

CITY COUNCIL MEETING

AGENDA

October 30, 2023 7:00 pm
City Council Chambers, City Hall
60 Pleasant Street, Newburyport

Executive Session

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

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

- COMM00515_10_30_2023 Ltr from Jean Costello re ORDR00501 Resolution on Israeli-Hamas Conflict
- APPL00165_10_30_2023 Non-Profit Pop-Up Park 12/2, 12/3, 12/16, 12/17 10am-4pm (L&P)
- ODNC00164_10_30_2023 Zoning-Amendment-Global-R3-Multi-Family (P&D/COTW)

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

- October 16, 2023 (Approve)

8. COMMUNICATIONS

- APPL00164_10_30_2023 Movable sign application Cookie Jar Kitchen at Winter St. & Washington St. (L&P)
- COMM00511_10_30_2023 Streets and Sidewalks Plan FY23-FY28 Update (PW&S)
- COMM00512_10_30_2023 Newburyport Horticultural Society fundraising table in Market Sq. (L&P)
12/9 and 12/10 10am-1pm
- COMM00513_10_30_2023 Head Librarian Memo Kevin Bourque (CS)
- COMM00514_10_30_2023 Retirement Board Expense Budget C/Y 2024 (B&F)

9. TRANSFERS

- TRAN00171_10_30_2023 DPS: Water Retained Earnings \$130,000 to
Water 1-Ton Dump truck Purchase \$130,000 (B&F)
- TRAN00172_10_30_2023 Mayor: General Fund Free Cash \$128,485.01 to
Opioid Stabilization Fund \$128,485.01 (B&F)
- TRAN00173_10_30_2023 Mayor: General Fund Free Cash \$21,395.19, Water Retained Earnings \$19,242.17,
Sewer Retained Earnings \$54,588.08, and Harbormaster Retained Earnings
\$1,042.90 to Multiple Accounts (see attached) \$96,268.34 (B&F)

- TRAN00174_10_30_2023 Mayor: Police Accreditation Allowance \$102,599, Budget Contingency \$75,103, and Police Technology Stipend \$24,500 to Police Officer Salaries \$177,906, Police Officer Overtime \$19,203, and Police officer Night Differential \$5,093 (B&F)

10. APPOINTMENTS

- APPT00437_10_30_2023 Mary Louise Gagnon 126 Merrimac St. COA 12/1/2026 (CS)

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

BUDGET & FINANCE

- ORDR00502_10_16_2023 Grant Acceptance Form Municipal Road Safety Grant
- ORDR00498_10_16_2023 Gift Acceptance Friends of NBPT Trees \$17,000
- ORDR00499_10_16_2023 Grant Acceptance LSTA \$20,000
- ORDR00500_10_16_2023 Approval to Pay Prior Year Bills
- ODNC00129_11_01_2022 Defining Conflict Rule for Dept. Heads (COTW)

COMMUNITY SERVICES

- APPT00436_10_16_2023 Sarah Landry 462 South Main St. Nashua, NH Dir. COA 11/1/2026
- ORDR00497_09_26_2023 Sponsorship of an Administrative Order to create Recreation & Yth Ser. Dept.

PLANNING & DEVELOPMENT

- ODNC047_01_27_2020 General Ordinance - Short Term Rental Units Rules (COTW)
- ODNC00141_02_27_2023 Zoning Amendment STRU (COTW)
- ODNC00160_08_28_2023 Zoning Amendment Business Park Indoor Outdoor Rec (COTW)

PUBLIC WORKS & SAFETY

- APPL00163_10_16_2023 Bar 25 Planters Request
- ODNC00161_10_16_2023 Pleasant Street 15 min parking space
- ODNC00162_10_16_2023 Amended Parking Restrictions on Toppans Lane
- ODNC00163_10_16_2023 Federal St. HP Space

END OF CONSENT AGENDA

REGULAR AGENDA

9. MAYOR'S UPDATE

10. FIRST READING APPOINTMENTS

11. COMMUNICATIONS

- COMM00508_10_16_2023 2nd 30 day Extension of Acting Head Librarian Appointment
Moved to a date certain, October 30th
- COMM00510_10_30_2023 Shanties request for an extension in pop-up park

12. TRANSFERS

13. SECOND READING APPOINTMENTS

14. ORDERS

- ORDR00501_10_16_2023 Resolution on Israeli - Hamas Conflict ***Motion to Reconsider by Councillor Vogel**
Motion to waive the rules, declare an emergency, and approve by Councillor McCauley, seconded by Councillor Preston. Motion to amend to remove the 3rd Whereas statement by Councillor Khan, seconded by Councillor Preston. So voted. 7 yes, 1 no (JM), 1 present (SZ), 2 absent (CW, JD). Motion passes. Motion to amend to add “and Muslim” at the end of the And furthermore statement by Councillor Khan, seconded by Councillor Preston. So voted. 8 yes, 1 present (SZ), 2 absent (CW, JD). Motion passes. Motion to approve as amended Councillor McCauley, seconded by Councillor Preston. So voted. 8 yes, 1 present (SZ), 2 absent (CW, JD). Motion passes.
- ORDR00503_10_30_2023EP Authorizing Whittier Vo-Tech Letter
- ORDR00503_10_30_2023 Authorizing Whittier Vo-Tech Letter
- ORDR00504_10_30_2023 Local Acceptance of Community Impact Fee on Short Term Rentals

15. ORDINANCES

16. COMMITTEE ITEMS

Budget & Finance

In Committee:

- ORDR00502_10_16_2023 **Grant Acceptance Form Municipal Road Safety Grant**
- ORDR00498_10_16_2023 **Gift Acceptance Friends of NBPT Trees \$17,000**
- ORDR00499_10_16_2023 **Grant Acceptance LSTA \$20,000**
- ORDR00500_10_16_2023 **Approval to Pay Prior Year Bills**
- ODNC00129_11_01_2022 **Defining Conflict Rule for Dept. Heads (COTW)**
- ORDR00336_03_28_2022 ARPA Amesbury 250K (COTW)
- ORDR00472_06_26_2023 Streets Sidewalks Loan Order \$6,000,000 (COTW)
- TRAN00153_05_08_2023 Mayor: Multiple \$3,483,773 to Multiple \$3,483,773 revised 6/15/2023
(Atkinson Common Request only all other matters adjudicated)
- TRAN00170_10_16_2023 Mayor's Office: Paid Parking Fund \$12,5000 to HWY Portable Restrooms \$12,500

Community Services

In Committee:

- APPT00436_10_16_2023 **Sarah Landry 462 South Main St. Nashua, NH Dir. COA 11/1/2026**
- ORDR00497_09_26_2023 **Sponsorship of an Admin. Order to create Recreation & Yth Ser. Dept.**
- COMM00474_04_10_2023 Newburyport Public Art Policy
- COMM00495_08_14_2023 Ltr from Katherine Moore, Betty LaBaugh, and Brendan & Katy Banovic
re: Landscaping noise and air pollution
- ODNC00157_06_12_2023 Public Art Policy (COTW)
- ORDR00474_07_10_2023 Plan Approval Bartlett Mall Improvement Project (COTW)

General Government

In Committee:

- COMM00461_02_27_2023 Brown School Gymnasium Considerations (COTW)
- COMM00468_03_13_2023 Brown School Proposal (COTW)
- COMM00506_09_26_2023 Memo Brown School EOIs (COTW)
- ODNC00146_03_13_2023 Amend Ch 2-34 Responsibilities of Committee on Community Services
- ORDR239_02_8_2021 Council Rule 7 and 10B

Licenses & Permits

In Committee:

Planning & Development

In Committee:

- ODNC047 01 27 2020 **General Ordinance - Short Term Rental Units Rules (COTW)**
- ODNC00141 02 27 2023 **Zoning Amendment STRU (COTW)**
- ODNC00160 08 28 2023 **Zoning Amendment Business Park Indoor Outdoor Rec (COTW)**
- COMM00494_07_10_2023 Planning Board Advisory Report STRU (COTW)
- COMM00500_08_28_2023 STRU Planning Board Final Report (COTW)

Public Works & Safety

In Committee:

- APPL00163 10 16 2023 **Bar 25 Planters Request**
- ODNC00161 10 16 2023 **Pleasant Street 15 min parking space**
- ODNC00162 10 16 2023 **Amended Parking Restrictions on Toppans Lane**
- ODNC00163 10 16 2023 **Federal St. HP Space**
- COMM00412_05_31_2022 Ltr Ann Jaronyk re: Traffic Safety
- COMM00459_01_30_2023 Ltr. Residents concerned with speeding on Arlington St.
- COMM00462_02_27_2023 Ltr. From Kathleen O'Connor Ives re: drinking water concerns
- COMM00479_04_24_2023 Ward 4 Street Sidewalk Traffic Safety Priorities
- COMM00482_04_24_2023 Constructions projects at the Central Waterfront
- COMM00505_09_11_2023 Ltr from Kristen Hunter re Merrimac St. traffic safety progress
- ODNC00103_01_10_2022 Streets, Sidewalks, and Other Public Places Alterations & Maintenance
- ODNC00152_05_08_2023 Amend Ch 13-181 Municipal Parking Facilities (COTW)
- ORDR00449_04_24_2023 Approving Shared Streets Grant, High Street Traffic Calming

17. GOOD OF THE ORDER

18. EXECUTIVE SESSION: Pursuant to MGL c. 30A s. 21(a)(3) there will be an executive session for the purpose of discussing strategy with respect to litigation as an open meeting may have a detrimental effect on the litigating position of the City.

19. ADJOURNMENT

LATE FILE ITEMS

October 26, 2025

Re: Resolution on Israeli - Hamas Conflict, ORDR00501_10_16_2023

Council President Shand,

I found the Resolution on Israeli - Hamas Conflict adopted on October 16 to be deeply troubling.

Its content and tone were very different from public statements made by the Mayor, the Superintendent, the Human Rights Commission and Rabbi Matthews, who all condemned the violence of October 7 and focused on offering comfort and support to all members of our community.

In contrast, the language of the council resolution was militaristic and highly politicized. It took sides in the complex and long-standing conflicts in the region. It focused on Israel and the Jewish people to the exclusion of others affected by recent events who may be suffering in our community and beyond.

The language was particularly shocking given that Israel's retaliation was well underway when this resolution was introduced. The Palestinian death toll had already exceeded Israeli deaths in the October 7 attack. The Israeli government had cut off electricity, food, water and medical supplies to Gaza. It had warned the Palestinians to flee the northern half of the territory under threat of a ground assault – an exodus many experts said could not be accomplished safely.

The veiled threat of local law enforcement action at the end is utterly chilling to me, and sad because I truly understand the meaning of our beautiful sentiment “hate has no port here.”

Councillor Khan’s amendments made the resolution a bit less strident and a bit more inclusive, but were not enough. The resolution remains insular, insensitive and authoritarian. It is a far cry from the expressions of care and compassion in the four statements listed above, which were issued prior to the introduction of this resolution and reflect the work of multiple people in those organizations working over a period of days.

My understanding is the resolution was submitted as a late file item, unseen by council members other than its author, until the beginning of the October 16 meeting. The Council spent only 9 minutes reviewing the language, proposing amendments, and voting on it - in the midst of other routine business such as appointments, budget transfers, license approvals and acceptance of gifts.

October 26, 2025

Re: Resolution on Israeli - Hamas Conflict, ORDR00501_10_16_2023

I recognize the difficulty many of us are having to come to terms with events in Israel and Gaza. And I understand the desire to not remain silent in the face of violence. It appears these factors caused the Council to respond reflexively and give this Order far less consideration than it deserved.

A resolution may seem like a small matter, but every order and ordinance the Council passes sets a precedent for Newburyport and other municipalities that may refer to them.

I believe the precedents set here in terms of process and content have not been good ones.

Sincerely,

Jean Costello

NEWBURYPORT SPECIAL EVENT APPLICATION

Tel. _____

RECEIVED
CITY CLERK'S OFFICE
NEWBURYPORT, MA

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

2023 OCT 26 1 12 49

NAME OF EVENT: NON-PROFIT POP-UP PARK

Date: DEC 2-3 DEC 16-17 Time: from 10am to 4pm (all date)

Rain Date: _____ Time: from _____ to _____

2. Location*: POP-UP PARK

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

3. Description of Property: _____ Public _____ Private _____

4. Name of Organizer: Sarah Motzkin City Sponsored Event: Yes _____ No

Contact Person Newburyport chamber of commerce

Address: 19 Inn St. Telephone: 617-771-4431

E-Mail: events@newburyportchamber.org Cell Phone: same ↑

Day of Event Contact & Phone: Sarah Motzkin 617-771-4431 Maddie Dahn -

5. Number of Attendees Expected: Tracey - 978-808-9946
50 +

6. MA Tax Number: _____

7. Is the Event Being Advertised? Yes Where? social media, website, newsletter

8. What Age Group is the Event Targeted to? Families / all ages

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

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

A. Vending*: Food _____ Beverages _____ Alcohol _____ Goods _____ Total # of Vendors 5 ^{Non-profit vendors}

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

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

Performers _____ Dancing _____ Amplified Sound _____ Stage n/a

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

Other _____ Total # _____

Name of Carnival Operator: _____

Address: _____

Telephone: _____

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

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

If yes:

- a) How many trash receptacles will you be providing? 1-2
- b) How many recycling receptacles will you be providing? _____
- c) Will you be contracting for disposal of : **Trash** Yes _____ No X **Recycling** Yes _____ No X
- 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 X No _____
- iv. If no, where will the trash & recycling be disposed ? _____

If no:

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

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

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

_____ Standard # _____ ADA accessible n/a

Name of company providing the portable toilets: _____

NO Streets will be closed

FOR STREET CLOSURE OR ANY USE OF A PUBLIC WAY

PARADE _____ ROAD RACE _____ WALKATHON _____

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

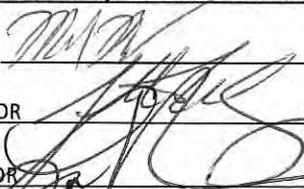
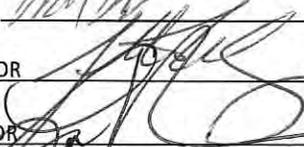
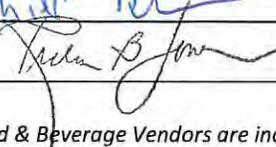
2. Name, Address & Daytime Phone Number of Organizer: _____

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

4. Date of Event: _____ Expected Number of Participants: _____
5. Start Time: _____ Expected End Time: _____
6. Road Race, Parade or Walkathon Route: (List street names & **attach map of route**): _____

7. Locations of Water Stops (if any): _____
8. Will Detours for Motor Vehicles Be Required? _____ If so, where? _____
9. Formation Location & Time for Participants: _____
10. Dismissal Location & Time for Participants: _____
11. Additional Parade Information:
 - Number of Floats: _____
 - Locations of Viewing Stations: _____
 - Are Weapons Being Carried: Yes _____ No _____
 - Are Marshalls Being Assigned to Keep Parade Moving: Yes _____ No _____

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

CITY MARSHAL  4 Green St. FIRE CHIEF  0 Greenleaf St.
DEPUTY DIRECTOR  16A Perry Way CITY CLERK  60 Pleasant St.
HEALTH DIRECTOR  60 Pleasant St. (only needed when Food & Beverage Vendors are included in the event)

DEPARTMENT APPROVAL (for Committee Member use only):

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

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

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

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

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

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

(c) *Definitions.*

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

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

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

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

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

(d) *Limitations.*

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

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

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

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

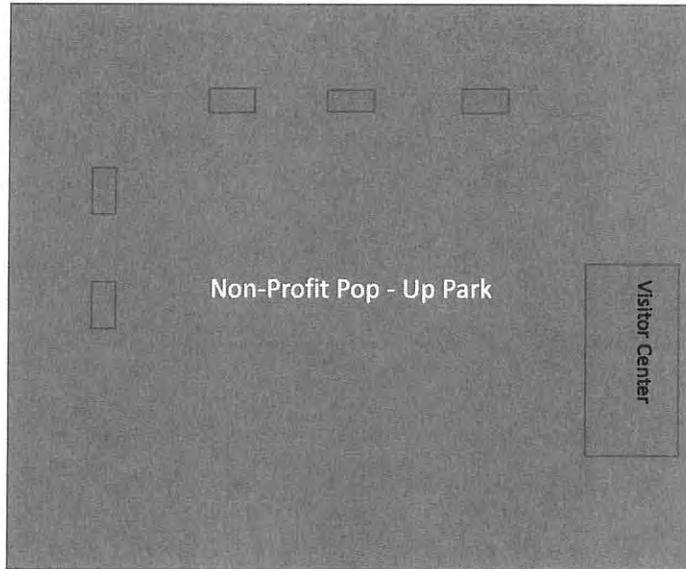
10/17/23

Non-Profit Pop Up Park

Dates/Hours

Dec 2-3 10-4 both days
Dec 9-10 10-4 both days
Dec 16-17 10-4 both days

-Blue Rectangles - Vendors Popping Up
Vendors



Sidewalk

Merrimack Street

CITY OF NEWBURYPORT



IN CITY COUNCIL

October 30, 2023

ORDERED:

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

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

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

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

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

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

Section V-E – List of allowable uses

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

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

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

Councillor Jennie L. Donahue

Councillor Edward C. Cameron Jr.

Councillor Heather L. Shand



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

MEMORANDUM

TO: Members of Planning Board and City Council

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

CC: Sean R. Reardon, MAYOR

RE: Late File: Proposed Zoning Amendment – R3 Rezoning at State & High Street, Definition of Multifamily

DATE: October 30, 2023

The purpose of this memorandum is to provide a brief summary of the above zoning amendment, which is to be received as a “late file” at your meeting this evening, along with this communication, for referral to the Planning & Development (P&D) Committee in order to hold a Joint Public Hearing with the Planning Board. Given the Council’s remaining meeting dates scheduled for 2023, referral to committee this evening would make it feasible to approve the proposed zoning amendment before the end of this calendar year and Council session.

The proposed zoning amendment would help to facilitate residential redevelopment of the Global Gas Station property at the intersection of State Street and High Street. Global is in a Purchase and Sale Agreement with an interested buyer who is developing plans which now appear generally consistent with the surrounding neighborhood and would address many of the concerns that might otherwise be raised with a more intensive (i.e. dense) development scheme. A related Development Agreement (DA) with schematic plan for the residential development on this lot is forthcoming, and is intended to memorialize certain substantive aspects of the redevelopment project prior to approval of the zoning change itself. While there would still be a discretionary Special Permit review of the proposed development plans by the board after adoption of the proposed zoning, these initial parameters will establish an outside “envelope” within which the new residential development must comply, in advance of that time. Given the prominent location of this property, and the importance of compatibility with the High Street corridor generally, the DA will provide a greater level of specificity and protection than the typical permitting process, which typically takes place after applicable zoning is already in place. Here, what is submitted to the board for approval after adoption of the zoning change would need to conform to the parameters outlined in the DA and plan incorporated by reference therein.

As the related DA itself is still under review by legal counsel at MHTL, for approval “as to form,” I would recommend that this communication also be received this evening and referred to committee with the proposed zoning change, where it can be supplemented by the executed DA and site plan referred to therein. This office, and the development team, will be able to address any questions or concerns you may have with respect to the proposed zoning, schematic site plan and/or DA, during the typical committee review, and prior to adoption of the proposed zoning amendment.

CONSENT AGENDA

CITY COUNCIL MEETING

MINUTES

October 16, 2023 7:00 pm
City Council Chambers, City Hall
60 Pleasant Street, Newburyport

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

Or One tap mobile:

US: +19292056099,81299990548#

Or Telephone US: +1 929 205 6099

Webinar ID: 812 9999 0548

1. **MOMENT OF SILENCE** Remembering Joan Matthews and those involved in the Israeli-Hamas Conflict

2. **PLEDGE OF ALLEGIANCE**

3. **CALL TO ORDER**

7:00 pm the City Clerk called the roll; the following City Councillors answered present: Preston, Vogel, Wright, Zeid, Cameron, Khan, McCauley, and Shand. 8 present, 3 absent (Wallace, Donahue, and Lane).

7:13 pm Councillor Lane is present.

4. **LATE FILE**

- COMM00509_10_16_2023 STRU Letter from Newburyport Homeowners Group (R&F)
 - ORDR00501_10_16_2023 Resolution on Israeli - Hamas Conflict
 - ORDR00502_10_16_2023 Grant Acceptance Form Municipal Road Safety Grant
- Motion to waive the rules and accept the late files by Councillor Zeid, seconded by Councillor Preston. So voted.

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**

- September 26, 2023 (Approve)

8. **COMMUNICATIONS**

- COMM00507_10_16_2023 Donna Holaday Appt. to the Whittier Regional Vo-Tech School Committee (R&F)
- COMM00508_10_16_2023 2nd 30 day Extension of Acting Head Librarian Appointment (CS)
*removed by Councillor McCauley
- APPL00163_10_16_2023 Bar 25 Planters Request *removed by Councillor Vogel (L&P)

9. **TRANSFERS**

- TRAN00170_10_16_2023 Mayor's Office: Paid Parking Fund \$12,5000 to HWY Portable Restrooms \$12,500 (B&F)

10. **APPOINTMENTS**

- APPT00436_10_16_2023 Sarah Landry 462 South Main St. Nashua, NH Dir. COA 11/1/2026 (CS)

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

BUDGET & FINANCE

- TRAN00169_09_26_2023 Mayor's Office: Parklet Maint. Fund \$10K to HWY Downtown Parklets \$10K
- ORDR00491_09_26_2023 Port Parks Alliance Gift Acceptance \$2425.00
- ORDR00492_09_26_2023 FY2024 Supplemental Budget (COTW)
- ORDR00493_09_26_2023 Local Acceptance of Prudent Investor Rule for Trust Funds

COMMUNITY SERVICES

- ORDR00494_09_26_2023 'Spring Awakening' Sculpture Gift Acceptance
- ORDR00495_09_26_2023 'Rabbit Man' Sculpture Gift Acceptance
- ORDR00496_09_26_2023 Constellation NewEnergy Contract

LICENSES & PERMITS

- APPL00159_09_26_2023 Movable sign application Grand Trunk at Center St. & Water St.
- APPL00160_09_26_2023 Movable sign application Grand Trunk at Liberty St. & State St.
- APPL00161_09_26_2023 Newburyport Chamber of Commerce Beer Garden
Multiple Weekends Fri. 2-7pm, Sat. & Sun. 11am-7pm
10/20-10/22, 10/27-10/29, 11/3-11/5, 11/10-11/12, 11/17-11/19, 11/24-11/26

PLANNING & DEVELOPMENT

- ORDR00490_09_26_2023 State Planning Assistance Grant for Storey Ave. & Low St.
- ODNC00160_08_28_2023 Zoning Amendment Business Park Indoor Outdoor Rec (COTW)

END OF CONSENT AGENDA

APPL00163 removed at the request of Councillor Vogel, ODNC00160 not coming out of P&D at the request of Councillor Cameron, and COMM00508 removed at the request of Councillor McCauley.
Motion to approve as amended by Councillor Zeid, seconded by Councillor Lane. So voted. Motion passes.

REGULAR AGENDA

9. MAYOR'S UPDATE

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

10. FIRST READING APPOINTMENTS

11. COMMUNICATIONS

- COMM00508_10_16_2023 2nd 30 day Extension of Acting Head Librarian Appointment
Motion to move to a date certain, October 30th by Councillor McCauley, seconded by Councillor Zeid. So Voted.
- APPL00163_10_16_2023 Bar 25 Planters Request
Motion to refer to General Government by Councillor Vogel, seconded by Councillor Preston. Friendly amendment to refer to Public Works and Safety by Councillor McCauley, accepted by moving Councillors. So voted.

12. TRANSFERS

13. SECOND READING APPOINTMENTS

- APPT00435_09_26_2023 Janet N. Collett 16 Woodland St. Cultural Council 10/01/2026
Motion to approve on 2nd reading by Councillor Zeid, seconded by Councillor Vogel. Roll call vote. 10 yes, 2 absent. Motion passes.

14. ORDERS

- ORDR00498_10_16_2023 Gift Acceptance Friends of NBPT Trees \$17,000
- ORDR00499_10_16_2023 Grant Acceptance LSTA \$20,000
- ORDR00500_10_16_2023 Approval to Pay Prior Year Bills
- ORDR00502_10_16_2023 Grant Acceptance Form Municipal Road Safety Grant

Motion to collectively refer ORDR00498, ORDR00499, ORDR00500, and ORDR00502 to Budget & Finance by Councillor Zeid, seconded by Councillor McCauley. So voted.

- **ORDR00501_10_16_2023** Resolution on Israeli - Hamas Conflict

Motion to waive the rules, declare an emergency, and approve by Councillor McCauley, seconded by Councillor Preston. Motion to amend to remove the 3rd Whereas statement by Councillor Khan, seconded by Councillor Preston. So voted. 7 yes, 1 no (JM), 1 present (SZ), 2 absent (CW, JD). Motion passes. Motion to amend to add “and Muslim” at the end of the And furthermore statement by Councillor Khan, seconded by Councillor Preston. So voted. 8 yes, 1 present (SZ), 2 absent (CW, JD). Motion passes. Motion to approve as amended Councillor McCauley, seconded by Councillor Preston. So voted. 8 yes, 1 present (SZ), 2 absent (CW, JD). Motion passes.

15. ORDINANCES

- **ODNC00161_10_16_2023** Pleasant Street 15 min parking space
- **ODNC00162_10_16_2023** Amended Parking Restrictions on Toppans Lane
- **ODNC00163_10_16_2023** Federal St. HP Space

Motion to collectively refer ODNC00161, ODNC00162, and ODNC00163 to Public Works & Safety by Councillor McCauley, seconded by Councillor Preston. So voted.

16. COMMITTEE ITEMS

Budget & Finance

In Committee:

- **TRAN00169_09_26_2023** **Mayor's Office: Parklet Maint. Fund \$10K to HWY Downtown Parklets \$10K**

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

- **ORDR00491_09_26_2023** **Port Parks Alliance Gift Acceptance \$2425.00**

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

- **ORDR00492_09_26_2023** **FY2024 Supplemental Budget (COTW)**

Motion to approve by Councillor Zeid, seconded by Councillor McCauley with the condition by Councillor McCauley that at the October 30th meeting the City Council is provided with an update to review in either executive session or open session as to the details on how this happened. So voted.

- **ORDR00493_09_26_2023** **Local Acceptance of Prudent Investor Rule for Trust Funds**

Motion to approve by Councillor Zeid, seconded by Councillor Wright. So voted. 7 yes, 2 no (BL, SZ), 2 absent (CW, JD).

- **ODNC00129_11_01_2022** Defining Conflict Rule for Dept. Heads (COTW)
- **ORDR00336_03_28_2022** ARPA Amesbury 250K (COTW)
- **ORDR00472_06_26_2023** Streets Sidewalks Loan Order \$6,000,000 (COTW)
- **TRAN00153_05_08_2023** Mayor: Multiple \$3,483,773 to Multiple \$3,483,773 revised 6/15/2023
(Atkinson Common Request only all other matters adjudicated)

Community Services

In Committee:

- **ORDR00494_09_26_2023** **'Spring Awakening' Sculpture Gift Acceptance**

- **ORDR00495_09_26_2023** **'Rabbit Man' Sculpture Gift Acceptance**

Motion to collectively approve ORDR00494 and ORDR00495 by Councillor McCauley, seconded by Councillor Preston. So voted.

- **ORDR00496_09_26_2023** **Constellation NewEnergy Contract**

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

- **COMM00474_04_10_2023** Newburyport Public Art Policy
- **COMM00495_08_14_2023** Ltr from Katherine Moore, Betty LaBaugh, and Brendan & Katy Banovic
re: Landscaping noise and air pollution
- **ODNC00157_06_12_2023** Public Art Policy (COTW)
- **ORDR00474_07_10_2023** Plan Approval Bartlett Mall Improvement Project (COTW)
- **ORDR00497_09_26_2023** Sponsorship of an Administrative Order to create Recreation & Yth Ser. Dept.

General Government

In Committee:

- COMM00461_02_27_2023 Brown School Gymnasium Considerations (COTW)
- COMM00468_03_13_2023 Brown School Proposal (COTW)
- COMM00506_09_26_2023 Memo Brown School EOIs (COTW)
- ODNC00146_03_13_2023 Amend Ch 2-34 Responsibilities of Committee on Community Services
- ORDR239_02_8_2021 Council Rule 7 and 10B

Licenses & Permits

In Committee:

- APPL00159 09 26 2023 **Movable sign application Grand Trunk at Center St. & Water St.**
- APPL00160 09 26 2023 **Movable sign application Grand Trunk at Liberty St. & State St.**

Motion to collectively approve APPL00159 and APPL00160 by Councillor Vogel, seconded by Councillor Preston with the condition that the signs are brought in at night. So voted.

- APPL00161 09 26 2023 **Newburyport Chamber of Commerce Beer Garden
Multiple Weekends Fri. 2-7pm, Sat. & Sun. 11am-7pm
10/20-10/22, 10/27-10/29, 11/3-11/5, 11/10-11/12, 11/17-11/19, 11/24-11/26**

Motion to approve by Councillor Vogel, seconded by Councillor Lane with pending extension of Shanties insurance. So voted.

Planning & Development

In Committee:

- ORDR00490 09 26 2023 **State Planning Assistance Grant for Storey Ave. & Low St.**

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

- ODNC00160_08_28_2023 Zoning Amendment Business Park Indoor Outdoor Rec (COTW)
- COMM00494_07_10_2023 Planning Board Advisory Report STRU (COTW)
- COMM00500_08_28_2023 STRU Planning Board Final Report (COTW)
- ODNC047_01_27_2020 General Ordinance - Short Term Rental Units Rules (COTW)
- ODNC00141_02_27_2023 Zoning Amendment STRU (COTW)

Public Works & Safety

In Committee:

- COMM00412_05_31_2022 Ltr Ann Jaronyk re: Traffic Safety
- COMM00459_01_30_2023 Ltr. Residents concerned with speeding on Arlington St.
- COMM00462_02_27_2023 Ltr. From Kathleen O'Connor Ives re: drinking water concerns
- COMM00479_04_24_2023 Ward 4 Street Sidewalk Traffic Safety Priorities
- COMM00482_04_24_2023 Constructions projects at the Central Waterfront
- COMM00505_09_11_2023 Ltr from Kristen Hunter re Merrimac St. traffic safety progress
- ODNC00103_01_10_2022 Streets, Sidewalks, and Other Public Places Alterations & Maintenance
- ODNC00152_05_08_2023 Amend Ch 13-181 Municipal Parking Facilities (COTW)
- ORDR00449_04_24_2023 Approving Shared Streets Grant, High Street Traffic Calming

17. GOOD OF THE ORDER

18. ADJOURNMENT

Motion to adjourn at 8:21 pm by Councillor Zeid, seconded by Councillor Wright. So voted.

COMMUNICATIONS

Permit Issued: # _____

RECEIVED
CITY CLERK'S OFFICE
NEWBURYPORT, MA

APPLICATION FOR MOVABLE SIGNAGE ON PUBLIC PROPERTY

Application Fee \$100.00

2023 OCT 23 A 9:33

Date: 10/22/23

FOR CITY CLERK'S OFFICE ONLY	
Date Recorded	_____
Expiration Date:	_____
Amount Paid	_____

To the City Council of the City of Newburyport:

The undersigned requests that he/she may be granted permission to place one (1) movable sign on public property and private rights-of-way open to the public. This permission will only be effective for the listed location, and will be subject to all of the terms, conditions, and limitations set forth in the Newburyport Code of Ordinances, and any applicable State and Federal laws and any condition prescribed by the City Council and/or City Departments, including, but not limited to, those conditions appearing below.

Name of applicant Jennie Carens

Home address of applicant 34 Johnson Street

City, State, Zip of applicant Newburyport, MA 01950

Telephone of applicant 978-609-0531

Name of business Cookie Jar Kitchen

Address of business 38 Washington St, Newburyport, MA 01950

Telephone of business 978-992-1273

Description of the location and movable sign to placed on the Public Way.

on the corner of winter and Washington Street, a fame sign

RELEASE AND INDEMNITY AGREEMENT TO ENCUMBER A PUBLIC WAY

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

Signature of Applicant or Duly Authorized Agent Jennie Carens

Date 10/22/23



CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)
02/09/2023

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

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

PRODUCER EASTERN INSURANCE GROUP LLC/PHS 08087059 The Hartford Business Service Center 3600 Wiseman Blvd San Antonio, TX 78251	CONTACT NAME: PHONE (866) 467-8730 (A/C, No, Ext):		FAX (A/C, No):
	E-MAIL ADDRESS:		
INSURED The Cookie Jar Kitchen 38 WASHINGTON ST NEWBURYPORT MA 01950-2466	INSURER A : Hartford Underwriters Insurance Company		NAIC# 30104
	INSURER B :		
	INSURER C :		
	INSURER D :		
	INSURER E :		
	INSURER F :		

COVERAGES **CERTIFICATE NUMBER:** **REVISION NUMBER:**

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

INSR LTR	TYPE OF INSURANCE	ADDL INSR	SUBR WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS	
A	<input type="checkbox"/> COMMERCIAL GENERAL LIABILITY <input type="checkbox"/> CLAIMS-MADE <input checked="" type="checkbox"/> OCCUR <input checked="" type="checkbox"/> General Liability	X		08 SBA AK4HU7	04/01/2022	04/01/2023	EACH OCCURRENCE	\$1,000,000
	GEN'L AGGREGATE LIMIT APPLIES PER: <input checked="" type="checkbox"/> POLICY <input type="checkbox"/> PRO-JECT <input type="checkbox"/> LOC OTHER:						DAMAGE TO RENTED PREMISES (Ea occurrence)	\$1,000,000
							MED EXP (Any one person)	\$10,000
							PERSONAL & ADV INJURY	\$1,000,000
							GENERAL AGGREGATE	\$2,000,000
							PRODUCTS - COMP/OP AGG	\$2,000,000
A	AUTOMOBILE LIABILITY <input type="checkbox"/> ANY AUTO <input type="checkbox"/> ALL OWNED AUTOS <input checked="" type="checkbox"/> HIRED AUTOS			08 SBA AK4HU7	04/01/2022	04/01/2023	COMBINED SINGLE LIMIT (Ea accident)	\$1,000,000
	<input type="checkbox"/> SCHEDULED AUTOS <input checked="" type="checkbox"/> NON-OWNED AUTOS						BODILY INJURY (Per person)	
							BODILY INJURY (Per accident)	
							PROPERTY DAMAGE (Per accident)	
	<input type="checkbox"/> UMBRELLA LIAB <input type="checkbox"/> EXCESS LIAB						EACH OCCURRENCE	
	<input type="checkbox"/> OCCUR <input type="checkbox"/> CLAIMS-MADE						AGGREGATE	
	<input type="checkbox"/> DED <input type="checkbox"/> RETENTION \$							
A	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH) If yes, describe under DESCRIPTION OF OPERATIONS below	Y/N					PER STATUTE	OTHER
		N/A					E.L. EACH ACCIDENT	
							E.L. DISEASE -EA EMPLOYEE	
							E.L. DISEASE - POLICY LIMIT	
A	Data Breach - Defense & Liab Covg			08 SBA AK4HU7	04/01/2022	04/01/2023	Limit	\$50,000

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

Those usual to the Insured's Operations. The Business Liability Coverage Part includes a Blanket Additional Insured City of Newburyport By Contract Endorsement, Form SL 30 32.

CERTIFICATE HOLDER

City of Newburyport
 60 PLEASANT ST
 NEWBURYPORT MA 01950-2627

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

Suan L. Castaneda

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WAYNE S. AMARAL, DIRECTOR
JON U. CAREY, DPS DEPUTY DIRECTOR

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

PHONE: 978-465-4464
FAX: 978-465-1623

Memorandum

To: President and Members of the City Council

From: Wayne S. Amaral, DPS Director

Date: October 25, 2023

Re: 2024 DPS Roadway and Sidewalk Plan – City Council Submission

The Department of Public Services in collaboration with the Mayor's Office is proud to submit to the City Council a revised Roadway and Sidewalk Plan. This revised plan was developed by modifying the previous roadway plan with a new focus on roadways and sidewalks.

Over the past six months we have heard from residents, visitors and councillors that our sidewalks are as important as our roadways and attention to both is paramount to the success of a vital transportation network that will improve public safety and be inclusive to all users. This balanced approach was well vetted by DPS staff and the Mayor's Office.

A typical and standard roadway and sidewalk construction project would specify that all of the roadways and sidewalks are upgraded during one construction season. However, understanding that the cost of sidewalk upgrades is far more expensive than simple roadway paving, in fact, the cost per square foot of sidewalk could be five to ten times higher than paving, DPS staff evaluated each street and estimated the length of sidewalk sections that would require upgrades. This estimate was used to calculate the sidewalk upgrade cost in this plan.

This detailed approach of only upgrading the sidewalk sections that need immediate attention will allow for an increased number of sidewalk improvements citywide. Please note that most streets in this plan require an average of 50%-60% of sidewalk upgrades with a handful of streets requiring 100% sidewalk upgrades.

As a result of this new approach, some streets that were originally placed on the previous plan have been moved to later years. It must also be understood that this plan is a working document, and the estimated costs in this plan are estimates with limited funds set aside for unforeseen situations that may occur on any roadway and sidewalk construction project. The plan will require updates on a yearly basis after funding has been reevaluated at the conclusion of each construction season.

With the recent approval of a new DPS engineer, that will assist with the management and oversight of roadway and sidewalk construction projects, we believe that we will see improved

cost controls and project management. These improvements will guarantee a professionally managed roadway and sidewalk program.

This 2024 Roadway and Sidewalk Plan will only succeed if additional funding is secured. We strongly recommend a request for \$6,000,000 to bond this program over five-years. The following break-down of amounts should be allocated for each year;

2024	\$1,830,000.
2025	\$1,170,000.
2026	\$1,000,000.
2027	\$1,000,000.
2028	\$1,000,000.

DPS was also asked to create a list of priority safety and sidewalk projects. In some instances, we have sidewalks that require additional improvements separate from street investments. We also have some intersections that need traffic calming and pedestrian improvements. This is a first draft list and we will add other priority sites that are sent to us. The next step will be to cost out the improvements and create a prioritization of projects within this list. We will aim to complete these improvements using the dedicated general fund budget line for sidewalks and safety and any grant funds we receive that can be used for these purposes.

DPS is in the process of preparing existing and future staff for this new Roadway and Sidewalk program. With financial support from City Council, this program will no doubt be successful and make our city a better place to live for all users.

Attachments:
2024 Five Year Roadway and Sidewalk Plan Version 4
Sidewalk and Safety Priority List

**City of Newburyport
Priority Sidewalk and Safety Projects**

Street	Ward	Project Type	Current Material	Proposed Material	Road Paving Calendar Year	Proposed Sidewalk Calendar Year	Source	Notes
Beacon Avenue		1 Full Sidewalk Repair	Asphalt, Brick, and Concrete	TBD	Not Scheduled	TBD	Petition	Curbs are deteriorated
Charles Street		1 Partial Sidewalk Repair	Asphalt and Concrete	TBD	Not Scheduled	TBD	Petition	Uneven asphalt on sidewalk from stump removal
Federal Street	1 and 2	Full Sidewalk Repair	Asphalt, Brick, and Concrete	Brick	2027	2027	Petition	Street and sidewalk will be done at same time in 2027
Greenleaf Street	2 and 3	Sidewalk repair	Asphalt and Concrete	TBD	Not Scheduled	TBD	Petition	Related to Bartlet Mall project but necessary to replace sidewalks in poor shape. Looking to schedule alongside Bartlet Mall work.
Hale Street		5 Pedestrian and bike safety additions	NA	TBD	Not Scheduled	TBD	City Council	Starting study in fall 2023 and will get to 35% design.
High Street	2/3/4	Traffic calming and crosswalk improvements	NA	NA	NA	NA	City Council	Looking at Olive's intersection, East side, and by Funeral Home in particular, but other priority areas too, including by schools.
High Street 155-161		3 Partial Sidewalk Repair	Asphalt, Brick	TBD	Not Scheduled	TBD	Petition	Looking for repair at 155 – 161 High Street (across from St. Paul's Church).
Johnson Street		3 Full Sidewalk Repair	Asphalt and Concrete	Concrete	2024	2024	Petition	Concrete sidewalk will be repaired in 2024 alongside street.
Lincoln Street		1 Full Sidewalk Repair	Asphalt and Concrete	TBD	Not Scheduled	TBD	Petition	Sidewalks in need of repair.
Lime Street		1 Full Sidewalk Repair	Asphalt, Brick, and Concrete	Concrete	2024	2024	Petition	Will do sidewalk along with street in 2024
Low Street @ Colby Farm & North Atkinson Street		Traffic calming project & sidewalk extension on North Atkinson St	Asphalt	TBD	2028	2028	Safety List	Study commencing in 2023 on Low/ N. Atkinson. North Atkinson is on list for street and sidewalk repair in 2028.
Madison Street		1 Full Sidewalk Repair	Asphalt, Brick, and Concrete	TBD	Not Scheduled	TBD	Petition	Petition states road is in bad shape, and sidewalks are dangerous. Sidewalks used for access to the boat ramp and need repair.
Merrimac Street		4 Partial New Sidewalk	Asphalt, Brick, and Concrete	TBD	TBD	TBD	City Council	Sidewalk requested at Pioneer League to complement safety zone. We are planning to address this through the Lower Atkinson Common safety improvement plan. Also working to install Safety Zone upon approval by State.
Merrimac and Kent Streets		3 Traffic calming and crosswalk improvements	NA	NA	NA	TBD	City Council	Undergoing design now and also under consideration because of potential development at site.
Milk Street		2 Full Sidewalk Repair	Asphalt, Brick, and Concrete	TBD	2022	TBD	Petition	Street was paved last year but sidewalk not deemed in need of assistance. Petitioners believe aging asphalt is in poor condition and need to be replaced.
Moseley Avenue		4 Partial new sidewalk	NA	Asphalt	Not Scheduled	TBD	Petition	Would add sidewalk from Moseley Place to Spofford Street on the north side of the road.
Moulton Street		6 Partial New Sidewalk	Asphalt	Asphalt	Not Scheduled	TBD	Petition	requested from Ferry Road to Moseley
Noble Street		6 Full New Sidewalk	Asphalt	Asphalt	2024	2024	Petition	Adding sidewalk and looking to improve pedestrian crossings at Noble Street at Storey Ave
Norman Ave		5 Full Sidewalk Repair	Asphalt	Concrete	2026	2026	Petition	Will be done in 2026 alongside street.
Olive Street		3 Full Sidewalk Repair	Asphalt, Brick, and Concrete	TBD	Not Scheduled	2023	Petition	Partial repair to begin in 2023 of largest sidewalk issues.
Otis Place		2 Full Sidewalk Repair	Asphalt, Brick, and Concrete	TBD	Not Scheduled	TBD	Petition	Submitted petition asking for repairs to sidewalks.
Rawson Ave		4 Partial New Sidewalk	Asphalt	Concrete	2025	2025	Public Meeting	Will build new sidewalk alongside street paving in 2025.

**City of Newburyport
Priority Sidewalk and Safety Projects**

Street	Ward	Project Type	Current Material	Proposed Material	Road Paving Calendar Year	Proposed Sidewalk Calendar Year	Source	Notes
State Street	2	Partial Sidewalk Repair	Asphalt, Brick, and Concrete	Brick	2024	2024	Petition	Request to fix sidewalks at 152 State Street. Will repair alongside work taking place in 2024.
State and High Street	2	Traffic calming and crosswalk improvements	NA	NA	2024	2024	Complete Streets	Will look to upgrade some of infrastructure in 2024 between state street repaving and potential redevelopment of Global Site.
Three Roads Intersection	4/5/6	Intersection Improvement	NA	NA	TBD	NA	Complete Streets	Area undergoing study by MVPC to suggest potential solutions. May need to go to another design route.
Toppans Lane	3 and 4	Safe Routes to School	NA	NA	NA	NA	Safe Routes to School	Needs sidewalk and pedestrian improvements because of proximity to schools
Tracy Street	4	Full New Sidewalk	Asphalt	TBD	2022	TBD	City Council	Street paved last year but without a sidewalk. We will need to study whether it will be possible to add this.
Union Street	1	Full Sidewalk Repair	Asphalt, Brick, and Concrete	TBD	Not Scheduled	TBD	Petition	Petition states sidewalks not ADA compliant and are deteriorating, not safe.
Vernon Street	2	Partial Sidewalk Repair	Asphalt, Brick, and Concrete	TBD	Not Scheduled	TBD	Petition	Sidewalk at numbers 6-16 (even side).
Washington Street	3	Partial Sidewalk Repair	Asphalt, Brick, and Concrete	TBD	Not Scheduled	TBD	Petition	Petition states Large pieces of sidewalk are missing and needs maintenance. It's a busy pedestrian street and needs to be fixed.
Water Street	1	Partial New Sidewalk	Asphalt and Concrete	TBD	Not Scheduled	TBD	Petition	Residents are looking for a new sidewalk on Water Street starting around the intersection at Ocean Avenue and running to the Newbury town line.

**2024 City of Newburyport - DPS
Five Year Roadway and Sidewalk Plan - Version 4**

Ward 1 FY 23 (2022 Construction Season)

Street Name	From Street	To Street	Road Repair Calendar Year	General Condition	Proposed Repair Method	Length (Ft)	Length (Miles)	Road Surface Rating (RSR)	Sidewalk Repair Calendar Year	Sidewalk Material Proposed	2022 Estimated Cost	Revised 2023 Estimated Cost
WATER STREET	SHANDEL DR	UNION ST	2022 - COMPLETE	Poor	Mill & Overlay	761.96	0.14	59	NA	NA	\$ 22,750.00	\$ -
WATER STREET	UNION ST	GOODWINS AVE	2022 - COMPLETE	Fair	Mill & Overlay	552.14	0.10	67	NA	NA	\$ 22,750.00	\$ -
WATER STREET	GOODWINS AVE	WOODWELL AVE	2022 - COMPLETE	Fair	Mill & Overlay	405.10	0.08	63	NA	NA	\$ 22,750.00	\$ -
WATER STREET	WOODWELL AVE	MARLBORO ST	2022 - COMPLETE	Poor	Mill & Overlay	274.48	0.05	59	NA	NA	\$ 22,750.00	\$ -
ALTER COURT	BARTON ST	DEAD END	2022 - COMPLETE	Poor	Reclamation	179.25	0.03	29	TBD	Asphalt	\$ 22,800.00	\$ -
BARTON COURT	BARTON ST	DEAD END	2022 - COMPLETE	Poor	Reclamation	203.92	0.04	10	TBD	Asphalt	\$ 32,600.00	\$ -
BARTON STREET	ALTER CT	BARTON CT	2022 - COMPLETE	Poor	Reclamation	250.80	0.05	6	TBD	Asphalt	\$ 40,600.00	\$ -
	BARTON CT	CHESTNUT ST	2022 - COMPLETE	Poor	Reclamation	260.75	0.05	6	TBD	Asphalt	\$ 40,600.00	\$ -
	HIGH ST	ALTER CT	2022 - COMPLETE	Poor	Reclamation	395.97	0.07	20	TBD	Asphalt	\$ 40,600.00	\$ -
GOODWINS AVE	UNION ST	WATER ST	2022 - COMPLETE	Very Poor	Reclamation	179.22	0.03	5	NA	NA	\$ 12,000.00	\$ -
MILK ST	FRANKLIN ST	BROMFIELD ST	2022 - COMPLETE	Very Poor	Reclamation	264.28	0.05	38	NA	NA	\$ 31,666.67	\$ -
	FEDERAL ST	LIME ST	2022 - COMPLETE	Poor	Reclamation	612.10	0.12	59	TBD	TBD	\$ 168,627.53	\$ -
	LIME ST	FRANKLIN ST	2022 - COMPLETE	Very Poor	Reclamation	501.89	0.10	37	TBD	TBD	\$ 105,745.47	\$ -
								TOTAL			\$ 311,866.67	\$ -

Ward 1 FY 25 (2024 Construction Season)

Street Name	From Street	To Street	Road Repair Calendar Year	General Condition	Proposed Repair Method	Length (Ft)	Length (Miles)	Road Surface Rating (RSR)	Sidewalk Repair Calendar Year	Sidewalk Material Proposed	2022 Estimated Cost	Revised 2023 Estimated Cost
LIME STREET 1	WATER ST	MILK ST	2024	Poor	Mill & Overlay	1180.74	0.27	50	2024	Concrete	\$ 242,886.28	\$ 296,090.00
LIME STREET 2	MILK ST	HIGH ST	2024	Poor	Reclamation	1000.00	0.19	n/a	2024	Concrete	\$ -	\$ 274,200.00
											\$ -	\$ -
								TOTAL			\$ 242,886.28	\$ 570,290.00

Ward 1 FY 26 (2025 Construction Season)

Street Name	From Street	To Street	Road Repair Calendar Year	General Condition	Proposed Repair Method	Length (Ft)	Length (Miles)	Road Surface Rating (RSR)	Sidewalk Repair Calendar Year	Sidewalk Material Proposed	2022 Estimated Cost	Revised 2023 Estimated Cost
LANCASTER ROAD	SHANDEL DR	CUL DE SAC	2025	Poor	Mill & Overlay	274.11	0.05	66	n/a	n/a	\$ 17,944.04	\$ 17,672.00
SMITH'S STREET	BECK ST	WATER ST	2025	Poor	Reclamation	575.37	0.11	33	2025	Brick	\$ 104,308.94	\$ 118,930.00
BECK STREET	FEDERAL ST	LIME ST	2025	Poor	Reclamation	580.00	0.06	avg 35	2025	Concrete	\$ 79,107.88	\$ 114,370.00
SHIP STREET	WATER ST	BECK ST	2025	Fair	Mill & Overlay	570.58	0.11	71	2025	Concrete	\$ 72,865.42	\$ 104,886.00
											\$ -	\$ -
								TOTAL			\$ 274,226.28	\$ 355,858.00

Ward 1 FY 27 (2026 Construction Season)

Street Name	From Street	To Street	Road Repair Calendar Year	General Condition	Proposed Repair Method	Length (Ft)	Length (Miles)	Road Surface Rating (RSR)	Sidewalk Repair Calendar Year	Sidewalk Material Proposed	2022 Estimated Cost	Revised 2023 Estimated Cost
											\$ -	\$ -
											\$ -	\$ -
								TOTAL			\$ -	\$ -

**2024 City of Newburyport - DPS
Five Year Roadway and Sidewalk Plan - Version 4**

Ward 1 FY 28 (2027 Construction Season)

Street Name	From Street	To Street	Road Repair Calendar Year	General Condition	Proposed Repair Method	Length (Ft)	Length (Miles)	Road Surface Rating (RSR)	Sidewalk Repair Calendar Year	Sidewalk Material Proposed	2022 Estimated Cost	Revised 2023 Estimated Cost
FEDERAL STREET	HIGH ST	WATER ST	2027	Very Poor	Reclamation	2085.70	0.32	27	2027	Brick	\$ 300,000.00	\$ 844,850.00
											\$ -	\$ -
											\$ -	\$ -
TOTAL											\$ 300,000.00	\$ 844,850.00

Ward 1 FY 29 (2028 Construction Season)

Street Name	From Street	To Street	Road Repair Calendar Year	General Condition	Proposed Repair Method	Length (Ft)	Length (Miles)	Road Surface Rating (RSR)	Sidewalk Repair Calendar Year	Sidewalk Material Proposed	2022 Estimated Cost	Revised 2023 Estimated Cost
											\$ -	\$ -
											\$ -	\$ -
TOTAL											\$ -	\$ -

Future Years

Street Name	From Street	To Street	Road Repair Calendar Year	General Condition	Proposed Repair Method	Length (Ft)	Length (Miles)	Road Surface Rating (RSR)	Sidewalk Repair Calendar Year	Sidewalk Material Proposed	2022 Estimated Cost	Revised 2023 Estimated Cost
FRANKLIN STREET	MILK STREET	WATER STREET	Unknown	Poor	Mill & Overlay	1100	0.21	?	Unknown	Concrete	\$ -	\$ 314,680.00
HIGH ST E	BROMFIELD ST	BARTON ST	Unknown	Poor	Mill & Overlay	308.36	0.06	52	Unknown	Brick	\$ 18,633.01	\$ 50,000.00
LUNT STREET	PURCHASE ST	HANCOCK ST	Unknown	Poor	Reclamation	380.85	0.07	45	Unknown	Concrete	\$ 77,342.97	\$ 136,428.00
NEPTUNE STREET	PURCHASE ST	WATER ST	Unknown	Fair	Mill & Overlay	635.18	0.12	72	Unknown	Concrete	\$ 172,342.45	\$ 192,850.00
											\$ -	\$ -
TOTAL											\$ 268,318.44	\$ 693,958.00

Future T.C

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

Ward 2 FY 24 (2023 Construction Season)

Street Name	From Street	To Street	Road Repair Calendar Year	General Condition	Proposed Repair Method	Length (Ft)	Length (Miles)	Road Surface Rating (RSR)	Sidewalk Repair Calendar Year	Sidewalk Material Proposed	2022 Estimated Cost	Revised 2023 Estimated Cost
FAIR ST	CHARTER ST	SPRING ST	2023 - COMPLETED	Very Poor	Reclamation	139.00	0.03	28	TBD	TBD	\$ 12,598.79	\$ -
	ESSEX ST	MIDDLE ST	2023 - COMPLETED	Poor	Reclamation	172.94	0.03	49	TBD	TBD	\$ 15,675.68	\$ -
	LIBERTY ST	WATER ST	2023 - COMPLETED	Fair	Reclamation	530.66	0.10	61	TBD	TBD	\$ 74,821.35	\$ -
	MIDDLE ST	LIBERTY ST	2023 - COMPLETED	Poor	Reclamation	187.88	0.04	58	TBD	TBD	\$ 26,490.30	\$ -
	ORANGE ST	CHARTER ST	2023 - COMPLETED	Very Poor	Reclamation	63.49	0.01	23	TBD	TBD	\$ 5,754.54	\$ -
	PROSPECT ST	TEMPLE ST	2023 - COMPLETED	Poor	Reclamation	166.30	0.03	60	TBD	TBD	\$ 15,073.10	\$ -
	SPRING ST	ESSEX ST	2023 - COMPLETED	Very Poor	Reclamation	85.72	0.02	8	TBD	TBD	\$ 7,769.37	\$ -
	TEMPLE ST	ORANGE ST	2023 - COMPLETED	Very Poor	Reclamation	171.49	0.03	34	TBD	TBD	\$ 25,727.18	\$ -
FRUIT ST	HIGH ST	PROSPECT ST	2023 - COMPLETED	Poor	Mill & Overlay	576.47	0.11	59	TBD	TBD	\$ 150,834.29	\$ -
TOTAL											\$ 334,744.60	\$ -

Ward 2 FY 25 (2024 Construction Season)

Street Name	From Street	To Street	Road Repair Calendar Year	General Condition	Proposed Repair Method	Length (Ft)	Length (Miles)	Road Surface Rating (RSR)	Sidewalk Repair Calendar Year	Sidewalk Material Proposed	2022 Estimated Cost	Revised 2023 Estimated Cost
STATE ST	MERRIMAC ST	HIGH ST	2024	Poor	Mill & Overlay	1600.00	0.30	n/a	2024	Brick	\$ -	\$ 338,990.00
MIDDLE ST	STATE ST	FEDERAL ST	2024	Very Poor	Reclamation	1250.00	0.24	avg 38	2024	Brick / Concrete	\$ 201,197.73	\$ 323,870.00
											\$ -	\$ -
TOTAL											\$ 201,197.73	\$ 662,860.00

Ward 2 FY 26 (2025 Construction Season)

Street Name	From Street	To Street	Road Repair Calendar Year	General Condition	Proposed Repair Method	Length (Ft)	Length (Miles)	Road Surface Rating (RSR)	Sidewalk Repair Calendar Year	Sidewalk Material Proposed	2022 Estimated Cost	Revised 2023 Estimated Cost
GARDEN STREET	OTIS PL	STATE ST	2025	Poor	Reclamation	338.05	0.06	59	2025	Bricks	\$ 128,333.38	\$ 182,050.00
INDEPENDENT STREET	WATER ST	MIDDLE ST	2025	Poor	Reclamation	602.00	0.12	60	2025	Concrete	\$ 230,221.00	\$ 127,000.00
TOTAL											\$ 358,554.38	\$ 309,050.00

Ward 2 FY 27 (2026 Construction Season)

Street Name	From Street	To Street	Road Repair Calendar Year	General Condition	Proposed Repair Method	Length (Ft)	Length (Miles)	Road Surface Rating (RSR)	Sidewalk Repair Calendar Year	Sidewalk Material Proposed	2022 Estimated Cost	Revised 2023 Estimated Cost
ALLEN STREET	HIGH ST	PROSPECT ST	2026	Poor	Reclamation	655.26	0.12	25	2026	Concrete	\$ 284,496.36	\$ 272,651.00
											\$ -	\$ -
											\$ -	\$ -
TOTAL											\$ 284,496.36	\$ 272,651.00

Ward 2 FY 28 (2027 Construction Season)

Street Name	From Street	To Street	Road Repair Calendar Year	General Condition	Proposed Repair Method	Length (Ft)	Length (Miles)	Road Surface Rating (RSR)	Sidewalk Repair Calendar Year	Sidewalk Material Proposed	2022 Estimated Cost	Revised 2023 Estimated Cost
SCHOOL STREET	FEDERAL ST	LIME ST	2027	Poor	Reclamation	602.86	0.11	59	2027	Mixed	\$ 230,221.80	\$ 304,350.00
TOTAL											\$ 230,221.80	\$ 304,350.00

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

Ward 2 FY 29 (2028 Construction Season)

Street Name	From Street	To Street	Road Repair Calendar Year	General Condition	Proposed Repair Method	Length (Ft)	Length (Miles)	Road Surface Rating (RSR)	Sidewalk Repair Calendar Year	Sidewalk Material Proposed	2022 Estimated Cost	Revised 2023 Estimated Cost
											\$ -	\$ -
											\$ -	\$ -
TOTAL											\$ -	\$ -

Future Years

Street Name	From Street	To Street	Road Repair Calendar Year	General Condition	Proposed Repair Method	Length (Ft)	Length (Miles)	Road Surface Rating (RSR)	Sidewalk Repair Calendar Year	Sidewalk Material Proposed	2022 Estimated Cost	Revised 2023 Estimated Cost
BROMFIELD COURT	BROMFIELD ST	DEAD END	unknown	Very Poor	Reclamation	322.31	0.06	27	unknown	Concrete	\$ 32,459.83	\$ 71,240.00
BROMFIELD STREET	HIGH ST	WATER ST	unknown	Poor	Mill & Overlay	322.31	0.06	51	unknown	Concrete	\$ 173,186.42	\$ 507,950.00
ATWOOD STREET	LIME ST	FEDERAL ST	unknown	Poor	Reclamation	597.74	0.11	56	unknown	Concrete	\$ 30,099.77	\$ 158,930.00
BECK STREET	FEDERAL ST	LIME ST	unknown	Very Poor	Reclamation	296.54	0.06	22	unknown	Brick	\$ 29,865.27	\$ 114,370.00
CENTER STREET	LIBERTY ST	WATER ST	unknown	Very Poor	Reclamation	427.35	0.08	40	unknown	Brick	\$ 39,367.60	\$ 219,188.00
SPRING STREET	FAIR ST	FEDERAL ST	unknown	Poor	Mill & Overlay	609.20	0.12	59	unknown	Brick	\$ 53,744.54	\$ 175,540.00
											\$ -	\$ -
											\$ -	\$ -
TOTAL											\$ 358,723.44	\$ 1,247,218.00

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

Ward 3 FY 23 (2022 Construction Season)

Street Name	From Street	To Street	Road Repair Year	General Condition	Proposed Repair Method	Length (Ft)	Length (Miles)	Road Surface Rating (RSR)	Sidewalk Repair Calendar Year	Sidewalk Material Proposed	2022 Estimated Cost	Revised 2023 Estimated Cost
BOARDMAN ST	ATKINSON ST	MERRIMAC ST	2022 - COMPLETE	Poor	Mill & Overlay	559.14	0.11	54	2022	Brick	\$ 115,000.00	\$ -
	HIGH ST	WASHINGTON ST	2022 - COMPLETE	Poor	Mill & Overlay	441.81	0.08	48	2022	Brick	\$ 115,000.00	\$ -
	WASHINGTON ST	ATKINSON ST	2022 - COMPLETE	Poor	Mill & Overlay	345.41	0.07	48	2022	Brick	\$ 115,000.00	\$ -
BRICHER PLACE	HILL ST	QUILL ST	2022 - COMPLETE	Poor	Mill & Overlay	200.06	0.04	18	TBD	TBD	\$ 16,500.00	\$ -
BRICHER PLACE	QUILL ST	CHERRY ST	2022 - COMPLETE	Poor	Mill & Overlay	166.07	0.03	15	TBD	TBD	\$ 16,500.00	\$ -
CHERRY ST	ROUTE 1	CHERRY ST EXT	2022 - COMPLETE	Poor	Reclamation	815.14	0.15	39	TBD	TBD	\$ 27,500.00	\$ -
	CHERRY ST EXT	BRICHER PL	2022 - COMPLETE	Poor	Reclamation	616.88	0.12	53	TBD	TBD	\$ 27,500.00	\$ -
DEXTER LN	HIGH ST	DEAD END	2022 - COMPLETE	Poor	Mill & Overlay	843.05	0.16	52	TBD	TBD	\$ 36,000.00	\$ -
NEW PASTURE WY	GRAF RD	CUL DE SAC	2022 - COMPLETE	Fair	Mill & Overlay	1484.72	0.28	24	TBD	TBD	\$ 72,000.00	\$ -
QUILL ST	BRICHER PL	DEAD END	2022 - COMPLETE	Poor	Mill & Overlay	201.39	0.04	34	TBD	TBD	\$ 15,000.00	\$ -
STANLEY TUCKER DR	MALCOLM K. HOYT RD	CUL DE SAC	2022 - COMPLETE	Poor	Mill & Overlay	1019.63	0.19	43	TBD	TBD	\$ 61,000.00	\$ -
VERNON ST	CAREY AVE	DEAD END	2022 - COMPLETE	Very Poor	Reclamation	96.53	0.02	0	TBD	TBD	\$ 8,000.00	\$ -
TOTAL											\$ 625,000.00	\$ -

Ward 3 FY 25 (2024 Construction Season)

Street Name	From Street	To Street	Road Repair Year	General Condition	Proposed Repair Method	Length (Ft)	Length (Miles)	Road Surface Rating (RSR)	Sidewalk Repair Calendar Year	Sidewalk Material Proposed	2022 Estimated Cost	Revised 2023 Estimated Cost
JOHNSON STREET	LOW ST	HIGH ST	2024	Poor	Mill & Overlay	1686.14	0.32	42	2024	Concrete	\$ 458,931.11	\$ 595,350.00
EAGLE STREET	KENT ST	CARTER ST	2024	Poor	Reclamation	758.56	0.01	avg 42	2024	Concrete	\$ 178,501.38	\$ 316,050.00
TOTAL											\$ 637,432.49	\$ 911,400.00

Ward 3 FY 26 (2025 Construction Season)

Street Name	From Street	To Street	Road Repair Calendar Year	General Condition	Proposed Repair Method	Length (Ft)	Length (Miles)	Road Surface Rating (RSR)	Sidewalk Repair Calendar Year	Sidewalk Material Proposed	2022 Estimated Cost	Revised 2023 Estimated Cost
BIRCH STREET	MARKET ST	SUMMER ST	2025	Poor	Mill & Overlay	179.28	0.03	40	2024	Brick	\$ 8,124.91	\$ 84,830.00
CALDWELLS COURT	MERRIMAC ST	DEAD END	2025	Poor	Mill & Overlay	147.07	0.03	32	n/a	n/a	\$ 6,665.27	\$ 13,603.00
CUTTERS COURT	WARREN ST	CARTER ST	2025	Fair	Mill & Overlay	233.13	0.04	68	n/a	n/a	\$ 8,217.58	\$ 19,975.00
TOTAL											\$ 23,007.76	\$ 118,408.00

Ward 3 FY 27 (2026 Construction Season)

Street Name	From Street	To Street	Road Repair Calendar Year	General Condition	Proposed Repair Method	Length (Ft)	Length (Miles)	Road Surface Rating (RSR)	Sidewalk Repair Calendar Year	Sidewalk Material Proposed	2022 Estimated Cost	Revised 2023 Estimated Cost
SUMMIT PLACE 1	HIGH ST	#29	2026	Poor	Reclamation	1000.00	0.19	51	2026	Concrete	\$ 387,050.50	\$ 394,500.00
SUMMIT PLACE 2	#29	TOPPANS LN	2026	Poor	Reclamation	675.00	0.13	51	2026	Concrete	\$ -	\$ 200,300.00
TOTAL											\$ 387,050.50	\$ 594,800.00

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

Ward 3 FY 28 (2027 Construction Season)

Street Name	From Street	To Street	Road Repair Calendar Year	General Condition	Proposed Repair Method	Length (Ft)	Length (Miles)	Road Surface Rating (RSR)	Sidewalk Repair Calendar Year	Sidewalk Material Proposed	2022 Estimated Cost	Revised 2023 Estimated Cost
											\$ -	\$ -
											\$ -	\$ -
TOTAL											\$ -	\$ -

Ward 3 FY 29 (2028 Construction Season)

Street Name	From Street	To Street	Road Repair Calendar Year	General Condition	Proposed Repair Method	Length (Ft)	Length (Miles)	Road Surface Rating (RSR)	Sidewalk Repair Calendar Year	Sidewalk Material Proposed	2022 Estimated Cost	Revised 2023 Estimated Cost
CURRIERS COURT	KENT ST	DEAD END	moved from 2024	Fair	Mill & Overlay	152.68	0.03	75	TBD	Asphalt	\$ 4,613.01	\$ 10,968.00
PAPANTI COURT	OCEAN ST	DEAD END	moved from 2024	Fair	Mill & Overlay	167.61	0.03	79	n/a	n/a	\$ 6,752.21	\$ 9,670.00
PERKINS WAY	PARKER ST	CUL DE SAC	2028	Fair	Mill & Overlay	1269.38	0.24	ave 72	n/a	n/a	\$ 95,880.58	\$ 199,400.00
PREBLE ROAD	PERKINS WY	CUL DE SAC	2028	Fair / poor	Reclamation	952.34	0.18	avg 56	n/a	n/a	\$ 57,546.64	\$ 117,500.00
											\$ -	\$ -
TOTAL											\$ 57,546.64	\$ 337,538.00

Future Years

Street Name	From Street	To Street	Road Repair Calendar Year	General Condition	Proposed Repair Method	Length (Ft)	Length (Miles)	Road Surface Rating (RSR)	Sidewalk Repair Calendar Year	Sidewalk Material Proposed	2022 Estimated Cost	Revised 2023 Estimated Cost
											\$ -	\$ -
											\$ -	\$ -
TOTAL											\$ -	\$ -

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

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

Ward 4 FY 24 (2023 Construction Season)

Street Name	From Street	To Street	Road Repair Calendar Year	General Condition	Proposed Repair Method	Length (Ft)	Length (Miles)	Road Surface Rating (RSR)	Sidewalk Repair Calendar Year	Sidewalk Material Proposed	2022 Estimated Cost	Revised 2023 Estimated Cost
CHRISTOPHER ST	PLUMMER AVE	JEFFERSON ST	2023 - COMPLETED	Very Poor	Reclamation	673.32	0.13	36	NA	NA	\$ 88,154.28	\$ -
PLUMMER AVE	HIGH ST	MERRIMAC ST	2023 - COMPLETED	Very Poor	Reclamation	1543.00	0.29	22	2023	Concrete	\$ 125,000.00	\$ -
TOTAL											\$ 125,000.00	\$ -

\$66,000 est actual cost est did not include S.W. at \$350,000

Ward 4 FY 25 (2024 Construction Season)

Street Name	From Street	To Street	Road Repair Calendar Year	General Condition	Proposed Repair Method	Length (Ft)	Length (Miles)	Road Surface Rating (RSR)	Sidewalk Repair Calendar Year	Sidewalk Material Proposed	2022 Estimated Cost	Revised 2023 Estimated Cost
WILLOW AVE	HIGH ST	MAPLE ST	2024	Very Poor	Reclamation	566.30	0.11	12	2024	Asphalt	\$ 40,000.00	\$ 99,650.00
ASHLAND COURT	ASHLAND ST	DEAD END	2024	Poor	Mill & Overlay	344.92	0.07	48	2024	Concrete	\$ -	\$ 61,645.00
TOTAL											\$ 40,000.00	\$ 161,295.00

Sewer Main not included

Ward 4 FY 26 (2025 Construction Season)

Street Name	From Street	To Street	Road Repair Calendar Year	General Condition	Proposed Repair Method	Length (Ft)	Length (Miles)	Road Surface Rating (RSR)	Sidewalk Repair Calendar Year	Sidewalk Material Proposed	2022 Estimated Cost	Revised 2023 Estimated Cost
ADAMS STREET	JEFFERSON ST	DEAD END	2025	Poor	Reclamation	525.38	0.08	45	2025	Concrete	\$ 120,679.56	\$ 131,250.00
BUTLER STREET	MERRIMAC ST	HOWARD ST	2025	Poor	Reclamation	486.81	0.09	42	2025	Concrete	\$ 90,383.62	\$ 186,450.00
CALIFORNIA STREET		WALNUT ST	2025	Poor	Reclamation	323.16	0.06	43	2025	Concrete	\$ 95,727.90	\$ 88,950.00
FARRELL STREET	RAWSON AVE	COLUMBUS AVE	2025	Poor	Mill & Overlay	849.81	0.16	57	2025	Concrete	\$ 214,518.10	\$ 262,063.28
TOTAL											\$ 521,309.18	\$ 668,713.28

Ward 4 FY 27 (2026 Construction Season)

Street Name	From Street	To Street	Road Repair Calendar Year	General Condition	Proposed Repair Method	Length (Ft)	Length (Miles)	Road Surface Rating (RSR)	Sidewalk Repair Calendar Year	Sidewalk Material Proposed	2022 Estimated Cost	Revised 2023 Estimated Cost
											\$ -	\$ -
											\$ -	\$ -
TOTAL											\$ -	\$ -

Water work needed

Ward 4 FY 28 (2027 Construction Season)

Street Name	From Street	To Street	Road Repair Calendar Year	General Condition	Proposed Repair Method	Length (Ft)	Length (Miles)	Road Surface Rating (RSR)	Sidewalk Repair Calendar Year	Sidewalk Material Proposed	2022 Estimated Cost	Revised 2023 Estimated Cost
ARLINGTON ST	HIGHLAND AVE	HIGH ST	2027	Very Poor	Reclamation (Binder Only)	907.49	0.17	28	2027	Brick	\$ 492,018.10	\$ 520,850.00
DAWES STREET	ASHLAND ST	COOLIDGE ST	2027	Poor	Reclamation	564.15	0.11	55	2027	Concrete	\$ 28,408.30	\$ 108,162.00
COOLIDGE STREET	ASHLAND ST	PARKER RIDGE WAY EAST	2027	Poor	Reclamation	286.52	0.05	42	2027	Concrete	\$ 13,706.61	\$ 73,805.00
TOTAL											\$ 534,133.01	\$ 702,817.00

Water work needed

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

Ward 4 FY 29 (2028 Construction Season)

Street Name	From Street	To Street	Road Repair Calendar Year	General Condition	Proposed Repair Method	Length (Ft)	Length (Miles)	Road Surface Rating (RSR)	Sidewalk Repair Calendar Year	Sidewalk Material Proposed	2022 Estimated Cost	Revised 2023 Estimated Cost
ASHLAND STREET	HIGH ST	MERRIMAC ST	2028	Very Poor	Reclamation	1310.40	0.25	24	2028	Concrete	\$ 237,549.06	\$ 533,056.00
											\$ -	\$ -
											\$ -	\$ -
TOTAL											\$ 237,549.06	\$ 533,056.00

Future Year

Street Name	From Street	To Street	Road Repair Calendar Year	General Condition	Proposed Repair Method	Length (Ft)	Length (Miles)	Road Surface Rating (RSR)	Sidewalk Repair Calendar Year	Sidewalk Material Proposed	2022 Estimated Cost	Revised 2023 Estimated Cost
ASHLAND COURT	ASHLAND ST	DEAD END	Unknown	Poor	Mill & Overlay	344.92	0.07	48	Unknown	Concrete	\$ -	\$ 61,645.00
MUNROE STREET 1	KENT ST	CARTER ST	Unknown	Poor	Mill & Overlay	700.00	?	?	Unknown	Concrete	\$ -	\$ 48,000.00
MUNROE STREET 2	CARTER ST	OAKLAND ST	Unknown	Poor	Mill & Overlay	820.00	?	55	Unknown	Concrete	\$ 75,000.00	\$ 285,425.00
TYNG STREET	MERRIMAC ST	HIGH STREET	Unknown	Very Poor	Reclamation	1600.00	0.31	31	Unknown	Concrete	\$ 217,155.31	\$ 612,960.00
											\$ -	\$ -
TOTAL											\$ 292,155.31	\$ 1,008,030.00

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

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

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

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

Ward 5 FY 23 (2022 Construction Season)												
Street Name	From Street	To Street	Road Repair Calendar Year	General Condition	Proposed Repair Method	Length (Ft)	Length (Miles)	Road Surface Rating (RSR)	Sidewalk Repair Calendar Year	Sidewalk Material Proposed	2022 Estimated Cost	Revised 2023 Estimated Cost
HIGHLAWN TER	HIGH ST	DEAD END	2022- COMPLETE	Poor	Mill & Overlay	280.76	0.05	46	NA	NA	\$ 5,000.00	\$ -
HOPE AVE	ALBERTA AVE	IONA AVE	2022- COMPLETE	Very Poor	Reclamation	505.73	0.10	37	NA	NA	\$ 33,000.00	\$ -
QUAIL RUN HOLLOW	DOE RUN DR	FOX RUN RD	2022- COMPLETE	Poor	Mill & Overlay	379.59	0.07	49	NA	NA	\$ 23,333.33	\$ -
	FOX RUN RD	PHEASANT RUN DR	2022- COMPLETE	Poor	Mill & Overlay	374.55	0.07	49	NA	NA	\$ 23,333.33	\$ -
	PHEASANT RUN DR	WILDWOOD DR	2022- COMPLETE	Poor	Mill & Overlay	272.03	0.05	52	NA	NA	\$ 23,333.33	\$ -
FOX RUN DRIVE	SQUIRES GLEN	DRIVEWAY #11	2022- COMPLETE	Fair	Mill & Overlay	583.98	0.11	60	NA	NA	\$ 42,000.00	\$ -
	DRIVEWAY #11	QUAIL RUN HOLLOW	2022- COMPLETE	Poor	Mill & Overlay	587.84	0.11	56	NA	NA	\$ 35,000.00	\$ -
SIMMONS DRIVE	NORTH ATKINSON ST	GOLDEN DR	2022- COMPLETE	Fair	Mill & Overlay	258.37	0.05	66	NA	NA	\$ 12,333.33	\$ -
	GOLDEN DR	GOLDEN DR	2022- COMPLETE	Fair	Mill & Overlay	245.26	0.05	66	NA	NA	\$ 12,333.33	\$ -
	GOLDEN DR	DEAD END	2022- COMPLETE	Poor	Mill & Overlay	228.08	0.04	59	NA	NA	\$ 12,333.33	\$ -
STICKNEY AVENUE	ALBERTA AVE	LOW ST	2022- COMPLETE	Fair	Mill & Overlay	549.74	0.10	70	NA	NA	\$ 26,000.00	\$ -
DOE RUN DRIVE	HALE ST	CUL DE SAC	2022- COMPLETE	Poor	Mill & Overlay	1200.00	0.23	63	NA	NA	\$ 79,000.00	\$ -
PHEASANT RUN DR	QUAIL RUN	SQUIRE GLEN	2022- COMPLETE	Fair	Mill & Overlay	1825.61	0.35	70	NA	NA	\$ 85,000.00	\$ -
TOTAL											\$ 412,000.00	\$ -

Ward 5 FY 24 (2023 Construction Season)												
Street Name	From Street	To Street	Road Repair Calendar Year	General Condition	Proposed Repair Method	Length (Ft)	Length (Miles)	Road Surface Rating (RSR)	Sidewalk Repair Calendar Year	Sidewalk Material Proposed	2022 Estimated Cost	Revised 2023 Estimated Cost
											\$ -	\$ -
TOTAL											\$ -	\$ -

Ward 5 FY 25 (2024 Construction Season)												
Street Name	From Street	To Street	Road Repair Calendar Year	General Condition	Proposed Repair Method	Length (Ft)	Length (Miles)	Road Surface Rating (RSR)	Sidewalk Repair Calendar Year	Sidewalk Material Proposed	2022 Estimated Cost	Revised 2023 Estimated Cost
ALBERTA AVENUE	WILLIAMSON AVE	END	2024	Poor	Mill & Overlay	887.68	0.17	avg 55	NA	NA	\$ 58,197.61	\$ 36,590.00
BOWLEN AVENUE	IONA AVE	MYRTLE AVE	2024	Poor	Mill & Overlay	689.28	0.13	56	NA	NA	\$ 41,651.11	\$ 22,540.00
CHARMANSKI DRIVE	WILDWOOD DR	DEAD END	2024	Poor	Mill & Overlay	256.02	0.05	60	NA	NA	\$ 58,489.60	\$ 17,628.00
CHARRON DRIVE	NORTH ATKINSON ST	CUL DE SAC	2024	Poor	Reclamation	727.00	0.14	20	NA	NA	\$ 80,538.38	\$ 53,500.00
CROW LANE	TURKEY HILL RD	VIRGINIA LN	2024	Poor	Mill & Overlay	1294.63	0.25	60	NA	NA	\$ 78,230.31	\$ 87,520.00
TOTAL											\$ 317,107.01	\$ 217,778.00

Ward 5 FY 26 (2025 Construction Season)												
Street Name	From Street	To Street	Road Repair Calendar Year	General Condition	Proposed Repair Method	Length (Ft)	Length (Miles)	Road Surface Rating (RSR)	Sidewalk Repair Calendar Year	Sidewalk Material Proposed	2022 Estimated Cost	Revised 2023 Estimated Cost
RAWSON AVENUE	HIGH ST	LOIS ST	2025	Poor	Mill & Overlay	1629.04	0.28	60	2025	Concrete	\$ 90,000.00	\$ 405,000.00
											\$ -	\$ -
											\$ -	\$ -
											\$ -	\$ -
TOTAL											\$ 90,000.00	\$ 405,000.00

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

Ward 5 FY 27 (2026 Construction Season)												
Street Name	From Street	To Street	Road Repair Calendar Year	General Condition	Proposed Repair Method	Length (Ft)	Length (Miles)	Road Surface Rating (RSR)	Sidewalk Repair Calendar Year	Sidewalk Material Proposed	2022 Estimated Cost	Revised 2023 Estimated Cost
GOLDSMITHS DRIVE	TURKEY HILL RD	DEAD END	2026	Poor	Mill & Overlay / Reclamation	1690.000	0.290	59	2026	Asphalt	\$ 461,852.69	\$ 319,552.00
IONA AVENUE	HOPE AVE	MYRTLE AVE	2026	Poor	Reclamation	227.00	0.04	avg 55	n/a	n/a	\$ 12,460.45	\$ 21,100.00
NORMAN AVENUE	NORTH ATKINSON ST	MURPHY AVE	2026	Poor	Reclamation	796.45	0.15	56	2026	Concrete	\$ 90,000.00	\$ 259,950.00
TOTAL											\$ 564,313.14	\$ 600,602.00

Ward 5 FY 28 (2027 Construction Season)												
Street Name	From Street	To Street	Road Repair Calendar Year	General Condition	Proposed Repair Method	Length (Ft)	Length (Miles)	Road Surface Rating (RSR)	Sidewalk Repair Calendar Year	Sidewalk Material Proposed	2022 Estimated Cost	Revised 2023 Estimated Cost
											\$ -	\$ -
											\$ -	\$ -
TOTAL											\$ -	\$ -

Ward 5 FY 29 (2028 Construction Season)												
Street Name	From Street	To Street	Road Repair Calendar Year	General Condition	Proposed Repair Method	Length (Ft)	Length (Miles)	Road Surface Rating (RSR)	Sidewalk Repair Calendar Year	Sidewalk Material Proposed	2022 Estimated Cost	Revised 2023 Estimated Cost
NORTH ATKINSON STREET	HIGH ST	LOW ST	2028	Poor	Reclamation	2100.00	0.40	avg 54	2028	Concrete	\$ 153,504.25	\$ 654,040.00
											\$ -	\$ -
											\$ -	\$ -
TOTAL											\$ 153,504.25	\$ 654,040.00

Future Years												
Street Name	From Street	To Street	Road Repair Calendar Year	General Condition	Proposed Repair Method	Length (Ft)	Length (Miles)	Road Surface Rating (RSR)	Sidewalk Repair Calendar Year	Sidewalk Material Proposed	2022 Estimated Cost	Revised 2023 Estimated Cost
											\$ -	\$ -
											\$ -	\$ -
TOTAL											\$ -	\$ -

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

Ward 6 FY 24 (2023 Construction Season)

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

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

Ward 6 FY 25 (2024 Construction Season)

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

Ward 6 FY 26 (2025 Construction Season)

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

Ward 6 FY 27 (2026 Construction Season)

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

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

Ward 6 FY 28 (2027 Construction Season)

Street Name	From Street	To Street	Road Repair Calendar Year	General Condition	Proposed Repair Method	Length (Ft)	Length (Miles)	Road Surface Rating (RSR)	Sidewalk Repair Calendar Year	Sidewalk Material Proposed	2022 Estimated Cost	Revised 2023 Estimated Cost
											\$ -	\$ -
TOTAL											\$ -	\$ -

Ward 6 FY 29 (2028 Construction Season)

Street Name	From Street	To Street	Road Repair Calendar Year	General Condition	Proposed Repair Method	Length (Ft)	Length (Miles)	Road Surface Rating (RSR)	Sidewalk Repair Calendar Year	Sidewalk Material Proposed	2022 Estimated Cost	Revised 2023 Estimated Cost
BOURBEAU TER	TURKEY HILL RD	TURKEY HILL RD	2028	Poor	Reclamation	1994.67	0.38	44	2028	Asphalt	\$ 413,568.78	\$ 330,850.00
											\$ -	\$ -
TOTAL											\$ 413,568.78	\$ 330,850.00

Future Years

Street Name	From Street	To Street	Road Repair Calendar Year	General Condition	Proposed Repair Method	Length (Ft)	Length (Miles)	Road Surface Rating (RSR)	Sidewalk Repair Calendar Year	Sidewalk Material Proposed	2022 Estimated Cost	Revised 2023 Estimated Cost
											\$ -	\$ -
											\$ -	\$ -
TOTAL											\$ -	\$ -

**2024 City of Newburyport - DPS
Five Year Roadway and Sidewalk Plan / Cost Summary v5**

Construction Season	Ward 1	Ward 2	Ward 3	Ward 4	Ward 5	Ward 6	Est. Construction Total	Bond Amount	Chapter 90	Meals Tax	Available Funds	Balance
2022 / 2023	\$ 311,000.00	\$ 334,000.00	\$ 625,000.00	\$ 475,000.00	\$ 412,000.00	\$ 414,000.00						
2024	\$ 571,000.00	\$ 663,000.00	\$ 912,000.00	\$ 162,000.00	\$ 218,000.00	\$ 730,000.00	\$ 3,256,000.00	\$ 1,830,000.00	\$ 1,040,000.00	\$ 450,000.00	\$ 3,320,000.00	\$ 64,000.00
2025	\$ 356,000.00	\$ 310,000.00	\$ 119,000.00	\$ 669,000.00	\$ 405,000.00	\$ 175,000.00	\$ 2,034,000.00	\$ 1,170,000.00	\$ 520,000.00	\$ 350,000.00	\$ 2,040,000.00	\$ 6,000.00
2026	\$ -	\$ 273,000.00	\$ 595,000.00	\$ -	\$ 601,000.00	\$ 410,000.00	\$ 1,879,000.00	\$ 1,000,000.00	\$ 520,000.00	\$ 350,000.00	\$ 1,870,000.00	\$ (9,000.00)
2027	\$ 845,000.00	\$ 305,000.00	\$ -	\$ 703,000.00	\$ -	\$ -	\$ 1,853,000.00	\$ 1,000,000.00	\$ 520,000.00	\$ 350,000.00	\$ 1,870,000.00	\$ 17,000.00
2028	\$ -	\$ -	\$ 338,000.00	\$ 533,000.00	\$ 655,000.00	\$ 331,000.00	\$ 1,857,000.00	\$ 1,000,000.00	\$ 520,000.00	\$ 350,000.00	\$ 1,870,000.00	\$ 13,000.00
	\$ 2,083,000.00	\$ 1,885,000.00	\$ 2,589,000.00	\$ 2,542,000.00	\$ 1,879,000.00	\$ 1,646,000.00	\$ 10,879,000.00	\$ 6,000,000.00	\$ 3,120,000.00	\$ 1,850,000.00	\$ 10,970,000.00	\$ 91,000.00 for cost overruns

2022/ 2023 are estimated total cost.

November 24, 2023

Bonnie W. Johnson
6 Summit Place
Newburyport, MA. 01950

Dear President and Members of the City Council,

I am writing to request your permission to set up a table in Newburyport's downtown square on Saturday and Sunday, December 9th and 10th, between 10am and 1pm, so that the Newburyport Horticultural Society (HORT) can sell fresh cut greens centerpiece arrangements and holiday ornaments. Our goal is to raise money to fund the scholarships we give out each spring to two local high school students pursuing an education in environmental science or horticulture.

Our committee has given two \$1,000 scholarships each year and we are striving to raise more money so that we can give two \$2,000 scholarships each year going forward. To do that we want to offer our community lovely, handmade centerpieces crafted by our members. All money will go to the scholarship fund; the HORT is a 501C3 organization.

Our mission states: "We stimulate and promote the knowledge and love of gardening, advocate for the natural beauty of the community, and encourage the conservation of natural resources".

I can think of no better way to use the greens from our own gardens to create centerpieces that when purchased, help support local students to pursue their interest in bettering our environment.

We are hoping that the Newburyport City Council will give us the permit needed to support local students and share the beauty of our gardens on our tables and in our home this holiday season. Please let me know if the permit will be granted; my contact information is below.

Thank you for your time and consideration,

Bonnie W. Johnson
Scholarship Chairperson
CELL PHONE: 978-771-2979
E-MAIL: bonnie@nortonpond.net

MEMORANDUM

To: President and Members of the City Council
From: Sean R. Reardon, Mayor
Date: October 26, 2023
Re: Appointment of Head Librarian of the Newburyport Public Library

I am pleased to announce that the Newburyport Public Library Board of Directors has voted to appoint Kevin Bourque as the next Head Librarian. Mr. Bourque will take office November 6th and we look forward to him joining our talented library staff.

Mr. Bourque is a distinguished professional with a career spanning over two decades in the field of libraries. He has garnered extensive leadership experience in directing library services, overseeing library facilities, and nurturing staff to provide consistent quality service. Since May 2015, he has served as the Library Director at the Boxford Town Library. In this role, he manages library operations, develops budgets, advocates for library funding, supervises staff, and maintains library policies and procedures.

From May 2012 to April 2015, Mr. Bourque served as the Library Facility Manager at Duraleigh Road Community Library. Previously, he was a Department Manager for Adult Services at East Regional Library and North Regional Library, with all of these positions under the Wake County Public Libraries in and around Raleigh, North Carolina. He previously held positions at the Canton Public Library and at Framingham State College, and began his career in reference and information services positions. He has a Bachelor of Philosophy from Saint John Seminary, a Masters in Library Service from Rutgers University, and a Bachelor of Science in Education from Framingham State College.

The Library Board of Directors is the appointing authority for this position, and they voted on October 18th to appoint Mr. Bourque. They formed a search committee in June 2023 to screen initial candidates and held interviews with eight candidates, eventually recommending three finalists for interviews by the full board. Two candidates decided to withdraw their names from consideration prior to the final interviews, leading to Mr. Bourque being the only candidate to interview. The Board voted 9-2 to appoint him as Head Librarian. He will have a three-year appointment and our Human Resources Department is working with him to finalize his contract.

Section 12-126 of the Code of Ordinances outlines the method of selection of the Head Librarian and specifies the term as lasting three years. This appointment does not require confirmation by the City Council. Section 3-3 of the City Charter states that "The mayor shall appoint, subject to the review of such appointments by the city council under Section 2-10, all city officers and department heads and the members of multiple-member bodies for whom no other method of appointment or selection is provided by law or this charter, excepting only persons serving under the school committee, and persons serving under the city council." As there is another method of appointment for this position, and the Mayor is not the appointing authority, the Council does not vote to confirm this appointment. This was confirmed by the City Solicitor, who stated that even though the confirmation of the Head Librarian is in the Council's Rules, these Rules are subordinate to our Charter and Ordinances. We look forward to your consideration of this communication and to Mr. Bourque starting on November 6th.

Kevin J. Bourque

48 Salem Street, Apt. 3, Haverhill, MA 01835

Email: bourquekj1@yahoo.com

919-954-1436

Head Librarian

Performance Profile

20 years professional experience in libraries, with 15 years leadership experience directing library services, maintaining library facilities, and empowering staff to solve problems and provide consistent quality service. Experience managing all library operations in smaller community library branches and larger regional libraries with average monthly circulation up to 100,000 items, and evaluating, developing, and implementing policies and procedures as the needs of the library and the community evolve.

Core Competencies

Staff development

Meeting management

Coaching for success

Customer service

Financial management

Web content management

Facility management

Marketing and merchandising

Social media

Collection management

Strategic planning

Collection development

Professional Experience

Boxford Town Library, Boxford, MA

Library Director

May 2015 to Present

- Manages library operations and resources in consultation with Library Board of Trustees
- Develops and manages library operating budget of over \$500,000
- Manages the use of over \$50,000 in grants, trusts, and funds.
- Develops Library policies and procedures
- Advocates for Library funding, personnel, and resources to Town governance boards
- Supervises six full-time and two part-time employees in a collective bargaining environment
- Oversees 10,000 square feet of main library space and off-site collection storage facility
- Recruits, trains, and onboards new employees.
- Promotes the Library's services, programs, and resources at community events and to community groups
- Evaluates emerging technology for implementation in the library

Wake County Public Libraries

Library Facility Manager, Duraleigh Road Community Library, Raleigh, NC

May 2012 to April 2015

- Implemented and evaluated the library system's program of service in the community branch
- Maintained the youth and adult circulating collections
- Supervised ten staff members, providing training, coaching, and mentoring as needed
- Collaborated with Children's Librarian on implementing system initiatives
- Oversaw facility maintenance in an 8,000 square foot facility
- Addressed patron concerns making reasonable exceptions when feasible
- Conducted community outreach to local organizations and schools

Department Manager, Adult Services, East Regional Library, Knightdale, NC

July 2011 to May 2012

- Managed the circulation functions of a collection that circulated on average 45,000 items per month
- Maintained the adult fiction and non-fiction collections
- Implemented and evaluated the library system's program of service for adults
- Supervised twelve staff members, providing training, coaching, and mentoring as needed

- Collaborated with Library Manager and Youth Department Manager to oversee daily library function
- Oversaw the reporting and resolution of facility maintenance issues in a 19,000 square foot facility
- Addressed patron concerns making reasonable exceptions when feasible

Department Manager, Adult Services, North Regional Library, Raleigh, NC May 2007 to July 2011

- Managed the circulation functions of a collection that circulated on average 100,000 items per month
- Maintained the adult fiction and non-fiction collections
- Facilitated the merging of Reference and Reader Services into the Adult Services Department
- Supervised twelve staff members, providing training, coaching, and mentoring as needed
- Collaborated with Library Manager and Youth Department Manager to oversee daily library function
- Oversaw the reporting and resolution of facility maintenance issues in a 30,000 square foot facility
- Addressed patron concerns making reasonable exceptions when feasible

Electronic Resources Librarian North Regional Library, Raleigh, NC December 2005 to May 2007

- Planned for the technology installation in new library facility
- Led the implementation of the technology installation plan for the new library facility
- Supervised the installation of network cabling as part of the construction of a new library facility
- Collaborated with Library Information Technology team to maintain library technology
- Maintained the library's web presence
- Developed and delivered technology training for library system staff and patrons

Canton Public Library, Canton, MA

Automated Information Services Librarian December 1996 to July 1999

- Responsible for installation and maintenance of library technology
- Created and maintained library web presence
- Researched patron information requests
- Developed computer and technology circulating collection

Framingham State College, Henry Whittemore library

Reference Librarian / Copy Cataloguer June 1996 to November 1996

- Researched faculty and student information requests
- Created and maintained subject area Internet pathfinders
- Copied and modified OCLC records for newly acquired items
- Processed items for circulation
- Taught bibliographic instruction classes

Education

Bachelor of Philosophy, Saint John Seminary, Brighton, MA May 2001

Masters in Library Service, Rutgers University, New Brunswick, NJ May 1996

Bachelor of Science, Education, Framingham State College, Framingham, MA May 1994

Professional Associations

Association for Rural & Small Libraries Member since 2019

Continuing Education Committee member 2023

Northeast Region Focus Group member 2023

Board of Directors, Northeast Region Representative 2022

American Library Association 2015

Public Library Association 2015

Massachusetts Library Association 2015

New England Library Association 2016

TRANSFERS



CITY OF NEWBURYPORT FY 2024

RECEIVED
CITY CLERK'S OFFICE
NEWBURYPORT, MA

TRANSFER/APPROPRIATION REQUEST

OCT 23 P 2:58

Department: Department of Public Services

Submitted by: Wayne S. Amaral, Director

Date Submitted: 10/30/2023

Transfer From:

Account Name:	Water Retained Earnings	Balance:	\$ 1,290,169.00
Account Number:	60-35920	Category:	\$ -
Amount:	\$130,000.00	Trans I/O:	\$ -

Why Funds Are Available:

The Massachusetts Department of Revenue certified Retained Earnings for the Water Enterprise Fund for FY2024 at \$1,290,169. These funds are available for any legal expenditure with the approval of the Mayor and a majority vote of the City Council.

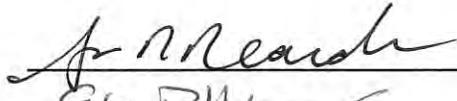
Transfer To:

Account Name:	Water 1-Ton Dump Truck Purchase	Balance:	\$ -
Account Number:	New capital account	Category:	\$ -
Amount:	\$130,000.00	Trans I/O:	\$ -

Why Funds Are Needed:

The replacement of a Water Division one-dump truck appears in the Capital Improvement Program under WA11. Due to a change in DPS leadership, all vehicle and major equipment replacements were put on hold during the FY2024 capital funding cycle to allow the new director to evaluate departmental needs. The 2011 truck being replaced was recently taken off the road as it failed inspection. This is the only small dump truck available to the water crew and is a critical asset for daily water distribution operations. Due to current interest rates, purchasing the truck from water retained earnings is recommended instead of a three-year lease-to-purchase agreement.

Sean R. Reardon, Mayor:



Date: 10/23/2023

Ethan R. Manning, Auditor:



Date: 10/23/2023

City Council Action:



QUOTE

Stoneham Motor Co.

185 Main St
Stoneham, MA 02180
781-438-0490

QUOTE NO. F6L-2024
DATE 10/3/2023

TO

WATER DEPT TRUCK
(EMERGENCY RESPONSE)

Newburyport DPW
Ron

Quoted By:

Giovanni Martins
(978) 490-7195
giovanni@StonehamFord.com

Specs:

Notes:

Specs attached

DESCRIPTION	QUANTITY	AMOUNT	TOTAL
2024 Ford F-600	1.00	\$63,930.00	\$63,930.00
Dump Body & Equipment	1.00	\$58,625.00	\$58,625.00
			\$0.00
LETTERING	2000		\$0.00
RADIO	7500		\$0.00
			\$0.00
GPS UNITS	200		\$0.00
	<u>4700</u>		\$0.00
			\$0.00
TOTAL DUE			\$122,555.00

4700

THANK YOU FOR YOUR BUSINESS!

SM \$130,000

J.C. MADIGAN INC.
450 OLD UNION TURNPIKE
LANCASTER, MA.

SALES DEPT.
TEL. (978)847-2900
FAX (978)847-0068

QUOTE: TOWN OF NEWBURYPORT DEPT. OF P.W.

TO GIOVANNI @ STONEHAM FORD

FROM JOHN DWYER

- 1) 9 FT 3 TO 4 CUYD 10 GAUGE STEEL DUMP BODY WITH STRUCTURAL STEEL 12" ON CENTER CROSSMEMBERS AIR-FLO PRO-CLASS SERIES MOUNTED ON TOWN SUPPLIED CHASSIS UNDERCOATED AND PAINTED BLACK WITH THE FOLLOWING
- A) 24" STEEL CABSHIELD W/ MESH SCREEN WINDOW & (4) RECESSED LED FLASHERS (2) FRONT (2) SIDE
 - B) AERO AUTO TARPING SYSTEM W/ ALUM. ARMS & ASPHALT COVER
 - C) (2) LED FLASHERS RECESSED @ CORNER POSTS / (2) FRONT GRILL (CODE 3) SEPARATE SWITCH FOR FLASHER/WORKLIGHTS
 - D) AIR-FLO UNDERBODY HOIST ASSEMBLY
 - E) TRANSMISSION MTD. CENTRAL HYDRAULICS W/ HOTSHIFT PTO, 4-WAY PLOW, REMOTE MANUAL SANDER CONTROLS AND DUMP CONTROLS
 - F) REAR FLAPS & S/S DEFLECTOR @ REAR WHEELS / BACKUP & LIFT ALARMS
 - G) ½" PINTLE PLATE W/ 2" RECEIVER, COMBO INSERT, D-RINGS, 7 PIN TRAILER PLUG, & FACTORY ELECTRIC BRAKES WIRED IN.
 - H) SNAP-LATCH TAILGATE CLOSING MECHANISM
 - I) STAINLESS FRAME MOUNTED CURBSIDE TOOLBOX SIZED TO FIT
 - J) (3) TAILGATE MOUNTED COAL DOORS
 - k) ALUMINUM L-PAK TOOLBOX
- 2) 9' EVEREST VRL SERIES VORTEX STYLE STEEL MOLDBOARD TRIP EDGE SNOW PLOW W/ EVEREST 450/550 HITCH ASSEMBLY CONTROLLED BY CENTRAL HYDRAULIS & INSTALLED W/ CUTTING EDGE, ABL PLOWLIGHTS, AND GUIDE POLES

PRICE \$58,625.00

NEED: F600, 84"CA, 4x4, PTO PROV, DIESEL, SNOW PLOW PREP, OUTFITTER SWITCHES

APPROVAL _____ DATE _____

PO# _____ 09/25/2023



CITY OF NEWBURYPORT FY 2024

RECEIVED
CITY CLERK'S OFFICE
NEWBURYPORT, MA

TRANSFER/APPROPRIATION REQUEST

OCT 23 P 2:58

Department: Mayor's Office

Submitted by: Sean R. Reardon, Mayor

Date Submitted: 10/30/2023

Transfer From:

Account Name:	<u>General Fund Free Cash</u>	Balance:	<u>\$ 3,384,876.00</u>
Account Number:	<u>01-35910</u>	Category:	<u>\$ -</u>
Amount:	<u>\$128,485.01</u>	Trans I/O:	<u>\$ -</u>

Why Funds Are Available:

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

Transfer To:

Account Name:	<u>Opioid Stabilization Fund</u>	Balance:	<u>\$ 22,303.05</u>
Account Number:	<u>8269-49700</u>	Category:	<u>\$ -</u>
Amount:	<u>\$128,485.01</u>	Trans I/O:	<u>\$ -</u>

Why Funds Are Needed:

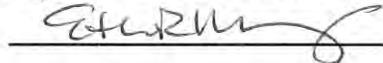
On June 26, 2023, the City established an Opioid Stabilization Fund (ORDR00459_06_12_2023) and dedicated 100% of the opioid settlement recoveries to that fund. New stabilization funds do not take effect until the next fiscal year when voted, therefore the opioid settlement distributions totaling \$128,485.01 that were received before July 1, 2023, needed to be closed to free cash. This appropriation will allow the funds to go back into the Opioid Stabilization Fund so that they can be spent in accordance with the statewide settlement agreement. The City has received one distribution thus far in FY2024 of \$22,303.05, therefore the total balance in the fund following this transfer will be \$150,788.06.

Sean R. Reardon, Mayor:



Date: 10/23/2023

Ethan R. Manning, Auditor:



Date: 10/23/2023

City Council Action:



CITY OF NEWBURYPORT FY 2024 TRANSFER/APPROPRIATION REQUEST

RECEIVED
CITY CLERK'S OFFICE
NEWBURYPORT, MA

2023 OCT 23 P 2: 58

Department: Mayor's Office

Submitted by: Sean R. Reardon, Mayor

Date Submitted: 10/30/2023

Transfer From:

Account Name:	General Fund Free Cash	Balance:	\$ 3,384,876.00
Account Number:	01-35910	Category:	\$ -
Amount:	\$21,395.19	Trans I/O:	\$ -

Why Funds Are Available:

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

Transfer From:

Account Name:	Water Retained Earnings	Balance:	\$ 1,290,169.00
Account Number:	60-35920	Category:	\$ -
Amount:	\$19,242.17	Trans I/O:	\$ -

Why Funds Are Available:

The Massachusetts Department of Revenue certified Retained Earnings for the Water Enterprise Fund for FY2024 at \$1,290,169. These funds are available for any legal expenditure with the approval of the Mayor and a majority vote of the City Council.

Transfer From:

Account Name:	Sewer Retained Earnings	Balance:	\$ 1,773,561.00
Account Number:	61-35920	Category:	\$ -
Amount:	\$54,588.08	Trans I/O:	\$ -

Why Funds Are Available:

The Massachusetts Department of Revenue certified Retained Earnings for the Sewer Enterprise Fund for FY2024 at \$1,773,561. These funds are available for any legal expenditure with the approval of the Mayor and a majority vote of the City Council.

Transfer From:

Account Name:	Harbormaster Retained Earnings	Balance:	\$ 847,230.00
Account Number:	6520-35920	Category:	\$ -
Amount:	\$1,042.90	Trans I/O:	\$ -

Why Funds Are Available:

The Massachusetts Department of Revenue certified Retained Earnings for the Harbormaster Enterprise Fund for FY2024 at \$847,230. These funds are available for any legal expenditure with the approval of the Mayor and a majority vote of the City Council.

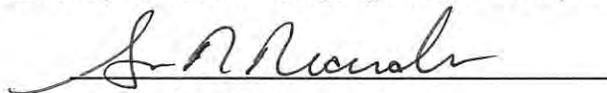
Transfer To:

Account Name:	Multiple Accounts (see attached)	Balance:	\$ -
Account Number:	Multiple Accounts (see attached)	Category:	\$ -
Amount:	\$96,268.34	Trans I/O:	\$ -

Why Funds Are Needed:

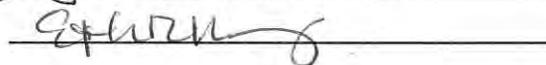
Following the certification of free cash, an appropriation is recommended to true up FY2024 accounts that incurred expenses from FY2023 to prevent them from going into a deficit at year-end.

Sean R. Reardon, Mayor:



Date: 10/23/2023

Ethan R. Manning, Auditor:



Date: 10/23/2023

City Council Action:

Prior-Year Bills Account Detail

Department	Vendor	Amount	Org	Object	City Council Order
Police	MA Juvenile Police Officers Assoc.	\$329.00	01129002	53004	ORDR00483_08_14_2023
Police	Caswell Mechanical	\$1,744.14	01210002	52401	ORDR00483_08_14_2023
Police	Clipper City Car Wash	\$1,248.00	01210002	52403	ORDR00483_08_14_2023
Police	Central Square Technologies	\$2,950.00	01210002	53003	ORDR00500_10_16_2023
Fire	Ronald Goss	\$42.42	01220001	51509	ORDR00483_08_14_2023
Fire	National Grid Gas	\$294.65	01220002	52101	ORDR00483_08_14_2023
Fire	McKesson	\$1,758.68	01220004	55001	ORDR00500_10_16_2023
DPS-Highway	Pennyworth's	\$2,716.17	01421001	51405	ORDR00483_08_14_2023
DPS-Highway	Creative Touch Designs	\$306.20	01421001	51405	ORDR00483_08_14_2023
DPS-Highway	Ameresco	\$2,773.24	01421002	52102	ORDR00483_08_14_2023
DPS-Highway	The Home Depot Pro	\$83.54	01421002	52401	ORDR00483_08_14_2023
DPS-Highway	Mayer Tree Service	\$6,469.00	01421002	52404	ORDR00500_10_16_2023
DPS-Highway	Home Depot	\$31.88	01421002	52404	ORDR00500_10_16_2023
DPS-Highway	Amazon	\$199.99	01421002	52410	ORDR00483_08_14_2023
DPS-Highway	Occupational Health Services/AJH	\$206.00	01421002	53002	ORDR00483_08_14_2023
Parks	ArcSource	\$242.28	01630002	52401	ORDR00483_08_14_2023
	Total General Fund	\$21,395.19			
DPS-Water	CD US Solar/Brookfield	\$15,262.32	60450002	52102	ORDR00483_08_14_2023
DPS-Water	Weston & Sampson	\$1,950.00	60450002	52406	ORDR00500_10_16_2023
DPS-Water	Alpha Analytical	\$1,212.82	60450002	53031	ORDR00483_08_14_2023
DPS-Water	Cole-Parmer	\$97.03	60450002	53032	ORDR00500_10_16_2023
DPS-Water	US Ecology	\$720.00	60450004	54302	ORDR00500_10_16_2023
	Total Water Enterprise Fund	\$19,242.17			
DPS-Sewer	CD US Solar/Brookfield	\$45,786.98	61440002	52102	ORDR00483_08_14_2023
DPS-Sewer	Allegiance Trucks	\$1,630.52	61440002	52403	ORDR00500_10_16_2023
DPS-Sewer	T.W. Excavating	\$360.00	61440002	52408	ORDR00500_10_16_2023
DPS-Sewer	Idexx	\$1,013.70	61440002	53050	ORDR00500_10_16_2023
DPS-Sewer	Amazon	\$183.83	61440004	54201	ORDR00500_10_16_2023
DPS-Sewer	Evoqua	\$5,149.98	61440004	54302	ORDR00500_10_16_2023
DPS-Sewer	Northeast Water & Wastewater	\$250.00	61440007	57100	ORDR00500_10_16_2023
DPS-Sewer	Home Depot	\$213.07	61440008	58361	ORDR00500_10_16_2023
	Total Sewer Enterprise Fund	\$54,588.08			
Harbor	West Marine	\$1,042.90	652002	52420	ORDR00483_08_14_2023
	Total Harbormaster Enterprise Fund	\$1,042.90			
	Total Transfer	\$96,268.34			



CITY OF NEWBURYPORT FY 2024

RECEIVED
CITY CLERK'S OFFICE
NEWBURYPORT, MA

TRANSFER/APPROPRIATION REQUEST

2023 OCT 25 PM 2:59

Department: Mayor's Office

Submitted by: Sean R. Reardon, Mayor

Date Submitted: 10/30/2023

Transfer From:

Account Name:	Police Accreditation Allowance	Balance:	\$ 148,189
Account Number:	01210001-51413	Category:	\$ 3,658,409
Amount:	\$102,599.00	Trans I/O:	\$ -

Why Funds Are Available:

Change in the classification of pay based on tentative agreement with New England Police Benevolent Association (NEPBA) Local 30 (Patrol Officers).

Transfer From:

Account Name:	Budget Contingency	Balance:	\$ 105,000
Account Number:	01132007-57805	Category:	\$ 105,000
Amount:	\$75,103.00	Trans I/O:	\$ -

Why Funds Are Available:

Budgeted contingency for unsettled collective bargaining agreements.

Transfer From:

Account Name:	Police Technology Stipend	Balance:	\$ 31,350
Account Number:	01210001-51330	Category:	\$ 3,658,409
Amount:	\$24,500.00	Trans I/O:	\$ -

Why Funds Are Available:

Change in the classification of pay based on tentative agreement with NEPBA Local 30.

Transfer To:

Account Name:	Police Officer Salaries	Balance:	\$ 2,436,667
Account Number:	01210001-51142	Category:	\$ 3,658,409
Amount:	\$177,906.00	Trans I/O:	\$ -

Why Funds Are Needed:

To fund first year cost items in the FY'24-FY'26 NEPBA Local 30 collective bargaining agreement.

Transfer To:

Account Name:	Police Officer Overtime	Balance:	\$ 265,664.80
Account Number:	01210001-51301	Category:	\$ 3,658,409
Amount:	\$19,203.00	Trans I/O:	\$ -

Why Funds Are Needed:

To fund first year cost items in the FY'24-FY'26 NEPBA Local 30 collective bargaining agreement.

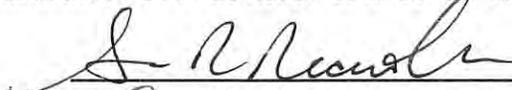
Transfer To:

Account Name:	Police Officer Night Differential	Balance:	\$ 63,556.96
Account Number:	01210001-51401	Category:	\$ 3,658,409
Amount:	\$5,093.00	Trans I/O:	\$ -

Why Funds Are Needed:

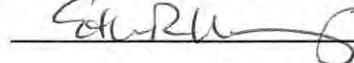
To fund first year cost items in the FY'24-FY'26 NEPBA Local 30 collective bargaining agreement.

Sean R. Reardon, Mayor:



Date: 10/23/2023

Ethan R. Manning, Auditor:



Date: 10/23/2023

City Council Action:



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

To: President and Members of the Newburyport City Council

From: Mayor Sean R. Reardon

Date: October 23, 2023

Subject: NEPBA Local 30 Tentative Agreement FY24-FY26

The Administration has agreed to terms for a new, three-year collective bargaining agreement with the New England Police Benevolent Association (NEPBA) Local 30 (Patrol Officers) Bargaining Unit. The contract would go into effect retroactively from July 1, 2023 through June 30, 2026, subject to appropriation by the City Council. The Local 30 have voted to ratify the terms of this agreement.

Included with this memo is a transfer request that appropriates funding for the first year of the contract, as well as, a summary of the agreed changes to the contract. A redlined version showing the changes from the expired to the new contract is available [here](#).

The Administration worked diligently and collaboratively with the Local 30 to agree to terms for a new contract. My staff is available if you require any additional information regarding the appropriation request or terms of the new contract.

Thank you for your consideration.

Memorandum of Agreement between
New England Police Benevolent Association Local 30 and
the City of Newburyport

Article X – Vacations

Add paragraph to end of section:

Patrol officers hired as transfers will be granted vacation time based on their previous continuous creditable service with another police or police-related government agency (federal, state, or municipal). This service must be verified through the transferring patrol officer's previous employers using a form established by the Human Resources Department. Transfers will be placed in the above-mentioned schedule based on their verified previous service and granted a prorated amount of vacation time during their first year of employment. This prorated amount of vacation time granted during the first year cannot be used during the first 90 days of employment, except for emergency purposes and with the approval of the Marshal or their designee.

Article XI – Holidays

Add paragraph to end of section:

If the Mayor releases City employees early prior to a holiday, members shall be granted compensatory time for each hour. Any additional holidays that are not included in the most recently signed union contract or on the state holiday list, but are given to City Hall employees, will also be granted as compensatory time to officers on a one-to-one basis.

Article XII - Miscellaneous Privileges

Delete:

SECTION 7. In the event a dispatch shift is unable to be filled by dispatch staff during the months of June, July, and August, members of NEPBA LOCAL 30 will be hired on overtime on a one-for-one basis.

Replace with:

SECTION 7. Starting the Friday preceding Memorial Day and ending on Labor Day, if the dispatch shift cannot be filled by dispatch staff, members of NEPBA Local 30 will be hired on overtime on a one-to-one basis. This section applies to weekends only, starting with the second shift on Friday and ending with the second shift on Sunday, and to all weekdays during the week of Yankee Homecoming.

(No Change to Section 7A)

Article XIV – Wages

Add new section:

The patrol officer assigned by the Marshal as the School Resource Officer shall receive an annual stipend of \$2,500.00 as part of their biweekly pay.

Updated wage scale (see Appendix A):

7/1/2023 – Increase to base salary of 6.0% in recognition of amending Article XXV and adding new Article memorializing the required use of body cameras. Ends so-called “technology stipend” that was done via side letter for FY23.

Add 3.0% 15 year step effective 1/1/2024 and 3.0% 7 year step effective 1/1/2025

Note: Steps are based on service in Newburyport, not on one's entire police career. For existing members hired before July 1, 2023, the City agrees to extend the step proposal to current officers based on their service as full-time police officers. For members hired on or after July 1, 2023 step progression will be based solely on service in Newburyport.

	<u>7/1/2023</u>	<u>7/1/2024</u>	<u>7/1/2025</u>
COLA	2.0%	1.5%	2.5%

Delete:

SECTION 5(C). Lateral transfers will be compensated at the regular rate of pay upon completion of probationary period based on their time with previous employer.

Replace with:

SECTION 5(C). Lateral transfers may advance up to the 100% senior officer rate based on their previous time served as a full-time police officer with another employer. However, advancement to all subsequent steps above 100% will be based on actual time served as a full-time police officer in the City of Newburyport. For example, a lateral transfer starting in Newburyport on October 1, 2023, will advance to the 7-year step on October 1, 2030, and the 15-year step on October 1, 2038.

Article XV - Special Assignments and Outside Details

Add:

SECTION 3. Officers will be hired for a minimum of four (4) hours, or eight (8) hours if the actual time worked exceeds four (4) hours. If a detail is scheduled for eight (8) hours, officers will be paid a minimum of eight (8) hours, regardless of the end time prior to the eight (8) hours.

Article XXI - Sick Leave

The City is in the process of updating and modernizing its parental and sick leave policies for all employees and agrees to work with the union to incorporate the relevant changes herein.

Article XXV - Accreditation Stipend

Delete:

An accreditation stipend will be paid to each member upon re-accreditation annually first pay period in September. This stipend will be based on salary with educational incentive. The Union and the City agree to continue to make a good faith effort to maintain accreditation. The Accreditation stipend will remain at 5%.

Add:

Effective July 1, 2023, as incorporated into Article XIV Wages, there was a one-time increase to the base salary to replace the annual stipend previously granted under this article. The Union and the City agree to continue to make a good faith effort to maintain accreditation.

New Article (After Art. XXVI - Body Armor): Body-Worn Cameras

Insert language/policy memorializing the required use of body-worn cameras.

Article XXVIII – Duration of Agreement

July 1, 2023 to June 30, 2026

For the Union:


Eric Andrukaitis, President
NEPBA Local 30
Date: 10/18/2023

For the City:


Mayor Sean R. Reardon
City of Newburyport
Date: 10/18/2023

Appendix A: Wage Scale

FY2024 1st Half (7/1/2023-12/31/2023)

		<u>Entry</u>	<u>6 Mos</u>	<u>1 Year</u>	<u>2 Years</u>	<u>3 Years</u>	<u>7 Years</u>	<u>15 Years</u>
% of Sr. Officer:		80%	85%	90%	95%	100%	100%	100%
Base		58,970.90	62,656.58	66,342.26	70,027.94	73,713.62	73,713.62	73,713.62
Associate	10%	64,867.99	68,922.24	72,976.49	77,030.73	81,084.98	81,084.98	81,084.98
Bachelor	20%	70,765.08	75,187.90	79,610.71	84,033.53	88,456.34	88,456.34	88,456.34
Master/JD	25%	73,713.63	78,320.73	82,927.83	87,534.93	92,142.03	92,142.03	92,142.03

FY2024 2nd Half (1/1/2024-6/30/2024)

		<u>Entry</u>	<u>6 Mos</u>	<u>1 Year</u>	<u>2 Years</u>	<u>3 Years</u>	<u>7 Years</u>	<u>15 Years</u>
% of Sr. Officer:		80%	85%	90%	95%	100%	100%	103%
Base		58,970.90	62,656.58	66,342.26	70,027.94	73,713.62	73,713.62	75,925.03
Associate	10%	64,867.99	68,922.24	72,976.49	77,030.73	81,084.98	81,084.98	83,517.53
Bachelor	20%	70,765.08	75,187.90	79,610.71	84,033.53	88,456.34	88,456.34	91,110.04
Master/JD	25%	73,713.63	78,320.73	82,927.83	87,534.93	92,142.03	92,142.03	94,906.29

FY2025 1st Half (7/1/2024-12/31/2024)

		<u>Entry</u>	<u>6 Mos</u>	<u>1 Year</u>	<u>2 Years</u>	<u>3 Years</u>	<u>7 Years</u>	<u>15 Years</u>
% of Sr. Officer:		80%	85%	90%	95%	100%	100%	103%
Base		59,855.46	63,596.42	67,337.39	71,078.35	74,819.32	74,819.32	77,063.90
Associate	10%	65,841.01	69,956.06	74,071.13	78,186.19	82,301.25	82,301.25	84,770.29
Bachelor	20%	71,826.55	76,315.70	80,804.87	85,294.02	89,783.18	89,783.18	92,476.68
Master/JD	25%	74,819.33	79,495.53	84,171.74	88,847.94	93,524.15	93,524.15	96,329.88

FY2025 2nd Half (1/1/2025-6/30/2025)

		<u>Entry</u>	<u>6 Mos</u>	<u>1 Year</u>	<u>2 Years</u>	<u>3 Years</u>	<u>7 Years</u>	<u>15 Years</u>
% of Sr. Officer:		80%	85%	90%	95%	100%	103%	106%
Base		59,855.46	63,596.42	67,337.39	71,078.35	74,819.32	77,063.90	79,375.82
Associate	10%	65,841.01	69,956.06	74,071.13	78,186.19	82,301.25	84,770.29	87,313.40
Bachelor	20%	71,826.55	76,315.70	80,804.87	85,294.02	89,783.18	92,476.68	95,250.98
Master/JD	25%	74,819.33	79,495.53	84,171.74	88,847.94	93,524.15	96,329.88	99,219.78

FY2026 (7/1/2025-6/30/2026)

		<u>Entry</u>	<u>6 Mos</u>	<u>1 Year</u>	<u>2 Years</u>	<u>3 Years</u>	<u>7 Years</u>	<u>15 Years</u>
% of Sr. Officer:		80%	85%	90%	95%	100%	103%	106%
Base		61,351.84	65,186.33	69,020.82	72,855.31	76,689.80	78,990.49	81,360.21
Associate	10%	67,487.02	71,704.96	75,922.90	80,140.84	84,358.78	86,889.54	89,496.23
Bachelor	20%	73,622.21	78,223.60	82,824.98	87,426.37	92,027.76	94,788.59	97,632.25
Master/JD	25%	76,689.80	81,482.91	86,276.03	91,069.14	95,862.25	98,738.11	101,700.26

**APPOINTMENTS
FIRST READING**



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

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

To: President and Members of the City Council
From: Sean R. Reardon, Mayor
Date: October 30, 2023
Subject: Appointment

RECEIVED
CITY CLERK'S OFFICE
NEWBURYPORT, MA
2023 OCT 19 A 11:36

I hereby appoint, subject to your approval the following named individual as a member of the Council on Aging. This term will expire on December 1, 2026.

Mary Louise Gagnon
126 Merrimac Street, Unit 5
Newburyport, MA 01950

Mary Louise Gagnon

126 Merrimac St., Unit 5

Newburyport, Ma 01950

marylougagnon@gmail.com

Employment:

Teacher NHS 1970-1971

Real Estate Agent 1980-present

Community Involvement

Board of Directors/ Treasurer Nbpt YWCA 1975-1983 (approximate dates)

Board of Directors Nbpt Housing Authority 2006-2014

Newburyport Community Preservation Committee 2010-2014

Newburyport Education Foundation 2013-2015

Newburyport Booster Organization 1986-1994

Newburyport PTO 1980-1990

Coach Newburyport Pioneer League 1985

Member Friend of Library present

Member MOON present

Member Custom House Maritime Museum present

Usher Newburyport Firehouse

END OF CONSENT AGENDA

BEGINNING OF REGULAR AGENDA

COMMUNICATIONS



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

RECEIVED
CITY CLERK'S OFFICE
NEWBURYPORT, MA

2023 OCT -5 P 1:29

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

October 5, 2023

Dear Clerk Jones,

On June 7, 2023, I designated Jessica Atherton Acting Head Librarian of the Newburyport Public Library, effective June 8. Section 3-5 of the City Charter provides for a 90 day acting appointment, which may be extended twice for 30 days. I then executed the first extension, effective September 6, 2023. Today I am executing the second 30-day extension, effective October 6, 2023. Jessica Atherton will perform the duties of the office of Head Librarian on a temporary basis until the office can be filled by the selection of the Library Board of Directors. I certify that Ms. Atherton 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.

The search committee assembled by the Library Board of Directors will be bringing finalists to the full Board shortly for consideration, and the Board will then select a Head Librarian to fill the position.

Respectfully,

Sean R. Reardon
Mayor



October 25, 2023

Lisa Wetenkamp
President

Shauna Pieniasek
Vice President

Henry Perazzelli
Treasurer

Kristen Jackman
Clerk

Board of Directors

Tom Hopp
Michelle Miakos
Lydia Pollard
Maureen Pomeroy
Kevin Stromski

Staff

John F. Moynihan
Executive Director

Christine Stover
*Director of Operations
and Administration*

Justin Knowlton
*Associate Artistic
Director*

Heather Shand
City Council President
60 Pleasant Street
Newburyport, MA 01950

Dear Councilor Shand and members of the Newburyport City Council,

I'm writing to you today regarding an artist requested extension of the current permit for use of the "Pop Up Park" on Merrimac Street. Since early June, the Firehouse Center for the Arts has been hosting the Newburyport Arts and Culture Shanties program in this location. We are grateful that City Council granted us permission to use this space in an unorthodox manner throughout the summer and, I think we can all agree, this has been a great use of the space. Aside from adding color and vibrancy to the street-scape, the location was able to continue to serve as a place for residents and tourists alike to visit, grab a bite to eat (especially during Yankee Homecoming!), and support local artisans in a unique way.

With construction beginning late in the summer, the Shanties provided a cleaner view in our downtown versus the chain link fence and have continued to be a topic of conversation throughout the community. At one point, there was an artist from North Carolina that was staying in Marblehead for the summer and happened to walk past the Shanties – she immediately rented one for the following weekend! All this to say, the Shanties have provided a positive impact in their current location and have added a vivacity to an otherwise underutilized area.

With this in mind, and at the request of several artists, the Firehouse Center for the Arts is requesting to continue using the space through **December 29, 2023**. With the Newburyport Chamber of Commerce hosting beer garden events – and their hope of using the shanties – along with the desire for a winter market within the downtown area, this seems like it would be a win-win for all parties. There are enough restrooms to accommodate and the Chamber of Commerce has provided electrical access for lighting, etc. If approved, the Firehouse would provide propane heat towers (like you see at outdoor dining) to accommodate the changing weather.

We are grateful for the consideration and I look forward to hearing from you.

With thanks,

John F. Moynihan
Executive Director

Attachments:

Updated Certificate of Insurance
Letters of Support from local artists



CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)

10/19/2023

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

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

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

COVERAGES

CERTIFICATE NUMBER: 42422290

REVISION NUMBER:

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

INSR LTR	TYPE OF INSURANCE	ADDL INSD	SUBR WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS
C	<input checked="" type="checkbox"/> COMMERCIAL GENERAL LIABILITY <input type="checkbox"/> CLAIMS-MADE <input checked="" type="checkbox"/> OCCUR GEN'L AGGREGATE LIMIT APPLIES PER: <input checked="" type="checkbox"/> POLICY <input type="checkbox"/> PRO-JECT <input type="checkbox"/> LOC OTHER:	Y		BKS56739503	8/11/2023	8/11/2024	EACH OCCURRENCE \$ 1,000,000 DAMAGE TO RENTED PREMISES (Ea occurrence) \$ 300,000 MED EXP (Any one person) \$ 15,000 PERSONAL & ADV INJURY \$ 1,000,000 GENERAL AGGREGATE \$ 2,000,000 PRODUCTS - COMP/OP AGG \$ 2,000,000 \$
	AUTOMOBILE LIABILITY <input type="checkbox"/> ANY AUTO <input type="checkbox"/> OWNED AUTOS ONLY <input type="checkbox"/> SCHEDULED AUTOS <input type="checkbox"/> HIRED AUTOS ONLY <input type="checkbox"/> NON-OWNED AUTOS ONLY						COMBINED SINGLE LIMIT (Ea accident) \$ BODILY INJURY (Per person) \$ BODILY INJURY (Per accident) \$ PROPERTY DAMAGE (Per accident) \$ \$
B	<input type="checkbox"/> UMBRELLA LIAB <input checked="" type="checkbox"/> OCCUR <input checked="" type="checkbox"/> EXCESS LIAB <input type="checkbox"/> CLAIMS-MADE DED RETENTION \$			XL2562625	10/15/2023	8/11/2024	EACH OCCURRENCE \$ 1,000,000 AGGREGATE \$ \$
A	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH) If yes, describe under DESCRIPTION OF OPERATIONS below	Y/N	N/A	TWC4287185	8/25/2023	8/25/2024	<input checked="" type="checkbox"/> PER STATUTE <input type="checkbox"/> OTH-ER E.L. EACH ACCIDENT \$ 100,000 E.L. DISEASE - EA EMPLOYEE \$ 100,000 E.L. DISEASE - POLICY LIMIT \$ 500,000
B C	DIRECTORS & OFFICERS Liquor Liability			NDO2550272K BKS56739503	2/17/2023 8/11/2023	2/17/2024 8/11/2024	OCCURRENCE 1,000,000 AGGREGATE 1,000,000

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (ACORD 101, Additional Remarks Schedule, may be attached if more space is required)
 NON-PROFIT COMMUNITY CIVIC CENTER/THEATER.
 The City of Newburyport is included as additional insured on the General Liability where required by written contract.

CERTIFICATE HOLDER**CANCELLATION**

City of Newburyport 60 Pleasant Street Newburyport MA 01950	SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS. AUTHORIZED REPRESENTATIVE
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It cannot be underestimated the benefits of simply meeting and working beside other artists for the duration of a weekend (or more). At first glance, it appears this program is for the artists to sell their work - but the benefits extend far beyond that and in many directions.

This program has an entrepreneurial nature allowing the artists to work together as a team to support the space (by bringing flowers, playing music, or setting up games for kids) and collaborate together to make the best possible experience for the customer, community, and families. Doing something for the community in itself has a substantial and inherent value that has been a pleasure to witness every weekend. Meeting other artists like John, Linda, Eve, Gina, Deb and more who so passionately love this community and want to give back gave me a renewed faith and energy about the work that I do and the importance of sharing it. I spoke with hundreds of people - many of them who weren't there to buy anything - but simply wanted to talk - talk about art, inspiration, beauty, even personal hardship - some just to engage with culture in silence for a short time. Art is healing and this is proof.

The unique structure and forum feel of this space is a draw over other types of exhibiting options because not only does the space allow such collaboration, but it depends on it. I have made new friends of these artists across many different mediums that I have learned from and will be incorporating their support and suggestions into my business. In fact Deb (who is a charcoal artist) made a beautiful suggestion about my work in August and I now have a whole new line of business as a result. We are in different mediums and yet her advice was invaluable. Each weekend's success is based on the skills and interest of the artists there - so each weekend is also a new and fun opportunity to be creative together in how the shanty experience is executed.

This unique collaboration opportunity also makes an interesting draw for the customer who will come back each week and have a different and new experience. After about a month of participating I noticed repeat customers coming back and checking on what's new or coming back to buy a piece they had been contemplating the week before. On a Sunday, I decided to stay throughout the rain. I had 10-15 Newburyport customers come even in the rain to look at what I was offering and give a nod of support and encouragement.

I could see momentum beginning where the community makes the shanties a weekend stop on their list to see what's new and support the artist through rain (light rain) and shine. I had a half dozen or more customers asking me if the market would be extended through the holidays remarking how festive and fun the space would be with music and twinkly lights - perfect for families out doing their holiday shopping with cups of cocoa in hand. I couldn't agree more.

I am a full-time artist so this type of work very literally puts food on the table for my family. With the rain each weekend I didn't always make big sales - but I made big connections with future clients that will add up over time and translate to meaningful business for me that isn't transient but lasting.

I genuinely appreciate this market as an opportunity for artists to grow with each other and the community. I give my full support to extend the season through the fall. Programs like this need to be protected and I am just so grateful I tripped across it one day this summer while visiting Newburyport.

Sophia Diana Creations

I was one of the artists that rented a shanty this past August. It was my first opportunity to sell my art outside of family and friends and it was a great first experience as I move from hobbyist to professional artist.

Encouraging an ongoing artist marketplace in an art minded city such as Newburyport is such a great idea! I know it is still in its "grass roots" phase but it is an idea that should be encouraged. Even the way it has changed and grown from June to October of this year with some additional advertisement, the umbrellas, artists choosing to extend their # of participating weekends, etc shows how the firehouse has listened to the suggestions of participating artists as well as the enthusiasm of some of the artists to see this idea reach its potential.

If you decide to add an extended season or special holiday market, I would love to participate.

Deb Hewey

As a previous shanty renter, I am writing to voice my support for an extension of shanties scheduling.

I had a very successful few days in the shanties, this past summer, and would love another opportunity to show and sell my work there!

Seeing as the holiday season will soon be upon us, and given Newburyport's draw for tourists, holiday shoppers, etc., it seems like a no-brainer to add to the downtown's bustling and festive nature by having the wonderful shanties up and running!

Thank you for considering the possibility of having the shanties be part of the Fall and pre-holiday activities in downtown Newburyport.

Sam Kimball

Thank you for the opportunity to exhibit my work at the Shanty installation. I had robust sales, even with sprinkles and some rain. Almost everyone commented on how great it was to casually shop and look at original art and photographs while going to lunch or dinner; many were already shopping for the holidays and asked if I would be there for the holiday season.

I would commit to any extension you can offer to exhibit in the shanty, and I would love to book the season next spring. This unique program provides:

- Shoppers and residents have a unique variety of artistic goods
- A showcase of local arts
- Places to sit and play with the games and enjoy the lovely atmosphere of Newburyport.

Gina Tzizik Studios

ORDERS

CITY OF NEWBURYPORT



IN CITY COUNCIL

ORDERED:

October 16, 2023

RESOLUTION

Whereas: On Oct 7, 2023 Israel was subject to a surprise and unprovoked attack by Hamas who claim to have fired 5000 rockets from the Gaza strip, and

Whereas: The resulting violence has resulted in the killing and wounding of over 2500 people mostly civilian, the forceable abduction of hundreds of others, and an escalating situation every day this continues, and

~~**Whereas:** The attacking force has called for the elimination of Israel and its citizenry, and we know that an attack on Israel is a veiled attack on Jewish communities locally.~~

Therefore: We, the City Council of Newburyport, strongly and unequivocally condemn all acts of terror and violence against civilians and the State of Israel specifically. We stand for human rights, ask for international co-operation and the rule of law.

Therefore, We, the City Council of Newburyport, stand with Israel's right to self-defense, and we pray for the victims and their families that have been torn apart,

And furthermore, We, The City Council of Newburyport, strongly support the local Jewish community. We want them to feel reassured that we, as a community, understand the feelings of anxiety and isolation that this unsettling news brings. We will live up to our ideals of No Place for Hate and will take actions, as appropriate, to ensure the safety of the local Jewish and Muslim community.

Respectfully Submitted on behalf of the City Councillors signed below.

Councillor James J McCauley

In City Council October 16, 2023:

Motion to waive the rules, declare an emergency, and approve by Councillor McCauley, seconded by Councillor Preston. Motion to amend to remove the 3rd Whereas statement by Councillor Khan, seconded by Councillor Preston. So voted. 7 yes, 1 no (JM), 1 present (SZ), 2 absent (CW, JD). Motion passes. Motion to amend to add “and Muslim” at the end of the And furthermore statement by Councillor Khan, seconded by Councillor Preston. So voted. 8 yes, 1 present (SZ), 2 absent (CW, JD). Motion passes. Motion to approve as amended Councillor McCauley, seconded by Councillor Preston. So voted. 8 yes, 1 present (SZ), 2 absent (CW, JD). Motion passes.

CITY OF NEWBURYPORT



IN CITY COUNCIL

October 30, 2023

ORDERED:

EMERGENCY PREAMBLE

Pursuant to Charter Section 2-9 (b) and as further defined in Section 1-7(7) an emergency exists due to the time sensitivity of the matter therein ORDR00503_10_30_2023.

Councillor Heather L. Shand

CITY OF NEWBURYPORT



IN CITY COUNCIL

ORDERED:

October 30_2023

AN ORDER TO AUTHORIZE THE ATTACHED LETTER TO BE SENT TO WHITTIER REGIONAL VOCATIONAL TECHNICAL SCHOOL COMMITTEE AND SUPERINTENDENT

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

THAT the City Council of the City of Newburyport hereby accepts and approves the attached letter to be sent to the Whittier Regional Vocational Technical School Committee and Superintendent as it addresses the concerns laid out in the attached memorandum. The council president is hereby further authorized to sign on behalf of the city council.

Councillor Heather L. Shand

MEMORANDUM

To: President and Members of the City Council
From: Sean R. Reardon, Mayor
Date: October 26, 2023
Re: Request for City Council Support on Whittier Tech Letter

This memo accompanies an order and an emergency preamble that has been submitted to the Council seeking your support for a letter that will be sent to the Whittier Regional Vocational Technical School Committee and Superintendent. As you know, Whittier is planning a major capital project to build a new school that is expected to cost over \$400M, with a District share estimated at \$309,400,000 as of October 4th, 2023. This will necessitate debt service payments from all member communities within the Whittier District. Newburyport, as a member community, is projected to contribute an estimated \$2,322,646 per year for this project, and we do not have room in our operating budget for such an expense. This would require us to bond for our share, which is the position that every municipality would find themselves in should the project be approved.

M.G.L. c. 71, Section 16 provides for two mechanisms to authorize the incurring of debt by the district members in order to fund capital projects for regional schools. One option is to present the capital plan to each community and gives each town the opportunity to disapprove of the plan. This gives member communities veto power should they have concerns with the plan. The other method is for the District to hold an election in which all registered voters in the member communities are eligible to vote, and a majority vote in favor would authorize the incurring of debt. The Whittier School Committee plans to vote to call a district-wide election in January 2023 to bring the incurring of debt to a vote. This method provides fewer options for the smaller towns and gives more voice to larger municipalities.

The Administration is working with other member communities to discuss the plan and options to change the debt authorization method. The City shares the concerns of other municipalities that the amount of debt that we would be required to take on is well above what we have budgeted. Newburyport is also in the position of being the municipality that would take on the most debt per student enrolled at Whittier, as the capital allocation breakdown is calculated based on overall local school district enrollment, rather than enrollment at Whittier.

I am recommending that the City Council, through its president, sign on to a joint letter that I would also sign as Mayor that would ask the Whittier School Committee to do two things:

1. Change its debt authorization process to instead ask for approval “town-by-town” rather than through a district-wide vote;
2. Require that approval from each town also be tied to a local vote that would authorize debt through a debt exclusion, override, or other method.

We will plan to send this letter to the Whittier School Committee and Superintendent. We will also share it with our two regional school committee members and have reached out to them for their support with this initiative. We are asking that this order be passed at your October 30th meeting through an emergency preamble so the letter can be sent before the Whittier School Committee’s next meeting on November 13th. Your support in this matter is greatly appreciated.

October 30, 2023

Garry James, Chairman
Whittier Regional Vocational Technical School Committee
115 Amesbury Line Road
Haverhill, MA 01830

Maureen Lynch Superintendent
Whittier Regional Vocational Technical High School
115 Amesbury Line Road
Haverhill, MA 01830

RE: WHITTIER REGIONAL VOCATIONAL TECHNICAL HIGH SCHOOL BUILDING PROJECT - PROJECT VOTE

Dear Chairman James and Superintendent Lynch:

The Mayor and City Council of the City of Newburyport are requesting that the Whittier Regional Vocational Technical School Committee vote to hold a "town-by-town" vote tied to a debt exclusion override for the proposed new Whittier High School project.

The proposed school building project that the Committee has recommended will cost over \$400 million, and will require debt service payments by all of the Whittier District member communities. Municipalities have been informed of the proposed annual debt service payments, and Newburyport is scheduled to pay an estimated \$2,322,646 a year. The City does not have the room in its operating budget to pay this amount, and has no authorization to bond for these funds. The lack of a funding plan for this large capital project is concerning.

The Whittier School District is planning to hold a districtwide vote on January 23, 2024 to authorize the Whittier School Committee to borrow the funds for this project. The draft ballot question does not have language stating that the vote is contingent on the passage of a debt exclusion override pursuant to Proposition 2 ½. Newburyport voters may not understand that this vote would authorize the project moving forward without a plan for the City to pay its share.

The City has concerns about holding a districtwide vote in a special election in mid-January when voters are not primed to vote and weather could easily create issues in voting. The voting hours are scheduled from 11:00 a.m. to 7:00 p.m. and there will also be no early voting, which would limit residents' ability to vote. This means the turnout will be very low, and may not be representative of voters' concerns. Further, the result will be based on a districtwide vote, which will not represent voices of individual communities, which are particularly important in this case because of the previously mentioned constraints on City finances.

The City is voicing support for an alternative process that would instead require individual votes in each municipality that are also tied to a debt exclusion override. We are asking that you listen to the voices of the member communities throughout this process, and find a way to move forward that will ensure that

the individual communities have the funds to take on this project. We believe this is the best way to proceed, and would allow for a collaborative process that takes into account the financial position of each municipality.

Sincerely,

On behalf of the City Council:

On behalf of the Mayor's Office:

Heather L. Shand
President

Sean R. Reardon
Mayor

CC: Whittier School District Member Communities Municipal Leaders
Massachusetts School Building Authority
Senator Bruce Tarr
Representative Dawne Shand

Whittier Tech District Members								
City/Town	Student Population	% Student Population	Enrollment	% Enrollment	Difference	Project Estimate District Cost	Cost Per Enrolled Student	Est. Annual Debt Service, 30 Years, 5%
Amesbury	1,968	9.7%	117	9.2%	0.6%	\$27,174,600	\$232,262	\$1,767,747
Georgetown	1,406	7.0%	55	4.3%	2.7%	\$19,418,400	\$353,062	\$1,263,195
Groveland	851	4.2%	35	2.8%	1.5%	\$11,745,900	\$335,597	\$764,088
Haverhill	8,406	41.6%	867	68.0%	-26.4%	\$116,064,000	\$133,869	\$7,550,130
Ipswich	1,576	7.8%	30	2.4%	5.5%	\$21,762,000	\$725,400	\$1,415,649
Merrimac	789	3.9%	40	3.1%	0.8%	\$10,881,000	\$272,025	\$707,825
Newbury	672	3.3%	16	1.3%	2.1%	\$9,290,700	\$580,669	\$604,373
Newburyport	2,331	11.5%	29	2.3%	9.3%	\$32,196,600	\$1,110,228	\$2,094,435
Rowley	738	3.7%	23	1.8%	1.9%	\$10,183,500	\$442,761	\$662,451
Salisbury	849	4.2%	50	3.9%	0.3%	\$11,718,000	\$234,360	\$762,273
West Newbury	622	3.1%	13	1.0%	2.1%	\$8,593,200	\$661,015	\$559,000
Total	20,208	100.0%	1,275	100.0%	0.0%	\$279,000,000	\$218,824	\$18,151,165

CITY OF NEWBURYPORT



IN CITY COUNCIL

October 30, 2023

ORDERED:

AN ORDER ESTABLISHING A LOCAL OPTION COMMUNITY IMPACT FEE ON SHORT TERM RENTALS

Whereas provisions under M.G.L. c. 64G, § 3D(a) authorizes the imposition of a community impact fee of three (3%) on short term rental units located within a city, and

Whereas these provisions are based on the acceptance of imposing the community impact fee on “professionally managed units” prior to the acceptance for short term rentals that include an operator’s primary residence, therefore

Be it ordered that the City Council hereby votes to accept the provisions authorizing a community impact fee to each transfer of occupancy of a “professionally managed unit,” which is defined as one of two or more short-term rental units in same city/town not located within a single- or two- or three-family dwelling that includes the operator’s (owner’s) primary residence; and

Be it Further Ordered that, the City Council hereby adopts under M.G.L. c. 64G, § 3D(a), the second local option that applies to short-term rental units located within a two- or three-family dwelling that includes the operator’s primary residence under MGL c. 64G, § 3D(b); and

Be it Further Ordered, that the city council authorizes that one hundred percent (100%) of such fees collected shall be dedicated to the Newburyport Affordable Housing Trust.

Councillor Afroz K. Khan

COMMITTEE ITEMS

Committee Items – October 30, 2023

Budget & Finance

In Committee:

- ORDR00502_10_16_2023 Grant Acceptance Form Municipal Road Safety Grant
- ORDR00498_10_16_2023 Gift Acceptance Friends of NBPT Trees \$17,000
- ORDR00499_10_16_2023 Grant Acceptance LSTA \$20,000
- ORDR00500_10_16_2023 Approval to Pay Prior Year Bills
- ODNC00129_11_01_2022 Defining Conflict Rule for Dept. Heads (COTW)



CITY OF NEWBURYPORT
GRANT ACCEPTANCE FORM

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

Date of Award:	10/16/2023	
City Department:	Police Department	
Staff Contact:	Lt. Richard Siemasko	
<i>Grant Overview</i>		
Grant Type:	State Grant - Federal Pass-Through	
Funding Agency:	Executive Office of Public Safety and Security (EOPSS) https://www.mass.gov/orgs/executive-office-of-public-safety-and-security	
Program Name:	Municipal Road Safety (MRS) Grant Program https://www.mass.gov/info-details/municipal-road-safety-mrs-grant-program	
Project Name:	Traffic Safety Enforcement	
Project Description:	<p>This grant program makes federal (National Highway Traffic Safety Administration) funds available to help police departments address local traffic safety issues. Newburyport funds will be used for traffic safety overtime patrols occurring from December 2023 through September 2024 (96 hours at \$43.26/hr for a total of \$4,152.96) plus creation of an educational flyer regarding distracted driving that will be given to violators as well as shared with the public beginning in January 2024 (estimated cost of \$3,000).</p>	
Award Amount:	\$7,152.96	
Payment Method:	Cost Reimbursement	
Length of Grant:	Approx. 11 months	
Start Date:	Upon execution of grant agreement	
End Date:	9/15/2024	
Award Acceptance Deadline:	10/30/2023	<input type="checkbox"/> N/A
<i>Local Match/Required Resources</i>		
Local Match (City Funds):	N/A	
Local Match (In-Kind):	N/A	
Resources Required When Grant Program Ends:	N/A	
<i>For Office Use Only</i>		
City Council Packet Date:	10/16/2023	
Emergency Measure?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No



CITY OF NEWBURYPORT
GIFT ACCEPTANCE FORM

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

Date of Gift:	10/17/2023	
City Department:	Department of Public Services	
Staff Contact:	Mike Hennessey, Tree Warden	
<i>Gift Overview</i>		
Gift Type:	Monetary	
Donor:	Friends of Newburyport Trees https://www.fontrees.org/	
Purpose:	Planting and care for approximately 20 trees. Locations determined by the Tree Commission, including replacements for downed trees near 331 High Street and other targeted areas.	
Gift Amount:	\$17,000.00	
<i>For Office Use Only</i>		
City Council Packet Date:	10/16/2023	
Emergency Measure?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No

Councillor Sharif I. Zeid

In City Council October 16, 2023:

Motion to collectively refer ORDR00498, ORDR00499, ORDR00500, and ORDR00502 to Budget & Finance by Councillor Zeid, seconded by Councillor McCauley. So voted.



CITY OF NEWBURYPORT GRANT ACCEPTANCE FORM

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

Date of Award:	9/11/2023	
City Department:	Library	
Staff Contact:	Jessica Atherton, Acting Head Librarian	
<i>Grant Overview</i>		
Grant Type:	Federal Grant	
Funding Agency:	Institute of Museum and Library Services https://www.ims.gov/	
Program Name:	Library Services and Technology Act (LSTA) https://mbic.state.ma.us/programs-and-support/lsta/application-index.php	
Project Name:	Access for All <i>Assistance Listings Number 45.310 Grants to States Identifying Number Assigned by Federal Agency LS-253633-OLS-23</i>	
Project Description:	Newburyport Public Library's project builds on current accessibility initiatives in the library and will fund equipment and software to improve the daily lives of its visitors. Efforts will address the needs of individuals who are hard of hearing or deaf (hearing loop), people with low vision or blindness (visibility support), people with cognitive issues, and people experiencing issues with mobility (motorized scooter). This project will allow the library to offer accessible programs, collections, and spaces that are inclusive and welcoming, not just "compliant."	
Award Amount:	\$20,000.00	
Payment Method:	Upfront Payment	
Length of Grant:	1 year	
Start Date:	10/1/2023	
End Date:	10/31/2024	
Award Acceptance Deadline:	Award acceptance deadline	<input checked="" type="checkbox"/> N/A
<i>Local Match/Required Resources</i>		
Local Match (City Funds):	\$0	
Local Match (In-Kind):	staff time: ~300 hours (see spreadsheet), equipment/supplies: office supplies, office technology facilities: program room, children's room walls	
Resources Required When Grant Program Ends:	future budgetary impacts: none, capital needs: minimal, possible tech updates; additional staff: none, additional staff time required to learn the tech and maintain it	

<i>For Office Use Only</i>		
City Council Packet Date:	10/16/2023	
Emergency Measure?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No

Councillor Sharif I. Zeid

In City Council October 16, 2023:

Motion to collectively refer ORDR00498, ORDR00499, ORDR00500, and ORDR00502 to Budget & Finance by Councillor Zeid, seconded by Councillor McCauley. So voted.

CITY OF NEWBURYPORT



IN CITY COUNCIL

ORDERED:

October 16, 2023

THAT the City Council of the City of Newburyport authorizes the payment of the following [prior year bills](#) in accordance with M.G.L. Chapter 44, Section 64:

Department	Vendor	Amount
Fire	McKesson	\$1,758.68
Police	Central Square Technologies	\$2,950.00
DPS-Water	US Ecology	\$720.00
DPS-Water	Cole-Parmer	\$97.03
DPS-Water	Weston & Sampson	\$1,950.00
DPS-Highway	Mayer Tree Service	\$6,469.00
DPS-Highway	Home Depot	\$31.88
DPS-Sewer	Allegiance Trucks	\$1,630.52
DPS-Sewer	T.W. Excavating	\$360.00
DPS-Sewer	Idexx	\$1,013.70
DPS-Sewer	Home Depot	\$213.07
DPS-Sewer	Northeast Water & Wastewater	\$250.00
DPS-Sewer	Amazon	\$183.83
DPS-Sewer	Evoqua	\$5,149.98
	Total:	\$22,777.69

Councillor Sharif I. Zeid

In City Council October 16, 2023:

Motion to collectively refer ORDR00498, ORDR00499, ORDR00500, and ORDR00502 to Budget & Finance by Councillor Zeid, seconded by Councillor McCauley. So voted.

CITY OF NEWBURYPORT



IN CITY COUNCIL

ORDERED:

November 1, 2022

AN ORDINANCE DEFINING RULES FOR DEPARTMENT HEADS WITH REGARDS TO CONFLICTS OF INTEREST, COMPLIANCE WITH THE STATE CONSTITUTION AND RESIDENT PRIVACY AND ASSOCIATED EXTERNAL ORGANIZATIONS

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

Chapter 2 Administration
Division 1 Generally
Article I In General

Insert Section 2 – 127

Definitions:

Department Head – An employee of the City of Newburyport employed as the leader of any department of the City of Newburyport.

Associated External Organization – Any organization whether for profit or non-profit (also referred to as a 501(c)(3)) that participates in fundraising activities in support of City departments.

Department Head Conflicts

The following rules are meant to promote transparency and avoid potential conflicts of interest, whether real or perceived, between city departments and external organizations that may form to raise funds in support of these departments.

- (a) *Department Heads* shall be prohibited from serving on the board of directors or in any position of leadership of any *associated external organization*.
- (b) *Department Heads* shall be prohibited from the handling, the allocation, or the disbursing, of Funds raised, or otherwise act in a controlling way toward any *associated external organization*.

- (c) *Department Heads* shall be prohibited from sharing City resources, including contact lists, with any *associated external organization*, consistent with the State Constitution's anti-aid amendment codified in Article CII.
- (d) While this section may not be overridden by City policy, it is not intended to supplant or replace other obligations for *Department Heads* that may be created via employment agreements or other City ordinances or City policies.
- (e) City addresses, whether they be physical or email, may not be authorized for use by *associated external organizations*.

Councillor Sharif I. Zeid

In City Council November 1, 2022:

Motion to refer collectively ODNC00129 and ODNC00130 to Budget & Finance and COTW by Councillor Zeid, seconded by Councillor Vogel. So voted.

Committee Items – October 30, 2023

Community Services

In Committee:

- APPT00436_10_16_2023 Sarah Landry 462 South Main St. Nashua, NH Dir. COA 11/1/2026
- ORDR00497_09_26_2023 Sponsorship of an Administrative Order to create Recreation & Yth Ser. Dept.



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

RECEIVED
CITY CLERK'S OFFICE
NEWBURYPORT, MA

2023 OCT -5 P 6:14

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: October 16, 2023
Subject: Appointment

I hereby appoint, subject to your approval, the following named individual as Director on the Council on Aging. This term will expire on November 1, 2026.

Sara Landry
462 South Main Street
Nashua, NH 03060

Sara Landry
462 South Main Street
Nashua, NH 03060
603-233-4180
Blandry603@comcast.net

Employment

Executive Director, Adult and Senior Programs: Hobbs Community Center Town of Pelham, NH

2011-present

- Directs, manages implements and evaluates adult and senior programs at the Hobbs Community Center. Creates marketing material and newsletters to update participants of upcoming and ongoing programs and events.
- Advocates for solutions to issues that affect aging adults, such as creating age friendly walking trails, safe and well-lit roadways, adequate and affordable housing, and coordination of care.
- Educates community members on issues facing older adults, by providing presentations and working with the master planning committee.
- Provides expertise and guidance to community, state, federal organizations and town departments.
- Oversees the daily operations at the Hobbs Community Center, coordinates space needs and manages staff as well as volunteers.
- Budget responsibilities to include the development and implementation of the program.
- Liaison to the Pelham Council on Aging
- Operational oversight of the senior bus to include scheduling, pre-qualifying riders, and dispatching drivers.
- Collects and analyzes data, creates biweekly for reports for the Board of Selectmen and Town Administrator on the needs of aging adults in the community. Presents to the BOS as needed.
- Collaboration with town departments, area businesses and organizations to support and expand program options for aging adults.
- Survey and evaluate member interest and needs culminating in program development.
- Facility management for the Hobbs Community Center and outdoor recreational spaces
- Manages multiple organizations that utilize the space at the Hobbs community center.

Director, Senior Center

Town of Londonderry, NH

2002-2011

- Created and opened the first town run senior center in Londonderry.
- Developed, managed, and directed programs at the senior center and the Senior Affairs Department for the Town of Londonderry
- Budget responsibility to include the development and implementation of the program.
- Managed fundraising activities
- Monthly reports to the Town Council and Town Manager on senior center activities and needs.
- Supervised staff and volunteers at the Senior Center.
- Provided information and assistance to town and area residents regarding social needs.
- Collaborated and supported the Elder Affairs Committee and area supportive services to increase and expand programs.

Outreach Coordinator

Senior Center, Town of Pepperell, MA

2000-2002

- Conducted outreach with individuals and families of seniors in the community.
- Created tailored health care plans based on the clients' needs, connected them to health care resources, and monitored their progress.
- Assisted with scheduling, reminders and transportation to assure attendance of medical appointments.
- Created educational programs to address the needs of aging adults in the Pepperell community.
- Tracked case development.
- Collaborated with agencies to facilitate linkage to the healthcare system and in-town senior programs.

Social Work Consultant: D'Youville Senior Care and Life Care Center

1999-2002

- Supported residents and families with ongoing adjustment to their new setting and level of care.
- Assisted with the opening of a new dementia care unit.
- Monitored and maintained caseloads during staff absences.

Case Manager- Huntington's Disease Program

Mediplex Health Care, Lowell, MA

1997 – 1999

- Worked with residents and families dealing with difficult and complex issues dealing with Huntington's Disease
- Managed care plans and worked with insurance companies and state agencies regarding payment and coverage.
- Provided education and resources to patients and families.

Director of Social Services

Apple Valley Continuing Care Facility, Ayer, MA

1992 – 1997

- Collaborated with the admissions department and interdisciplinary team to ensure a smooth admission process.
- Supported residents and families with ongoing adjustment to their new setting and level of care.
- Participated in discharge planning and the coordination of discharge plans.
- Developed and implemented care plans and resident assessments.
- Provided residents and families with education and support regarding aging, illness, coping and loss.
- Interviewed residents and/or family members, to obtain social history, and discussed end of life issues with knowledge of advanced directives.
- Detailed knowledge of community resources including VNA, Adult Day Programs, Assisted Living Communities, Senior Housing
- Managed, developed and coordinated caregiver support group.

Case Manager, Congregate Housing Coordinator and Managed Care Housing Coordination

Elder Services of the Merrimack Valley, Lawrence, MA

1989 – 1992

- Provided assessment and case management services for seniors living in the community who required home care assistance.
- Worked in a multidisciplinary team to include, private housing management team, VNA, home care services, and medical facilities to ensure a safe home environment in a congregate and apartment style setting

Education

Bachelor of Science- Psychology with a minor in Gerontology

Plymouth State College, Plymouth NH -1989- Cum laude



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

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

Administrative Order
Establishment of Recreation and Youth Services Department

September 26, 2023

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 Newburyport Youth Services has been serving the needs of young people and families in the city since 2005, and provides recreational and community services that foster positive youth development; and

WHEREAS Adult recreational activities and programming were officially moved to Youth Services following the Council's approval of the Parks Reorganization Plan in February 2022; and

WHEREAS the Mayor aims to officially establish a department that is focused tasked with recreation and the needs of youth in the City of Newburyport; and

WHEREAS the Mayor has included herewith a message 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, Be it ordered that there shall be officially established a Recreation and Youth Services Department in the City of Newburyport. 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 the organization of the Recreation and Youth Services Department. This administrative order will come into effect in 60 days, unless disapproved by a vote of the Council.

Sean R. Reardon
Mayor



Administrative Order Establishing Recreation and Youth Services Department

Mayor's Message

Sean R. Reardon
Mayor

September 26, 2023

Official Establishment of Newburyport Recreation and Youth Services

This message accompanies the administrative order submitted to the City Council officially creating the Department of Recreation and Youth Services. Article 5, Section 5-1 of the Newburyport City Charter, titled "Organization of city agencies," requires that an administrative order be filed with the City Council by the Mayor in order to organize the city into operating agencies. The Charter provision states in pertinent part as follows:

"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 outline lays out the plan for this department, which will preserve the current functioning of Newburyport Youth Services, while officially incorporating recreation for community members of all ages, which was approved in the Parks Reorganization Plan approved by the Council in February 2023. The plan also includes an overview of the sections of the City's Ordinances that may need to be updated to accompany this official establishment.

History of Newburyport Youth Services

The Newburyport City Council voted in December 1998 to accept Mass General Law G.L., c. 40, § 8E, which allows municipalities to create Youth Commissions. By State Statute, such commissions are created...:

"...for the purpose of carrying out programs which may be designed or established to meet the opportunities, challenges and problems of youth of said city or town and in conjunction with any similar or related programs of any agency of the commonwealth or any agency of the federal government."

In 2005, under Mayor Mary Anne Clancy, the City hired a Supervisor of Youth Programs who would report to the Mayor and also had reporting responsibilities to the Youth Commission. Also in 2005, the Youth Commission released a Five-year plan that essentially set the groundwork for a Youth Services Department, and identified needs for a community center, an improved middle school drop-in center, and increased collaboration on efforts to reduce underage substance abuse. That year, the Administration, together with the Youth Commission, shifted their earlier vision for a Parks and Recreation Department to instead create a Youth Services Department.

The mission of Youth Services is to meet the apparent and underlying needs of children and families, and to run high quality programs accessible to all. In its early years, Youth Services focused on recreation and programs for children of all ages and the services offered expanded with a large federal grant for substance use prevention work. The BEACON Coalition was started with support of a Drug Free Communities grant. Since then, the department has always had a position assisting with the BEACON and its initiatives. The department grew for nearly 15 years, adding programs and services, as well as positions, to meet identified needs in the community. The department has grown to now serve over 2,000 young people a year with nearly 4,000 registrations, which does not include the thousands of people who are served through the department's free community events.

The Department is largely self-sustaining, as all of its recreational programs are funded by registration fees. Since the Department's inception, it has brought in nearly \$1.2 million in grant funding in the last five years and close to \$2.4 million over the Department's history to support the department and community partners, including the schools. Over the past 20 years, departmental spending has consistently remained below 0.5% of the General Fund budget, currently accounting for 0.4%. To better identify fixed and recurring costs, the City has allocated these known costs to the general fund, offset by a budgeted transfer from the recreational revolving fund. This allows the revolving fund to reflect variable costs, which can be difficult to budget for from year to year.

Nonetheless, all spending, whether for payroll or operating expenses and regardless of funding source, must still pass through the Finance Department's review process and must comply with all city policies, such as those related to travel and training, gifts and grants, procurement, and other practices. Moving forward, we will ensure that the annual budget reflects this new department structure, including all resources that are utilized in support of its mission.

While the work of the Department was initiated in 2005, the Department was never officially created either in the City's ordinances or through the Administrative Order process that is described in Section 5-1 of the Charter. This makes sense, as the Department's activities pre-date the provision regarding the organization of the city into operating agencies, which was passed in November 2011 following the 2010 Charter Review process.

Proposed Structure

This Order will create a Recreation and Youth Services Department that is tasked with running high quality recreational activities for Newburyporters of all ages, engaging youth in positive activities outside the school day, and meeting underlying needs of children and families through effective community services. The Department will have two divisions to better focus the offerings of the agency.

Recreation and Enrichment Division

This division will be responsible for creating and facilitating recreational programs, activities, and events for community members of all ages. They will work with community partners to gauge interest in activities and look at how best to use the recreational assets of the city. The recreation department will run activities that may include the following:

Youth	Families	Individuals/ Adults
Seasonal recreation programs; Sports & skills	Community events (i.e. Touch a Truck)	Outing Clubs: hiking, biking, walking, nature, skiing, etc.
Vacation week programs	Summer family entertainment series	Recreational Games: pickleball, etc.
Leagues: E-sports, Destination Imagination; First Lego League	Pre-school Open Gym	Adult Leagues: softball, beach volleyball, etc.
Seasonal Enrichment programs: STEM, arts, music and movement	Age Specific Playgroups	Adult pick-up games
Ski & Snowboard Club (after school, early release and vacation weeks)	Family parties/ dances	Fitness Classes
Inclusive and specialized programming for individuals with disabilities or special needs	Family programs (i.e. family tennis lessons)	Adult wellness programs

The primary work of the Division will be to organize and facilitate programs throughout the year for a diverse set of Newburyport residents. It will facilitate all summer programming for youth and year-round programming for youth and adults. They will work closely with the Council on Aging and other groups providing public programming to look for opportunities for collaboration and to reduce overlapping offerings.

Funding Sources

This division receives support for staff, facility, and software overhead through the City’s Operating budget. The majority of its work is funded through user/activity fees, which are currently structured using the aforementioned revolving fund. The division can also receive recreation focused grant funding and gifts, though it does not rely on this funding.

Resources Needed

This division requires a significant amount of part time staff through peak programming and recreation months, namely summer and school vacation periods. This staff is managed by full-time coordinators and other staff who do the year-round work of planning, registration, marketing, hiring, and everything else that goes into recreation programming. The division has full time positions for an Associate Director of Recreation and an Activity Coordinator and receives assistance from an office manager, the Associate Director of Youth Programs, and the Director of Recreation and Youth Services. The Division also requires a significant amount of space for all these activities, and works with City and School staff to find suitable locations. This is a challenge based on the limited amount of space in the City and the number of activities taking place.

Youth Development and Services

This second Division is responsible for positive youth development, engaging youth in healthy activities outside of school and formal programming, and for supporting mental health and substance abuse prevention. Programs aim to engage older youth (middle and high school aged) in positive and healthy activities and enrichment programs.

The Youth Development and Services Division operates a Youth Center outside of school time and hosts events on weekends to provide middle and high schoolers with a positive environment for activities and enrichment. They also organize clubs and programs within the center to develop hobbies and skills that interest youth. In addition, youth programs include teen trips, affinity groups, a Youth Council and enrichment activities for youth that are in middle and high school grades and are distinct from the Recreational Division's programming. The Division provides educational programs on life skills and workforce development and certificate programs like babysitting and first aid. In addition to the Youth Center, staff also operate the Learning Enrichment Center in the Kelleher Gardens development to support the social and academic development of children and families living in public and/or low income housing

The Division also oversees community initiatives, partnerships, and activities that support children and families and can assist in intake and making referrals for outside services. It works closely with partners in the City including the Health Department, Council on Aging, Newburyport Police Department, and Newburyport Public Schools. It also develops partnerships with agencies including Pettengill House, Link House, Community Services of Newburyport, Our Neighbors Table and the Jeanne Geiger Center, and others. The Division oversees a social services monthly network and employs a licensed social worker to provide referrals and supports. The division does not provide clinical support. These relationships allow for effective and efficient referrals to meet community members' needs.

All of these services build on a foundation of building youth assets. This focus is set and maintained by the coordination of and participation in the BEACON Coalition, a citywide partnership to support positive youth development as well as capacity building in community partners. the Coalition was formed from the Mayor's Taskforce on Substance Abuse. The positive youth development philosophy and associated initiatives build protective factors (assets) in young people to reinforce academic support, healthy choices, and civic engagement. This coalition helps facilitate community assessments to provide data on youth development and identify areas for improvement. This Division also provides support to the community through resources for parents and families. This includes a Parent Speaker Series, Affinity Groups and Events, and outreach to underserved populations.

In its ten years of Drug-Free Communities Grant funding, the BEACON Coalition proved the effectiveness of youth substance use prevention through a positive youth development framework. Because of this success, surrounding communities were interested in partnering together. Further, funding through state and private channels for substance use prevention have moved to a regional approach. This approach acknowledges that youth do not just live within the mapped boundaries of a town and that partnering agencies serve multiple agencies. Because of its history of success and leadership in this area, the Division also oversees and administrates multiple regional grants that enable these partnerships and work to continue, while focusing on our City.

Funding Sources

This division receives support for staff and facility overhead through the City's Operating budget. The youth center is partially funded through user fees, as participants pay annual memberships to use the drop-in center. Much of this department's work is funded by grants, including state and private funding. The division also receives some gifts and donations to support certain initiatives and programs.

Resources Needed

This division has full time positions for an Associate Director of Youth Programs as well as an Associate Director of Prevention Partnerships, which is mostly grant funded. There is also an activity coordinator, a support coordinator, and the Learning and Enrichment Center Coordinator, which is split with the Newburyport Public Schools. The division receives further support from the office manager and the Director. This work also requires space for the youth center, and for all the prevention and youth development programming.

Benefits to the Community

The City has benefited from the services provided by the existing structure for nearly two decades and we believe this new organizational plan will only strengthen and broaden the reach.

In the past, the City has had recreational and enrichment programming taking place from a number of City departments. This consolidation of recreation in one department will create simplicity for residents, and all programs will be accessible through one scheduling and reservation platform.

The expansion to adult recreation will increase opportunities for multi-generational programming and we expect strong coordination with the Council on Aging and others to provide programming that meets all ages. This department is also committed to meeting the needs of underserved populations, which helps fulfill the Mayor's strategic plan goal of improving the accessibility of City services.

We also believe residents benefit from this plan with a fee structure that keeps program costs an affordable choice, including access to those with financial hardship and while also generating funds to pay for full time staff.

This departmental establishment aims to clarify the role of Recreation and Youth Services and shows which supports and services youth and families can anticipate receiving from the Department.

Ordinance Changes

This document is required to list any ordinances that need to change based on accepting this order. We have identified three such ordinances.

1. Sec. 2-394. - Departmental revolving funds
This section of the code lists the Director of Youth Services as the person responsible for the Recreational Services revolving account. This title may change with the incorporation of this Order, and that may need to be updated.
2. Sec. 2-34. - Responsibilities of committee on community services
This section will need to be updated to say that the Committee has jurisdiction over the Department of Recreation and Youth Services, rather than Youth Services.

3. Zoning Ordinance of the City of Newburyport: Section XXXII. - BROWN SCHOOL OVERLAY DISTRICT

This section specifies scenarios with Newburyport Youth Services on and off-site. This may not need to be updated on its own as the intention of the language is clear.

Next Steps

This Order will be reviewed by the Council and will become effective in 60 days after introduction unless it is voted down by the Council. It would require a vote of 6 votes to confirm or reject the plan. At least one public hearing must be held on the proposal. The Administration looks forward to working with the Council to provide any information needed to advance this plan.

Committee Items – October 30, 2023

Planning & Development

In Committee:

- ODNC047_01_27_2020 General Ordinance - Short Term Rental Units Rules (COTW)
- ODNC00141_02_27_2023 Zoning Amendment STRU (COTW)
- ODNC00160_08_28_2023 Zoning Amendment Business Park Indoor Outdoor Rec (COTW)

CITY OF NEWBURYPORT



IN CITY COUNCIL

January 27, 2020

ORDERED:

AN ORDINANCE TO LICENSE SHORT-TERM RENTAL UNITS

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

THAT the Code of Ordinances, City of Newburyport, Massachusetts, is hereby amended as follows, with the following addition:

Chapter 9: LICENSES, PERMITS AND BUSINESS REGULATIONS

ARTICLE XI: SHORT-TERM RENTAL UNITS

Sec. 9-300 Purposes.

To provide process, rules, and procedure for licensing short-term rental units within the City of Newburyport in concert with the associated zoning ordinance.

Sec. 9-301 Definitions.

Except as otherwise specified herein, all terms used in this Article XI shall be as defined in Newburyport Zoning Ordinance or, if not defined therein, then as defined in 830 CMR 64G.00 (Room Occupancy Excise).

Emergency Contact: A natural person who, in addition to the Operator, will be responsible to receive and act on complaints, problems or emergencies at an STRU, as described in Section 9-306(g).

Enforcement Agent: The person duly appointed by the City of Newburyport to investigate complaints and issue violation notices pursuant to the provisions of this Article XI.

Licensing Board: The Licensing Board of the City of Newburyport.

Registration Number: A unique identification number generated by the Licensing Board for each registered Short Term Rental Unit (STRU). Registration numbers shall be valid for one (1) year from the date of issuance and shall be assigned to both a single STRU and a single Operator. The registration number shall be included on any listing or advertisement for the rental of the STRU.

Short-Term Rental Registry: The database of STRUs located within Newburyport and maintained by the Licensing Board in coordination with registration or other regulation of such use by the Commonwealth of Massachusetts. The location of STRUs within the City shall be made public, as may additional information in the Short-Term Rental Registry as required by law, or otherwise at the reasonable discretion of the Licensing Board.

Sec. 9-302 Short Term Rental Units generally.

No dwelling unit within the City of Newburyport shall be offered as an STRU except in compliance with the provisions of the Newburyport Zoning Ordinance, this Article XI, and the terms of any license issued for said STRU by the Licensing Board pursuant thereto.

Sec. 9-303 Automatic revocation of license.

A dwelling unit that itself, or whose owner or Operator, is the subject of three (3) or more findings by the Enforcement Agent that are not appealed or Licensing Board or its designee of violations of this Article XI within any six (6) month period, or three (3) or more violations within any six (6) month period of any state or municipal law or regulation relating to excessive noise, improper disposal of trash, disorderly conduct, or other nuisances, private or public;

9-304 License Requirements

- a. **All STRUs.** The STRU has been registered pursuant to Section 9-307, excepting those to be rented for 14 days a year or fewer annually.
- b. **Operator certification.** An Operator shall certify under penalty of perjury at the time of registration of a STRU that the following facts are true:
 - 1. The Operator is the record owner of the Dwelling Unit offered as an STRU, or is legally authorized to act in relation to the STRU as the record owner; and
 - 2. Offering the dwelling Unit as an STRU complies with all applicable deed restrictions, mortgage covenants, condominium bylaws, or other governing legal documents.
- c. **Local contact.** At the time of registration of an STRU, the Operator shall provide their name and contact information (including a telephone number), and, in the event the Operator is unable to respond in person to any problems or emergencies that may arise regarding the STRU when it is being occupied by guests, the name and contact information (including a telephone number) of the Emergency Contact. The Operator or Emergency Contact shall be available 24-hours per day to respond to guests, neighbors, and City officials, and it shall be a violation of this Article if the Operator or Emergency Contact does not respond within 3 hours of being contacted by a City official or the police department.
- d. **No outstanding violations.** AN STRU shall not be subject to any outstanding building, sanitary, zoning, or fire code notices of violation, orders of abatement, stop work orders, or other any requirements, laws or regulations that concerns the STRU or may in any manner impede or prohibit the Operator from offering the dwelling unit as a Short-Term Rental in compliance with this Article, the Newburyport Zoning Ordinance, and all permits and approvals issued thereunder. If a notice of such violation or other order is duly issued after the dwelling unit has been listed on the Short-Term Rental Registry, the Licensing Board or its designee may suspend registration of such dwelling unit on the Short-Term Rental Registry until the corresponding violation has been cured or such order is otherwise resolved to abate any violations of law or regulation. Any City officer or department issuing said notice of violation or other order shall notify the Licensing Board and the Enforcement Agent in writing of the nature of the violation and its resolution, if any, within five (5) business days of such issuance and/or resolution.
- e. **Compliance and relationship with other laws.** Operators shall comply with all applicable federal, state and local laws and regulations, including, but not limited to, the Fair Housing Act, G.L .c. 151B and local equivalents and regulations related thereto, fire codes, health codes, zoning ordinances, the Commonwealth's lodging house licensing statutes, and all other regulations applicable to residential dwellings and the provision of lodging.

- f. **No illegal discrimination between or against guests.** Operators shall not discriminate between or against guests on the basis of race, color, religious creed, national origin, immigration status, sex, age, ancestry, sexual orientation, gender identity and expression, marital, family or military status, or source of income or disability with respect to housing, employment, education, public accommodations, City services, insurance, banking, credit, and healthcare.
- g. **Retention of records.** The Operator shall retain and make available to the Licensing Board, or its designee, upon written request, documents that demonstrate compliance with all provisions this Article, including but not limited to: documentation of the number of days that Operator has resided during the past year or will reside in the dwelling unit in the year of registration; legal instruments evidencing that the Operator is the record owner of the dwelling unit offered as an STRU; and documentation of the number of days during the year of registration that the dwelling unit was: (i) offered, and (ii) rented, as an STRU. The Operator shall retain such records for a period of three (3) years from expiration of the yearly license to which they relate.
- h. **Special conditions.** The Licensing Board may require, as a condition of any license issued under this Article, that specific improvements be made within the structure, or otherwise on the premises, as identified in the drawings submitted pursuant to section 9-307, below, and as required by the Building Commissioner, Fire Prevention Officer, and/or Zoning Administrator to achieve compliance with applicable law.
- i. **Registration number.** The Operator shall include the registration number issued by the City on any listings offering the dwelling Unit as an STRU, including by Booking Agents when their policies so permit, and shall, in all cases, post a sign inside such dwelling Unit providing information on the location of all fire extinguishers, fire exits, and pull fire alarms in such dwelling Unit.

Sec. 9-305 Registration process, certifications, and fee.

- a. **Registration process.** No Operator shall offer a dwelling Unit as an STRU without having first filed an application for approval therefor with the Licensing Board and obtaining the Licensing Board's final approval under this Section 9-307.
 - 1. A license for operation of said STRU shall be valid for one (1) year from the date of issuance.
 - 2. The Operator shall also certify under penalty of perjury that he/she and the dwelling Unit complies with all the requirements of this Article.
 - 3. An Operator registered with the Licensing Board may only hold and operate one (1) STRU license for an OO-STRU or INV-STRU as defined in Newburyport Zoning Ordinance during any licensing year.
 - 4. Upon approval by the Licensing Board, the dwelling Unit approved as an STRU shall be issued a registration number by the Licensing Board.
 - 5. Upon submission of license applications, and from time to time, as deemed necessary by the Licensing Board or its designee, the Licensing Board may compare registration information to other information managed and maintained by the City, in order to effectively verify compliance with the provisions of this Article.
 - 6. The Licensing Board shall make each approval of an STRU, and related documentation including the application, decision, and any supplemental documents, available electronically via the City website within thirty (30) days of such addition.
- b. **Application for Registration.** Each application for registration of an STRU shall include the following information:
 - 1. Name, address, primary phone number and secondary phone number of both the Operator and the Emergency Contact, if different;

2. Evidence that the Operator is the record owner of the STRU, or is legally authorized to act in relation to the STRU as the record owner;
 3. Address of the STRU;
 4. The zoning district(s) of the STRU, and evidence of a valid STRU special permit or that an STRU special permit application is pending (if applicable);
 5. STRU category: Owner Occupied (OO-STRU), Investor (INV-STRU), or Plum Island (PI-STRU)
 6. Massachusetts Department of Revenue identification number, if already obtained;
 7. Evidence of zoning determination or grant of any required relief from Newburyport Zoning Ordinance (e.g. special permit)
 8. Evidence of a valid liability insurance policy (INV-STRU only). Attestation of a valid liability policy (OO-STRU and PI-STRU).
- c. Application Fees.** A fee of two-hundred dollars (\$200) per STRU shall be due with each application to register Rental Units as STRUs.
- d. Action Upon application.** Upon submission of a complete application, including all required materials and payment of the required fee:
1. The Licensing Board shall notify the applicant in writing of the place, date, and time of the public meeting at which it will consider and act on the application. Such meeting will be held within thirty (30) days after the date upon which the Licensing Board determines that the application is complete.
 2. The Licensing Board shall approve or approve with conditions those applications for registration that meet the requirements of this Article, and shall issue written notice of its decision within seven (7) days of its meeting, which notice shall be both (1) posted on the City website, and (2) sent by U.S. Mail to the applicant.
 3. Upon approval, the STRU shall be added to the Short-Term Rental Registry.
- e. Annual registration.** Each STRU shall apply for approval annually prior to the expiration of its annual registration, in the same manner as the original application.
- f. Registration upon sale or change of ownership.** Registration of an STRU shall not automatically transfer upon any sale or other transfer in ownership of such dwelling Unit to a new Operator. If a new Operator wishes to continue to list such dwelling Unit as an STRU, such new Operator shall apply to the Licensing Board pursuant to this Article to obtain a new, unique registration number. This requirement applies regardless of whether such sale or other transfer in ownership occurs before expiration of such dwelling Unit's year of registration as an STRU.
- g. Amending registration upon change in owner occupancy.** Unless an exception applies under Section 9-305, if an Operator offering a dwelling Unit as an STRU ceases to be a Primary Resident of such unit, then such Operator shall immediately notify the Licensing Board, which shall cancel the license of the dwelling Unit and remove the same from the Short-Term Rental Registry.
- h. Registration by booking agent.** Nothing herein shall prohibit a Booking Agent from providing registration services on behalf of an Operator with such Operator's written consent.

Sec. 9-306 Room occupancy excise.

A dwelling Unit subject to the provisions of this Article that is also subject to the Room Occupancy Excise under chapter 64G of the General Laws, or to any other excise tax or surcharge applicable to STRUs (including any local option) shall comply with the provisions of said statutes.

Sec. 9-307 Complaint process; violations.

- a. **Complaint.** A complaint alleging that an STRU duly registered as provided herein is being operated in violation of the terms of its registration may be filed by any person with the Enforcement Agent, which complaint shall be mailed at the same time by such complainant to the Operator of the STRU at the address set forth in the Short-Term Rental Registry. The complaint shall be in writing and contain the address of the STRU, the date and nature of the alleged violation(s), and the name and contact information of the complainant, and shall certify that such complaint was mailed to the Operator as required.
- b. **Review of complaint.** Within seven (7) days after receipt of a complaint under this section 9-308, the Enforcement Agent shall investigate the circumstances of such complaint. Within fourteen (14) days of receipt of such complaint, the Enforcement Agent shall determine if a violation has occurred, and shall provide written notice of her determination to the complainant, the Operator, and the Licensing Board. The Enforcement Agent shall keep records of all complaints received, a summary of the investigation into the same, and the determination made and reasons therefore.
- c. **Appeal.** An Operator may appeal a determination of violation to the Licensing Board by filing a written notice of appeal with the Board no later than fourteen (14) days following issuance of the determination.
- d. **Public hearing.** Upon the filing of an appeal from the Enforcement Agent's determination of violation, the Licensing Board shall conduct a hearing on such appeal.
 - 1. The Licensing Board shall notify the Operator in writing of the place, date, and time of the public hearing no less than seven (7) days prior to the hearing date, and no later than twenty-eight (28) days after receipt of the Enforcement Agent's determination;
 - 2. Upon holding a public hearing, the Licensing Board shall determine if a violation occurred and issue a written decision giving the Licensing Board's reasons for its decision, which decision shall be (1) posted on the city website, and (2) sent by U.S. Mail to both the applicant and the Complainant.
 - 3. If the Licensing Board determines a violation has occurred, in issuing its decision the Licensing Board may issue a warning, suspend the use of the STRU until the violation is corrected, condition the use of the STRU upon the completion of remedial action determined by the Board, or make such other order as is reasonably calculated to achieve compliance.
- e. **Judicial appeal.** Any person aggrieved by a final decision of the Licensing Board may seek relief therefrom in any court of competent jurisdiction, as provided by the laws of the Commonwealth.

Sec. 9-308 Penalties

- a. **Offering an ineligible unit as an STRU.** Any person who offers an STRU, or any Booking Agent who accepts a fee for so booking such real property, where such STRU is not listed on the Short-Term Rental Registry and is not eligible for such listing, shall be subject to a fine of up to three-hundred dollars (\$300) per day. Each day's failure to so comply with Section 9-303 or any other order in connection with the violation described in this subsection (a) of Section 3-309 shall constitute a separate violation. The City may also seek an injunction from a court of competent jurisdiction prohibiting the offering of the STRU.
- b. **Failure to register.** Any person who offers an STRU eligible for registration under this Article without having registered the STRU, or any person who offers or rents a registered STRU that has been suspended pursuant to any applicable federal, state, or municipal law, code, or regulation, shall be fined up to three-hundred dollars (\$300) per violation per day. Each day's

failure to comply with a Violation Order or any other order in connection with the violation described in this subsection (a) of section 9-309 shall constitute a separate violation.

- c. **Failure to comply with Violation Order.** Any person who fails to comply with any notice of violation or other order issued pursuant to this Article by the Licensing Board or its designee may be fined up to three hundred dollars (\$300) per violation per day. Each day's failure to comply with a notice of violation or any other order shall constitute a separate violation.

Sec. 9-309 Enforcement

- a. **Enforcement by the City.** The provisions of this section may be enforced in accordance with the noncriminal disposition process of MGL Chapter 40, Section 21D, and if applicable, by seeking to restrain a violation by injunction in any court of competent jurisdiction.
- b. **Enforcement by Booking Agent.** The City of Newburyport may enter into agreements with Booking Agents for assistance in enforcing this Article, including, but not limited to, covenants whereby the Booking Agent shall agree: (1) to remove a listing from its platform if such listing exceeds the maximum number of days that an STRU may be offered under the provisions of this Article; (2) to remove a listing from its platform that is deemed ineligible for use as an STRU under the provisions of this Article; and (3) to prohibit an Operator from listing any STRU in the City without having first obtained a valid registration number from the Licensing Board.

Sec. 9-310 Deregistration

In the event that a Dwelling Unit will cease to be offered as an STRU, such holder of the license shall contact the Licensing Board in writing to be removed. Dwelling units attached to licenses that are not renewed shall be removed from the registry upon expiration of said license.

Sec. 9-311 Data sharing

A Booking Agent shall provide to the Licensing Board, upon request, an electronic report of the listings maintained, authorized, facilitated, or advertised by such Booking Agent within the City of Newburyport during the applicable reporting period.

Sec. 9-312 Effective date.

The provisions of Article XI shall take effect one-hundred and eighty (180) calendar days after the date of adoption.

Sec. 9-313 Severability.

The provisions of Article XI are severable. In the event that any provision of Article XI is determined by a court of competent jurisdiction to be invalid for any reason, the remaining provisions of Article XI shall remain in full force and effect.

Councillor Sharif Zeid
Ward 1 City Councillor

CITY OF NEWBURYPORT



IN CITY COUNCIL

February 27, 2023

ORDERED:

A ZONING AMENDMENT TO ALLOW REGULATED 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), as follows:

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)	NP	NP	NP	NP	NP	NP						
Investor Short-Term Rental Unit (INV-STRU) ^(m)	111B	NP	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) Subject to the STRU special permit provisions set forth in Section V-G.
- (l) Requires application for a Zoning Review and issuance of a Zoning Determination as set forth in Section V G.
- (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 be further amended to insert new rows within Section V-E (List of allowable uses), as follows:

1. RESIDENTIAL		
USE	NUM	DESCRIPTION
Owner-Occupied Short-Term Rental Unit (OO-STRU)	111A	An STRU, as defined in Section V-G, in a dwelling unit 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, as defined in Section V-G, in a dwelling unit located outside of the Plum Island Overlay District (PIOD) and not occupied by the Operator as the Operator’s Primary Residence and that has been registered with the State of Massachusetts’s Public Registry of Lodging Operators as of February 27th, 2023. 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, as defined in Section V-G, in a dwelling unit 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.

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

V-G Short-Term Rental Units

- 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).

Short Term Rental Unit (STRU): Use of a dwelling unit, or portion thereof, consistent with Section V-G, for residential occupancy for a period of fewer than thirty (30) consecutive days per occupancy, and more than fourteen (14) cumulative days of occupancy per year in exchange for monetary payment or any other form of consideration. An STRU shall not include any other transient occupancy use listed in this Ordinance, including, without limitation, Hotel, Lodging House, or Bed and Breakfast.

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).

Operator: A natural person who is an owner of record of the dwelling 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 dwelling unit in which the Operator resides for no fewer than 183 days of every year and at which such residence the Operator certifies, under pains and penalties of perjury, that they occupy the subject property for the prescribed period. Said certification shall be submitted with any Request for Zoning Review pursuant to this section, accompanied by two (2) forms of documentation to substantiate the certification such as a valid Massachusetts Driver's License or state-issued identification card, valid motor vehicle registration, current voter registration card, or current census listing.

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

	Operator Residency	Operator Presence When Guests Present	Max Occupancy	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	Owner must be physically present overnight for any short-term rental night in excess of 120 short-term rental nights during any licensed year.	3 bedrooms, and 6 guests	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	No Limit	No Limit

4. STRU Zoning Review by Zoning Administrator. When Section V-D lists an STRU use as permitted by right (“P”), such use shall require the issuance in writing of a Zoning Determination as follows:

- a. Persons wishing to operate an OO-STRU, INV-STRU, or 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 permitted at a given location.
- b. A Zoning Determination under this provision shall lapse automatically after a period of three (3) years, after which the STRU use shall terminate unless a new Zoning Determination has previously been issued to allow the STRU use to continue. In order to avoid a lapse in STRU use, such review and approval by the Zoning Administrator 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-ownership or use or issuance of a decision granting zoning relief, such as Special Permits or variances, for the subject lot or (iii) the issuance of any building permit exceeding 50% of the value of the assessed value of the structures on the subject lot.
- c. A Zoning Determination for an STRU 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. 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.

5. STRU Special Permit. When Section V-D lists an STRU use as permitted by Special Permit (“SP”), the Zoning Board of Appeals shall be the Special Permit Granting Authority (SPGA), and the following provisions shall apply:

- a. The final deadline to apply for a Special Permit hereunder shall be six (6) months from the effective date of this Ordinance.
- b. An STRU special permit 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. In every instance, and notwithstanding the aforementioned three (3) year term, all Special Permits issued pursuant to this section shall automatically expire

on June 30th, 2030 and may not be extended by Variance or any other means. No Special Permit shall be issued hereunder after said date or for any period extending beyond said date.

- c. In accordance with the above all Special Permits for STRU use hereunder require renewal of Special Permit approval after three (3) years, and as such said use cannot become a lawful nonconforming use beyond said three (3) year term, unless a new STRU Special Permit is applied for and approved in accordance with this Section.
- d. In order to avoid a lapse in STRU use, a new STRU special permit must be granted prior to the expiration of the special permit or change in ownership.

6. 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) interior floor plan or sketch 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 (4) 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.

7. General Requirements for any STRU

- a. An STRU may only be established in conjunction with a lawful dwelling unit within one of the following four principal residential uses: One family (Use 101), Two-family (Use 102), Multifamily (Use 103), and Mixed Use (Use 405).
- b. All occupants of the STRU and of the dwelling unit within which the STRU is located must have shared access to the same primary kitchen facility.
- c. The STRU shall comply with any applicable requirement for off-street parking as set forth in Section VII-B.
 - i. When the principle residential use to which the STRU is to be established in conjunction with is lawfully nonconforming as to the off-street parking requirements of this ordinance, such lawful nonconformity may continue and the addition of an STRU shall only require any additional parking spaces required by Section VII-B for the applicable STRU.
 - ii. No Variance from any off-street parking requirement shall be granted for an STRU use.

- d. 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.
- e. In the B-2 and B-3 zoning districts, each STRU shall be located solely above the first floor of the structure.
- f. 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.
- g. 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.
- h. 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.
- i. The Operator shall comply with all applicable federal, state and local laws and regulations. Notwithstanding this requirement, an STRU may be established on a lot or within a building that is lawfully nonconforming to a provision of this zoning ordinance (including off-street parking requirements) without being required to fully conform to such provision.

8. Ineligible dwelling 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 dwelling 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.

9. 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.

10. 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.

THAT the Zoning Ordinance be further amended to insert new rows within Section VII-B (Parking requirements), as follows:

USE	NUM	PARKING REQUIREMENT
Owner-Occupied Short-Term Rental Unit (OO-STRU)	111A	The minimum parking required for the principal residential use <i>(including recognition of any preexisting nonconformity for same)</i> , plus 1 additional parking space for the STRU use, except that the renting of only 1 or 2 bedrooms shall not require the additional space.
Investor Short-Term Rental Unit (INV-STRU)	111B	The minimum parking required for the principal residential use <i>(including recognition of any preexisting nonconformity for same)</i> , plus 1 additional parking space for the STRU use, except that the renting of only 1 or 2 bedrooms shall not require the additional space.
Plum Island Short-Term Rental Unit (PI- STRU)	111C	The minimum parking required for the principal residential use <i>(including recognition of any preexisting nonconformity for same)</i> .

Councillor Sharif Zeid
Ward 1 City Councillor

CITY OF NEWBURYPORT



IN CITY COUNCIL

August 28, 2023

(As Amended with the Planning Board in Committee on 10/4/2023)

ORDERED:

A ZONING ORDINANCE AMENDMENT TO PERMIT INDOOR AND OUTDOOR RECREATIONAL USES IN A LIMITED PORTION OF THE NEWBURYPORT BUSINESS PARK

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

WHEREAS, The Newburyport City Council works to encourage indoor and outdoor and recreational activities for all residents in appropriate locations within the City; and

WHEREAS, there are currently limited areas within the City to provide for the development, creation or expansion of said indoor and outdoor recreational uses.

WHEREAS, a few similar uses already exist within a limited portion of the Newburyport Business Park *(more particularly along the corridor created by Graf Road and Parker Street)*.

THEREFORE, LET IT BE ORDAINED THAT Sections V-D (Table of Use Regulations), VI-A (Dimensional Controls), and VII-B(Parking Requirements) be amended and revised, pursuant to Section XII-B (Adoption and Amendment) to read as follows, with deletions ~~stricken through and bold~~ and additions **double underlined and in bold** as follows:

Section V-D – Table of Use Regulations

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
Outdoor Health and Recreational Facility (j)	305	NP	NP	NP	SP	NP	NP	NP	NP	<u>NP</u> <u>SP</u> <u>(k)</u>	<u>NP</u> <u>SP</u> <u>(k)</u>	NP	NP	NP	NP

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
Indoor Health and Recreational Facility (j)	406	NP	NP	NP	NP	SP	P	P	P	<u>NP</u> <u>SP</u> <u>(k)</u>	<u>NP</u> <u>SP</u> <u>(k)</u>	NP	NP	NP	SP(e)

Add a new footnote (k) as follows:

(k) Use permitted by Special Permit only on properties with frontage and vehicular access from Henry Graf Jr. Road, New Pasture Way and/or Parker Street (between the intersection with Henry Graf Jr. Road and easterly to the MBTA Commuter Rail Station/Clipper City Rail Trail). Otherwise prohibited in I-1 and I-1B Districts.

Section VI-A – General Regulations (Table of Dimensional Requirements)

Use	Num	District	Lot Area	Street Frontage	Height	% Lot Cov.	Open Space	Front	Side	Rear
Outdoor Health and Recreational Facility	305	<u>R-2,</u> <u>I-1,</u> <u>I-1B</u>	196,020 (4.5 acres) <u>60,000</u> <u>(within</u> <u>the I-1</u> <u>and I-1-B</u> <u>Districts)</u>	200	30	30	NA	50	50	50
Indoor Health and Recreational Facility	406	<u>B-1,</u> <u>I-1,</u> <u>I-1B</u>	20,000	90	35 <u>(40</u> <u>within</u> <u>the I-1</u> <u>and I-1-B</u> <u>District</u> <u>s)</u>	30	NA	20	20	20
	406	B-2	10,000	60	40	100	NA	0	0	0
	406	B-3	20,000	90	40	60	NA	20	20	20
	406	WMU	10,000	60	40	30	NA	20	20	20

Section VII-B – Parking Requirements

USE	NUM	PARKING REQUIREMENT
Outdoor Health and Recreational Facility	305	1 per 1,000 sq ft of court or other game play area 1 per 300 sq ft of surface pool area Parking requirements shall be cumulative for all uses on the lot <u>Note: In granting a Special Permit for this use, the Planning Board may increase these parking requirements.</u>
Indoor Health and Recreational Facility	406	1 per 1,000 square ft of court area or other game play area 1 per 300 sq ft of other indoor recreational areas Parking requirements shall be cumulative for all uses on the lot <u>Note: In granting a Special Permit for this use, the Planning Board may increase these parking requirements.</u>

AND FURTHER, THAT a new Section VI-P be inserted within the Ordinance, said section to read as follows:

Section VI-P – Setback for Outdoor Recreational Facilities

Any outdoor recreational facility shall be set back from all property lines by one-half of the required yard on the adjoining property or 25 feet, whichever is greater. This provision shall not apply to an outdoor recreational facility that (a) is accessory to a single-family or two-family dwelling, or (b) is treated as a building for setback purposes because it is enclosed for portions of the year by a retractable or mobile enclosure system.

Councillor Heather L. Shand

Councillor James J. McCauley

Councillor Edward C. Cameron Jr.

In City Council August 28, 2023:

Motion to refer to Planning & Development and COTW by Councillor McCauley, seconded by Councillor Preston. Roll call vote, 11 yes, motion passes.

**Proposed Zoning Amendment to Permit Recreational Uses in the I-1 and I-1B Districts
(ODNC00160)
Planning Board Report and Recommendations
October 4, 2023**

In accordance with MGL c.40A s.5, the Planning Board submits to the City Council this report with recommendations concerning ODNC00160, a proposed amendment to the zoning ordinance to allow indoor and outdoor recreational uses in the I-1 and I-1B Districts (STRUs).

The Planning Board discussed the proposed zoning ordinance amendment in a joint public hearing with the City Council’s Planning and Development Committee on October 4, 2023. Following the public hearing, the Board voted unanimously (with one abstention) to recommend adoption of the proposed zoning ordinance subject to the following changes and additions:

(1) In Section V-D –Table of Use Regulations, make the following two changes:

- (a) Change “easterly to Route One” to “easterly to the MBTA Commuter Rail Station/Clipper City Rail Trail.”

Rationale: The boundary change is recommended because indoor and outdoor recreation are inappropriate principal uses for lots fronting on Route One.

- (b) Insert the following sentence at the end of footnote (k): “Otherwise prohibited in I-1 and I-1B.”

Rationale: This additional sentence clarifies that these recreational uses are not permitted on lots in the Business Park that do not front on the listed streets.

(2) In Section VI-A – Table of Dimensional Requirements, make the following three changes:

- (a) For Outdoor Health and Recreational Facility (use no. 305), under “Lot Area”, change “20,000” to “60,000.”

Rationale: The existing lot size requirement for outdoor health and recreational facilities is 196,020 sq. ft. (4.5 acres) and was likely chosen in part to provide adequate buffering from surrounding residential uses. If these recreational facilities are permitted in the proposed areas of the Industrial zoning districts, the minimum lot size should be reduced because there are only a few individual lots that would comply with the existing requirement.

However, 20,000 sq. ft. is likely inadequate to support an outdoor recreational use along with the required setbacks, parking spaces, driveways, wetland setbacks, etc. A minimum lot size of 60,000 sq. ft. is somewhat more likely to accommodate such uses.

- (b) For Indoor Health and Recreational Facility (use no. 406): under “Height” and “% Lot Cov.,” insert “40 in I-1 and I-1B.”

Rationale: The increased building height and coverage limits are more in keeping with the appropriate scale development in this portion of the Business Park. Over the coming months, the Planning Board will be reviewing the zoning for the area covered by the proposed amendment and will likely be presenting a broader proposal for rezoning including revised dimensional standards.

- (3) In Section VII-B – Parking Requirements, amend both proposed notes by deleting the phrase, “depending on the size and nature of proposed court or other game play areas”

Rationale: These notes are redundant because Sec. X-H.7.B(6) of the Zoning Ordinance already authorizes the special permit granting authority (in this case, the Planning Board) to require “off-street parking and other special features beyond the minimum required by this ordinance.” It is understood that the Planning Office has proposed inserting the notes to call out this authority to potential applicants and so there is no objection to repeating the provision here.

However, the “depending ...” clause could be interpreted as restrictive, that is, it could suggest that the basis for this authority is limited only to the “size or nature” considerations and not to other matters that would typically be considered by the Board, including the context of the lot. To eliminate all possible ambiguity, it is recommended that this phrase be deleted from the notes.

- (4) Insert a new section VI-P as follows:

VI-P Setback for outdoor recreational facilities

Any outdoor recreational facility shall be set back from all property lines by one-half of the required yard on the adjoining property or 25 feet, whichever is greater. This provision shall not apply to an outdoor recreational facility that (a) is accessory to a single-family or two-family dwelling, or (b) is treated as a building for setback purposes because it is enclosed for portions of the year by a retractable or mobile enclosure system.

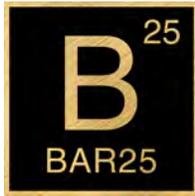
Rationale: The yard requirements in Section VI-A (Table of Dimensional Requirements) only apply to structures and not to the play areas that would be permitted as outdoor recreational facilities. (An exception is an outdoor recreational facility that can be enclosed seasonally: the enclosure is treated as a structure and is subject to yard requirements.) Because these new recreational uses are being inserted into a Business Park which includes mixed uses (including existing and potential residential uses permitted in overlay districts), the same types of off-site impact issues may arise in the future as currently exist in residential areas, particularly since the minimum lot area is being significantly reduced. Therefore, it is recommended that a minimum setback requirement for outdoor recreational uses be established, based on the required yard of the adjoining property.

Committee Items – October 30, 2023

Public Works & Safety

In Committee:

- APPL00163_10_16_2023 Bar 25 Planters Request
- ODNC00161_10_16_2023 Pleasant Street 15 min parking space
- ODNC00162_10_16_2023 Amended Parking Restrictions on Toppans Lane
- ODNC00163_10_16_2023 Federal St. HP Space



Dear Mr. Jones,

I am writing to formally request that Bar25 be granted permission by the city of Newburyport to keep our planters in place against the building during the fall and winter seasons. Currently, we are burdened with excessive costs associated with storing these planters during the off-season, as well as arranging for their setup and pickup. Over the past three seasons, we have paid approximately \$10,000 per season for these services.

It is important to note that we pay the same outdoor dining fees as other restaurants using parklets in the area, yet we are not provided with the same level of support by the city. Unlike other establishments, whose parklet storage is managed by the city, we are required to bear the additional expenses of setting up and dismantling our patio. Additionally, it appears that the city even covers the costs of flowers for these establishments.

We believe this lack of parity is unjust, as we are already contributing the same amount as other restaurants. Our proposed solution is to neatly stack the planters against the building, ensuring that they do not impede snow removal or pose any tripping hazards. Furthermore, we are committed to maintaining the aesthetic standards of downtown Newburyport by planting seasonal floral arrangements in these planters at our own cost.

For your reference, I have attached an illustration of our proposal. Should there be any inquiries or concerns, please do not hesitate to contact me at your convenience. We sincerely appreciate your consideration of this matter.

Best regards,
Reza Rahmani



CITY OF NEWBURYPORT



IN CITY COUNCIL

ORDERED:

October 16, 2023

AN ORDINANCE TO ADD A 15 MINUTE PARKING SPACE IN DOWNTOWN

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

THAT Chapter 13 Article IV of the Code of Ordinances, City of Newburyport, Massachusetts, is hereby amended to read as follows, with ~~deletions double-stricken and italicized~~, and additions double-underlined and italicized:

Sec. 13-176.2 – Same – Fifteen minutes.

No person shall park any vehicle for longer than fifteen minutes on the following described streets or parts thereof:

<i>Street</i>	<i>Extent</i>
<u><i>Pleasant Street</i></u>	<u><i>The first space on the southerly side of Pleasant Street at the intersection State Street and Pleasant Street</i></u>

Councillor Jennie L. Donahue

In City Council October 16, 2023:

Motion to collectively refer ODNC00161, ODNC00162, and ODNC00163 to Public Works & Safety by Councillor McCauley, seconded by Councillor Preston. So voted.

CITY OF NEWBURYPORT



IN CITY COUNCIL

ORDERED:

October 16, 2023

AN ORDINANCE TO LIMIT ON-STREET PARKING ON TOPPAANS LANE

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

THAT Chapter 13 Article IV 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*:

Sec. 13-168. - Parking limited—Generally.

No person shall park any vehicle on the following streets or portions of streets as indicated below:

<i>Street</i>	<i>Zones</i>
<u><i>Toppans Lane</i></u>	<u><i>East side of street, opposite Highland Avenue from the crosswalk to a point 45 feet south.</i></u>

Councillor James J. McCauley

In City Council October 16, 2023:

Motion to collectively refer ODNC00161, ODNC00162, and ODNC00163 to Public Works & Safety by Councillor McCauley, seconded by Councillor Preston. So voted.

CITY OF NEWBURYPORT



IN CITY COUNCIL

ORDERED:

October 16, 2023

AN AMENDMENT TO AN ORDINANCE TO ADD A NEW HANDICAPPED PARKING SPACE PURUSANT TO SECTION 179 OF CHAPTER 13 (TRAFFIC AND MOTOR VEHICLES) OF THE MUNICIPAL CODE

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

Chapter 13	Traffic and Motor Vehicles
Article 4	Specific Street Schedules
Division 6	Stopping, Standing and Parking
Section 13-179	Handicapped Zones

Amend Section 13-179 by inserting a new line, as follows, with deletions ~~double-stricken through~~, and additions double-underlined:

No person, without a duly authorized handicapped vehicle registration or placard, as described in M.G.L.A. c. 90, § 2 shall park a vehicle in any of the following described parking spaces as designated by signs and symbols:

Federal Street

One (1) space on the east side located in front of the between 57 feet and 77 feet south of Beck St (in the in front of 29 Federal St.). for a period of five years. Said space shall be so designated on Sundays only from 9 am to 1 pm

Councillor Sharif I. Zeid

In City Council October 16, 2023:

Motion to collectively refer ODNC00161, ODNC00162, and ODNC00163 to Public Works & Safety by Councillor McCauley, seconded by Councillor Preston. So voted.