vital records, certification and parking).

Parking	Fee
Non-payment	\$25.00
Overtime	\$25.00
Over 1” from curb	\$20.00
Wrong position	\$20.00
Driveway alleyway	\$25.00
Crosswalks	\$30.00
No parking anytime	\$25.00
Loading zone	\$25.00
Fire lane	\$50.00
Double parking	\$25.00
Within 20’ intersection	\$25.00
Within 10’ fire hydrant	\$50.00
Unattended	\$35.00

Snow emergency	\$50.00
Handicap parking zone	\$100.00
Bus Stop	\$50.00

Councillor James J. McCauley

MEMO

TO: CITY COUNCIL

FROM: SHARIF ZEID

DATE: 2/21/23

Dear Colleagues,

I wanted to include a brief statement with this Short-Term Rental (STRU) ordinance submission to provide some context:

Why?

I am bringing forward this ordinance to try and provide a framework and structure for short-term rentals in the City. I have four primary, high-level goals for this proposal:

- 1) *To honor the previous work that was done*
With gratitude to the Ward 5 Councillor and the City Council, previous policy debate is honored herein.
- 2) *Simplification*
To shorten and make the ordinance simpler so that it would be more easily understood.
- 3) *To create logical and clearer terminology*
Clearer definitions for STRUs that serve as a platform to drive logical policy now and in the future.

Fourth, and finally, my overarching goal was to balance several divergent and challenging public policy goals that have been the center of the debate.

How?

Over the past many months, I have spoken with many stakeholders including those who generally favor STRUs, those who disfavor STRUs, Mayor Reardon, the Chief of Staff, the Planning Office (Director and Zoning Enforcement Officer), the City Solicitor, members of the City Council, and members of our land-use boards. This has resulted in numerous drafts and edits based on feedback received. This is not meant imply an endorsement by any of these individuals, but that a lot of groundwork has been done.

Specifically, the language of this proposed legislation has been passed through the City Solicitor, KP Law, for numerous rounds of review and edits.

About the proposal:

Philosophically, this proposal tries to separate the “residential” and “business” aspects of STRUs and pinpoint the nexus between them. I have found that some level of intertwining is unavoidable. Further, this proposal seeks to protect neighborhood residents by disallowing investor-owned STRUs and requiring parking. At the same time, this proposal allows for investor units (a “business” use) in the R3 district, which is a mixed-use district, centered on State Street, designed to reconcile business and residential uses. Finally, this proposal calls for permitting procedures that treat owner-occupied STRUs more simply (“by right”) than investor STRUs (special permit required). I ask you to consider this proposal through that lens.

Please know that this zoning proposal will still need the licensing (general law) ordinance as a companion. Based upon the response to this zoning proposal, I intend to reenergize the conversation about licensing.

I thank you, in advance, for your consideration of this proposal. I look forward to working together to come to a positive outcome for the benefit of the City.

Respectfully Submitted,
Sharif Zeid
Ward 1 City Councillor

CITY OF NEWBURYPORT



IN CITY COUNCIL

ORDERED:

February 27, 2023

A ZONING AMENDMENT TO ALLOW SHORT-TERM RENTAL UNITS IN SPECIFIED DISTRICTS

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

THAT the Zoning Ordinance of the City of Newburyport, Massachusetts (the “Zoning Ordinance”) be amended to insert new rows within Section V-D (Table of use regulations), and to add new definitions of allowable uses in Section V-E, as follows:

List of allowable uses:

Owner-Occupied Short-Term Rental Unit (OO-STRU) 111A: An STRU occupied by the Operator as the Operator’s Primary Residence or located on the same lot as the Operator’s Primary Residence and under common ownership. When required by this Ordinance, the Operator must be physically present at the Operator’s Primary Residence when the OO-STRU is occupied by renters.

Investor Short-Term Rental Unit (INV-STRU) 111B: An STRU located outside of the Plum Island Overlay District (PIOD) and not occupied by the Operator as the Operator’s Primary Residence. The Operator may be physically present at the lot when the INV-STRU is occupied by renters, but is not required to be so present, as set forth in this ordinance.

Plum Island Short-Term Rental Unit (PI-STRU) 111C: An STRU located within the Plum Island Overlay District (PIOD). The Operator may be physically present at the lot when the PI-STRU is occupied by renters, but is not required to be so present, as set forth in this ordinance.

USE	NUM	CON	HSR-A, HSR-B	R-1	R-2	R-3	B-1	B-2	B-3	I-1	I-1B	I-2	M	WMD	WMU
Owner-Occupied Short-Term Rental Unit (OO-STRU) ^(m)	111A	NP	p ^(l)	p ^(l)	p ^(l)	p ^(l)	p ^(l)	p ^(l)	p ^(l)	NP	NP	NP	NP	NP	NP
Investor Short-Term Rental Unit (INV-STRU) ^(m)	111B	NP	NP	NP	NP	SP ^(k)	SP ^(k)	SP ^(a)	SP ^(k)	NP	NP	NP	NP	NP	NP
Plum Island Short-Term Rental Unit (PI-STRU) ^(m)	111C	NP	NP	NP	NP	p ⁽ⁿ⁾	NP	NP	NP	NP	NP	NP	NP	NP	NP

- (k) The Zoning Board of Appeals shall be the Special Permit Granting Authority (SPGA) for this use in accordance with Section V-G. All STRU special permits shall lapse automatically after a period of three (3) years, shall be personal to the applicant, shall not be transferable, and shall not run with the land. In this context, “personal to the applicant” means that the special permit shall lapse sooner than the normal three-year duration if the applicant ceases to have a substantial ownership interest, direct or beneficial, in the STRU. By definition, all STRU use terminates after three (3) years, therefore, such use cannot become a lawful nonconforming use beyond that such time period.
- (l) Persons wishing to operate an OO-STRU, INV-STRU, or a PI-STRU use shall submit an online application for a Zoning Review by the Zoning Administrator. Only upon the issuance of a written Zoning Determination by the Zoning Administrator that “no zoning relief is required” shall this use be deemed allowed at a given location. By definition, all STRU use terminates after three (3) years, therefore, such review and approval shall be completed upon the earlier of (i) three (3) years since the date of the prior written Zoning Determination, and (ii) immediately upon any change-of-use, issuance of a building-permit requiring zoning relief, request for any other zoning relief such as Special Permits or variance, request for subdivision, approval not required (“Form A”) plan, or application to the Newburyport Conservation Commission, for the subject lot. Such Zoning Determination shall constitute a decision of the Zoning Administrator appealable to the Zoning Board of Appeals pursuant to MGL Chapter 40A Section 8 and Section X-H.5 of this Ordinance, and if so appealed, and if such use is approved by the Zoning Board of Appeals, the three (3) year life of such use shall begin from the date of such board’s decision, rather than that of the appealed Zoning Determination.
- (m) In addition to approval under the Zoning Ordinance, as further noted in Section V-G, all short-term rental uses require the issuance and maintenance of a valid License from the Licensing Commission pursuant to a related General Ordinance (Chapter 9, Article XI of the Newburyport Code of Ordinances).
- (n) Plum Island Overlay District only.

THAT the Zoning Ordinance further be amended to insert a new Section V-G, as follows:

1. **Purposes.** The purposes of this section V-G include
 - a. To define short-term rental use and regulate the use of short-terms rentals in the City;
 - b. With the overall well-being of residents and neighborhoods in mind, to strike a balance between competing interests such as the need for long-term rental housing and the benefits of STRUs
 - c. To minimize the adverse effects on residential properties and neighborhoods that may arise from residential properties being used as STRUs.
2. **Definitions.** Except as otherwise specified herein, all terms used in this Section V-G shall be as defined in 830 CMR 64G.00 (Room Occupancy Excise).

Certified Plot Plan: A stamped drawing, drawn to a measurable scale by a state-registered engineer or a state-registered land surveyor that shows a parcel of land, its boundary lines and total square footage, and locates all existing structures (e.g. house, decks, pools, garages, fences, driveways, sheds, and parking spaces).

Short-Term Rental Unit (“STRU”): A Residential Unit used for residential occupancy for a period of fewer than thirty-one (31) consecutive days per occupancy, and more than fourteen (14) cumulative days of per year, by a person or persons who do(es) not reside in the Residential Unit as their Primary Residence, in exchange for monetary payment or any other form of consideration.

Operator: A natural person who is an owner of record of the Residential Unit or is legally authorized to act in relation to the STRU as the owner of record. Such owner may be, without limitation, an individual owner, alone or together with others, a trustee of a trust, a manager of an LLC, or an officer of a corporation. A natural person legally authorized to act for the record owner shall be duly designated by the licensing authority as the responsible party for an STRU. Only one natural person may be the Operator of any given STRU.

Operator’s Agent: Any natural person who or entity that manages an STRU on behalf of an Operator, including a property manager, property management company, or real estate agency.

Primary Residence: The Residential Unit in which the Operator resides for no fewer than 183 days of every year and at which such residence the Operator (i) holds a valid Massachusetts Driver’s License or state-issued identification card, (ii) registers their automobiles, and (iii) is registered to vote in governmental elections.

Residential Unit: A Residential Unit is a lawful dwelling unit that makes up all or part of the three (3) following principal residential uses as identified in this Zoning Ordinance -- One-family (Use 101), Two-family (Use 102), and Multifamily (Use 103), or any such lawful uses if contained within a mixed-use structure (Use 405) -- in which the occupants must all have shared access to the same primary kitchen facility. For purposes of this Section V-G, the term “Residential Unit” shall not include any other use under this Zoning Ordinance, including, without limitation, Hotel, Lodging House, or Bed and Breakfast use.

3. Requirements and restrictions. Each STRU shall comply with the following requirements:

	Operator Residency	Operator Presence When Guests Present	Max Occupancy	STRU Parking Requirement (parking variances strictly are forbidden)	Max Days Per Year STRU may be used	Max number STRUs per Operator
Owner-Occupied Short-Term Rental Unit (OO-STRU)	Operator’s Primary Residence	No presence requirement for up to 120 days of short-term rental, must be physically present overnight for any night in excess of 120 days.	3 bedrooms, and 6 guests	1 bedroom offered = 0 additional spaces required 2 or 3 bedrooms offered = 1 added space required	No Limit, provided Operator is present as required	One (1) cumulatively
Investor Short-Term Rental Unit (INV-STRU)	No restriction	No presence requirement				
Plum Island Short-Term Rental Unit (PI-STRU)	No restriction	No presence requirement	6 bedrooms, and 12 guests	None	No Limit	No Limit

For clarity, any OO-STRU parking requirements, shown above, are separate and distinct from parking requirements for other uses at the same lot. For example, a single-family home that requires two (2) parking spaces, would require one (1) additional parking spaces, for a total of three (3) parking spaces, if a 2- or 3-bedroom STRU were to operate at the same lot.

4. Application Requirements for Any STRU. Each application for an STRU Zoning Review and/or special permit shall include all the following information, as applicable. Additional information may be required by the non-zoning, licensing process provided for elsewhere the Newburyport Code of Ordinances:

- i. Evidence that the Operator is the record owner of the STRU (e.g an Assessors Card), or is legally authorized to act in relation to the STRU as the record owner;
- ii. Address of the STRU and proposed STRU type (OO-STRU, INV-STRU, or PI-STRU);
- iii. For OO-STRUs and PI-STRUs – Public record site plan (e.g., an export from the online municipal Geographic Information System or “GIS”) that indicates: (1) Existing structure(s) at the property; (2) Location of any proposed STRU; and (3) Off-street parking area(s) to accommodate all uses of the property, including the proposed STRU.
- iv. For INV-STRUs – (A) A Certified Plot Plan, (B) proposed site plan that indicates: (1) proposed structure(s) at the property; (2) location of any proposed STRU; and (3) off-street parking area(s) to accommodate all uses of the property, including the proposed STRU, and (C) interior floor plan(s) that indicate (1) the bedroom(s) proposed for use by STRU guests, the Operator, and any other person occupying the proposed STRU, and (2) the location of kitchen facilities and/or bathrooms for use by occupants; and
- v. For any OO-STRU application, the applicant must provide a minimum of two (2) forms of valid proof of residency consistent with the definition of Primary Residence provided herein.

5. General Requirements for any STRU

- a. The Operator shall make those specific physical improvements as required by the Building Commissioner, Fire Prevention Officer, Board of Health and/or Zoning Administrator to achieve compliance with applicable law, prior to initiating such STRU use on the subject property.
- b. In the B-2 and B-3 zoning districts, each STRU shall be located solely above the first floor of the structure.
- c. There shall be no external, physical evidence (including any signs or other advertising) of the STRU to differentiate it in appearance from the single-family, two-family, multi-family residential or mixed-use premises in which it is located, nor from other residential properties similarly situated.
- d. The STRU shall not create excessive noise, fumes, odor, dust, vibration, heat, glare, or electrical interference nor shall they create litter or other common nuisances.
- e. Using an Operator's Agent does not relieve the Operator of any of their duties to comply with every provision of this Section V-G, nor their legal liability for any failure to so comply, including the limitation on number of STRU's per Operator. An Operator's Agent is not limited in how many STRU's they may manage for different Operators.
- f. The Operator shall comply with all applicable federal, state and local laws and regulations.

6. Ineligible residential units. Notwithstanding anything in this Zoning Ordinance to the contrary, the following dwelling units shall be ineligible for any STRU use.

- a. A dwelling unit that makes up all or part of a residential use as defined under the Newburyport Zoning Ordinance other than One-family (Use 101), Two-family (Use 102), or Multifamily (Use 103), or any such lawful uses if contained within a mixed-use structure (Use 405);
- b. A dwelling unit that has been designated as below-market or income-restricted subject to affordability covenants, or that is otherwise subject to housing or rental assistance under local, state or federal law, including, without limitation, so-called inclusionary or Section 8 housing;
- c. A dwelling unit subject to any requirement of local, state or federal law that prohibits the leasing or sub-leasing of the unit or use of the unit as an STRU;
- d. "In-law apartments" as that term is defined in the Newburyport Zoning Ordinance, or successor or similar uses, such as so-called accessory dwelling units or secondary dwelling units; and
- e. Campers, trailers, recreational vehicles, mobile homes, boats, tents, lean-tos, or any other similar space, or structure, whether temporary or permanent.
- f. Any Residential Unit located within the Smart Growth District.
- g. Any portion of a Hotel, Lodging House, or Bed and Breakfast use.
- h. Any dwelling unit where STRUs have been prohibited by a legally binding agreement, such as a condominium bylaw.

7. Effective Date & Enforcement. The provisions of this Section V-G shall take effect upon adoption of this ordinance, with all provisions becoming enforceable against all property located within the City one-hundred and eighty (180) calendar days after such effective date.

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

CITY OF NEWBURYPORT



IN CITY COUNCIL

ORDERED:

February 27, 2023

AN ORDINANCE TO AMEND AN ORDINANCE ENTITLED BUILDINGS AND BUILDING REGULATIONS

EMERGENCY PREAMBLE

Whereas, Chapter 5, Buildings and Building Regulations, Article III, Building Construction Standards Section 5-62, Fees, of the City Code of Ordinances requires that the fee for a building permit shall be payable to the office of the City Treasurer/Collector by the owner before such a permit is issued; and

Whereas, from time to time it may be in the public interest and for good cause shown to provide for the deferment of payment of the required building permit fee; and

Whereas, providing for the creation of affordable housing is in the public interest and is a priority of the City of Newburyport, and allowing for an alternate fee payment schedule may facilitate and accomplish creation of affordable housing in the best interest of the City; and

Whereas, the current building permit payment requirement may have an immediate and detrimental impact on the creation of affordable housing in the City; and

Whereas, enactment of this emergency ordinance amendment shall address the immediate protection of affordable housing in the City.

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

Chapter 5	Buildings and Building Regulations
Article III	Building Construction Standards
Section 5 - 62	Fees

THAT Chapter 5 Article III, Section 5 - 62 of the Code of Ordinances, City of Newburyport, Massachusetts, is hereby amended to read as follows, with ~~deletions double-stricken and in italicized~~, and additions double-underlined and italicized:

The fees for building permits for buildings or structures pursuant to the state building code adopted in section 5-61 shall be pursuant to the schedule set annually by order of the city council and published in the municipal fee schedule on file with the city clerk, and shall be payable to the office of the city treasurer/collector by the owner before such a permit is issued. All religious societies, churches, hospitals, charitable institutions and persons building fall-out shelters for protection in the event of enemy attacks, shall be exempted from payment of all fees under this section.

Provided however, the city council may, for good cause shown, defer the payment of said fees until any required inspection shall be performed pursuant to 780 CMR.

Councillor Heather L. Shand



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

MEMORANDUM

TO: Honorable Members of the Newburyport City Council

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

CC: Sean R. Reardon, Mayor
Andrew Levine, Chief of Staff
Ethan Manning, Director of Finance
Greg Earls, Building Commissioner

RE: Temporary Deferment of Building Permit Fee – 166 Route 1 (Haley’s 40R Project)

DATE: February 23, 2023

The purpose of this memo is to provide a brief summary and rationale for the basis of expedited action by the Council at your February 27, 2023 regular meeting in relation to the following items also included/referenced within the Council packet:

1. An emergency preamble
2. An Ordinance amending our Code to allow for fee waivers in specific cases
3. An Order deferring payment of the required fee in this specific instance – a Building Permit Fee for 166 Route 1 (*otherwise known as the Haley’s 40R Smart Growth District development project*)

The 166 Route 1 (*Haley’s 40R*) development project has already been approved by the Newburyport Planning Board and no other zoning approvals are needed for this project, which represents the third such project permitted within the City’s 40R Smart Growth District, all of which have been undertaken by MINCO.

The City has benefited greatly from the new 40R Smart Growth District and these three projects, which are being constructed in sequence following market needs and available development financing. All three projects are rental projects and include no less than twenty-five percent (25%) of the units as so-called “affordable housing” as that term is interpreted and applied by state regulations and the Department of Housing and Community Development (DHCD) in particular. Based upon the high affordable housing requirement within the District as well as the rental model of MINCO’s development projects, the City is not only facilitating the creation of much needed affordable housing units within a new transit-oriented neighborhood, but the City has also benefited recently from a so-called “safe harbor” status under MGL 40B, due to the incremental progress the City is making towards the creation of qualifying new affordable units.

While MINCO would like to undertake construction of the Haley’s 40R development project immediately following the completion of their 3 Boston Way building, recent fluctuations in the markets have made it difficult to secure necessary materials and infrastructure for its completion. For example, they are still after many months awaiting

delivery of an electrical transformer. MINCO's ability to proceed with construction of the Haley's 40R development is therefore limited by the ability to finance this work simultaneously at the present time. They must first complete the 3 Boston Way project. MINCO has been an excellent partner in the development of new residential and mixed-use projects within the City's Smart Growth District, and in particular the creation of affordable housing units.

MINCO has applied for building permits to construct this Haley's 40R project in recent days. Obtaining this permit prior to March 3, 2023 would also allow the City to maintain our current "safe harbor" status under MGL 40B. This is because developers must obtain building permits within one year of local Smart Growth District plan approvals by DHCD's timelines. This next step has been delayed due to factors outside of MINCO's direct control, which do not threaten the timely completion of the project. Given the timeframes involved, the uniqueness of the circumstances here, and the financing constraints MINCO must work within, it would appear beneficial to the City to grant MINCO's request for a postponement or deferment of the sizable fee required for issuance of a Building Permit in a project of this magnitude. MINCO has not requested a waiver of the fee, but rather approval to submit the required fee closer to their start of actual construction. The City's Finance Director has confirmed that delaying the receipt of these funds would not affect the City's financial position. The Building Inspector is also comfortable with this approach as the City will have multiple approval points of the project in the future and the Developer must pay the full fee prior to receiving those further approvals.

MINCO has been able to expedite the development of architectural plans for submission to the Building Commissioner, but with only a few days left before March 3, 2023, the Building Commissioner does not have the ability to accept such a deferment on payment of the fee without Council approval of same. The proposed Ordinance amendment would incorporate a standard provision whereby the Council could waive or defer the payment of a codified fee under appropriate circumstances. The related Order would then authorize this specific instance of a deferred fee payment so that our collective progress in creation of affordable units can proceed as soon as is reasonably feasible, in line with the City's Smart Growth principles for the appropriate location of denser housing developments within the City.

Thank you in advance for your consideration.

COMMITTEE ITEMS

Committee Items – February 27, 2023

Budget & Finance

In Committee:

- APPT00372_01_30_2023 Re-Appointment: Ethan Manning 31 Howard St. Dir. of Fin./City Auditor 2/1/2026
- ORDR00388_11_01_2022 NYS Facility Bond Order (COTW)
- COMM00443_11_01_2022 59 Low St. FAQs (COTW)
- COMM00458_01_30_2023 FY2023 Mid-Year Budget Report



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

RECEIVED
CITY CLERK'S OFFICE
NEWBURYPORT, MA

2023 JAN 20 A 11:23

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 30, 2023
Subject: Re-Appointment

I hereby re-appoint, subject to your approval, the following named individual as a Director of Finance/City Auditor. This term will expire on February 1, 2026.

Ethan Manning
31 Howard Street
Newburyport, MA 01950

CITY OF NEWBURYPORT



IN CITY COUNCIL

ORDERED:

November 1, 2022

THAT, \$5,750,000 is appropriated to pay costs of renovating and expanding the municipal facility at 59 Low Street for use by the Youth Services Department, including the payment of all costs incidental or 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.

Councillor Heather L. Shand

In City Council November 1, 2022:

Motion to refer to Budget & Finance and COTW by Councillor Zeid, seconded by Councillor Cameron. 8 yes, 3 no (JM, MW, SZ). Motion passes.

October 31, 2022

59 Low St Frequently Asked Question

1. In Option B, are the modular gym and addition net zero?

No. Option A shows a fully net zero development of both the existing building and the new gym/addition, utilizing a solar array and battery storage, as well as intensive insulation and heat pumps. The cost of these items totaled between \$750,000-1,000,000. During the value engineering exercise, which resulted in Option B, the net zero component was greatly reduced: the solar array was eliminated, as was battery storage. The building will be well insulated and have an air barrier, but will not be considered net zero. The mechanical system will be entirely electric, but there is currently no means of energy generation included in the estimate. The building can be made solar-ready, should the City decide to include this at a later date. There are likely grant opportunities for solar.

2. Could the toilets be gender neutral and, if so, would that reduce the cost?

This is not realistic due to the sheer volume of kids that could be utilizing the building at one time. Each restroom will need to have multiple stalls. However, the single restroom that is currently used as a staff/preschool restroom is gender-neutral.

3. How much storage is shown in the eaves?

There is 1,132 sf included for storage on the upper level, which includes the eave on the west side of the building. On the east side, the corridor below is open to the roof so there is no eave storage in that location.

4. Can the Brown School gym be value engineered to reduce the cost? What would, for example, \$1M do for the Brown School?

We can discuss further, but there is a million dollars of work just in mechanical and electrical work at the Brown School gym.

5. How could we mitigate the potential for flooding?

This location is nowhere near the FEMA floodplain, with the nearest floodplain being at a stream on Parker street. The elevation of that flood is 10, 88NAVD and the elevation of the 59 Low Street lot is typically above 20, so there is no floodplain risk. The only water issues would relate to stormwater and drainage and there is no existing stormwater management on site. We would be adding stormwater management with the overall site design, which should both mitigate any localized stormwater-based flooding which generally would occur behind the fence away from the building. It is not



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 20, 2023

Subject: FY2023 Mid-Year Budget Report

Attached is the FY2023 Mid-Year Budget Report that includes a summary of budget expenditures for the period of July 1, 2022 through December 31, 2022. The report covers expenditures within the General Fund and the Water, Sewer, and Harbormaster Enterprise Funds. Also included is an update on the City's revenue collections.

FY2023 Mid-Year Expenditures

Mid-year expenditures were at 49.4% of budget for the General Fund, 51.5% for the Water Enterprise Fund, 45.8% for the Sewer Enterprise Fund and 62.5% for the Harbormaster Enterprise Fund. It is typical that expenditure levels are not exactly 50% at mid-year as major expenditures occur during various times of the year depending on the department or cost center. Below is a summary of the mid-year expenditures by fund, which is broken out in greater detail in the reports that follow.

	REVISED BUDGET	YTD EXPENDED	REMAINING BUDGET	% USED
001 GENERAL FUND	\$80,133,622	\$39,619,807	\$40,513,815	49.4%
060 WATER ENTERPRISE FUND	\$6,196,614	\$3,189,410	\$3,007,203	51.5%
061 SEWER ENTERPRISE FUND	\$7,818,840	\$3,580,446	\$4,238,395	45.8%
6520 HARBORMASTER ENTERPRISE FUND	\$540,360	\$337,648	\$202,712	62.5%
TOTAL BUDGETARY FUNDS	\$94,689,436	\$46,727,311	\$47,962,125	49.3%

While most department/cost centers show expenses below or near 50% of appropriations, those that were higher than 60% included:

- **General Administration (72.4%)**: The largest part of this cost center are municipal insurance premiums, which are paid at the start of the fiscal year.

- **Human Resources (64.4%):** A large component of this cost center are workers’ compensation insurance premiums, which are paid at the start of the fiscal year.
- **Board of Registrar’s (62.8%):** Elections work during the first half of the fiscal year was higher due to a state election.
- **Conservation Commission (75.0%):** Funding for minute takers is drawn first from the General Fund budget and then from the revolving fund.
- **Zoning Board of Appeals (75.0%):** Funding for minute takers is drawn first from the General Fund budget and then from the revolving fund.
- **Emergency Management (73.6%):** Higher costs have been incurred due to coverage for the Emergency Management Director (Fire Chief) who is on medical leave.
- **Whittier Regional Vocational Technical High School (85.0%):** The majority of the assessment for the Whittier is paid during the first half of the fiscal year.
- **Historical Commission (100.0%):** Funding for minute takers is drawn first from the General Fund budget and then from the revolving fund.
- **Retirement Board (100.0%):** The City’s appropriation to the Newburyport Retirement System is paid on July 1st.
- **Harbormaster (62.5%):** Due to the seasonal nature of the department, higher costs are experienced during the first half of the fiscal year.

Additional funding may be required in some accounts, such as snow and ice, legal services and overtime, as well as, other accounts that have been impacted by recent inflationary pressures, such as chemicals and supplies. In accordance with state law, the City is allowed to exceed the budgetary appropriation for snow and ice removal as it is a matter of public safety. However, any deficit must be removed prior to year-end through the use of reserves or other available funds. If the deficit is not removed prior to year-end, then the shortage must be made-up in the next fiscal year’s tax rate. In past years, Free Cash has been the primary source of funding to cover snow and ice, as well as, overtime deficits.

FY2023 Mid-Year Revenue

Mid-year revenue was at 47.9% of the FY23 estimate for the General Fund, 57.6% for the Water Enterprise Fund, 58.4% for the Sewer Enterprise Fund and 57.7% for the Harbormaster Enterprise Fund. Below is a summary of the mid-year revenue by fund, which is broken out in greater detail in the reports that follow.

	ESTIMATE	ACTUAL	REMAINING	% COLL
001 GENERAL FUND	\$77,813,345	\$37,292,285	\$40,521,060	47.9%
060 WATER ENTERPRISE FUND	\$6,196,614	\$3,566,169	\$2,630,444	57.6%
061 SEWER ENTERPRISE FUND	\$7,818,840	\$4,564,726	\$3,254,114	58.4%
6520 HARBORMASTER ENTERPRISE FUND	\$540,360	\$312,011	\$228,349	57.7%
TOTAL BUDGETARY FUNDS	\$92,369,159	\$45,735,192	\$46,633,967	49.5%

A full copy of this report is available in the Financial Reports Center, located at:

<https://www.cityofnewburyport.com/financials>



City of Newburyport FY2023 Mid-Year Report Overview

Expenditures:

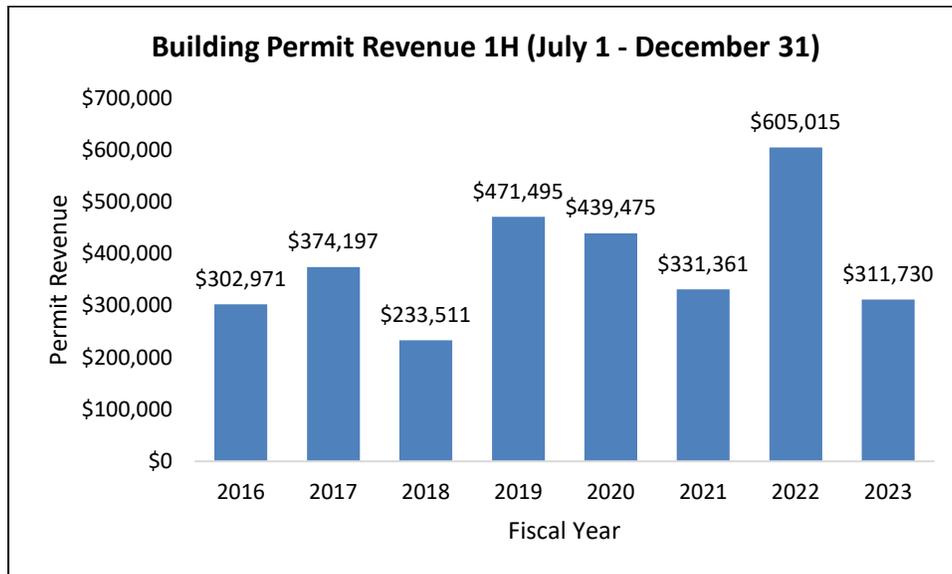
- Mid-year expenditures were at 49.4% of budget for the General Fund, 51.5% for the Water Ent. Fund, 45.8% for the Sewer Ent. Fund, 62.5% for the Harbormaster Ent. Fund.
- We anticipate the potential for operating budget transfers in the following line items by year-end:

Line Item	Potential Transfer	Reason
Fire Coverage/Overtime	\$215,000	Due to Fire Chief's medical leave & minimum staffing coverage for FF leaves
Snow & Ice	\$200,000	Variable; \$134,074 remaining as of 1/13/2023
IT Software/Licensing	\$30,000	Munis SaaS conversion, Mimecast email product, Adobe licenses, VMWare
City Solicitor	\$25,000	Variable based on activity
Water Chemicals	\$25,000	Due to higher costs
Police Building/Equip. Maint.	\$10,000	Generator failure and other unexpected needs
Emergency Mgmt. Coord.	\$10,000	Due to Fire Chief's medical leave
Ordinance Recodification	\$5,000	Variable based on activity
Parks Dog Waste Bags	\$3,000	Due to higher costs
Planning/Zoning Board	\$3,000	Increase in rate for minute takers
HR Job Advertisements	\$1,000	Due to recruitment activity
Total	\$532,000	

Revenue:

- Mid-year revenue was at 47.9% of the FY23 estimate for the General Fund, 57.6% for the Water Ent. Fund, 58.4% for the Sewer Ent. Fund and 57.7% for the Harbormaster Ent. Fund.
- Overall local receipts for the General Fund were up 2.0% compared to the first half of FY2022. Excluding motor vehicle excise, which is billed in the 2nd half of the year, 66.8% expected revenue had been collected as of 12/31/2022 and we, therefore, expect to surpass the FY2023 revenue estimate by fiscal year-end.
- Personal Property Tax collections were up 22.4% due to 2 new state directives that took effect in the 2nd half of FY2022, which changed how assessors classify second homes and the methodology for assessing utility companies.
- Meals Excise Tax collections were up 13.9% and Room Occupancy Excise Tax collections were up 10.5% due to activity, as well as, higher prices driven by inflation.

- Payments in lieu of taxes were up 28.2% due to the collection of rollback taxes collected on a Ch. 61A (agricultural) property that was sold on Low Street.
- Fee collections were up 39.0% due to an increase in tax title receipts (1H tax title revenue for the past three years: FY21 \$101,383, FY22 \$29,726, FY23 \$83,008).
- Building permits were down 48.5%; this is primarily driven by the building permit fees for a development at 3 Boston Way that were paid in October 2021 totaling \$240,000. Backing that payment out, receipts down 8.8% compared to the first six months of the prior year. For context, below is the first half building permit revenue for the past 8 fiscal years:



- Other licenses and permits were up 141.2% due to the reinstatement of fees charged by the Licensing Commission fees, which had been waived previously due to COVID; these fees generate approximately \$195,000 in annual revenue for the General Fund.
- Medicaid reimbursements were up 144.3% due to prior year reimbursement requests that were submitted by the school district earlier in the fiscal year.
- Miscellaneous recurring revenue was down due to the timing of receipts from participants in the intermunicipal agreement for Veterans Services.
- The Water Fund was up 19.4% and the Sewer Fund was up 10.3% largely driven by new development and filled vacancies in the industrial park.
- The Harbormaster Fund was down 9.3% based on slightly reduced activity from the year prior. Nonetheless, the Fund had collected 57.7% of expected revenue and is, therefore, anticipated to meet or exceed its FY2023 revenue estimate.

City of Newburyport
FY2023 Mid-Year Expenditure Summary



001 GENERAL FUND

	ORIGINAL APPROP.	TRANSFERS/ ADJUST.	REVISED BUDGET	YTD EXPENDED	REMAINING BUDGET	% USED
111 CITY COUNCIL	126,529	20	126,548	62,586	63,963	49.5%
121 MAYOR'S DEPARTMENT	440,993	0	440,993	197,419	243,574	44.8%
129 GENERAL ADMINISTRATION	367,612	0	367,612	266,194	101,418	72.4%
132 BUDGET CONTINGENCY	54,500	(52,827)	1,673	0	1,673	0.0%
135 AUDITOR'S DEPARTMENT	362,899	1,288	364,186	141,403	222,783	38.8%
141 ASSESSORS DEPARTMENT	279,957	8,291	288,248	141,201	147,046	49.0%
145 TREASURER'S DEPARTMENT	423,245	3,161	426,406	180,319	246,088	42.3%
151 INFO TECHNOLOGY DEPT	357,825	43,825	401,650	198,690	202,960	49.5%
152 HUMAN RESOURCES	331,449	0	331,449	213,439	118,010	64.4%
161 CITY CLERK'S DEPARTMENT	331,463	12,242	343,704	177,932	165,773	51.8%
163 BOARD OF REGISTRARS	72,043	0	72,043	45,243	26,801	62.8%
165 LICENSE COMMISSION	8,500	0	8,500	3,614	4,886	42.5%
171 CONSERVATION COMMISSION	1,800	0	1,800	1,350	450	75.0%
175 PLANNING BOARD	1,800	0	1,800	450	1,350	25.0%
176 ZONING BOARD	1,800	0	1,800	1,350	450	75.0%
182 PLANNING & DEVELOPMENT	498,029	9,849	507,878	253,563	254,315	49.9%
191 LEGAL DEPARTMENT	135,000	50,000	185,000	66,748	118,252	36.1%
210 POLICE DEPARTMENT	4,573,617	10,800	4,584,417	2,409,718	2,174,699	52.6%
220 FIRE DEPARTMENT	4,471,842	20,000	4,491,842	2,338,833	2,153,009	52.1%
241 BUILDING DEPARTMENT	188,108	4,245	192,354	94,665	97,688	49.2%
291 EMERGENCY MANAGEMENT	20,000	0	20,000	14,728	5,272	73.6%
292 ANIMAL CONTROL	71,088	1,988	73,076	30,244	42,832	41.4%
293 PARKING CLERK DEPARTMENT	567,450	5,240	572,690	199,412	373,278	34.8%
300 SCHOOL DEPARTMENT	35,154,240	0	35,154,240	14,426,339	20,727,901	41.0%
398 ESSEX NORTH SHORE TECH SCHOOL	120,000	0	120,000	65,371	54,629	54.5%
399 WHITTIER VO TECH SCHOOL	619,891	0	619,891	526,908	92,983	85.0%
421 PUBLIC SERVICES DEPARTMENT	3,494,100	69,726	3,563,826	1,887,613	1,676,212	53.0%
423 SNOW & ICE	313,000	0	313,000	156,503	156,497	50.0%
510 HEALTH DEPARTMENT	280,174	2,766	282,940	91,581	191,359	32.4%
519 SUSTAINABILITY	1,833,203	461	1,833,664	727,953	1,105,711	39.7%
541 COUNCIL ON AGING	382,708	1,065	383,772	149,465	234,307	38.9%
542 YOUTH SERVICES	419,946	30,000	449,946	206,753	243,193	46.0%
543 VETERANS' DEPARTMENT	286,675	19,500	306,175	128,889	177,287	42.1%
610 LIBRARY DEPARTMENT	1,468,263	0	1,468,263	691,389	776,874	47.1%
630 PARKS COMMISSION	495,968	35,000	530,968	251,508	279,459	47.4%
691 HISTORICAL COMMISSION	1,800	0	1,800	1,800	0	100.0%
710 DEBT EXCLUSION	3,167,680	0	3,167,680	1,268,490	1,899,190	40.0%
720 ORDINARY DEBT SERVICE	1,472,544	0	1,472,544	527,519	945,024	35.8%
911 RETIREMENT BOARD	5,051,416	0	5,051,416	5,050,877	539	100.0%
914 INSURANCE GROUP	10,433,654	0	10,433,654	5,266,223	5,167,431	50.5%
921 COMMISSION ON DISABILITY	0	0	0	0	0	
990 INTERFUND TRANSFERS OUT	0	1,174,172	1,174,172	1,155,525	18,647	98.4%
001 GENERAL FUND Total	78,682,810	1,450,812	80,133,622	39,619,807	40,513,815	49.4%
060 WATER ENTERPRISE FUND Total	6,196,614	0	6,196,614	3,189,410	3,007,203	51.5%
061 SEWER ENTERPRISE FUND Total	7,818,840	0	7,818,840	3,580,446	4,238,395	45.8%
6520 HARBORMASTER ENTERPRISE FUND Total	520,360	20,000	540,360	337,648	202,712	62.5%
Grand Total	93,218,624	1,470,812	94,689,436	46,727,311	47,962,125	49.3%



City of Newburyport FY2023 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	106,529	20	106,548	53,328	53,220	50.1%
002 PURCHASE OF SERVICES	20,000	0	20,000	9,257	10,743	46.3%
111 CITY COUNCIL Total	126,529	20	126,548	62,586	63,963	49.5%
121 MAYOR'S DEPARTMENT						
001 PERSONNEL SERVICES	326,389	0	326,389	158,123	168,266	48.4%
002 PURCHASE OF SERVICES	106,603	0	106,603	38,833	67,770	36.4%
007 OTHER CHARGES & EXPENSES	8,000	0	8,000	462	7,538	5.8%
121 MAYOR'S DEPARTMENT Total	440,993	0	440,993	197,419	243,574	44.8%
129 GENERAL ADMINISTRATION						
001 PERSONNEL SERVICES	3,500	0	3,500	0	3,500	0.0%
002 PURCHASE OF SERVICES	152,000	0	152,000	79,337	72,663	52.2%
004 SUPPLIES	6,000	0	6,000	1,060	4,941	17.7%
007 OTHER CHARGES & EXPENSES	206,112	0	206,112	185,798	20,314	90.1%
129 GENERAL ADMINISTRATION Total	367,612	0	367,612	266,194	101,418	72.4%
132 BUDGET CONTINGENCY						
007 OTHER CHARGES & EXPENSES	54,500	(52,827)	1,673	0	1,673	0.0%
132 BUDGET CONTINGENCY Total	54,500	(52,827)	1,673	0	1,673	0.0%
135 AUDITOR'S DEPARTMENT						
001 PERSONNEL SERVICES	314,194	1,288	315,481	135,605	179,877	43.0%
002 PURCHASE OF SERVICES	46,500	0	46,500	5,000	41,500	10.8%
004 SUPPLIES	1,750	0	1,750	344	1,406	19.6%
007 OTHER CHARGES & EXPENSES	455	0	455	455	0	100.0%
135 AUDITOR'S DEPARTMENT Total	362,899	1,288	364,186	141,403	222,783	38.8%
141 ASSESSORS DEPARTMENT						
001 PERSONNEL SERVICES	228,454	8,291	236,745	114,431	122,314	48.3%
002 PURCHASE OF SERVICES	47,915	0	47,915	25,125	22,790	52.4%
004 SUPPLIES	3,000	0	3,000	1,058	1,942	35.3%
007 OTHER CHARGES & EXPENSES	588	0	588	588	0	100.0%
141 ASSESSORS DEPARTMENT Total	279,957	8,291	288,248	141,201	147,046	49.0%
145 TREASURER'S DEPARTMENT						
001 PERSONNEL SERVICES	363,045	3,161	366,206	159,201	207,006	43.5%
002 PURCHASE OF SERVICES	55,750	0	55,750	18,147	37,603	32.6%
004 SUPPLIES	2,350	0	2,350	921	1,429	39.2%
007 OTHER CHARGES & EXPENSES	2,100	0	2,100	2,050	50	97.6%
145 TREASURER'S DEPARTMENT Total	423,245	3,161	426,406	180,319	246,088	42.3%
151 INFO TECHNOLOGY DEPT						
001 PERSONNEL SERVICES	115,000	43,825	158,825	34,598	124,227	21.8%
002 PURCHASE OF SERVICES	240,825	0	240,825	163,193	77,632	67.8%



City of Newburyport

FY2023 Mid-Year Expenditures by Category

	ORIGINAL APPROP.	TRANSFERS/ ADJUST.	REVISED BUDGET	YTD EXPENDED	REMAINING BUDGET	% USED
004 SUPPLIES	2,000	0	2,000	899	1,101	45.0%
151 INFO TECHNOLOGY DEPT Total	357,825	43,825	401,650	198,690	202,960	49.5%
152 HUMAN RESOURCES						
001 PERSONNEL SERVICES	156,477	0	156,477	75,541	80,936	48.3%
002 PURCHASE OF SERVICES	172,873	0	172,873	137,246	35,627	79.4%
004 SUPPLIES	1,500	0	1,500	378	1,122	25.2%
007 OTHER CHARGES & EXPENSES	600	0	600	275	325	45.8%
152 HUMAN RESOURCES Total	331,449	0	331,449	213,439	118,010	64.4%
161 CITY CLERK'S DEPARTMENT						
001 PERSONNEL SERVICES	311,963	12,242	324,204	170,301	153,903	52.5%
002 PURCHASE OF SERVICES	19,500	0	19,500	7,631	11,869	39.1%
161 CITY CLERK'S DEPARTMENT Total	331,463	12,242	343,704	177,932	165,773	51.8%
163 BOARD OF REGISTRARS						
001 PERSONNEL SERVICES	4,543	0	4,543	2,219	2,324	48.8%
007 OTHER CHARGES & EXPENSES	67,500	0	67,500	43,024	24,476	63.7%
163 BOARD OF REGISTRARS Total	72,043	0	72,043	45,243	26,801	62.8%
165 LICENSE COMMISSION						
001 PERSONNEL SERVICES	7,500	0	7,500	3,325	4,175	44.3%
007 OTHER CHARGES & EXPENSES	1,000	0	1,000	289	711	28.9%
165 LICENSE COMMISSION Total	8,500	0	8,500	3,614	4,886	42.5%
171 CONSERVATION COMMISSION						
001 PERSONNEL SERVICES	1,800	0	1,800	1,350	450	75.0%
171 CONSERVATION COMMISSION Total	1,800	0	1,800	1,350	450	75.0%
175 PLANNING BOARD						
001 PERSONNEL SERVICES	1,800	0	1,800	450	1,350	25.0%
175 PLANNING BOARD Total	1,800	0	1,800	450	1,350	25.0%
176 ZONING BOARD						
001 PERSONNEL SERVICES	1,800	0	1,800	1,350	450	75.0%
176 ZONING BOARD Total	1,800	0	1,800	1,350	450	75.0%
182 PLANNING & DEVELOPMENT						
001 PERSONNEL SERVICES	438,979	9,849	448,828	215,914	232,914	48.1%
002 PURCHASE OF SERVICES	56,000	0	56,000	36,087	19,913	64.4%
004 SUPPLIES	3,050	0	3,050	1,562	1,488	51.2%
182 PLANNING & DEVELOPMENT Total	498,029	9,849	507,878	253,563	254,315	49.9%
191 LEGAL DEPARTMENT						
002 PURCHASE OF SERVICES	135,000	50,000	185,000	66,748	118,252	36.1%
191 LEGAL DEPARTMENT Total	135,000	50,000	185,000	66,748	118,252	36.1%



City of Newburyport FY2023 Mid-Year Expenditures by Category

	ORIGINAL APPROP.	TRANSFERS/ ADJUST.	REVISED BUDGET	YTD EXPENDED	REMAINING BUDGET	% USED
210 POLICE DEPARTMENT						
001 PERSONNEL SERVICES	4,227,655	0	4,227,655	2,229,301	1,998,354	52.7%
002 PURCHASE OF SERVICES	172,247	10,800	183,047	107,163	75,884	58.5%
004 SUPPLIES	72,100	0	72,100	16,564	55,536	23.0%
007 OTHER CHARGES & EXPENSES	21,890	0	21,890	19,773	2,117	90.3%
008 CAPITAL OUTLAY	79,725	0	79,725	36,917	42,808	46.3%
210 POLICE DEPARTMENT Total	4,573,617	10,800	4,584,417	2,409,718	2,174,699	52.6%
220 FIRE DEPARTMENT						
001 PERSONNEL SERVICES	4,179,792	20,000	4,199,792	2,192,452	2,007,340	52.2%
002 PURCHASE OF SERVICES	226,000	0	226,000	114,269	111,731	50.6%
004 SUPPLIES	60,500	0	60,500	28,482	32,018	47.1%
007 OTHER CHARGES & EXPENSES	5,550	0	5,550	3,630	1,920	65.4%
220 FIRE DEPARTMENT Total	4,471,842	20,000	4,491,842	2,338,833	2,153,009	52.1%
241 BUILDING DEPARTMENT						
001 PERSONNEL SERVICES	186,108	4,245	190,354	93,316	97,037	49.0%
004 SUPPLIES	2,000	0	2,000	1,349	651	67.5%
241 BUILDING DEPARTMENT Total	188,108	4,245	192,354	94,665	97,688	49.2%
291 EMERGENCY MANAGEMENT						
001 PERSONNEL SERVICES	18,000	0	18,000	13,338	4,662	74.1%
004 SUPPLIES	500	0	500	425	75	85.0%
007 OTHER CHARGES & EXPENSES	1,500	0	1,500	965	535	64.3%
291 EMERGENCY MANAGEMENT Total	20,000	0	20,000	14,728	5,272	73.6%
292 ANIMAL CONTROL						
001 PERSONNEL SERVICES	63,688	1,988	65,676	28,633	37,043	43.6%
002 PURCHASE OF SERVICES	4,950	0	4,950	1,054	3,896	21.3%
004 SUPPLIES	2,100	0	2,100	557	1,543	26.5%
007 OTHER CHARGES & EXPENSES	350	0	350	0	350	0.0%
292 ANIMAL CONTROL Total	71,088	1,988	73,076	30,244	42,832	41.4%
293 PARKING CLERK DEPARTMENT						
001 PERSONNEL SERVICES	263,175	5,240	268,415	103,597	164,818	38.6%
002 PURCHASE OF SERVICES	253,250	0	253,250	83,748	169,502	33.1%
004 SUPPLIES	51,025	0	51,025	12,067	38,958	23.6%
293 PARKING CLERK DEPARTMENT Total	567,450	5,240	572,690	199,412	373,278	34.8%
300 SCHOOL DEPARTMENT						
002 PURCHASE OF SERVICES	35,154,240	0	35,154,240	14,426,339	20,727,901	41.0%
300 SCHOOL DEPARTMENT Total	35,154,240	0	35,154,240	14,426,339	20,727,901	41.0%
398 ESSEX NORTH SHORE TECH SCHOOL						
002 PURCHASE OF SERVICES	120,000	0	120,000	65,371	54,629	54.5%
398 ESSEX NORTH SHORE TECH SCHOOL Total	120,000	0	120,000	65,371	54,629	54.5%



City of Newburyport FY2023 Mid-Year Expenditures by Category

	ORIGINAL APPROP.	TRANSFERS/ ADJUST.	REVISED BUDGET	YTD EXPENDED	REMAINING BUDGET	% USED
399 WHITTIER VO TECH SCHOOL						
002 PURCHASE OF SERVICES	619,891	0	619,891	526,908	92,983	85.0%
399 WHITTIER VO TECH SCHOOL Total	619,891	0	619,891	526,908	92,983	85.0%
421 PUBLIC SERVICES DEPARTMENT						
001 PERSONNEL SERVICES	2,255,000	7,451	2,262,451	1,077,782	1,184,669	47.6%
002 PURCHASE OF SERVICES	542,600	0	542,600	247,532	295,068	45.6%
004 SUPPLIES	269,000	0	269,000	168,744	100,256	62.7%
008 CAPITAL OUTLAY	427,500	62,275	489,775	393,556	96,219	80.4%
421 PUBLIC SERVICES DEPARTMENT Total	3,494,100	69,726	3,563,826	1,887,613	1,676,212	53.0%
423 SNOW & ICE						
001 PERSONNEL SERVICES	120,000	0	120,000	2,598	117,402	2.2%
002 PURCHASE OF SERVICES	193,000	0	193,000	153,905	39,095	79.7%
423 SNOW & ICE Total	313,000	0	313,000	156,503	156,497	50.0%
510 HEALTH DEPARTMENT						
001 PERSONNEL SERVICES	233,108	2,766	235,874	81,917	153,958	34.7%
002 PURCHASE OF SERVICES	41,566	0	41,566	8,018	33,548	19.3%
004 SUPPLIES	4,500	0	4,500	1,166	3,334	25.9%
007 OTHER CHARGES & EXPENSES	1,000	0	1,000	481	519	48.1%
510 HEALTH DEPARTMENT Total	280,174	2,766	282,940	91,581	191,359	32.4%
519 SUSTAINABILITY						
001 PERSONNEL SERVICES	130,703	461	131,164	65,818	65,346	50.2%
002 PURCHASE OF SERVICES	1,700,750	0	1,700,750	661,366	1,039,384	38.9%
004 SUPPLIES	1,750	0	1,750	769	981	43.9%
519 SUSTAINABILITY Total	1,833,203	461	1,833,664	727,953	1,105,711	39.7%
541 COUNCIL ON AGING						
001 PERSONNEL SERVICES	345,458	1,065	346,522	146,845	199,678	42.4%
002 PURCHASE OF SERVICES	26,000	0	26,000	(467)	26,467	-1.8%
004 SUPPLIES	11,250	0	11,250	3,088	8,162	27.4%
541 COUNCIL ON AGING Total	382,708	1,065	383,772	149,465	234,307	38.9%
542 YOUTH SERVICES						
001 PERSONNEL SERVICES	380,646	0	380,646	183,067	197,579	48.1%
002 PURCHASE OF SERVICES	23,800	30,000	53,800	19,536	34,264	36.3%
007 OTHER CHARGES & EXPENSES	15,500	0	15,500	4,150	11,350	26.8%
542 YOUTH SERVICES Total	419,946	30,000	449,946	206,753	243,193	46.0%
543 VETERANS' DEPARTMENT						
001 PERSONNEL SERVICES	150,347	19,500	169,847	73,094	96,754	43.0%
002 PURCHASE OF SERVICES	7,268	0	7,268	2,514	4,754	34.6%
007 OTHER CHARGES & EXPENSES	129,060	0	129,060	53,281	75,779	41.3%
543 VETERANS' DEPARTMENT Total	286,675	19,500	306,175	128,889	177,287	42.1%



City of Newburyport FY2023 Mid-Year Expenditures by Category

	ORIGINAL APPROP.	TRANSFERS/ ADJUST.	REVISED BUDGET	YTD EXPENDED	REMAINING BUDGET	% USED
610 LIBRARY DEPARTMENT						
001 PERSONNEL SERVICES	1,090,809	0	1,090,809	464,291	626,518	42.6%
002 PURCHASE OF SERVICES	377,454	0	377,454	227,098	150,356	60.2%
610 LIBRARY DEPARTMENT Total	1,468,263	0	1,468,263	691,389	776,874	47.1%
630 PARKS COMMISSION						
001 PERSONNEL SERVICES	368,418	0	368,418	153,765	214,652	41.7%
002 PURCHASE OF SERVICES	48,800	0	48,800	22,785	26,015	46.7%
004 SUPPLIES	66,150	35,000	101,150	73,231	27,919	72.4%
007 OTHER CHARGES & EXPENSES	600	0	600	600	0	100.0%
008 CAPITAL OUTLAY	12,000	0	12,000	1,127	10,873	9.4%
630 PARKS COMMISSION Total	495,968	35,000	530,968	251,508	279,459	47.4%
691 HISTORICAL COMMISSION						
001 PERSONNEL SERVICES	1,800	0	1,800	1,800	0	100.0%
691 HISTORICAL COMMISSION Total	1,800	0	1,800	1,800	0	100.0%
710 DEBT EXCLUSION						
009 DEBT SERVICE	3,167,680	0	3,167,680	1,268,490	1,899,190	40.0%
710 DEBT EXCLUSION Total	3,167,680	0	3,167,680	1,268,490	1,899,190	40.0%
720 ORDINARY DEBT SERVICE						
009 DEBT SERVICE	1,472,544	0	1,472,544	527,519	945,024	35.8%
720 ORDINARY DEBT SERVICE Total	1,472,544	0	1,472,544	527,519	945,024	35.8%
911 RETIREMENT BOARD						
001 PERSONNEL SERVICES	5,051,416	0	5,051,416	5,050,877	539	100.0%
911 RETIREMENT BOARD Total	5,051,416	0	5,051,416	5,050,877	539	100.0%
914 INSURANCE GROUP						
001 PERSONNEL SERVICES	10,433,654	0	10,433,654	5,266,223	5,167,431	50.5%
914 INSURANCE GROUP Total	10,433,654	0	10,433,654	5,266,223	5,167,431	50.5%
921 COMMISSION ON DISABILITY Total	0	0	0	0	0	
990 INTERFUND TRANSFERS OUT						
010 OTHER FINANCING USES	0	1,174,172	1,174,172	1,155,525	18,647	98.4%
990 INTERFUND TRANSFERS OUT Total	0	1,174,172	1,174,172	1,155,525	18,647	98.4%
001 GENERAL FUND Total	78,682,810	1,450,812	80,133,622	39,619,807	40,513,815	49.4%
060 WATER ENTERPRISE FUND						
450 WATER DEPARTMENT						
001 PERSONNEL SERVICES	2,446,395	10,000	2,456,395	1,311,992	1,144,403	53.4%
002 PURCHASE OF SERVICES	1,257,279	0	1,257,279	541,182	716,097	43.0%
004 SUPPLIES	211,214	0	211,214	146,787	64,427	69.5%
007 OTHER CHARGES & EXPENSES	119,044	(10,000)	109,044	102,889	6,155	94.4%
008 CAPITAL OUTLAY	382,000	0	382,000	53,846	328,154	14.1%



City of Newburyport FY2023 Mid-Year Expenditures by Category

	ORIGINAL APPROP.	TRANSFERS/ ADJUST.	REVISED BUDGET	YTD EXPENDED	REMAINING BUDGET	% USED
009 DEBT SERVICE	1,780,682	0	1,780,682	1,032,715	747,967	58.0%
450 WATER DEPARTMENT Total	6,196,614	0	6,196,614	3,189,410	3,007,203	51.5%
060 WATER ENTERPRISE FUND Total	6,196,614	0	6,196,614	3,189,410	3,007,203	51.5%
<u>061 SEWER ENTERPRISE FUND</u>						
440 SEWER DEPARTMENT						
001 PERSONNEL SERVICES	2,587,010	10,000	2,597,010	1,359,082	1,237,928	52.3%
002 PURCHASE OF SERVICES	1,412,070	0	1,412,070	583,864	828,206	41.3%
004 SUPPLIES	489,500	0	489,500	271,552	217,948	55.5%
007 OTHER CHARGES & EXPENSES	115,684	(10,000)	105,684	88,241	17,443	83.5%
008 CAPITAL OUTLAY	287,000	0	287,000	50,208	236,792	17.5%
009 DEBT SERVICE	2,927,576	0	2,927,576	1,227,498	1,700,078	41.9%
440 SEWER DEPARTMENT Total	7,818,840	0	7,818,840	3,580,446	4,238,395	45.8%
061 SEWER ENTERPRISE FUND Total	7,818,840	0	7,818,840	3,580,446	4,238,395	45.8%
<u>6520 HARBORMASTER ENTERPRISE FUND</u>						
295 HARBORMASTER DEPARTMENT						
001 PERSONNEL SERVICES	319,313	0	319,313	207,756	111,557	65.1%
002 PURCHASE OF SERVICES	57,250	0	57,250	12,453	44,797	21.8%
004 SUPPLIES	17,400	0	17,400	13,243	4,157	76.1%
007 OTHER CHARGES & EXPENSES	19,500	0	19,500	17,708	1,793	90.8%
008 CAPITAL OUTLAY	30,000	0	30,000	5,291	24,709	17.6%
009 DEBT SERVICE	76,898	0	76,898	61,199	15,699	79.6%
010 OTHER FINANCING USES	0	20,000	20,000	20,000	0	100.0%
295 HARBORMASTER DEPARTMENT Total	520,360	20,000	540,360	337,648	202,712	62.5%
6520 HARBORMASTER ENTERPRISE FUND Total	520,360	20,000	540,360	337,648	202,712	62.5%
Grand Total	93,218,624	1,470,812	94,689,436	46,727,311	47,962,125	49.3%



City of Newburyport FY2023 Mid-Year Revenue Summary

CATEGORY	FY2022 Mid-Year Revenue				FY2023 Mid-Year Revenue				FY22 vs. FY23 +/-		
	ESTIMATE	6MO ACTUAL	REMAINING	% COLL	ESTIMATE	6MO ACTUAL	REMAINING	% COLL	\$	%	
Tax Revenue											
Real Estate Tax	62,389,727	30,317,319	32,072,407	48.6%	65,647,367	31,447,383	34,199,984	47.9%	1,130,063	3.7%	↑
Personal Property Tax	818,870	326,717	492,153	39.9%	737,943	400,015	337,928	54.2%	73,298	22.4%	↑
Total Tax Revenue	63,208,597	30,644,036	32,564,560	48.5%	66,385,310	31,847,398	34,537,912	48.0%	1,203,361	3.9%	↑
Local Receipts											
Motor Vehicle Excise	(1) 2,800,000	469,806	2,330,194	16.8%	2,850,000	467,591	2,382,409	16.4%	(2,216)	-0.5%	↓
Other Excise											
a.Meals Excise	600,000	439,879	160,121	73.3%	662,750	500,938	161,812	75.6%	61,059	13.9%	↑
b.Room Occupancy Excise	260,000	265,995	(5,995)	102.3%	371,000	294,015	76,985	79.2%	28,019	10.5%	↑
Pen & Int on Tax & Exc	325,000	148,067	176,933	45.6%	300,000	160,924	139,076	53.6%	12,857	8.7%	↑
Payments in Lieu of Taxes	(2) 27,000	20,144	6,856	74.6%	27,000	25,818	1,182	95.6%	5,674	28.2%	↑
Fees	(3) 298,000	132,127	165,873	44.3%	245,000	183,621	61,379	74.9%	51,494	39.0%	↑
Other Dept. Revenue	(4) 60,000	36,620	23,381	61.0%	70,000	38,353	31,647	54.8%	1,734	4.7%	↑
Licenses and Permits											
a.Building Permits	661,300	605,015	153,370	182.2%	700,000	311,730	388,270	44.5%	(293,285)	-48.5%	↓
b.Other Licenses & Permits	200,000	102,916	153,371	282.2%	251,000	248,195	2,805	98.9%	145,279	141.2%	↑
Fines & Forfeits	5,000	3,678	1,323	73.6%	7,500	2,395	5,105	31.9%	(1,283)	-34.9%	↓
Investment Income	60,000	26,289	33,711	43.8%	45,000	105,435	(60,435)	234.3%	79,147	301.1%	↑
Medicaid Reimbursement	110,000	20,586	89,414	18.7%	110,000	50,286	59,714	45.7%	29,700	144.3%	↑
Miscellaneous Recurring	(5) 170,700	83,228	87,472	48.8%	200,000	36,007	163,993	18.0%	(47,220)	-56.7%	↓
Miscellaneous Non-Recurring	0	61,065	(61,065)	100.0%	0	38,550	(38,550)	100.0%	(22,514)	-36.9%	↓
Total Local Receipts	5,577,000	2,415,414	3,161,586	43.3%	5,839,250	2,463,858	3,375,392	42.2%	48,444	2.0%	↑
<i>Local Receipts Excluding MV Excise</i>	<i>2,777,000</i>	<i>1,945,608</i>	<i>831,392</i>	<i>70.1%</i>	<i>2,989,250</i>	<i>1,996,268</i>	<i>992,982</i>	<i>66.8%</i>	<i>50,660</i>	<i>2.6%</i>	↑
Net State Aid	4,909,318	2,559,927	2,349,391	52.1%	5,588,785	2,981,029	2,607,756	53.3%	421,102	16.4%	↑
Total General Fund Revenue	73,694,915	35,619,378	38,075,537	48.3%	77,813,345	37,292,285	40,521,060	47.9%	1,672,907	4.7%	↑
Enterprise Funds											
Water Fund Revenue	5,677,519	2,985,912	2,691,607	52.6%	6,196,614	3,566,169	2,630,444	57.6%	580,257	19.4%	↑
Sewer Fund Revenue	7,575,758	4,139,441	3,436,317	54.6%	7,818,840	4,564,726	3,254,114	58.4%	425,285	10.3%	↑
Harbormaster Fund Revenue	522,232	343,932	178,301	65.9%	540,360	312,011	228,349	57.7%	(31,920)	-9.3%	↓
Total Budgetary Funds	87,470,424	43,088,662	44,381,762	49.3%	92,369,159	45,735,192	46,633,967	49.5%	2,646,530	6.1%	↑

(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.

realistic it is to regrade around building and put in a subsurface storm drainage system due to the existing clay soils and cost/effort vs reward.

6. What would be the rough cost for traffic calming and/or sidewalks near this site on Low St?

Crossing lights and a painted crosswalk could be installed in-house by DPS for a cost between \$12,000- 15,000. A raised crosswalk is not recommended due to the fact that Low Street is a main route and not a secondary street. A sidewalk on the 59 Low St side is not feasible because there are currently no connecting sidewalks on that side of the street. Rather, a crosswalk across Low St toward the school, connecting to an existing sidewalk on the school side of Low Street, makes the most sense.

7. What do we anticipate for 'carrying costs' on this building (heating/cooling and electric)?

Based on the usage per square foot at the Senior/Community Center (\$1.68/sf per year for 15.5K sf), the proposed NYS Facility (+/-11K sf) would cost approximately \$18K/year for heating, cooling and electricity.

8. What about plowing and janitorial service? Can these services be folded into current manpower at DPS?

The building size and parking area of this new project are roughly equivalent to the portions of the Brown School that were utilized for NYS. As such, it is reasonable to assume the current manpower at DPS could handle this new project under their current staffing capacities.

9. How does the size of the new project, as proposed, match the needs of the Department in terms of enrollment and utilization of the space?

NYS's capacity in the former Brown School (not including the gym) was about 110-120 young people, depending on age and type of activity. The goal for this project was to design a space that provided, at a minimum, the same amount of programming space. The new designs vary: Option C would allow between 80-90 participants at one time, or a 30% decrease. Option B would allow between 105-110 in classrooms with the biggest difference being more space in the "art room". Option A provides the most capacity at 110-120, with the additional space primarily in the teen hangout. Options A and B also have the most flexibility, by utilizing room dividers, in a variety of ways both for NYS programs but also for community organizations and rentals.

Committee Items – February 27, 2023

Community Services

In Committee:

- ORDR00419_01_30_2023 Resolution Pete Pollard
- COMM00460_01_30_2023 Letters of Support for Parks Plan
- ORDR00417_01_30_2023 Parks Reorganization Plan (COTW)

CITY OF NEWBURYPORT



IN CITY COUNCIL

ORDERED:

January 30, 2023

RESOLUTION PETER "PETE" POLLARD

WHEREAS, Peter "Pete" Pollard was born in Newburyport on July 29, 1958, he was the son of the late Charles and Patricia (Little) Pollard and was a graduate of Newburyport High School, Class of "77".

WHEREAS, Pete was a lifelong resident of the city of Newburyport, who possessed great pride in his hometown and supported it in any way he could; and

WHEREAS, he was an Athletic Trainer for both Newburyport and Triton Schools. Helping those in youth sports become better athletes and was truly dedicated to letting them know he was cheering them on, not just fixing their injuries; and

WHEREAS, Pete was a Newburyport fixture on the corner of State Street and Pleasant Street for many years he would greet all residents with a friendly welcome and a wave, and a hearty call of "YEAT." And would always acknowledge everyone who passed by with a smile and simple "Hello." and

WHEREAS, Pete exemplified what it is to make Newburyport's Downtown a kind and welcoming Place; and

NOW, Therefore, the City of Newburyport by and through its City Council hereby authorizes the placement of a plaque on or upon the corner of State Street and Pleasant Street which shall state 'Pete's Corner.' And be a reminder to all who pass-by, to be a little kinder, and make those fortunate enough to know Pete, smile.

Councillor Byron J. Lane

Councillor Constance Preston

In City Council January 30, 2023:

Motion to refer ORDR00414 to Budget & Finance, to refer ORDR00415 to General Government, and to refer ORDR00417, ORDR00418, and ORDR00419 to Community Services by Councillor McCauley, seconded by Councillor Preston. Roll call vote. 11 yes (1 remote, BL). Motion passes.

January 24, 2023

Re The Newburyport Park Reorganization Plan

Dear President Shand and City Council Members,

We write as the Board Members of the newly formed non-profit organization Port Parks Alliance (“PPA”) referenced in the Mayor’s Park Reorganization Plan dated January 24, 2023.

We came together over the past few months with the intention of creating a non-profit that could support Newburyport’s parks in a similar fashion to that of other local “friends” organizations such as the Newburyport Education Foundation. The specific need for fundraising crystallized as it became increasingly apparent that the Parks Conservancy would cease to exist.

The mission of the PPA is to collaborate with the City of Newburyport and its stakeholders to support the care, preservation, and enhancement of Newburyport parks. More specifically, we plan to bolster the missions of the Newburyport Parks Department and Parks Commission, as set out in the 10-year Strategic Plan adopted on January 23, 2023, through:

- Independent capital improvement fundraising;
- organizing of volunteers; and
- education and advocacy.

The PPA will operate with full transparency with respect to acceptance and allocation of donations, including submitting all donations in excess of \$500 to the City Council for acceptance. The PPA has its own tax identification number and will not have any formal relationship with the Morrill Foundation. We are in the process of completing incorporation and 501(c)(3) filings. The PPA Treasurer, Jim McCarthy, is in discussion with the City’s Parks Manager and Finance Director to collaborate on processes for accounting and tracking of all donations from receipt through communicating gratitude and outcomes back to donors.

We have held a handful of informal meetings to date with a number of Newburyport residents interested in supporting the city’s park. We anticipate establishing formal meetings and group membership in the coming months once our formation paperwork is finalized, as well as launching a website and beginning fundraising and volunteerism activities.

With this context and background, we each reviewed the current version of the Mayor’s Newburyport Parks Reorganization Plan, in particular references to the PPA. We believe the Reorganization Plan sets out responsibilities and activities for the PPA that align with the organization’s mission and that the PPA would be well-suited to carry out. We stand ready to work with the Parks Commission, Mayor’s office, and City staff as outlined in the Reorganization Plan should the Plan be approved by the City Council.

Sincerely,

Andrea Eigerman, President

Jim McCarthy, Treasurer

Stacey Macmillan, Secretary



City of Newburyport
Department of Public Services

January 24, 2023

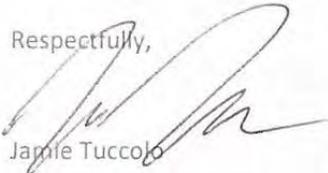
To President Shand and Respected Members of the Newburyport City Council:

I, Jamie Tuccolo, Acting Director for the Department of Public Services, am writing to you in support of the Parks Department Reorganizational Plan. Under this plan the Parks Department will become a division within DPS thus allowing both departments to utilize equipment as well as personnel, materials etc.

This merger will lead to a more efficient work schedule to address not only issues that may arise but maintenance of all City owned properties under each department.

If you have any questions, please feel free to contact me.

Respectfully,



Jamie Tuccolo

Acting Director, Department of Public Services



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

MEMORANDUM

TO: Honorable Members of the Newburyport City Council

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

CC: Sean R. Reardon, Mayor
Andrew Levine, Chief of Staff
Kim Turner, Special Projects Manager

RE: Proposed Parks Reorganization Plan

DATE: January 24, 2023

I am in receipt of the proposed Parks Reorganization Plan presented to the Parks Commission on 1/23/2023, which I understand is to be submitted to the Council on 1/30/23 for referral to Committee and subsequent review. I have discussed aspects of this plan, and the capacity and needs of this department overall, with the Mayor and his Administration during the past few months. As Director, I can verify that there is adequate “bandwidth” in the Staff Planner position within this Department to assist the Commission in the manner presented within the proposed plan and presentation.

It is my understanding that various other activities associated with the Parks Department/Division will be handled by others (*e.g. operations, routine inspections and maintenance, procurement, contract management, budget assistance, work orders, meeting agendas and minutes, and pro forma permits and reservations*). I also anticipate that large capital projects (*e.g. Market Landing Park, Bartlett Mall, etc.*) will continue to be overseen by existing staff (*e.g. Planning Director, Manager of Special Projects, Senior Project Manager*), and that larger or more complicated grant applications would be overseen, or assisted, by the City’s Grants Manager and/or Special Projects Manager. These areas are indeed better suited to existing/alternative staff positions focused on these particular areas, and with the relevant expertise (*e.g. bidding, construction management, etc.*).

There is a beneficial relationship between long-term planning efforts undertaken by this Department (*in conjunction with others*) and the type of coordination and assistance our staff planner can provide to the Parks Commission here. For example, we have routinely overseen periodic updates to the City’s Master Plan and Open Space & Recreation Plan (OSRP) along with other long-range planning documents (*several of which are required for access to state and federal funding programs*). Assistance with monitoring, implementation and update of the Commission’s 10-Year Strategic Plan would be consistent with existing planning and project management work in this Department and the Staff Planner’s job description, as would the correlation with managing and tracking related yearly CIP requests. On a parallel track, the Staff Planner already assists the Community Preservation Committee (CPC) in its yearly review of grant applications and funding recommendations to the Council, many of

which involve improvements to the City's park facilities. Improved coordination would likely result from integration of these continually evolving project listings and priorities, associated funding timelines, etc.

Please feel free to reach out should you have any questions regarding the potential role of this Department in any Parks Reorganization Plan ultimately implemented, and/or other planning work managed by Department staff.

City of Newburyport
Parks Department
60 Pleasant Street
Newburyport, MA 01950

January 13, 2023

Newburyport City Council
60 Pleasant Street
Newburyport MA 01950

Dear Councilors:

I am writing this letter in support of the Parks Department transition plan placing the Parks Department under the Department of Public Services.

In the planning process of creating this plan it became more and more evident to me that this is the proper place for a municipal Parks Department within City Government. The process involved at the beginning with Paradigm Consulting showed me that the proper place for our department is within the DPS. The ability for the Parks Department to utilize not only the administrative staff of DPS and the labor force, but also the use of aligned equipment and supplies, showed me the need for this transition.

The synergy that will come with this transition plan will propel the Parks Department from a small entity to one that can take on larger capital projects within the parks, higher quality work as well as a collaboration of likeminded individuals that have a common goal in mind, to serve the residents of the City of Newburyport.

I continue to strive to make people aware of the need for maintenance in the city's parks. With the funding of the Bartlet Mall Renovation and the soon to be Market Landing Park there has been a substantial investment in the City's Park system. With the changing demographics of the City and a higher level of expectations for quality there is a great need for maintenance. This transition will be a catalyst to improve this need within the Park system.

Sincerely,

Michael P Hennessey

Parks Manager, City of Newburyport

24 January 2023

Newburyport City Council
City Hall
60 Pleasant Street
Newburyport, MA 01950

Re: Parks Reorganization Plan

To President Heather Shand and Members of the City Council:

On January 23, the Parks Commission voted to support Mayor Reardon's Parks Reorganization Plan. This vote reflects the opinion of the Parks Commission that the plan ensures for the effective protection, management, and maintenance of Newburyport's parks now and for generations to come.

Over the past several months, the Parks Commission has held a series of Special Meetings to develop a 10-Year Strategic Vision for Newburyport's Parks. This vision is designed to work in tandem with the Parks Reorganization Plan. Where the Reorganization Plan details an efficient organizational structure for the support and management of our parks, our Strategic Vision provides a clear direction for what we hope our parks can be now and in the future. Central to this vision is a set of six Core Values that reflects the Parks Commission's priorities and guides our decision-making. These Core Values are:

1. Environmental Conservation
2. Health & Wellness
3. Diversity, Equity & Inclusion
4. Community Engagement & Communication
5. Economic Vitality, Planning & Stability
6. Historic Preservation

The newly proposed organizational structure will relieve the Parks Commission of some of its more mundane tasks (permitting, reservations, fees), and allow us to focus on more visionary projects and initiatives (adult parks programming, climate resiliency, universal accessibility, historic preservation). It is our belief that Parks Reorganization, combined with our 10-Year Strategic Vision and Core Values, will serve to provide the best possible parks experience for our diverse community of park users.

Sincerely,

Ted Boretti
Chair, Newburyport Parks Commission



January 25, 2023

Dear Council President Shand and City Council Members,

I am writing to show our support for Mayor Reardon's Parks Reorganization Plan. The Youth Services Department is prepared to take on the adult recreation programming that was running through the Parks Department previously.

These programs will fall under our Rec & Enrichment Division. Associate Director, Joe Pauline, has a history of programming for all ages. He looks forward to rebuilding the programming that has been offered in the past as well as begin to look forward to new partnerships. We have the necessary platform of our registration system to make this a seamless transition and believe we can easily work with outside vendors to continue programming. Our goal will be to work with the Parks Commission to expand programming over the next few years to create healthy opportunities to all of our City's residents. We are committed, like our youth programs, to making all programs accessible and inclusive to all and to reflect the diversity of our community.

Please let me know if I can provide any more information.

Thank you!

Andrea Egmont
Director of Youth and Recreation Services
City of Newburyport
978-465-4434 ext 1351
Pronouns: She, Her, Hers

www.newburyportyouthservices.com

Newburyport Youth Service
60 Pleasant St.
Newburyport, MA 01950
978.465.4434 youthservices@cityofnewburyport.com
www.newburyportyouthservices.com

CITY OF NEWBURYPORT



IN CITY COUNCIL

ORDERED:

January 30, 2023

Administrative Order

WHEREAS, Article 5, Administrative Organization, Section 5-1, Organization of City Agencies, of the Newburyport Home Rule Charter authorizes the Mayor to reorganize, consolidate or abolish any City agency, in whole or in part, or to establish such new City agencies as is deemed necessary; and

WHEREAS the Mayor intends to establish an operating division with respect to the operation of the City's parks for the efficient conduct of the business of the City and further improve the services provided by the City's administration; and

WHEREAS the Mayor has included a message with the plan attached hereto and marked Attachment 'A' to the Council explaining the benefits expected to result from this proposed change and the sections of existing ordinances that will need to be amended.

NOW, THEREFORE, the City Council hereby approves the reorganization of the Newburyport Parks Department as described in the attached plan, and its primary responsibilities will be placed under the auspices of the Department of Public Services. Further, additional responsibilities of the Parks Department will be brought into Newburyport Youth Services, the Department of Planning and Development, the Mayor's Office, and the Parks Commission. Any needed amendments to the City's Code of Ordinances will be brought to the City Council for consideration to effectuate this Order and Attached Plan with respect to reorganization of the Parks Department. This administrative order will come into effect in 60 days, unless disapproved by a vote of the Council.

Councillor Heather L. Shand

In City Council January 30, 2023:

Motion to refer ORDR00414 to Budget & Finance, to refer ORDR00415 to General Government, and to refer ORDR00417, ORDR00418, and ORDR00419 to Community Services by Councillor McCauley, seconded by Councillor Preston. Roll call vote. 11 yes (1 remote, BL). Motion passes.

Motion to remove ORDR00417 from Committee on Community Services and refer to Community Services and COTW by Councillor Zeid, seconded by Councillor Wallace. Roll call vote. 11 yes (1 remote, BL). Motion passes.



Courtesy Bob Watts

NEWBURYPORT PARKS REORGANIZATION PLAN

January 24, 2023

Full Plan to the City Council Accompanying
Administrative Order

Mayor Sean R. Reardon
City of Newburyport



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

January 24, 2023

President Shand and Members of the Newburyport City Council,

It has been five months since I first introduced my reorganizational plan for Newburyport's parks and playgrounds. I continue to be excited about this plan, and believe it is the best move for our City.

Our parks represent some of our most valuable public assets, and we owe it to them, and to our residents, to protect and enhance them for future generations to enjoy. Our parks provide a necessary connection to nature, history, community and recreation, and support our economic and environmental sustainability. I remain steadfast in my belief that this plan will provide our parks with the highest level of care in the most efficient and effective manner.

Since this plan was first introduced in August, we heard from each member of the City Council, we have held two public forums, and we have adopted many good suggestions for adjustments to the plan. In September, we elected to withdraw the plan to hold focused public discussions with the Parks Commission, which, subject to appropriation, lays out, regulates, and hires officers to manage our parks.

The Parks Commission has discussed, and is currently drafting, a 10-year vision for our parks. In parallel, a passionate group of residents has also stepped up to create a new 501(c)(3), the Port Parks Alliance, to be the fundraising and volunteer support arm for our parks. Based upon the good work of the Commission and Alliance over the past three months, we have made additional adjustments to the plan to reflect and support the priorities and desires of each group.

It is through open dialogue and collaboration that successful outcomes occur. The adjustments to the reorganization plan that you will find in the following pages represent just such an effort over the past five months. Those efforts have made this plan stronger.

The plan touches many city departments, not just the Parks Department, all of which have been involved in crafting the revisions. The result weaves together existing strengths to address the City's needs, culminating in what I know will be a stronger organizational plan to support our parks, and our City, moving forward. I look forward to discussing this with you and the public in the coming weeks.

Respectfully,

A handwritten signature in black ink that reads "Sean R. Reardon".

Mayor Sean R. Reardon

Executive Summary

In August of 2022, this Administration brought forth a plan to reorganize Newburyport's Parks Department into the Department of Public Services. The goal of the reorganization was, and continues to be, to strengthen Newburyport's Parks, improve efficiencies, and eliminate redundancies. While many members of the City Council and the public approved of this plan in concept, there were questions that arose around the elimination of the Parks Director position, and how to support the number of perceived roles that position filled. Instead of thinking about the Parks Director's role as being split across multiple departments, the following pages show how the Reorganization Plan is instead better aligning the skill sets that currently exist within the City in order to support the needs of our parks, in a way that will continue to make our parks better.

Below is a list of changes that the Reorganization Plan proposes:

1. Move the operations of the current Parks Department under the Department of Public Services and remove the Parks Director position to **improve maintenance and better allocate resources**:
 - Maintain all other people and positions previously in the Parks Department, including the Parks Manager, full-time and part-time employees, who have specific skills and experience related to our Parks, as a fully intact Division under DPS. They will continue to execute operations, inspections and maintenance as they have in the past, but will report to DPS leadership rather than to a Parks Director.
 - Utilize the Business Manager role within DPS to provide procurement, contract management and budgeting assistance, which are skills this role is expert in.
 - Employ DPS Admin to execute work orders, write agendas and minutes for the Parks Commission, and manage pro forma permits and reservations for the parks.
2. Bring Adult Recreation under supervision of NYS to **improve allocation of resources**:
 - Continue to offer adult recreation opportunities under the purview of NYS, which has both capacity and platforms in place to support such activities.
3. Advance advocacy and fundraising for our parks to **improve governance and better allocate resources**:
 - Work with the new 501(c)(3) Port Parks Alliance, whose mission is to support advocacy, fundraising and volunteerism in our parks.

- Coordinate communication between the Port Parks Alliance, the Parks Commission and Parks Manager to support initiatives and priorities as identified by the Commission, and to comply with all Charter, Newburyport Code, and state laws on accepting gifts.
4. Provide additional support for parks and open space within the Planning Office by having the Department's Planner assist the Parks Commission with specific tasks to **support visioning and implementing of parks specific plans**:
- Support some project management, and staffing of the Parks Commission to help coordinate the implementation of the City's Master Plan, Open Space and Recreation Plan, and the Parks Commission's 10-year Strategic Plan.
5. Provide the Parks Commission with additional support from the Mayor's Office and Planning Office to **improve governance**:
- Assist the Commission in setting and adopting policies that reduce their time reviewing issues and permits ad hoc.
 - Increase the Commission's ability to spend time focusing on their goals, core values and opportunities including annual, scheduled reviews of the Parks Master Plan of priority projects, grant and fundraising requests, policy reviews, review of the City's 'Orphaned Properties', and improved communication with the public about park assets.

Newburyport's 2020 Open Space and Recreational plan included a community survey in which residents and stakeholders were very clear about why they choose to live in Newburyport: because of its natural beauty, historic and cultural assets, and open space and recreation opportunities. That strong sense of civic pride rang true last fall as we discussed the first version of this parks reorganization plan, and that pride of place and importance of our open spaces carry through every line of this reorganization plan. This plan makes our parks stronger and provides the support needed to maintain and improve them for years to come.

Goal of Restructuring

One of the main objectives in the Mayor's Strategic Plan is to provide high-quality public services in order to strengthen our city's position as a desirable place to live, work, and visit. A subset of this goal is a commitment to maintain the City's excellent financial position and to look for new ways to maximize efficiencies in its administration. The City administration constantly looks for ways to improve municipal administration and provide the high level of services our residents expect, by efficiently using existing City resources. The City Council is particularly interested in reducing unnecessary spending so that residents can be spared from high tax increases.

In August 2022, Mayor Reardon proposed a plan to consolidate the Parks Department within the Department of Public Services, which originated as a recommendation from municipal management consultant Community Paradigm in their June 2022 report on operational improvements. The report reads in pertinent part as follows:

"Issue: The Parks Department maintenance crew consists of two (2) full-time individuals and seasonal staffing, when available. The crew is responsible for maintaining a number of park areas throughout the City. With very limited staff, accomplishing all its workload proves problematic at times. The Department of Public Services (DPS) has a much larger staff that performs many of the same tasks also throughout the City. As an example, in certain areas park maintenance staff is responsible for one side of the street while DPS is responsible for the opposite side.

Recommendation: Establish a Parks Division within DPS with responsibilities related to public parks and grounds. The two full-time park maintenance staff would be merged into existing DPS structure and utilized as other department personnel. This will eliminate duplication of tasks and responsibilities, as well as the purchase and maintenance of capital equipment. The larger DPS staff would be able to accomplish all necessary park maintenance tasks with the ability to provide coverage during vacations, sick leave, etc. Assign the current Parks Manager as a General Foreman or a Division Head in DPS reporting to the DPS Assistant Director (similar to the already current General Foreman). This individual could be responsible for several DPS responsibilities that perform like services that he currently oversees."

This recommendation remains timely and relevant, because the opportunities for efficiencies presented by consolidating the Parks Department remain. In later sections of the plan, we will detail how consolidation is also consistent with the City’s Master Plan, Open Space Plan, and the goals of the Parks Commission, the body actually responsible for our system of parks and playgrounds.

Reorganization Plan: Process

This plan accompanies an administrative order submitted to the City Council to move the responsibilities of the Parks Department primarily to the Department of Public Services. Article 5, Section 5-1 of the Newburyport City Charter, titled “Organization of city agencies,” requires that the Mayor file such an administrative order with the City Council to organize the City’s operating agencies:

“The mayor may, subject only to express prohibitions in a general law or this charter, propose to reorganize, consolidate or abolish any city agency, in whole or in part, or to establish such new city agencies as is deemed necessary, but no function assigned by this charter to a particular city agency may be discontinued or assigned to any other city agency unless this charter specifically so provides. The mayor may from time to time prepare and submit to the city council administrative orders that establish operating divisions for the orderly, efficient or convenient conduct of the business of the city. These administrative orders shall be accompanied by a message of the mayor which explains the benefits expected to ensue and advises the city council if any provision of an administrative order shall require amendments, insertions, revisions, repeal or otherwise of existing ordinances.”

This plan expands upon the earlier effort begun in August 2022. The plan presents a comprehensive approach to realizing a long-term vision for Newburyport’s parks. It describes the benefits expected from the new operations plan (including additional supports for parks management), officers and groups proposed to be responsible for fundraising and events for our parks, and how municipal recreational activities will be structured.

It also includes information about how to support the Parks Commission in that body’s role in overseeing our parks. This information includes an overview of those provisions of the Newburyport Code that may need to be updated to accompany the reorganization. Please refer to the matrix of responsibilities (Exhibit A) and the revised organization chart (Exhibit B).

History of Parks Commission and Department

The Parks Commission was established in 1996 under then-Mayor Lisa Mead. The exact responsibilities of the Commission have evolved over the last 25 years, but its mission to oversee the operation of the City's parks and recreational facilities has remained the same. Today, the Commission has jurisdiction over laying out parks, park improvements, and setting the rules of how parks are to be used, including the issuance of permits (Newburyport Code of Ordinances, Chapter 11). The five volunteer commissioners help to set the City's vision of how our parks will continue to meet the needs of our residents, including how they can be maintained for generations to come.

The Parks Department grew organically out of the Commission's work, and the need to have staff maintain and program our parks.

- The FY2015 Budget was the first to refer not merely to the Parks Commission, but to a "Parks Department," as well. However, no administrative order was submitted or considered, although Newburyport's Home Rule Charter had taken effect.
- Under the FY2015 Budget, both the Parks Commission and Parks Department were grouped under the broad category of "planning and development". This was the same year that the "Parks Coordinator" position was budgeted as a full-time position. Under the FY2016 Budget, the coordinator position was denoted as a "Director-" level job. The City Council appropriated the necessary funds, but did not approve an administrative order at that time.
- The FY2017 Budget classified the "Parks Department" as falling under the broad category of "public services", with the Parks Director being appointed by and reporting directly to the Mayor.
- The FY2018 Budget again placed the Parks Department within the broad planning and development category, which is how it has been listed since.
- The Department continued to grow after FY2016, with the addition of a "Parks Manager" in FY2018, an additional full-time laborer in FY2019 and another in FY2020.

Today, the Parks Department is budgeted for 7.5 FTE positions between the Parks Director, Parks Manager, two full time groundskeepers, 1 FTE in part-time groundskeepers, and 2.5 FTEs worth of seasonal groundskeepers. In contrast, under the FY2014 Budget, the sole employee was a Parks Coordinator, at 0.57-time, and no employee benefits. To that date, groundskeeping, for example, was handled by Department of Public Services staff.

Neither the Parks Department nor the Parks Commission is mentioned under the Newburyport Home Rule Charter. While the Parks Department appears to have evolved over time into a full “department”, with a director reporting to the Mayor, there is no record of any plan for the Department’s organization having been submitted to the City Council, at any point.

Review of Other Municipalities

With their June 2018 report, Community Paradigm submitted a review of other municipalities of similar sizes, identifying the structures of their parks, recreation, and public works agencies. Their findings confirmed research by the Mayor’s Office, that it is common in municipalities at Newburyport’s size and scale to manage its parks through their departments of public works. Community Paradigm has worked with municipalities of all sizes in Massachusetts and their recommendation carries considerable weight based on their experience in local government.

The following chart describes how comparable municipalities handle their parks.

Municipality	City/ Town	Population	Parks acres per 1000 people	Parks Maintenance	Recreation Programming	Commissions
Concord	Town	18,950	38	Public Works	Recreation Department	Recreation Commission
Scituate	Town	18,839	53.1	Public Works	Recreation Department	Recreation Commission
Sharon	Town	18,666	76.1	Public Works	Recreation Department	Recreation Advisory Committee
Winthrop	Town	18,558	1.7	Public Works	Parks and Recreation	Parks Committee
Pembroke	Town	18,455	40	Public Works	Recreation Department	Recreation Commission
Newburyport	City	18,197	11.8	Parks Department	Parks Department	Parks Commission
Rockland	Town	18,010	4.2	Park Department	Recreation Commission	Park Department
Foxborough	Town	17,917	41	Highway Division	Recreation Department	Recreation Board

Ashland	Town	17,787	51.6	Public Works	Recreation Department	Open Space and Recreation Committee
South Hadley	Town	17,715	19.8	Public Works	Recreation Department	Recreation Commission
Amesbury	City	17,474	44.4	Public Works	Recreation Department	Parks and Recreation Commission
Greenfield	City	17,353	12.4	Public Works	Parks and Recreation	Recreation Commission
Gardner	City	20,607	99.4	Public Works	Parks and Recreation	Public Service Committee
North Adams	City	12,897	8.6	Public Services	Parks and Recreation	Parks and Recreation Commission

There are certainly some municipalities with standalone parks departments, but this appears to be more common only in larger and more populous places than Newburyport. The proposed structure here is consistent with that of other similarly situated municipalities and will best serve the City of Newburyport given our size, scale, and structure.

Proposed Structure

Operations

Under this reorganizational plan, operational and maintenance duties will be placed under the supervision of the Department of Public Services. The Parks Manager will report directly to the DPS leadership, with daily supervision from both the Director and Assistant Director of Public Services, based on their priorities and availability.

The duties of the Parks Manager will largely stay the same. They will oversee all parks operations and maintenance on a day-to-day basis, and the Administration will have this position moved into the appropriate union. The two full-time groundskeepers will continue to report to this employee, as will the part-time and seasonal workers. As a unit—the Parks Manager, groundskeepers, and part-time and seasonal workers—will be responsible for all physical work, maintenance and inspections at our parks. The difference is that the unit’s budget and supervision will fall under DPS.

Moving into the Department of Public Services means the parks unit will have access to all of DPS’s support staff, none of which are available to them today. This DPS Business Manager will assist with

procurement, budgeting, and contract management so that Parks staff will not be solely responsible for writing their own RFPs or managing contracts in addition to their field duties.

Currently, the parks unit has no administrative staff, while folding them under DPS will allow them to draw upon the three full-time administrative staff members at DPS. DPS administrative staff will be able to file work orders for the Parks unit and answer questions from the public. Perhaps most importantly, there will now be multiple administrative staff able to handle permit applications for Parks use. They will be trained on the parks permitting system and the protocol for referring permit applications to the Parks Commission as necessary. By statute the Parks Commission is the permitting authority for our parks and playgrounds, and the commission may delegate permitting to City officers or other staff as defined by them. (Munic. Code s. 11-5(t).)

Fulfilling the Previous Responsibilities of the Parks Director

A significant change within this structure is the elimination of the Parks Director position. A full accounting of the reassignment of the Department's responsibilities, including those of the Director, can be found in Exhibit A, the Responsibility Matrix. All responsibilities around day-to-day operations will be moved to the Department of Public Services as described in the section above. The August 2022 process included numerous discussions on the other responsibilities of the Parks Director, including advocacy and vision for the parks, supervision of programming and events, and supporting the Parks Commission. This section will describe the Administration's plan for transferring these responsibilities to individuals, departments, and organizations that are well equipped to fulfill them.

Strategic Planning and Vision

By statute, responsibility for the improvement and use of Newburyport's parks and playgrounds rests with our Parks Commission, with input from residents, and subject to appropriation. The City has a dedicated, thoughtful, and talented group of residents who serve on our Parks Commission. This reorganization plan is an opportunity to better align operational practice with the Commission's role as the vision definers and policy makers of our parks.

Over the last three months, the Parks Commission has undertaken a strategic planning process to identify their goals and core values, and opportunities for improving their policies and procedures as a Commission.

The Commission is proposing to undertake annual, scheduled reviews of its policies and to adopt rules for handling grant and fundraising requests. It also plans to adopt a capital plan for priority projects proposes the performance of an annual review, in collaboration with the Planning Department, Mayor's Office, and other pertinent Boards, Commissions and Departments, of the City's 'orphaned properties' to determine their suitability as parks or playgrounds. All of this policy work will focus Commission meeting time on its larger vision, rather than reviewing and voting on projects and permit applications ad hoc.

In the coming months, the Mayor's Office will help the Parks Commission to overhaul its website, to improve public communication around its adopted policies, regulations, and fee schedule, and to provide a map and inventory of assets at each of our City parks and playgrounds.

Project Management and Supporting the Parks Commission

Through the earlier rounds of feedback from the City Council and the public, concern was raised about whether the City has the capacity to support the planning and coordination needed to implement the vision for Newburyport's parks. There was also a preference expressed to employ a City staffer who has "subject matter" experience that is not strictly administrative. Accordingly, under this plan we propose having the Planning Department's Staff Planner add specific, parks related responsibilities to their portfolio. This position already staffs relevant committees, including the Community Preservation Committee, and would be comfortable playing a planning specific supporting role for the Commission. The Planner would be responsible for staffing the Parks Commission and coordinating the implementation of the City's Master Plan, Open Space and Recreation Plan, and Parks Commission Strategic Plan.

The Parks Commission has significant responsibilities, and this position will add staff support for implementing the plans they create. They will also help to staff planning processes, like the Open Space Plan. This position is already charged with assisting in land use decisions and coordinating the improvement of public and private lands, so this will be a natural fit.

Administration and Customer Service

To reiterate, the Administration intends for administrative staff already employed at the Department of Public Services to assist in the day-to-day use of our parks and playgrounds, mostly by handling permit applications and creating work orders for maintenance requests. One of these DPS administrative

staffers will be made available for clerical support of the Parks Commission, including preparing agendas and writing minutes. This is, in fact, how clerical tasks are handled for our Water and Sewer Commission. Clerical support for Water and Sewer is, of course, far more intense than what the Parks Commission will need.

Adult Recreation

The Administration is committed to continuing to offer recreational programs for residents of all ages, and recommends bringing adult recreation under the direction of Newburyport Youth Services. Given its core competencies, NYS was mentioned in the Community Paradigm report as a logical home for some of the programmatic functions in our parks.

This plan proposes to move adult recreation programs under the purview of the NYS Associate Director of Recreation and we will have all recreation activities listed on the City's online activity registration portal. We anticipate providing the same level of service for recreation by assigning it to the purview of a position already working on recreation and using existing platforms for marketing and facilitating registration for these programs.

Advocacy, Fundraising, and Volunteering

In the past, the person serving as Parks Director has committed significant time to securing revenues for the preservation and expansion of our parks and playgrounds, through a non-City entity called the Parks Conservancy, that is controlled by the Mayor Gayden W. Morrill Foundation. The City is committed to maintaining its strong relationship with the Morrill Foundation, which historically has gifted approximately \$110,000 per year to advance priority capital projects in the City. Naturally, the City is very grateful to the Morrill family for its continued support of the City and its parks, in the tradition of Mayor Morrill himself, during the Great Depression.

While the Conservancy for many years handled donations paid to our parks and playgrounds, it had been managed by the former Parks Director, a City employee, on behalf of the Morrill Foundation. Late last year, the Foundation indicated a preference to dissolve the Conservancy in order to allow a new, independent, non-profit "Friends-type" group to emerge and help our parks and playgrounds, rather than handle monies directly. This transition presents an opportunity to ensure that all fundraising procedures avoid any legal or accounting issues that arise from mixing public and private functions, duties, and funds.

To continue a tradition as old as our city government, the Administration would like to encourage private fundraising for and volunteer work at our parks and playgrounds. We are excited to announce the formation of a new 501(c)(3), called the Port Parks Alliance, whose charge is to advocate for our parks system, raise capital funding for the system, and organize volunteer labor. This group is purely volunteer and will have a close relationship with the Parks Commission.

When the Alliance raises money, it will be for those initiatives that the Commission has identified as its priorities, and all gifts above \$500 will be brought before the City Council for acceptance. By operating as a fully independent non-profit organization, we will be assured that the Alliance will comply with all local and state laws on accepting gifts, and will provide transparency in the handling of public funds.

The Alliance can be a vehicle for some donor-directed spending, but by working through the Parks Commission, the City can be sure that these opportunities are consistent with the City's own goals, as well as the capacity of staff to implement. Going forward, donors to the Alliance will be able to see in public filings, accessible through the City website, how funds are actually spent on parks projects.

The Port Parks Alliance will also be responsible for organizing volunteer workers at our parks and playgrounds. The Alliance will work with the Parks Commission and City staff as directed by that commission, to organize annual clean-up and advocacy events. Further events could also be authorized by the Parks Commission, depending on their match with that commission's strategic plans and priorities. The City is grateful to its residents who care deeply about the City's parks, and the Alliance will be able to organize volunteers systematically and transparently.

Grant Writing

The City employs a part-time grant writer, who will remain the point person for writing grants to support the City's parks.

Summary

Further details on the proposed reorganization can be found in Exhibit A, the proposed responsibilities matrix. Between the administrative, management, and business offices at DPS, the policy and planning assistance from the Planning Department and Parks Commission, and recreation services through NYS, most non-maintenance functions will be covered by departments already engaged in similar work.

Anticipated Benefits

Operational Efficiencies: The greatest benefits of this reorganization plan include a new ability to achieve greater outputs with fewer or similar resources, and the improvement of processes that will lead to high quality parks maintenance, efficient delivery of capital projects, and an improved resident experience with their city parks and playgrounds.

DPS and Parks Department staff have been performing similar functions without coordination, often entering into multiple contracts to buy the same supplies, or purchasing the same equipment, which may not receive full use in either department. The two departments have identified specific areas of efficiencies, as follows:

- Administrative Staff: As described earlier, shared administrative staff will allow for more efficient communication with the public and the immediate creation of work orders to address resident issues. Parks maintenance staff will be able to focus on improving the condition of the parks and playgrounds.
- Snowplowing: Currently, Parks staff snowplow parks and playgrounds only, and they begin that work while DPS staff are still plowing city streets and sidewalks, without any coordination. Merging with DPS will allow staff in the Parks unit to plow alongside DPS staff, as needed given actual conditions. For example, new cooperation will mean that heavily used parks and playgrounds like the Clipper City Rail Trail can be cleared as quickly as possible by parks unit and DPS staff, together. The Department of Public Services files an annual snow removal plan with the City Council, as required under the Newburyport Code, and these changes will be addressed through that document.

Further, pooling equipment creates redundancies so that if one piece becomes inoperable, there are backups. For example, this past winter the Parks Kubota tractor used by parks staff became disabled six hours before a major snow storm, and needed attention and resources under intense time constraints to fix. DPS equipment could not be used to help. In practical terms, merging with DPS means that parks staff will be able to mount plows on two additional trucks. Also, parks staff will gain new access to DPS trucks or staff to plow parks parking lots to that serve our parks and playgrounds, which is not true today.

- Other Equipment: This advantage is also felt through saved capital and maintenance costs, but streamlining even just the logistics of purchase and use of equipment shared by both parks staff and DPS will help both. Examples include landscape equipment (mowers, trimmers, etc.) as well as attachments or modifications to existing equipment. These changes will be reflected in future Capital Improvement Plans, showing both potential reductions in overlapping equipment and more targeted requests that will better our parks and playgrounds.
- Operational Systems: The Department of Public Services utilizes a number of systems and apps that allow for faster assignment and tracking of work. They also have the full support of their business office which handles payroll, accounts payable, purchasing, vendor selection, and ordering of supplies. Meanwhile, today's Parks Department does not have any work order system for assigning tasks. Giving parks staff access to DPS's systems and apps will allow a level of management and tracking that does not and cannot otherwise exist. To better communicate with residents and Ward Councillors, requests related to parks and playgrounds will be able to be indexed, prioritized, and tracked.
- Physical Condition of Parks and Playgrounds: The merger will lead to a higher level of physical care at our parks and playgrounds. Specifically, we will see higher frequency mowing, faster service on irrigation systems (which requires coordination with the Water Department, also part of DPS), more frequent repainting of benches, and faster repair of water fountains and play equipment.

Cost Savings: While Operational Improvements are the focus of this plan, cost savings are anticipated because of the elimination of the Director's position, which will put total cost savings at around \$105,000 per year. We have also addressed how revenue creation activities regarding the parks, including grant writing and fundraising, will be covered by volunteer organizations or current employees.

DPS and Parks have identified several areas for cost savings derived from operational efficiencies, which are detailed below.

- Equipment Rental: Currently, parks staff must rent equipment for annual maintenance and to complete larger capital projects. For example, Parks often subcontracts to use trucks at a cost of over \$361.00 per day, and usually for a period of two weeks, even though DPS may have trucks available. Parks also currently contracts with private companies to clear out rock, aggregate, or debris from assorted landscape projects, but will no longer have to do so when given access to DPS's Fulton Pit, as well as DPS vehicles for hauling. Other common rentals by Parks include skid steers, loaders, and mini excavators, all of which will now be able from DPS's pool of equipment. Savings on annual maintenance is estimated at least \$800 a year, and can bring down costs of individual projects by 5-10% depending on the project. Between maintenance and projects, savings are anticipated at approximately \$3,000 a year, which may seem modest but is significant over the lifetime of our parks system.
- Purchasing of Materials: The City will see savings with Parks purchases now being integrated into bulk orders through DPS for items such as salt, ice melt, fertilizer, seed, and mulch. Savings are estimated at up to 10%, which on today's approximate \$41,000 budget, will save approximately \$4,000 every year.
- Contracted Services: Parks has two vehicles that are currently serviced by the dealer. Once the reorganization within DPS is complete, in-house DPS mechanics will be able to service these vehicles instead, saving approximately \$250 an hour for any work done. Vehicles typically receive an average of four hours of service per year. Having service in-house also means they can be fixed and placed back into service faster, and it will be less expensive to provide routine service more often, which can help extend the life of the vehicles. Cash savings for such vehicle maintenance is estimated at approximately \$2,000 per year.
- Bookkeeping Services: Today's Parks Department pays a part-time bookkeeper \$3,000 every year, and this work will instead be completed by the in-house DPS business office staff.
- Operational Cost Savings: Costs are expected to decrease and staff time is expected to be used more efficiently because of the operational improvements described in this and the previous section. The Parks Manager will not need to spend time on renting equipment or checking in on task completion because of the improvements in staffing, operations, and equipment sharing.

Costs could decrease by as much as 20% thanks to these improvements, and would make certain projects more feasible and efficient.

- Existing DPS Contracts: Leveraging existing DPS contracts for certain capital and maintenance tasks, including paving, sidewalks/walkways, tree removal and more will also create substantial savings. These may be expected on a per-project basis. For example, completion of the Joppa Park walkway project cost approximately \$30,000 less than budgeted by utilizing DPS’s sidewalk contractor, and leveraging their economies of scale.

Needed Changes in the Code of Ordinances

The Charter at Section 5-1 states that the Mayor’s message should advise the City Council if there will be a need to update or amend the City’s Code of Ordinances. Potential updated Ordinances may include, but not be limited to, the sections found below.

Chapter 2, Article VI, Section 2-394 – Departmental Revolving Funds

This section gives the Parks Director the authority to spend from the Parks Maintenance Revolving Fund. We will recommend that this responsibility instead be given to the Director of Public Services. The funds will still be used for the same purpose, which is maintaining the parks and investing in repairs, renovations, upkeep and security. The source of the funds are fees and charges received from renting the parks. The funds would with approval by the DPS Director (with reporting to the Commission and City Council), allowing for more immediate spending with appropriate oversight, and can serve the immediate needs of the City’s parks. The original language is found below.

A Revolving fund	B Department, Board, Committee, Agency or Officer Authorized to Spend from Fund	C Fees, Charges or Other Receipts Credited to Fund	D Program or Activity Expenses Payable from Fund	E Fiscal Years
Parks maintenance	Parks Director	Fees and charges paid to the city for the use	Expenses associated with parks	Fiscal year 2019 and

		and rental of parks by outside groups, organizations and individuals	maintenance, repairs, renovations, upkeep and security	subsequent years
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Chapter 11, Article I, Section 11-5(t, v, and y) – Rules and Regulations for All Public Playgrounds:

Chapter 11 will need to be edited in a few places. Currently, Chapter 11 allows the Parks Commission to delegate authority in approving routine, non-recurring park permits to the Parks Director. We will recommend that these provisions be changed to instead allow for the Parks Commission to use different designees to process such applications. As addressed above, our recommendation is for the DPS Administrative Assistant, who will staff the Parks Commission, to approve routine applications, and to bring complicated applications to the Commission for further consideration. We also recommend removing the phrase “non-recurring” from the section, to more adequately reflect how applications were being processed by the Parks Director. It is our recommendation that the Parks Commission set a formal policy for which applications are considered routine and non-recurring, and so can be handled by administrative staff, with all the rest handled by the Commission.

The specific provisions of Chapter 11 to consider are found below.

- *“The parks commission shall be the permitting authority for all of the city's public parks and playgrounds, and applications for activities therein shall be made to such commission. Solely for routine, non-recurring applications, the parks commission may delegate its authority to process such applications to the parks director, by promulgating a rule pursuant to section 11-6.”*
- *“Permit applications for activities at parks and playgrounds, made pursuant to the rules and regulations of this chapter 11, shall be processed in the order of their receipt. The parks commission, or the parks director as its designee pursuant to subsection (t), shall determine whether to grant or deny an application within thirty (30) days of receipt of determining that such application is complete, in all respects, unless the applicant provides written consent to extend such period for a set period.”*
- *“Denial of an application for authorization shall be in writing, and shall set forth clearly the grounds upon which the permit was denied. Where feasible, the parks commission, or the parks*

director as its designee pursuant to subsection (u), shall suggest in such written denial those measures by which the applicant may cure any defects in its permit application, or otherwise procure a permit in a subsequent application.”

Additional Changes

Creating an additional division within the Department of Public Services will also require reevaluating the Department’s allocation of overhead costs to its divisions, which has implications for the budgets of the General Fund, Water Enterprise Fund, and Sewer Enterprise Fund. The Finance Department and Business Manager of the DPS will work together on allocating these in the 2024 Budget Cycle based on preliminary time estimates after the plan is approved. The DPS Director and Finance Director currently recommend adopting the following splits between divisions:

Staff Position	Highway Division (GF)	Parks Division (GF)	Water Division (Water Enterprise Fund)	Sewer Division (Sewer Enterprise Fund)
Management Positions (Director, Deputy Director, Business Manager)	30%	10%	30%	30%
Engineering	33%	1%	33%	33%
Administrative Staff (Overall Split)	25%	10%	35%	30%
Facilities	97%	1%	1%	1%
Electrician	64%	4%	16%	16%

This will continue to be revised in a way that accurately estimates the time spent by relevant staff on division related activities.

Fit with Other City Plans

At the outset of this plan, we addressed how it serves the goals of the City's Master Plan, which was adopted in 2017 after a large-scale, community-led processes. The plan is also consistent with the City's Open Space and Recreation Plan, adopted in 2020. Finally, we have mentioned that the commission in recent months began a 10-year strategic visioning process, which the reorganization plan also services. Below are more details.

Support for the City's Master Plan (2017):

Newburyport is fortunate to have 26 city parks and playgrounds. Together, they comprise over 200 acres, or roughly 3% of the City's total land, including parks of historical significance, woodlands, water features, over three miles of rail trails, playing fields, courts, and play areas. There is no question that these resources are a source of great community pride, as they help make the City an extremely desirable place to live, work and visit.

Within Chapter 9 of the City's Master Plan (Cultural, Historical & Heritage Resources), is an overall theme of strengthening, enhancing, and promoting the City's many cultural, historical and natural heritage resources for residents and visitors to enjoy. By utilizing the existing strengths and resources that already exist throughout the City in a more effective and organized way, the Parks Reorganization Plan will provide the appropriate supports to execute on the goals as detailed below.

Goal CR-3: Support a rich variety of cultural opportunities and activities for all groups and individuals in the City.

Detail: Over the past few months, a committed group of residents has formed a new non-profit Port Parks Alliance, whose purpose is to advocate for our parks and provide support in terms of fundraising and volunteerism. Early discussions with this group have included the potential for one or more annual landmark events to raise awareness and money to support capital improvements in our parks, as identified by the Parks Commission, and regular coordination with parks volunteers who desire to connect with our parks in a purposeful way. They also aim to promote education and advocacy for our City's open spaces in terms of their history, ecological vibrancy and overall maintenance.

Goal CR-4: Promote the preservation, appreciation, and sustainable use of Newburyport's natural resources for residents and visitors.

Detail: Over the past few months, the Parks Commission has embarked on a 10-year Strategic Visioning Plan to identify the core values of the Commission, and drive their priorities over the next decade. Among the 6 core values the Commission has identified is ‘Environmental Conservation’, which includes a desire to coordinate with City agencies to improve climate resiliency at our most vulnerable parks, identifying plant species that are well-suited to climate change, reducing water needs, and considering renewable energy sources within our parks. The Parks Commission will be working with the Parks Manager and Mayor’s office to set policies around these critical issues, and schedule regular coordination meetings with appropriate City agencies in order to move some of these key priorities.

Goal CR-5: Promote and support an increased level of preservation to protect Newburyport’s historic built environment for future generations.

Detail: Included in the Parks Commission’s core value ‘Historic Preservation’, is the aim to document the historical aspects of our parks through a program called ‘Know Your Parks’. This program would list all the interesting aspects of each park, including its history, and would be listed on the City’s Parks Commission webpage. The information could also be located on designated markers at each park. This program would support additional economic development initiatives, as identified by the City’s economic consultant, including strengthening Newburyport’s branding and identifying an on-line presence for visitors seeking a full package of destinations to enjoy within the City.

Support for the Open Space and Recreation Plan (2020):

Newburyport’s Open Space and Recreational plan, adopted in 2020, was informed by a community survey, in which residents and stakeholders gave reasons for their decisions to live in Newburyport. Chief among these were the City’s natural beauty, it’s historic and cultural assets, and its open space and recreational opportunities. Newburyport has a strong sense of place and civic pride that is inherently tied to its heritage landscapes, open spaces, and recreational opportunities.

Included in the recommended action items of the OSRD goals is an overall theme of protecting open space, supporting recreation, and conducting a high level of parks maintenance. This Parks Reorganizational Plan aims to execute on these critical goals by reducing redundancies and streamlining effective action and communication as detailed below:

Objective 1C: Plan for unmet recreation needs.

Detail: Included in the Parks Commission's core value 'Health & Wellness', is the goal to further support the recreational needs of the City's residents and visitors. One suggestion that was brought up during the Commission's recent Visioning Sessions was a desire for an annual review of both the Parks Commission's Master Plan, as well as the City's list orphaned properties (properties that are owned by the City but are not designated to any particular department) in order to determine if our City's open spaces are being utilized in the most effective manner. This annual review would take place between the Parks Commission, Mayor's office, Planning Department and any other pertinent Boards, Commissions and/or Departments that may have a stake in the conversation. This exercise would be a useful and broad-reaching review of City priorities for its open spaces, ensuring the best and highest use is being implemented to support the critical needs of its residents.

Objective 1C: Maintain and conduct renovations, as needed, of existing parks and recreational facilities.

Detail: There are many pertinent action items in this section of the City's OSRP that will be supported by the Parks Reorganization Plan. Item #1, 'to fund a fully-staffed Parks [Division]', will be fulfilled by allowing for the sharing of resources and labor that currently exist within the Department of Public Services, to supplement the existing skilled labor of the Parks Department staff, which will move under the DPS umbrella as a standalone Division. Similarly, item #6, 'to establish a new parks [division] office' will be accomplished by sharing space on Perry Way for the Parks staff that will merge into DPS. Both are examples of how collapsing the two departments will save money and improve efficiencies.

Item #2, 'annually update and implement CIP plans for parks and recreation' will continue to be supported by utilizing the existing structures within DPS, specifically the Business Manager, Parks Manager and DPS Director's roles, with support from the Mayor's and Planning office, who will be able to effectively budget, procure, and project manage these priority projects. By sharing resources and supporting efficiencies, item #7 'continue to advocate for increases in the operating budget' will likely be less onerous as projects, as demonstrated at the Joppa Park and Atwood Lighting projects this past fall, were completed on time and under budget in both instances due to the streamlining of process and elimination of redundancies.

Item #3, 'explore neighborhood-based approaches for oversight and maintenance of Newburyport parks', is one of the key priorities of the new Port Parks Alliance, who will be the new support arm of Newburyport's parks in terms of volunteerism and fundraising.

Objective 2B: Provide recreation opportunities for people with varying interests and abilities.

Detail: Action items #1, 'work with COA to identify types of active recreation trending with seniors and identify opportunities to meet those needs' and #9 'identify the need for expanded Youth Services staff to serve youth recreational needs', are important reasons why this Parks Reorganization Plan references Newburyport Youth Services as the appropriate department to shepherd the recreational offerings in our parks, and we believe we will be able to work with the Council on Aging as well in the implementation of recreational programs. Other priority action items listed in this section include exploring opportunities to expand fee-based adult recreation programs, which are currently comprised of 4-5 programs that rely on volunteer instructors.

Support for the Parks Commission's 10-year Strategic Visioning Plan:

Over the past three months, the Parks Commission has embarked upon a 10-year Strategic Visioning Plan to identify and prioritize core values and action items for our parks system over the next decade. The Commission continues to refine this Plan, and the core values are listed below, along with details on how the Parks Reorganization Plan provides appropriate supports to the 10-year Strategic Visioning Plan.

Core Value: Environmental Conservation

Detail: The Parks Commission will be working with the Parks Manager and Mayor's Office to set policies around critical climate issues, and schedule regular coordination meetings with appropriate City agencies in order to move some of the key priorities around climate change and resiliency forward, including reducing water needs, improving habitat, utilizing renewable energy sources, implementing green infrastructure, removing invasive plant materials, and protecting our waterfront parks from sea level rise.

Core Value: Health & Wellness

Detail: The Parks Commission aims to further support the recreational needs of the City's residents and visitors. The Parks Reorganization Plan includes expanding recreation offerings in our parks.

Core Value: Diversity, Equity & Inclusion

Detail: The Parks Commission will work to set policies around program offerings in our parks that support DEI initiatives. Also, the Commission will continue to work with the Parks Manager and Parks Division to ensure that any improvements to our parks and playgrounds continue to implement universal accessibility standards.

Core Value: Community Engagement & Communication

Detail: The Parks Commission will work with the Mayor's Office in order to revamp the Parks Commission's website with content related to historical and cultural information about our parks, a calendar of community events, and to support a stronger social media presence. The Port Parks Alliance will also work with the Parks Commission to support volunteerism in our parks, advocate for and educate about our parks, and help organize and manage volunteer opportunities, with assistance from the Parks Manager. All other public communications, meetings and minutes postings, and website updates will be managed by a DPS admin.

Core Value: Economic Vitality, Planning & Stability

Detail: Since the inception of the Parks Reorganization plan, a group of residents, the Port Parks Alliance, has organized with the mission to support advocacy, fundraising and volunteerism for our parks. Their intent is to meet annually with the Parks Commission in order to review the Commission's priority projects for that year, and to then provide the fundraising needed to fill any gaps in the budget for the projects. The Parks Commission will only accept monetary or in-kind donations if they are aligned with the Commission's priority projects as specified for that year, and all donations above \$500 will also be approved by the Mayor and City Council in compliance with City Policy and State Law.

The Commission also desires to execute an annual review of the City's orphaned properties (properties that are owned by the City but are not designated to any particular department) in order to determine if our City's open spaces are being utilized in the most effective manner. This annual review would take place between the Parks Commission, Mayor's office, Planning Department and any other pertinent Boards, Commissions, Departments and/or stakeholders. This exercise will be a useful and broad-reaching review of City priorities for its open spaces,

ensuring the best and highest use is being implemented to support the most critical needs of the community.

Core Value: Historic Preservation

Detail: The Parks Commission will work with the Mayor's Office to create an easily accessible database of archived documents related to our park's history, and to develop a self-guided historical walking tour through Newburyport's parks. The Commission will continue to champion projects that aim to preserve historical assets in our parks.

Next Steps

Article 5, Section 5-1 of the Charter lays out the process for the consideration of the Reorganization plan. It states in pertinent part:

"Whenever the mayor proposes an administrative order, the city council shall hold one or more public hearings on the proposal giving notice by publication in a local newspaper, which notice shall describe the scope of the proposal and the time and place at which the public hearing will be held, not less than seven nor more than fourteen days following said publication. An organization or reorganization plan shall become effective at the expiration of sixty days following the date the proposal is submitted to the city council unless the city council shall, by a majority vote, within such period vote to disapprove the plan. The city council may vote only to approve or to disapprove the plan and may not vote to amend or to alter it."

The Mayor anticipates this plan will be considered by either the Public Works & Safety Committee or the Community Services Committee, given their oversight of the Department of Public Services, the Parks Department, and the Parks Commission. The Mayor's Office looks forward to answering questions about this plan from the public at the necessary hearings, and will work to communicate how the proposed changes will affect residents. The plan will become official 60 days after its presentation to the Council, which will be March 31, 2023, unless the Council decides to disapprove of the plan. The City will submit all needed budget transfers to carry out this plan in the coming weeks and use the FY24 budget process to complete the transition.

Conclusion

From its inception, the goal of this plan has been to make our Parks stronger by improving efficiencies and eliminating redundancies. This Parks Reorganization plan identifies and aligns the unique skill sets that currently exist within our City to support the needs of our parks in a way that will sustain them well into the future.

Throughout this process, it has been clear that Newburyport residents feel a strong connection to our City's parks and open spaces. They are what help give Newburyport its strong sense of place and civic pride. We look forward to advancing this plan in order to ensure that our parks receive the attention that residents expect, whether that be in daily operations and maintenance, in completing a capital project, or in assisting a resident in reserving a park for their next event. The City's parks require excellence in management, planning, and maintenance, and this reorganization plan is designed to keep a strong focus on our parks for years to come.

Exhibit A: Reassignment of Parks Department Responsibilities

Function	Task	Department Assigned	Position Assigned	Notes
OPERATIONS				
	Coordinating purchase and installation of new materials and equipment	DPS	Parks Manager	Manager already does much of this supervision
	Quarterly inspection of existing facilities and equipment	DPS	Parks Manager	Parks Manager received Playground Inspection Certification 10/2022
	Coordinating with Newburyport Public Schools and other parks related organizations	DPS	Parks Manager	
	Coordination with Youth Leagues on athletic field licensing agreements	DPS	Parks Manager	Mayor’s Office will also be involved as appropriate
	Coordination of Memorial bench program	DPS	Business Manager & Parks Manager	Program will be run by Port Parks Alliance, following the Parks Commission’s 2022 policy, with coordination by the Business Manager and Parks Manager

Function	Task	Department Assigned	Position Assigned	Notes
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ADMIN

	Answering questions from and interfacing with public	DPS	Administrative Assistant	Admin will forward messages to the appropriate parties based on issue: maintenance to Parks Manager, policy and capital requests to Commission, project management to MSP or Planning Dept, etc. DPS already handles communications regarding projects, and will be able to use its existing notification and work order systems to provide more targeted notice to abutters and other affected residents.
	Creating agendas, minutes and postings for Parks Commission meetings	DPS	Administrative Assistant (stipend position)	All assistance with Parks Commission will be subject to stipend, similar to that of Water and Sewer Commission
	Bring permits to Parks Commission in need of approval	DPS	Administrative Assistant (stipend position)	
	Approve pro-forma permits that do not need Commission approval and coordinate master calendar of parks reservations	DPS	Administrative Assistant	When only issue is scheduling, DPS can approve permits if given authority by Parks Commission

Function	Task	Department Assigned	Position Assigned	Notes
PROJECT MANAGEMENT				
	Managing Capital project development, budgeting and approval from Mayor and City Council	DPS & Mayor's Office	Business Manager/Manager of Special Projects	
	Carry out procurement process for contracted items	DPS	Business Manager	DPS Business Manager is City's procurement point person
	Coordination with contractors to implement improvements	DPS	Parks Manager	
	All other project management of park improvements	DPS & Mayor's Office	Parks Manager/Manager of Special Projects	
	Update Department website with project updates & notifications	DPS	Administrative Assistant	

Function	Task	Department Assigned	Position Assigned	Notes
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BUDGET

	Prepare annual budget requests	DPS	Business Manager	
	Manage Capital Improvement Plan requests	DPS & Planning Office	Business Manager/Planner	Planner tracks which projects from Parks Master Plan can be added to CIP
	Establish and manage user fees	DPS	Business Manager/Parks Commission	With approval by the City Council
	Pursue grant funding for parks improvements	Mayor's Office	Grants Developer	Port Parks Alliance, Planning Department and Mayor's Office can also assist
	Manage donations and gift approval by City Council	DPS	Business Manager	All gifts above \$500 require City Council approval; Business Manager will work with Port Parks Alliance to manage

Function	Task	Department Assigned	Position Assigned	Notes
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COMMISSION SUPPORT

	Coordinating the Parks Commission's 10-year Strategic Vision Plan	Mayor's Office & Planning Department	Manager of Special Projects/Planner	Manager of Special Projects assists with capital projects. Planner assists with long-term vision, and drives economic vitality initiatives related to arts, culture and open space, alongside Parks Commission.
	Coordinating parks component of Open Space and Recreation Plan	Mayor's Office & Planning Department	Manager of Special Projects/Planner	Manager of Special Projects assists with capital projects. Planner assists with long-term vision, and drives economic vitality initiatives related to arts, culture and open space, alongside Parks Commission.

Function	Task	Department Assigned	Position Assigned	Notes
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ADULT REC

	Contracting with instructors/organizers for adult recreation classes and activities	NYS	Associate Director of Recreation	
	Managing registration and other logistics for classes and activities	NYS	Associate Director of Recreation	Already have registration systems for classes and activities

Function	Task	Department Assigned	Position Assigned	Notes
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**COMMUNICATION, EVENTS,
OUTREACH & VOLUNTEERING**

	Update Parks Commission website	Mayor's Office	Manager of Special Projects with maintenance by DPS Admin	Update Parks Commission website with list and maps of parks, rules & regulations, fee schedule, permit process, policies & calendar of annual reviews and tasks such as Master Plan review, grant requests, policy reviews, etc.
	Issue press releases and communicate with media on Parks	Mayor's Office	Mayor/Chief of Staff/PR Consultant	Will utilize existing PR contract and communications assistance from Mayor's Office
	Organize volunteers for parks maintenance and special events	DPS & Port Parks Alliance	Port Parks Alliance with assistance from Parks Manager	With assistance from DPS and Mayor's Office as needed
	Posting information to social media regarding events, announcements, etc.	Parks Commission & Port Parks Alliance	Parks Commission & Port Parks Alliance	With support from DPS, who as active channels and can migrate info as needed

Function	Task	Department Assigned	Position Assigned	Notes
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MORRILL FOUNDATION

	Coordinate annual requests for Morrill Foundation	Parks Commission & Mayor's Office	Commissioners/Manager of Special Projects	List will be finalized by Parks Commission
	Liaison to Morrill Foundation	Mayor's Office	Manager of Special Projects	

Exhibit B: Relevant Organizational Charts

DPS-Highway

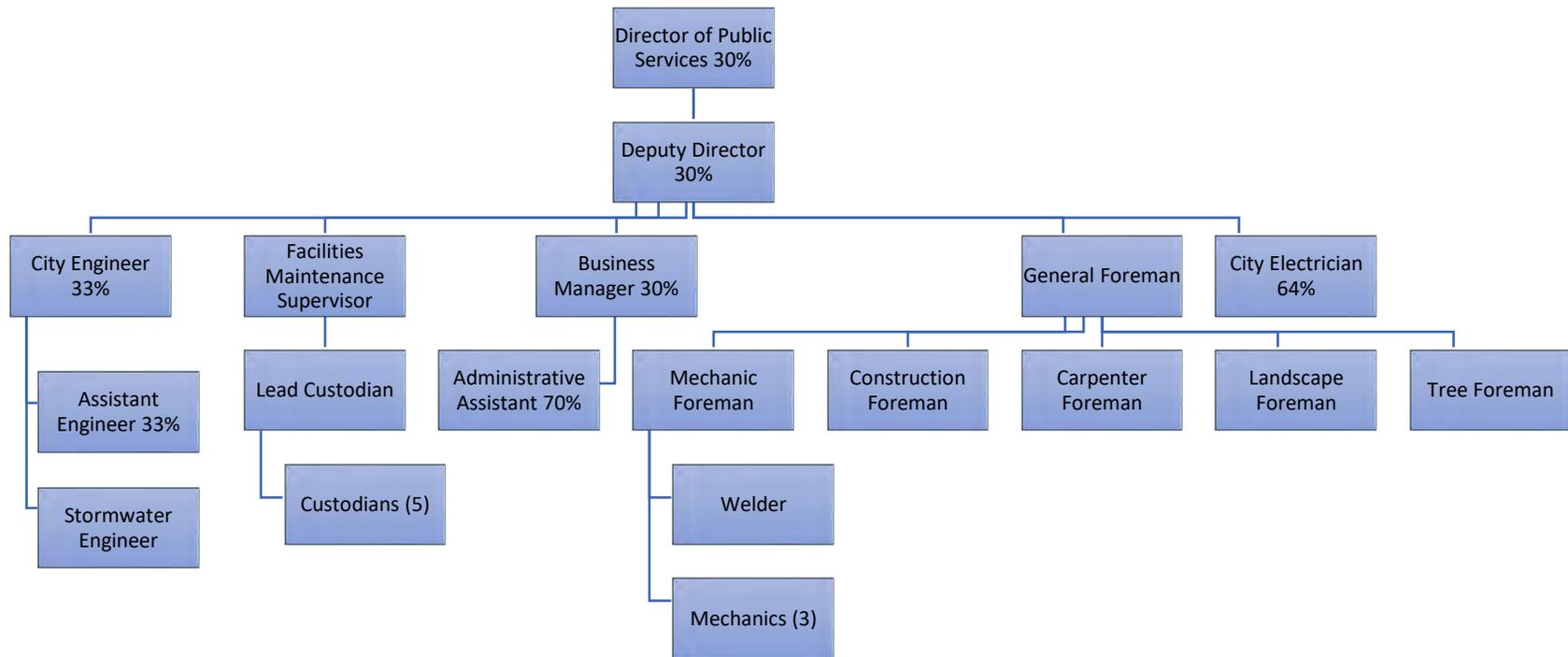


Exhibit B: Relevant Organizational Charts

DPS-Water

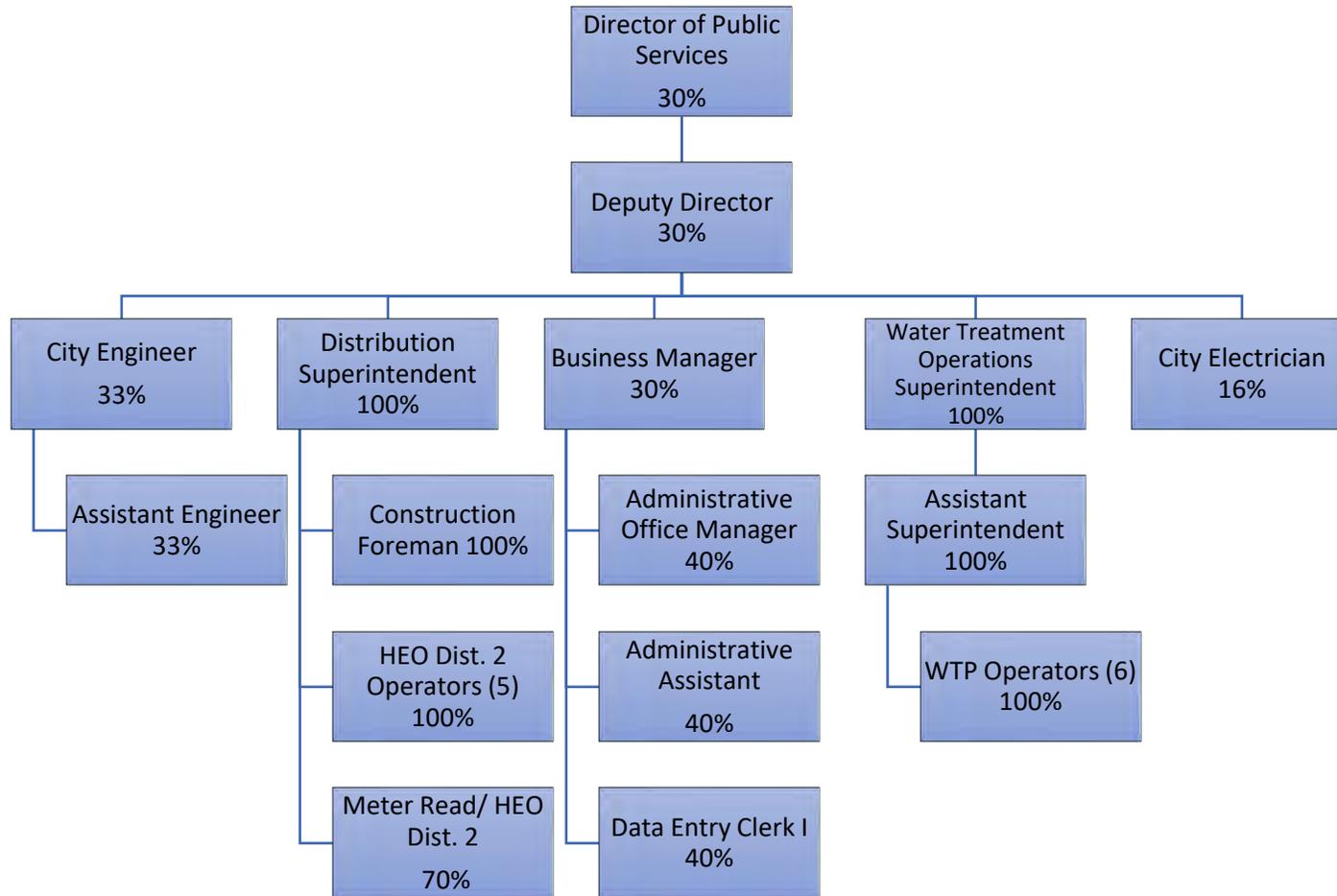


Exhibit B: Relevant Organizational Charts

DPS – Parks

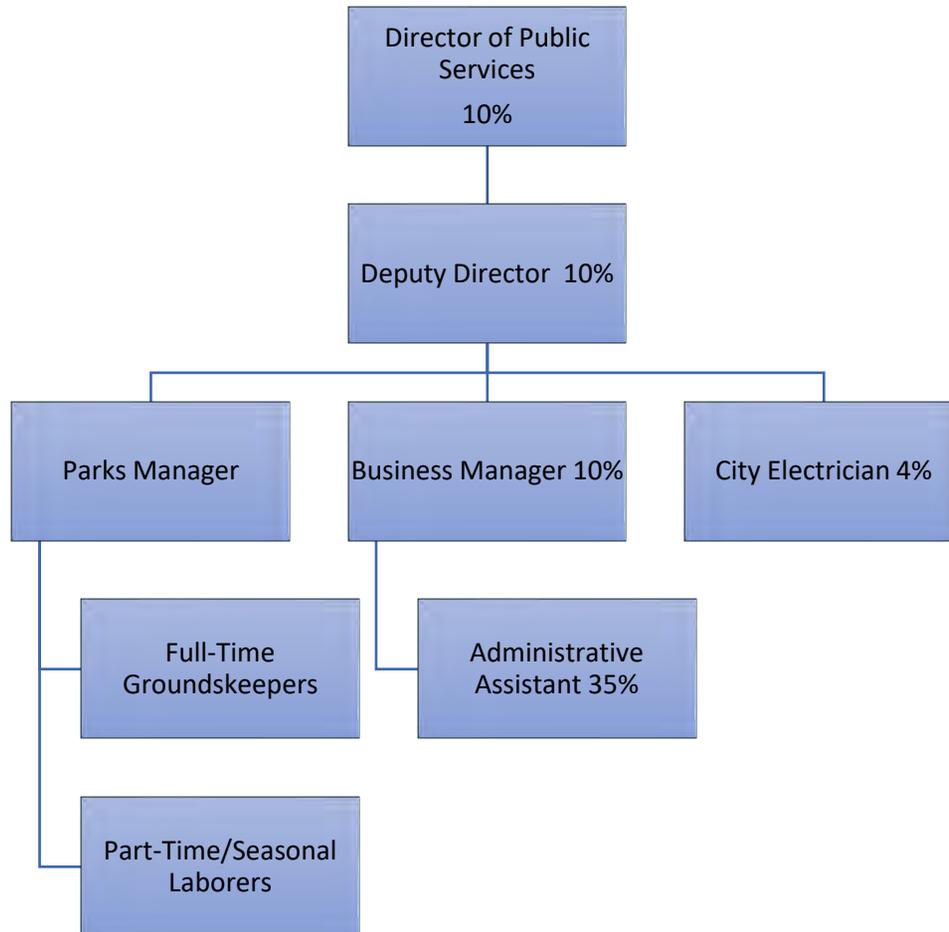
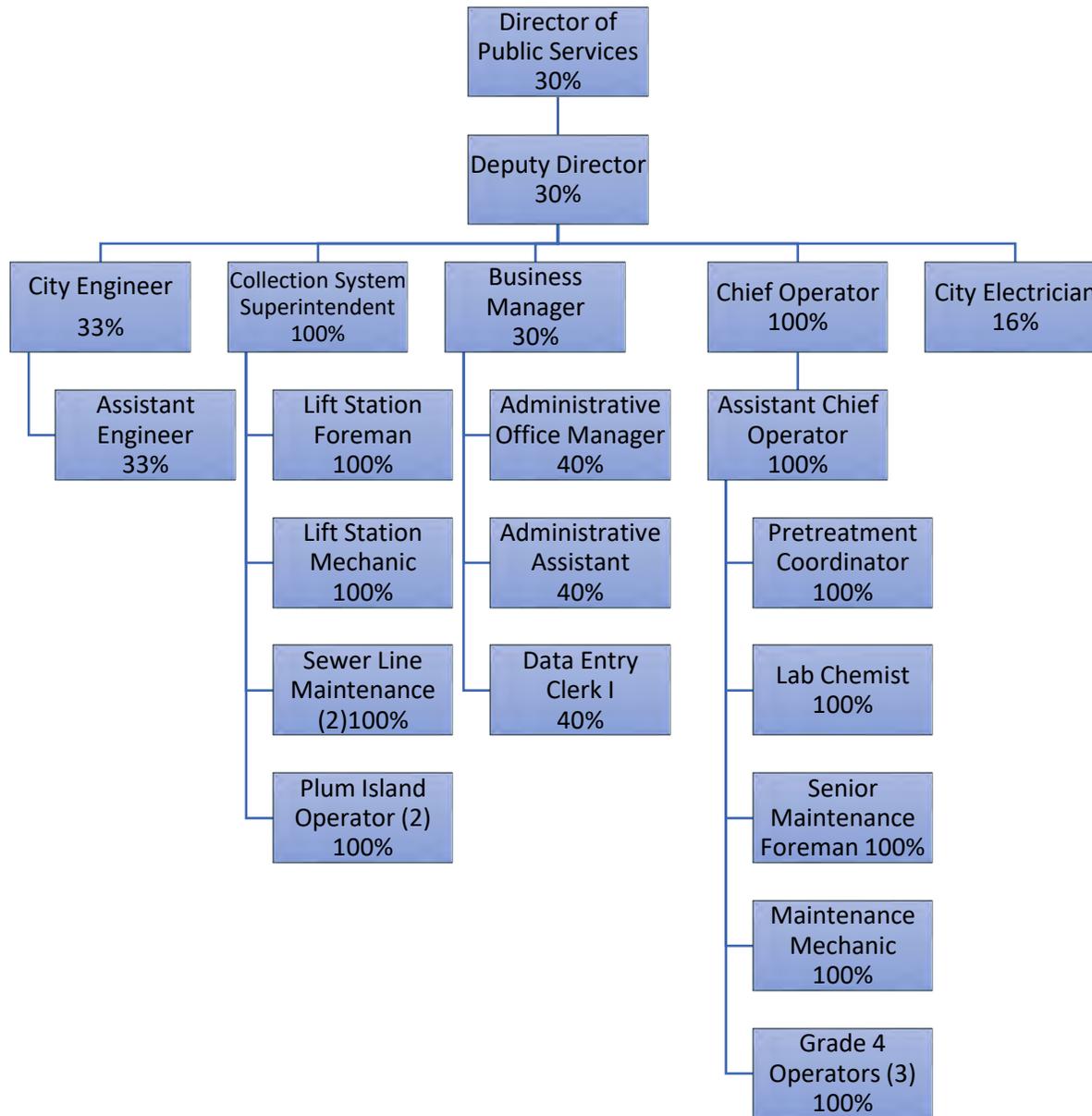


Exhibit B: Relevant Organizational Charts

DPS-Sewer



Committee Items – February 27, 2023

Planning & Development

In Committee:

- APPT00378_02_13_2023 Reappointment: Greg Earls 2 Sanborn Rd. Hampton Falls, NH Building Comm. 3/1/2026



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

RECEIVED
CITY CLERK'S OFFICE
NEWBURYPORT, MA
2023 JAN 32 P 2:52

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 13, 2023
Subject: Re-appointment

I hereby re-appoint, subject to your approval, the following named individual as Building Commissioner. This term will expire on March 1, 2026.

Greg Earls
2 Sanborn Road
Hampton Falls, NH 03844

Greg Earls

978-417-0063

GEarls25@comcast.net

PROFESSIONAL EXPERIENCE

City of Newburyport

Conditional Building Commissioner

April 6, 2021 – Present

- Enforcement of MA State Building Code
- Issue Permits and Certificates of Occupancy and Inspection
- Permit plan review
- Supervise Local Building, Electrical and Plumbing Inspectors
- Responsible for Building Department budget and spending

beWell Organic Medicine; Lowell, MA

Dispensary Manager

January 2019 – May 26, 2021

- Responsible for day-to-day operations of start-up Dispensary
- Hire, supervise, schedule and mentor staff
- Responsible for cash handling and inventory control
- Confirm compliance with all Massachusetts Controls and Regulations for Dispensary Operations

YouthBuild; Lawrence Family Development; Lawrence, Massachusetts

Construction Supervisor

January 2013 – January 2019

- Supervise construction of affordable housing units
- Develop and draw building plans of custom single-family housing
- Coordinate with Lowell Building Department and Planning Board
- Present plans to Zoning Board of Appeals for variances and findings
- Create and manage department and construction budgets
- Manage department staff and students
- Hire and manage sub-contractors

YouthBuild; Community Teamwork, Inc; Lowell, Massachusetts

Director of Construction

November 2010 – January 2013

- Supervise construction of single and two-family housing units
- Develop and building plans of one and two-family houses
- Work closely with Lawrence Building Department to develop vacant parcels
- Successfully present variance applications to Zoning Board of Appeals
- Create and manage department and construction budgets
- Workforce Development Division representative to CTI Safety Committee

Milk Street Builders; Hampton Falls, NH

Principal

August 2008 – Present

- Owner of contracting firm specializing in residential construction, design and maintenance
- Oversee multiple design/build projects and delegate available resources efficiently
- Hire and manage independent sub-contractors and employees

City of Newburyport; Newburyport, Massachusetts

City Councilor

2002 - 2019

- Served multiple terms as City Councilor
- Served as Chair and member the Joint Education Committee

Northern Log Homes; Bangor, Maine / Newburyport, MA

Director of Construction and Design

2002 - 2008

- Managed Design and Drafting Department including 6 staff members
- Ensured accuracy of drawings and building code compliance of log and post and beam buildings
- Developed and controlled building cost and material expense budgets
- Responsible for design of custom log homes in coordination with clients
- Maintain code compliance of all standard home model designs

Improvenet, Inc.; Camarillo, California / Newburyport, Massachusetts

Contractor Field Supervisor of Northeast Region

1999 - 2002

- Managed 65 contractor members in New England
- Responsible for the timely and cost-effective completion of multiple residential and commercial construction jobs with a 96% success rate
- Prepared daily and weekly job progress reports
- Calculated job cost analysis for completed jobs
- Mediated Contractor / Client disputes in a timely and efficient manner
- Delegated and assigned Contractors and Subcontractors to ensure successful project completion

Rose Displays; Marblehead, Massachusetts

Manager of Retail Design

1997 - 1999

- Managed design and installation of product lines in retail and institutional settings
- Produced prototypes in conjunction with research department, bringing innovative new products to market
- Developed custom solutions for customer-specific needs

CERTIFICATIONS

MA Inspector of Buildings Certification

MA Building Official Certification

MA Construction Supervisor License

MA Home Improvement Contractor License

OSHA 10 Certification

Green Advantage Certified

NABCEP Certified (North American Board of Certified Energy Practitioners)

NCCER Certified Construction Trainer (National Center for Construction Education and Research)

EDUCATION

Master of Architecture

Southern California Institute of Architecture and Urban Studies

Santa Monica, California

Internship / Certificate Program

Institute for Architecture and Urban Studies

New York, New York

Bachelor of Science in Business Administration

University of Connecticut

Storrs, Connecticut

Committee Items – February 27, 2023

Public Works & Safety

In Committee:

- APPT00368_01_30_2023 Kim Emmons 9 Doe Run Dr. Water/Sewer Comm. 2/1/2025
- APPT00381_02_13_2023 Wilfred “Paul” Suozzo, Jr. 7 Hunter Dr. Water/Sewer Comm. 3/1/2025
- ORDR00413_01_30_2023 Parking Garage Inn Permit Fee
- ORDR00421_02_13_2023 National Grid Virginia Lane/Storey Ave. Easement



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

RECEIVED
CITY CLERK'S OFFICE
NEWBURYPORT, MA

2023 JAN 11 A 11:47

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, 2023
Subject: Appointment

I hereby appoint, subject to your approval, the following named individual as a member of the Water/Sewer Commission. This term will expire February 1, 2025.

Kim Emmons
9 Doe Run Drive
Newburyport, MA 01950



Kim Emmons

Regional Sales Manager
Samsung

9784761046

ksloan01@gmail.com

9 Doe Run Drive

Mayor Sean Reardon

Newburyport City Hall

60 Pleasant St

DEAR MAYOR REARDON,

I am looking to serve the community where I am so fortunate to live. As a resident for over 10 years and a mother of two nine year old twin daughters, I understand the importance of preserving our rich past. I would like for my children's generation to be able to walk through the streets and understand our abundant history for years to come. As a result, I would like to be considered as a volunteer on the Community Preservation Act Committee.

In my professional life, I have achieved the following transferable skillsets:

- Responsible for managing budgets in excess of \$25M while yielding a positive ROI
- Served as a liaison between opposing teams during a merger which resulted in a group consensus
- Contract negotiation skills

On a personal note, due to my great appreciation of Frank Lloyd Wright's architecture, I began the process of becoming a docent while I was living in Chicago. Although, love and marriage brought me here before I could finish. I would like to finish preserving and sharing our local history with others.

Thank you for taking the time to consider me as a volunteer on the Community Preservation Act Committee.

Sincerely,
Kim Emmons

KIMBERLY EMMONS

Boston, MA

Ksloan01@gmail.com 978-476-1046

Account Management | Sales Leader | Launching Unknown Brands

Contract Negotiation
Exceeding Quota
Managing Remote Teams

Merger & Acquisition
Emerging Technology Training
Business Development

Industries : Emerging Technologies, Telecommunications

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

PROFESSIONAL EXPERIENCE

Regional Sales Manager, Samsung, North East (2016 – current)

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

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

Area Sales Manager, HTC, East Coast (2012 – 2015)

Regional Sales Manager, HTC, Northeast Territory (2006 – 2012)

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

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

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

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

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

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

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

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

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

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

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

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

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

AWARDS

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



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

RECEIVED
CITY CLERK'S OFFICE
NEWBURYPORT, MA
2023 FEB - 7 P 2:40

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 13, 2023
Subject: Appointment

I hereby appoint, subject to your approval, the following named individual as an alternate member of the Water/Sewer Commission. This term will expire March 1, 2025.

Wilfred "Paul" Suozzo, Jr.
7 Hunter Drive
Newburyport, MA 01950

7 February 2023

Dear Committee Members,

In 2019 I purchased a home in Newburyport and was quick to observe that the city has a local water supply. This presents both opportunities and challenges. During my career as an economics professor, my field has taken me through various environmental issues and one of the most acute is the responsible stewardship of a water supply. From 2013-2018, I resided on the W. Coast where water issues gain priority. I also add that my wife of 22 years hails from Cape Town (South Africa), a municipality whom received global attention while avoiding "Day Zero" and my many visits enable me to witness the improvements they implement. Not only am I a resident and a husband, but have three children putting down roots in Newburyport and am committed to see that the water supply is well maintained for generations to come. I would be a conscientious member should I be given the opportunity to serve on the water commission.

Respectfully Submitted,

WP Suozzo

Wilfred Paul Suozzo, Jr

7 Hunter Drive, Newburyport, Massachusetts 01950
(978) 984 2942 psuozzo@hotmail.com

Professional Experience

Professor, 2018 (tenure-track)
North Shore Community College, Danvers, MA

Associate Professor, 2013-2018 (tenured 2016)
Centralia College, Centralia, WA

Assistant Professor, 2008-2013
Ocean County College, Toms River, NJ

Professor, 2001-2008 (tenured 2004)
St. Johns River State College, St. Augustine, FL

Mathematics Instructor, 2000-2001
Revere High School, Revere, MA

Mathematics Instructor, 1999-2000
Winthrop High School, Winthrop, MA

Research Assistant, 1997-1999
Center for Labor Market Studies, Boston, MA

Assistant Logistics Manager, February-July 2004
West End & Hub Spring Co. (WEHSCO), Stoughton, MA

Business Advertising Assistant, July-Dec 1991
Boston Globe Newspaper Co., Boston, MA

Assistant Stockbroker, February-July 1991
Bear Stearns, Boston, MA

Education

Washington State University
2017 F-T economics PhD scholarship student

Northeastern Univ.
M.A., Economics

Northeastern University
Baccalaureate of Science, Business

Boston Latin School
Classics

references available upon request

CITY OF NEWBURYPORT



IN CITY COUNCIL

ORDERED:

January 30, 2023

Amended as follows, with deletions ~~double stricken and italicized~~, and additions double-underlined and italicized:

THAT pursuant to the CITY OF NEWBURYPORT Code of Ordinances Section 13-180.1.(f)(1) and Section 13-166 the CITY COUNCIL of the CITY OF NEWBURYPORT hereby amends and approves the following schedule of parking fees and fines in the paid parking lots:

Inn Daily Pass for the Garage *\$16.00/per day*

Inn is defined as a hotel/inn including conference and meeting facilities and bed and breakfast. Visitors may park overnight up to a maximum of seven (7) days.

Councillor James J. McCauley

In City Council January 30, 2023:

Motion to refer to Public Works & Safety by Councillor McCauley, seconded by Councillor Wallace. Roll call vote. 11 yes (1 remote, BL). Motion passes.

CITY OF NEWBURYPORT



IN CITY COUNCIL

ORDERED:

February 13, 2023

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

THAT CITY COUNCIL OF THE CITY OF NEWBURYPORT approves the following GRANT OF EASEMENT to MASSACHUSETTS ELECTRIC COMPANY, a Massachusetts corporation with its usual place of business at 170 Data Drive, Waltham, Massachusetts 02451 with quitclaim covenants, the perpetual right and easement to install, construct, reconstruct, repair, replace, add to, maintain and operate for the transmission of high and low voltage electric current and for the transmission of intelligence, an “UNDERGROUND ELECTRIC DISTRIBUTION SYSTEM” (hereinafter referred to as the “UNDERGROUND SYSTEM”) located in Newburyport, Essex County, Massachusetts as further described in the attached ‘GRANT OF EASEMENT’ labeled ‘A’.

The “UNDERGROUND SYSTEM” is located in, through, under, over, across and upon a parcel of land situated on the southeasterly side of Storey Avenue and the northwesterly side of Virginia Lane, being more particularly shown on a Plan of Land recorded with the Essex South District Registry of Deeds (the “Registry”) in Plan Book 40747, Page 596.

Councillor James J. McCauley

In City Council February 13, 2023:

Motion to refer to Public Works & Safety by Councillor Zeid, seconded by Councillor Donahue. So voted.



CITY OF NEWBURYPORT

MASSACHUSETTS

CITY CLERK'S OFFICE

NEWBURYPORT CITY HALL

60 PLEASANT STREET • P.O. BOX 550

NEWBURYPORT, MA 01950

TEL: 978-465-4407 • FAX: 978-462-7936

RICHARD B. JONES

CITY CLERK

January 19, 2023

Dear Property Owner,

Notice is hereby given as per MGL Chapter 166, Section 22 that the City Council will hold a public hearing on the proposed installation of a utility pole, belonging to National Grid and Verizon New England, Inc. on Virginia Lane, Newburyport, MA 01950, as described below:

Request permission to locate a line of poles, wires, cables and fixtures, including the necessary sustaining and protecting fixtures to be owned and used in common by your petitioners, along and across the following public way:

Virginia Lane: Install 1 SO Pole on Virginia Lane beginning at a point approximately 12 ft southwest of the centerline of the intersection of Stoneybrook Rd. and continuing approximately 75 feet in a southwest direction. Install riser pole #50-1 on Virginia Lane 150 feet from pole 50 on Storey Ave. Lay and maintain underground laterals, cables, and wires in the above or intersecting public ways for the purpose of making connections with such poles and buildings as each of said petitioners may desire for distributing purposes.

The public hearing will be held on **Monday, February 13, 2022 at 6:45 p.m.** at City Hall, City Council Chamber located at 60 Pleasant Street, Newburyport, MA 01950. Hybrid access for the meeting will be available by the following zoom link:

<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

A copy of the proposal is included with this notice.

Sincerely,

Richard B. Jones

City Clerk

RECEIVED
CITY CLERK'S OFFICE
NEWBURYPORT, MA

nationalgrid

2023 JAN 10 P 1:58

January 9, 2023

City of Newburyport

To Whom It May Concern:

Enclosed please find a petition of NATIONAL GRID, covering NATIONAL GRID pole location(s)

If you have any questions regarding this permit please contact:

John Butler 978-725-1415

Please notify National Grid's Vincent LoGuidice of the hearing date / time at 978-725-1392 or
Vincent.LoGuidice@NationalGrid.com

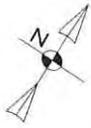
If this petition meets with your approval, please return an executed copy to:

National Grid Contact: Vincent LoGuidice; 1101 Turnpike Street; North Andover, MA 01845

Very truly yours,

Name: Distribution Design Supervisor
Supervisor, Distribution Design

Enclosures



Storey Ave

Storey Ave

132'

Pole 51

143'

131'

Pole 50

Public

89'

95'

Public

Pole 51 - 3

Pole 51 - 84

150'

Private

Private

Lt. Leary Drive

Public

Private

153 Storey Ave
Fire Department

150 KVA

22' 2-4" Conduit

Pole 50 - 1

Lot 101-14

WR 30642010

Public

Lot 101-23

Public

Virginia Lane

Lot 101-15-A

Lot 101-24-A

Lot 101-83

POLE PETITION

nationalgrid



Existing J.O. Pole Locations



Proposed NGRID Pole Locations



Existing JO Pole Locations To Be Removed



Proposed Transformer



Overhead conductor



Underground conductor

DISTANCES ARE APPROXIMATE

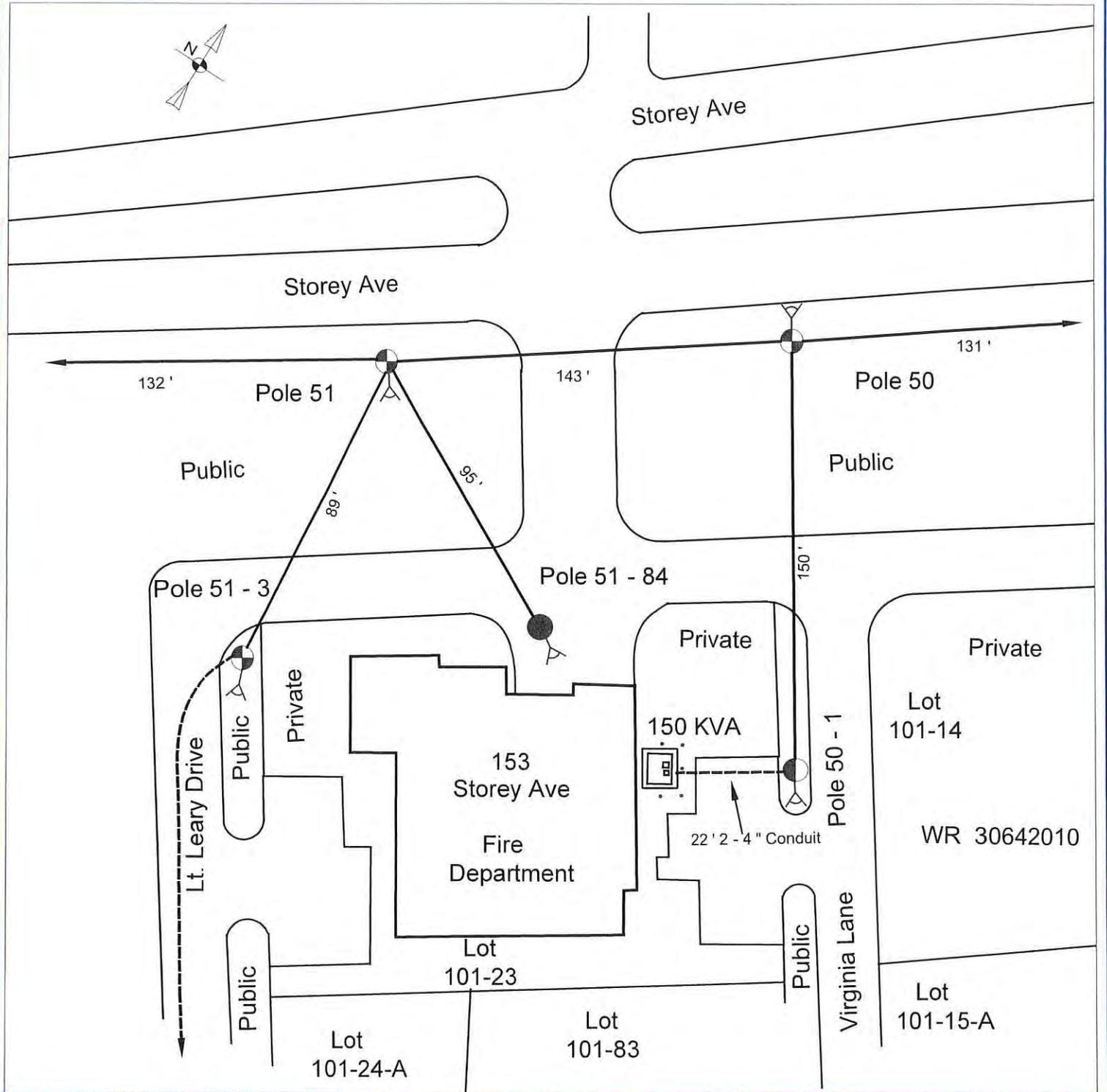
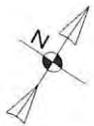
Date: January 4, 2023

Work Request Number: WR 30642010

To Accompany Petition Dated: Jan. 4, 2023

To The: City Of Newburyport < Ma.

For Proposed: Pole: 50 -1 Location: Storey Ave



POLE PETITION



-  Existing J.O. Pole Locations
-  Proposed NGRID Pole Locations
-  Existing JO Pole Locations To Be Removed

-  Proposed Transformer

-  Overhead conductor
-  Underground conductor

DISTANCES ARE APPROXIMATE

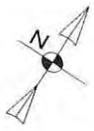
Date: January 4, 2023

Work Request Number: WR 30642010

To Accompany Petition Dated: Jan. 4, 2023

To The: City Of Newburyport < Ma.

For Proposed: Pole:50 -1 Location: Storey Ave



Storey Ave

Storey Ave

132'

Pole 51

143'

131'

Pole 50

Public

Public

89'

95'

Pole 51 - 3

Pole 51 - 84

150'

Private

Private

Lt. Leary Drive

Public

Private

153 Storey Ave
Fire Department

150 KVA

Lot 101-14

22' 2 - 4" Conduit

Pole 50 - 1

WR 30642010

Public

Lot 101-23

Public

Virginia Lane

Lot 101-15-A

Lot 101-24-A

Lot 101-83

POLE PETITION

nationalgrid



Existing J.O. Pole Locations



Proposed NGRID Pole Locations



Existing JO Pole Locations To Be Removed



Proposed Transformer



Overhead conductor



Underground conductor

DISTANCES ARE APPROXIMATE

Date: January 4, 2023

Work Request Number: WR 30642010

To Accompany Petition Dated: Jan. 4, 2023

To The: City Of Newburyport < Ma.

For Proposed: Pole:50 -1 Location: Storey Ave

Questions contact – John Butler 978-725-1415

PETITION FOR POLE AND WIRE LOCATIONS

North Andover, Massachusetts

To the City Council
Of Newburyport, Massachusetts

Massachusetts Electric Company d/b/a National Grid requests permission to locate poles, wires, and fixtures, including the necessary sustaining and protecting fixtures, along and across the following public way:

Viginia Lane - Massachusetts Electric Company d/b/a National Grid to install 1 SO Pole on Viginia Lane beginning at a point approximately 12 ft southwest of the centerline of the intersection of Stoneybrook Rd and continuing approximately 75 feet in a southeast direction. Install riser pole #50-1 on Viginia Lane 150 feet from pole 50 on Storey Ave.

Location approximately as shown on plan attached

Wherefore it prays that after due notice and hearing as provided by law, it be granted a location for and permission to erect and maintain poles and wires, together with such sustaining and protecting fixtures as it may find necessary, said poles to be erected substantially in accordance with the plan filed herewith marked – Viginia Lane - Newburyport - Massachusetts.

Plan # 30642010 January 9, 2023

Also for permission to lay and maintain underground laterals, cables, and wires in the above or intersecting public ways for the purpose of making connections with such poles and buildings as each of said petitioners may desire for distributing purposes.

Your petitioner agrees to reserve space for one cross-arm at a suitable point on each of said poles for the fire, police, telephone, and telegraph signal wires belonging to the municipality and used by it exclusively for municipal purposes.

Massachusetts Electric Company d/b/a
NATIONAL GRID *Dave Johnson*

BY _____
Engineering Department

ORDER FOR POLE AND WIRE LOCATIONS

In the City of Newburyport, Massachusetts

Notice having been given and public hearing held, as provided by law,
IT IS HEREBY ORDERED:

that Massachusetts Electric Company d/b/a National Grid and be and it is hereby granted a location for and permission to erect and maintain poles and wires to be placed thereon, together with such sustaining and protecting fixtures as said Company may deem necessary, in the public way or ways hereinafter referred to, as requested in petition of said Company dated the 9th day of January, 2023.

All construction under this order shall be in accordance with the following conditions:

Poles shall be of sound timber, and reasonable straight, and shall be set substantially at the points indicated upon the plan marked – Viginia Lane - Newburyport - Massachusetts.

No. 30642010 Dated: January 9, 2023. Filed with this order

There may be attached to said poles such wires, cables, and fixtures as needed in their business and all of said wires and cables shall be placed at a height of not less than twenty (20) feet from the ground.

The following are the public ways or part of ways along which the poles above referred to may be erected, and the number of poles which may be erected thereon under this order:

Viginia Lane - Massachusetts Electric Company d/b/a National Grid to install 1 SO Pole on Viginia Lane beginning at a point approximately 12 ft southwest of the centerline of the intersection of Stoneybrook Rd and continuing approximately 75 feet in a southeast direction. Install riser pole #50-1 on Viginia Lane 150 feet from pole 50 on Storey Ave.

I hereby certify that the foregoing order was adopted at a meeting of the City Council of the City/Town of _____, Massachusetts held on the _____ day of _____ 20 _____.

Massachusetts City/Town Clerk.
20 _____

Received and entered in the records of location orders of the City/Town of _____
Book _____ Page _____

Attest:

City/Town Clerk

I hereby certify that on
at

20 , at o'clock, M
a public hearing was held on the petition of

Massachusetts Electric Company d/b/a National Grid

for permission to erect the poles, wires, and fixtures described in the order herewith recorded, and that we mailed at least seven days before said hearing a written notice of the time and place of said hearing to each of the owners of real estate (as determined by the last preceding assessment for taxation) along the ways or parts of ways upon which the Company is permitted to erect poles, wires, and fixtures under said order. And that thereupon said order was duly adopted.

City/Town Clerk.

.....
.....
.....
.....

Board or Council of Town or City, Massachusetts

CERTIFICATE

I hereby certify that the foregoing is a true copy of the location order and certificate of hearing with notice adopted by the of the City of Massachusetts, on the day of 20 , and recorded with the records of location orders of the said City, Book , Page . This certified copy is made under the provisions of Chapter 166 of General Laws and any additions thereto or amendments thereof.

Attest:
City/Town Clerk

ORDER FOR POLE AND WIRE LOCATIONS

In the City of Newburyport, Massachusetts

Notice having been given and public hearing held, as provided by law,
IT IS HEREBY ORDERED:

that Massachusetts Electric Company d/b/a National Grid and be and it is hereby granted a location for and permission to erect and maintain poles and wires to be placed thereon, together with such sustaining and protecting fixtures as said Company may deem necessary, in the public way or ways hereinafter referred to, as requested in petition of said Company dated the 9th day of January, 2023.

All construction under this order shall be in accordance with the following conditions:

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No. 30642010 Dated: January 9, 2023. Filed with this order

There may be attached to said poles such wires, cables, and fixtures as needed in their business and all of said wires and cables shall be placed at a height of not less than twenty (20) feet from the ground.

The following are the public ways or part of ways along which the poles above referred to may be erected, and the number of poles which may be erected thereon under this order:

Viginia Lane - Massachusetts Electric Company d/b/a National Grid to install 1 SO Pole on Viginia Lane beginning at a point approximately 12 ft southwest of the centerline of the intersection of Stoneybrook Rd and continuing approximately 75 feet in a southeast direction. Install riser pole #50-1 on Viginia Lane 150 feet from pole 50 on Storey Ave.

I hereby certify that the foregoing order was adopted at a meeting of the City Council of the City/Town of _____, Massachusetts held on the _____ day of _____ 20__.

Massachusetts City/Town Clerk.
20__

Received and entered in the records of location orders of the City/Town of _____
Book _____ Page _____

Attest:

City/Town Clerk

I hereby certify that on _____, 20____, at _____ o'clock, M
at _____ a public hearing was held on the petition of

Massachusetts Electric Company d/b/a National Grid

for permission to erect the poles, wires, and fixtures described in the order herewith recorded, and that we mailed at least seven days before said hearing a written notice of the time and place of said hearing to each of the owners of real estate (as determined by the last preceding assessment for taxation) along the ways or parts of ways upon which the Company is permitted to erect poles, wires, and fixtures under said order. And that thereupon said order was duly adopted.

City/Town Clerk.

.....
.....
.....
.....

Board or Council of Town or City, Massachusetts

CERTIFICATE

I hereby certify that the foregoing is a true copy of the location order and certificate of hearing with notice adopted by the _____ of the City of _____ Massachusetts, on the _____ day of _____, 20____, and recorded with the records of location orders of the said City, Book _____, Page _____. This certified copy is made under the provisions of Chapter 166 of General Laws and any additions thereto or amendments thereof.

Attest:
City/Town Clerk