

CITY COUNCIL MEETING AGENDA - VERSION 2

REMOTE – <https://zoom.us/j/199034085>

Phone Dial-In Instructions:

Dial: (312) 626-6799 Webinar ID: 199 034 085

MARCH 30, 2020

7:30PM

(Sound Check)

1. MOMENT OF SILENCE

2. CALL TO ORDER

3. LATE FILE ITEMS - ORDR176_03_30_2020 Reusable Bags, COMM236_03_30_2020 DLS Bulletin 2020-01, COMM237_03_30_2020 21-23 Walnut St, ORDR177_03_30_2020 Parking Clerk Permit Order

4. PUBLIC COMMENT

5. 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.

6. APPROVAL OF MINUTES

- March 9, 2020 (Approve)
- March 16, 2020 (Approve)

7. COMMUNICATIONS

- COMM234_03_30_2020 Ltr from Newburyport Livable Streets March 11, 2020 (NCS)
- COMM235_03_30_2020 Ltr re: SC Apptmnt of Brett Murphy to Whittier Vo-Tech Cmte (R&F)

8. TRANSFERS

- NONE

9. APPOINTMENTS

First Reading

- | | | | | |
|----------------------|----------------------|------------------------|---------------------|-----------|
| • APPT157_03_30_2020 | Susanne F. Gallagher | 3 Garnet St | Board of Registrars | 3/30/2023 |
| • APPT158_03_30_2020 | Kevin Hunt | 14 10 th St | Veterans' Agent | 4/1/2021 |
| • APPT159_03_30_2020 | Judy Tymon | 39 Lime St | Aff Housing Trust | 4/30/2022 |
| • APPT160_03_30_2020 | Andrew Casson | 240 Merrimac St | Harbor Comm | 3/31/2023 |

To be Referred to Planning & Development

- | | | | | |
|----------------------|--------------|--------------|----------------|-----------|
| • APPT161_03_30_2020 | Rick Taintor | 10 Dexter St | Planning Board | 4/15/2025 |
|----------------------|--------------|--------------|----------------|-----------|

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

Budget & Finance

- TRAN069_03_09_2020 Free Cash \$13K to EMR Maint-Building \$10.5K, EMR Utilities \$2.5K
- TRAN071_03_09_2020 Receipts Reserved for Appr Fuel \$80K to DPS Highway Fuel & Oil \$80K

Planning & Development

- APPT142_01_27_2020 Matthew D. Pieniazek 39 Marlboro St Waterfront Trust 1/1/2025

END OF CONSENT AGENDA REGULAR AGENDA

10. MAYOR'S UPDATE

11. APPOINTMENTS

Second Reading

- APPT153_03_09_2020 Jane Healey 38 Winter St Comm Pres Comm 3/31/2023
- APPT154_03_09_2020 Paul J. Harrington 251B High St Tree Comm 3/31/2023
- APPT155_03_09_2020 Maurice Southworth 12 Fruit St Fruit St Historic 5/31/2023

12. COMMUNICATIONS

- COMM236_03_30_2020 LATE FILE DLS Bulletin 2020-01 Emergency Expenditures and Borrowing
- COMM237_03_30_2020 LATE FILE 21-23 Walnut St Public Safety Concern

13. ORDERS

- ORDR176_03_30_2020 LATE FILE Ban on Fabric Reusable Bags in Newburyport During State of Emergency
- ORDR177_03_30_2020 LATE FILE Parking Clerk Permit Order During State of Emergency

14. ORDINANCES

- NONE

15. COMMITTEE ITEMS

NOTE: UNDERLINED COMMITTEE ITEMS WILL BE CONSIDERED AT THIS MEETING

Budget & Finance

In Committee:

- ORDR132_07_15_19 CPC FY2020 Recommended Appropriations (COTW)
Project No. 9 held in committee.
- ORDR136_08_19_19 Fuller Track Phase II Loan Order
- COMM189_09_09_19 CPC Revised Recommendation for FY2020 Appropriations
- **TRAN069 03 09 2020 Free Cash \$13K to EMR Maint-Building \$10.5K, EMR Utilities \$2.5K**
- TRAN070_03_09_2020 Free Cash \$25K to LIB Maint-Equipment \$25K
- **TRAN071 03 09 2020 Receipts Reserved for Appr Fuel \$80K to DPS Highway Fuel & Oil \$80K**
- TRAN072_03_09_2020 Receipts Reserved for Appr Fuel \$22.5K, Water Ret. Earn. \$7,725, Sewer Ret. Earn. \$7,725 to Tank Upgrades \$37,950
- COMM232_03_09_2020 Annual Audit of the City's FY2019 Financial Statements
- ORDR172_03_09_2020 Brislin Scholarship Gift Acceptance \$4,793.86
- ORDR173_03_09_2020 Acceptance of MGL Chapter 40, Section 5B (fourth paragraph)
- ORDR174_03_09_2020 Plum Island Beach Fee Dedication
- ODNC053_03_09_2020 Establishment of Plum Island Beach Stabilization Fund

Education

In Committee:

- ORDR175_03_09_2020 Newburyport High School Statement of Interest - Roof and Science Labs

Rules

In Committee:

- COMM220_01_27_2020 Proposed City Council Rule 9F
- ORDR170_02_24_2020 Amendment Council Rules 2020 (COTW)
- ORDR171_02_24_2020 Amendment to Rule 17B (COTW)

16. GOOD OF THE ORDER

17. ADJOURNMENT

LATE FILE ITEMS



Bulletin

BUL-2020-01

Emergency Expenditures and Borrowing

TO: Local Officials
FROM: Marie Jane Handy, Director of Accounts
DATE: March 20, 2020
SUBJECT: **Emergency Expenditures Related to COVID-19 under G.L. c. 44, § 31 and
Emergency Short-term Borrowing under G.L. c. 44, § 8(9)**

This Bulletin provides guidance to local officials on emergency expenditures related to COVID-19 under G.L. c. 44, § 31. The provisions of G.L. c. 44, § 31 apply to cities, towns and special purpose districts as defined under G.L. c. 44, § 1, but do not apply to regional school districts.

Note – Legislation is pending which may affect the information contained in this Bulletin. If such legislation is approved, the Director will issue further guidance.

I. Emergency Liabilities in Excess of Appropriation

Under G.L. c. 44, § 31, no department financed by municipal revenue, or in whole or in part by taxation, of any city, town or special purpose district, except Boston, may incur liabilities in excess of appropriation “except in cases of major disaster, including, but not limited to, flood, drought, fire, hurricane, earthquake, storm or other catastrophe, whether natural or otherwise, which poses an immediate threat to the health or safety of persons or property, and then only upon a declaration by the governor of a state of emergency with respect to the disaster” On March 10, 2020, the Governor declared a state of emergency with regard to COVID-19. As a result, cities, towns and special purpose districts may expend from any available funds in the treasury in relation to the emergency without an appropriation by following the procedure described below.

II. Payment of Liabilities After Director’s Approval

Emergency liabilities in excess of appropriation may only be paid after written approval by the Director of Accounts (Director) of the Division of Local Services (DLS). Requests for written approval must be made by the entity’s chief executive officer (CEO). Under G.L. c. 4, § 7, clause Fifth B, the CEO is the mayor in a city and the selectboard in a town unless some other municipal office is designated to be the chief executive officer under the provisions of a local charter. In a district, the prudential committee, if any, otherwise the commissioners shall act as the CEO. The request must include the following:

- a spending estimate to address the emergency situation
- a description of the types of expenditures anticipated to be made.

Payments may be made from any available funds in the treasury. The Director's written payment authorization will deem these expenditures to be legal overdrafts. The spending estimate may be increased upon approval by the Director, if needed. The Director's approval provides immediate spending authority until other financing sources, such as emergency borrowing or appropriations from available funds, can be put in place to cover the spending.

Even if the entity intends to emergency borrow as will be shown in this Bulletin, the Director's payment approval is still necessary so as to not negatively affect the calculation of free cash.

III. Allowable and Non-Allowable Liabilities

Allowable liabilities in excess of appropriation which may be incurred include personnel costs, overtime and other costs associated with the emergency, including but not limited to, costs related to extraordinary cleaning of public buildings, maintaining the health and safety of employees or the public, including the purchase of personal protective supplies and equipment, and costs to implement remote participation of local boards or committees in meetings under the Open Meeting Law as described in the Governor's Order dated March 12, 2020 – Order Suspending Certain Provisions of the Open Meeting Law, G.L. c. 30A, § 20.

IV. Accounting for Expenditures

After receiving the Director's written payment authorization, the local accounting officer may either:

- establish a COVID-19 emergency account to charge expenditures (recommended); or
- charge any applicable existing account(s). If this option is chosen, by fiscal year end, the Director's authorized payments may be transferred by the local accounting official without appropriation to a COVID-19 emergency account as indicated above. If a sufficient balance remains in the account(s) as of June 30, such a transfer may be deemed unnecessary.

V. Providing for an Emergency Account Deficit

An emergency account deficit may be provided for in the current fiscal year's Tax Rate Recap, with or without appropriation from the tax levy, if the tax rate has not yet been set. Otherwise, the deficit must be provided for in the next fiscal year's Tax Rate Recap unless otherwise indicated by the Director. Additional options include:

- appropriating from certified free cash or other allowable available funds;
- transferring under G.L. c. 44, § 33B;
- applying applicable insurance reimbursements;
- borrowing short or long term under G.L. c. 44, § 8(9), and/or G.L. c. 44, § 8(9a), the proceeds from which must be received prior to tax rate certification for the deficit to be deemed provided for

VI. Reporting of Expenditures

Emergency payments as of June 30th which have not been provided for are reported by the accounting officer or treasurer to the board of assessors to include in the next annual Tax Rate

Recap unless otherwise provided for, so long as any proceedings brought under G.L. c. 40, § 53 regarding restraint of illegal appropriations are terminated.

VII. Emergency Short-term Emergency Borrowing under G.L. c. 44, § 8(9)

Cities, towns and special purpose districts may borrow through short-term notes to fund emergency payments approved by the Director under G.L. c. 44, § 31 for a period not more than 2 years or such longer period up to 10 years as the Director shall determine after considering the ability of the city, town or district to provide other essential public services and pay, when due, the principal and interest on its debts, the amount of federal and state payments likely to be received for the purpose of the appropriations and such other factors as the Director may deem necessary or advisable.

To use this short-term emergency borrowing option, the municipality or district must (1) authorize the borrowing and (2) obtain the approval of the borrowing from the Director. The borrowing may be authorized (1) in the regular manner by two-thirds vote of the municipality or district's legislative body, and in a city with the approval of the mayor if required by charter, or (2) under an expedited procedure authorized by the treasurer of the city, town or district, with the approval of the chief executive officer in a city or town, or the prudential committee, if any, or by the commissioners in a district.

Short-term borrowing may be paid down at maturity by applying without appropriation any FEMA or similar reimbursements received regarding the emergency expenditures or insurance reimbursements received regarding the emergency expenditures less than \$150,000 with approval of the chief executive officer under G.L. c. 44, § 53.

For purposes of 8(9), emergency means:

“a sudden, unavoidable event or series of events which could not reasonably have been foreseen or anticipated at the time of submission of the annual budget for approval; provided, further, that emergency shall not include the funding of collective bargaining agreements or items that were previously disapproved by the appropriating authority for the fiscal year in which the borrowing is sought;”

For more information on this borrowing option, please contact Bill Arrigal in the DLS Public Finance Section at (617) 626-2399 email: arrigal@dor.state.ma.us. For other questions regarding this Bulletin, please contact your Bureau of Accounts field representative.

Kathleen & Bronson de Stadler
19 Walnut Street
Newburyport, MA 01950

City Council President Jared J. Eigerman
Newburyport City Council Members
City Hall
Newburyport, MA 01950

March 28, 2020

Dear City Council President Jared Eigerman and City Council Members,

We are writing to enlist the City Council's help in next steps to address a deteriorating property adjacent to our Walnut Street home.

Background

21-23 Walnut Street is a Greek Revival three story home dating from the 1840s. The property was originally a single family house that was converted into a 2 unit condominium some years ago, with each unit now owned by a different bank related mortgage company. The property was abandoned by its prior owners with personal possessions left in the house and throughout the property 3 years ago.

As adjacent neighbors, our property faces the property. We began enlisting the help of the Health and Building Departments by lodging complaints in 2018 about the ongoing problem of squirrels entering the building through rotted soffits along the roof and rotten openings in the side of the building and basement. Further, the garage had a gaping hole in one wall and a missing door.

Our initial efforts were unsuccessful. Upon inspection by the building department in November 2018 we were told the building "looked occupied" despite the fact it had not been for some time, and the water and electricity had been turned off. After subsequent complaints by us and other neighbors over a two year period (and the intervention of historic preservation advocates) the mortgage companies were notified that the building must be secured or they would face daily fines until this work was done as it presented a hazard to the neighborhood. The companies complied by removing the previous owners possessions in the building and yard, boarding up openings, securing windows, and hiring an extermination company to prevent animals entering the building through holes in the soffits.

The initial extermination company used illegal traps to catch animals entering the building, resulting in a dead squirrel hanging by its neck in a trap down the side of the building, in full view of children in the neighborhood and passersby. A call was made to the Health Department

and the Animal Control Officer, who intervened. A new extermination company was hired and used appropriate and legal methods to trap squirrels and other animals and prevent access by them.

Actions Taken to Date

1. Complaint filed with the City Health Department after consulting with the Building Department (October 31, 2018).
2. Visit from Planning Department (Nov. 2018, result noted above).
3. Neighbors sought help from Ward 4 City Councilor Charlie Tontar (no response received).
4. Email sent to Andy Port and Jennifer Blanchet of a possible NZO Section XXVIII-F situation by a contributing building to the DCOD (January 5, 2019)
5. Site visit made on January 9, 2019 by Jennifer Blanchet (result was "not grounds to consider the property neglected or abandoned")
6. Email sent to Andy Port and Jennifer Blanchet requesting further investigation and monitoring of the abandoned property (February 12, 2019). No response.
7. Complaint filed with the City Health Department (June 19, 2019)
8. Ward 4 City Councilor Christine Wallace contacted December 2019, and has been actively involved since that time.
9. Zoning Compliance Request sent on January 9, 2020 to Chalet Properties III LLC (21 Walnut Street) and Federal Home Loan Mortgage Corporation (23 Walnut Street) certified mail citing Newburyport Zoning Ordinance (section XXVIII-F) authority to fine \$300 a day for non-compliance.
10. Coco, Early & Associates responded for FHLM to Zoning Compliance Request, saying they will comply (January 23, 2020).
11. Disposal company removed belongings from inside the house and all possessions and trash from the exterior of the property.
12. Construction company hired and covered all gaping holes into the basement, the side of the building and missing garage door.
13. The Realty company hired an exterminator, needed to fire him, hired a second company.

Current Situation

1. In the 8 weeks since the second exterminator completed his work, there has been no monitoring, and squirrels and possibly rodents or other animals have found multiple spots in the building or rotten soffits to enter.
2. No further repairs have been made. The soffits and other parts of the building continue to rot further. The roof continues to deteriorate with shingles on the property and in our yard.

Concerns

1. One of the realtors and one of the exterminators reported that the squirrels had done extensive damage to the interior of the building, tearing-up areas to build nests. This is apparently continuing.
2. Squirrels and possibly other animals are again entering the building, likely causing further damage.
3. The loose shingles could fly off at any time, possibly injuring passersby and pets being injured.

Requests

1. The stopgap measures taken to keep squirrels from infesting the building have not worked. There has been no follow-up. We request that more substantive repairs be done to the rotting soffits and other parts of the building to prevent this from happening.
2. We are concerned about the possibility of chewed wires inside the building which could present a fire hazard. We would like to request that the Building Inspector and Fire Marshal inspect the property, especially the third floor.
3. We hope that the City may have some means to influence the Mortgage Holders to promptly make necessary repairs so that both units can be released for sale. (Only one unit is currently for sale.) We have been told that there are buyers interested in buying both units, not one in a deteriorating building, and rehabilitating the property.
4. Finally, from an animal protection standpoint, it seems cruel to allow squirrels to continue to enter the building, as extermination involves luring them into traps and then euthanizing them.

As 40+ year residents of this beautiful city, we hope you will take action on this long-standing situation to address a health and safety problem.

Sincerely yours,

Bronson and Kathleen de Stadler

**AN ORDER RELATIVE TO THE USE OF REUSABLE BAGS IN THE CITY OF
NEWBURYPORT**

Be it ordered by the City Council of the City of Newburyport that:

The use of fabric reusable bags, as defined in Newburyport Municipal Code Article 3, Section 6.5-45, shall be prohibited within the City during the official State of Emergency as declared by Governor Charles D. Baker under Executive Order Number 591, dated 3/10/2020.

Respectfully Submitted,

Byron Lane, Ward 6 Councillor

Order Authorizing the Parking Clerk to Extend Employee Parking Permits

March 30, 2020

THAT pursuant to the CITY OF NEWBURYPORT Code of Ordinances Section 13-180.1(f)(1) and Section 13-166, the CITY COUNCIL of the CITY OF NEWBURYPORT hereby authorizes the Parking Clerk to extend the expiration date of Employee Parking Permits issued on or after March 10, 2020 by the number of days calculated between the state of emergency declaration on March 10th, due to the COVID-19 pandemic, and its ultimate rescission date by an Executive Order of the Governor. Permit holders will be notified by email through the Parking System.

This above-described extension shall further be subject to any necessary regulations promulgated by the Parking Clerk. as described in Section 13-180.1.(f)(2).

Councillor Sharif I. Zeid

Councillor James J. McCauley

Councillor Jared J. Eigerman

CONSENT AGENDA

CITY COUNCIL MEETING MINUTES

CITY COUNCIL CHAMBERS

MARCH 9, 2020

7:30PM

The City Council President, Jared Eigerman, called the meeting to order at 7:30pm, followed by the Pledge of Allegiance. A moment of silence was held for Stephen Cutter, former Fire Chief of the City of Newburyport. The City Council President then instructed the City Clerk to call the roll. The following Councillors answered present: Tontar, Vogel, Wallace, Zeid, Devlin, Khan, Lane, McCauley, Connell, Shand, Eigerman. 11 present.

(Sound Check)

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

1. Bud Chagnon	43 Lime St	ZBA Appt
2. Joe Morgan	55 Hill St	NHC Appt
3. Jennie Donahue	18 Cherry St	NCOD Appt
4. Shawn Flaherty	32 Milk St	NCOD Appt
5. Jerry Mullins	7 Parsons St	Fire Station
6. Jane Snow	9 Coffin St	Fire Station

6. MAYOR'S COMMENT

The Mayor gave an update pursuant to her written communication.

CONSENT AGENDA

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

7. APPROVAL OF MINUTES

- February 24, 2020 (Approve)

8. TRANSFERS

- TRAN069_03_09_2020 Free Cash \$13K to EMR Maint-Building \$10.5K, EMR Utilities \$2.5K (B&F)
- TRAN070_03_09_2020 Free Cash \$25K to LIB Maint-Equipment \$25K (B&F)
- TRAN071_03_09_2020 Receipts Reserved for Appr Fuel \$80K to DPS Highway Fuel & Oil \$80K (B&F)
- TRAN072_03_09_2020 Receipts Reserved for Appr Fuel \$22.5K, Water Ret. Earn. \$7,725, Sewer Ret. Earn. \$7,725 to Tank Upgrades \$37,950 (B&F)

9. COMMUNICATIONS

- APPL004_03_09_2020 Footsteps for Food - 4/14/2020 (PS)
- APPL005_03_09_2020 Cultural Survival Bazaar - 7/18-19 2020 (PS)
- APPL006_03_09_2020 Spring Invitation Night - 5/1/2020 (PS)
- APPL007_03_09_2020 Newburyport Spring Festival - 5/24-25 2020 (PS)
- APPL008_03_09_2020 Newburyport Car Show - 8/20/2020 (PS)
- APPL009_03_09_2020 Newburyport Fall Harvest Festival - 10/11-12 2020 (PS)

- APPL010_03_09_2020 Witches' Night Out - 10/23/2020 (PS)
- APPL011_03_09_2020 Downtown Trick or Treat - 10/30/2020 (PS)
- APPL012_03_09_2020 Invitation Nights - 12/4, 12/11, 12/18 2020 (PS)
- COMM230_03_09_2020 Yearly Report, Section 16A of the Liquor Control Act (L&P)
- COMM231_03_09_2020 Ltr re: Short-Term Rental Ordinance (P&D)
- COMM232_03_09_2020 Annual Audit of the City's FY2019 Financial Statements (B&F)

10. APPOINTMENTS

First Reading

Re-Appointments

- APPT153_03_09_2020 Jane Healey 38 Winter St Comm Pres Comm 3/31/2023
- APPT154_03_09_2020 Paul J. Harrington 251B High St Tree Comm 3/31/2023
- APPT155_03_09_2020 Maurice Southworth 12 Fruit St Fruit St Historic 5/31/2023

Re-Appointment, to be Referred to Public Utilities

- APPT156_03_09_2020 John Tomasz 38 Storeybrooke Dr Water/Sewer Comm 3/31/2023

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

Budget & Finance

- TRAN068_01_27_2020 Free Cash 50K to Fire Station #2 Design/Feasibility Study
- COMM226_01_27_2020 Ltr from Jim McCarthy – Financial Inquiry
- ORDR167_02_10_2020 Harbormaster Fees (COTW)
- ORDR168_02_24_2020 Approval to Pay Prior Year Bills (Veterans, City Clerk)

License & Permits

- APPL001_02_24_2020 2020 Class II Vehicle License - Newburyport Sunoco

Public Safety

- ORDR166_02_10_2020 Amendment to 2-Hour Zone - Harris Street
- APPL002_02_24_2020 Ride to End Alzheimer's - 6/6/2020
- APPL003_02_24_2020 Pan Mass Challenge Kids Ride - 6/14/2020

END OF CONSENT AGENDA

REGULAR AGENDA

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

11. MAYOR'S UPDATE

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

12. APPOINTMENTS

First Reading

- APPT151_03_09_2020 Joseph Morgan 55 Hill St Historical Comm 3/31/2023
Removed from Consent Agenda by Councillor Shand. Motion to refer to Planning & Development by Councillor Shand, seconded by Councillor Zeid. So voted.

To be Referred to Planning & Development

- APPT152_03_09_2020 Walter Chagnon 43 Lime St ZBA 03/31/2021
Councillor Devlin recused. Motion to refer to Planning & Development by Councillor Zeid, seconded by Councillor Shand. So voted.

Second Reading

- APPT147_02_24_2020 Shawn Flaherty 32 Milk St Disabilities Comm 3/1/2023
- APPT148_02_24_2020 Peter McNamee 9 Otis Pl Historical Comm 3/1/2023

Re-Appointments

- APPT149_02_24_2020 Jennie Donahue 18 Cherry St Disabilities Comm 3/1/2023
- APPT150_02_24_2020 Paul Hogg 4 Coltin Dr Shellfish Constable 3/1/2023

Motion to approve Second Reading Appointments (APPT147_02_24_2020, APPT148_02_24_2020, APPT149_02_24_2020, APPT150_02_24_2020), collectively, by Councillor Zeid, seconded by Councillor Connell. Roll call vote, 11 yes. Motion passed.

13. COMMUNICATIONS

- COMM233_03_09_2020 Ltr re: MVRTA State Street Bus Stop Shelter
Councillor Eigerman removed from Consent Agenda. Motion to refer to Neighborhood & City Services by Councillor Tontar, seconded by Councillor Connell. So voted.

14. ORDERS

- ORDR172_03_09_2020 Brislin Scholarship Gift Acceptance \$4,793.86
Motion to refer to Budget & Finance by Councillor Tontar, seconded by Councillor Zeid. So voted.
- ORDR173_03_09_2020 Acceptance of MGL Chapter 40, Section 5B (fourth paragraph)
Motion to refer to Budget & Finance by Councillor Zeid, seconded by Councillor Tontar. So voted.
- ORDR174_03_09_2020 Plum Island Beach Fee Dedication
Motion to refer to Budget & Finance by Councillor Zeid, seconded by Councillor Tontar. So voted.
- ORDR175_03_09_2020 Newburyport High School Statement of Interest - Roof and Science Labs
Motion to refer to Budget & Finance by Councillor Zeid, seconded by Councillor Khan. Withdrawn.
Motion to refer to Education by Councillor Zeid, seconded by Councillor Tontar. So voted (3 no – Connell, Vogel, Khan).

15. ORDINANCES

- ODNC053_03_09_2020 Establishment of Plum Island Beach Stabilization Fund
Motion to refer to Budget & Finance by Councillor Zeid, seconded by Councillor Tontar. So voted.
- ODNC054_03_09_2020 Enforcement of the State Building Code
Motion to refer to Planning & Development by Councillor Zeid, seconded by Councillor Shand. So voted.
- ODNC055_03_09_2020 Recycling and Yard Waste Disposal by City
Motion to refer to Public Safety by Councillor Wallace, seconded by Councillor McCauley. So voted.

16. COMMITTEE ITEMS

NOTE: UNDERLINED COMMITTEE ITEMS WILL BE CONSIDERED AT THIS MEETING

Budget & Finance

In Committee:

- ORDR132_07_15_19 CPC FY2020 Recommended Appropriations (COTW)
Project No. 9 held in committee.
- ORDR136_08_19_19 Fuller Track Phase II Loan Order

- COMM189_09_09_19 CPC Revised Recommendation for FY2020 Appropriations
- **TRAN068_01_27_2020 Free Cash 50K to Fire Station #2 Design/Feasibility Study**
Motion to strike Task #2 and survey by Councillor Zeid, seconded by Councillor Khan. So voted (3 no – Tontar, Eigerman, Connell). Motion to strike Task #5 to \$5,680 by Councillor Zeid, seconded by Councillor Lane. Roll call vote, 11 yes. Motion passed. Motion to approve transfer at \$24,589 by Councillor Zeid, seconded by Councillor Vogel. Roll call vote, 11 yes. Motion passed.
- **COMM226_01_27_2020 Ltr from Jim McCarthy – Financial Inquiry**
Motion to receive and file (comm vote 3-0) by Councillor Tontar, seconded by Councillor Zeid. So voted.
- **ORDR167_02_10_2020 Harbormaster Fees (COTW)**
Motion to approve (comm vote 3-0) by Councillor Tontar, seconded by Councillor Zeid. Motion to reduce the total charge from \$20 to \$15 for weekend non-resident parking fees by Councillor Wallace, seconded by Councillor Devlin. 3 yes (Eigerman, Wallace, and Lane), 8 no. Motion failed. Roll call on motion to approve, 11 yes. Motion passed.
- **ORDR168_02_24_2020 Approval to Pay Prior Year Bills (Veterans, City Clerk)**
Motion to approve (comm vote 3-0) by Councillor Tontar, seconded by Councillor Zeid. So voted.

Education

Councillor Khan gave an update; next meeting will be March 16th.

In Committee:

-

General Government

In Committee:

- **APPT143_01_27_2020 (COTW) KP Law 101 Arch St, Boston Legal 2/1/2021**
Motion to remove from General Government by Councillor Eigerman, seconded by Councillor Tontar. So voted. Motion to approve by Councillor Eigerman, seconded by Councillor Tontar. Roll call vote, 11 yes. Motion passed.
- **ORDR169_02_24_2020 Amendment to Political Signs Guidelines**
Motion to remove from General Government by Councillor Eigerman, seconded by Councillor Tontar. So voted. Motion to approve by Councillor Eigerman, seconded by Councillor Tontar. So voted.
- **ODNC052_02_24_2020 Designate Members of Planning Board Members as Special Employees**

License & Permits

In Committee:

- ODNC047_1_27_20 General Ordinance - Short Term Rental Units Rules
- COMM229_02_24_2020 Ltr re: Implementation of Short-Term Rental Ordinance
- **APPL001_02_24_2020 2020 Class II Vehicle License - Newburyport Sunoco**
Motion to approve by Councillor Tontar, seconded by Councillor Zeid. So voted.

Neighborhoods & City Services

In Committee:

- COMM194_10_15_19 Ltr from Newburyport Livable Streets
- COMM197_10_28_19 Ltr re: Phillips Drive Neighborhood Drainage (COTW)
- ODNC050_02_24_2020 Curb Cuts and Notice of Work Involving Sidewalks

Planning & Development

In Committee:

- COMM214_01_13_2020 Ltr from Central Cong Church re: CPA Funding, Historic Pres

- COMM215_01_13_2020 Ltr re: Colby Farm Open Space Beautification
- ODNC046_1_27_20 Zoning Amendment - Short Term Rental Units Definition
- APPT142_01_27_2020 Matthew D. Pieniazek 39 Marlboro St Waterfront Trust 1/1/2025
 - ODNC048_02_10_2020 Newburyport Historical Commission
 - ODNC051_02_24_2020 Fences in Downtown Overlay District

Public Safety

In Committee:

- COMM216_01_13_2020 Ltr re: Ban the Use of Glyphosate
- COMM221_01_27_2020 Letter re: Sign at 43 Pine Hill Road
- COMM227_02_10_2020 Update and Request from Waste Stream Task Force
- **ORDR166_02_10_2020 Amendment to 2-Hour Zone - Harris Street**
Motion to approve by Councillor McCauley, seconded by Councillor Tontar. So voted.
- **APPL002_02_24_2020 Ride to End Alzheimer's - 6/6/2020**
Motion to approve by Councillor McCauley, seconded by Councillor Connell. So voted.
- **APPL003_02_24_2020 Pan Mass Challenge Kids Ride - 6/14/2020**
Motion to approve by Councillor McCauley, seconded by Councillor Tontar. So voted.

Public Utilities

In Committee:

-

Rules

Councillor Vogel gave an update; amendments to Rules to be debated on the floor next meeting.

In Committee:

- COMM220_01_27_2020 Proposed City Council Rule 9F
- ORDR170_02_24_2020 Amendment Council Rules 2020 (COTW)
- ORDR171_02_24_2020 Amendment to Rule 17B (COTW)

17. GOOD OF THE ORDER

Councillor Zeid suggested the possibility of adding Committee of the Whole to the motion to refer ORDR175_03_09_2020 to Education Committee. Council President Eigerman pointed out that, in accordance with Rule 17, Communications should come after Appointments in the Regular Agenda.

18. ADJOURNMENT

Motion to adjourn by Councillor Vogel, seconded by Councillor Tontar. So voted. 9:50pm.

CITY COUNCIL MEETING MINUTES
REMOTE – MEETING DETAILS BELOW
MARCH 16, 2020

7:30PM

1. CALL TO ORDER

All present remotely using Zoom as a Platform. Meeting started at 7:30pm.

2. REPORT BY AD HOC COMMITTEE ON REMOTE ACCESS (PROPOSED REMOTE PARTICIPATION POLICY)

Councillor Zeid went through the document paragraph by paragraph. Motion to strike “No Change” in the row 1, column 2 under “City Council Meetings” and replace with “A minimum of 48 hours notice given except during an emergency”, by Councillor Tontar, seconded by Councillor Zeid. Motion passed. Motion to insert the word “, statutory” so that it would read “pressing, statutory or emergency business.” in the 4th line under “City Council Committee Meetings” (second column), by Councillor Tontar, seconded by Councillor Zeid. Friendly amendment by Councillor Eigerman, remove the comma before “statutory.” Amendment accepted. Motion passed. Councillor Wallace moved, under “City Council Meetings”, fifth row down in the second column, wherein it states that ‘Meetings will be closed to the public who may wish to attend in person.’ Councillor Wallace wants remote language. Councillor Tontar suggests that the language is already there in the sixth row, second column of the “City Council Committee Meetings”. The language is “Meetings continue to be open to the public through the remote meeting platform”. Councillor Wallace accepts this suggested language and incorporates it into her motion, seconded by Councillor Tontar. Motion passed. Councillor Zeid mentioned that the Council is taking a position on Board/Commission/Other Meetings. Councillor Connell agreed with Councillor Zeid. Councillor Tontar pointed out that there is a conflict with the Administration. Councillor Eigerman pointed out it is just a recommendation. Councillor Zeid is not comfortable with the Administration taking sole charge of the situation. Motion to Approve Policy by Councillor Zeid, seconded by Councillor Connell. Motion passed (1 no – Devlin).

3. PROPOSED AMENDMENT TO CITY COUNCIL RULE 7E

Councillor Eigerman put in to reference Policy. New Language is as follows: “During any other type of public health or safety emergency, of which the president shall be the sole judge, the Council, and all of its committees, shall abide by the Remote Participation Policy adopted by vote of the Council through its special meeting held on March 16, 2020.” Motion to approve by Councillor Eigerman, seconded by Councillor Tontar. Roll call vote, 10 yes, 1 no (Devlin). Motion passed.

4. REPORTS BY STANDING COMMITTEES

5. KP LAW OPINION OF MARCH 16, 2020, RE EMERGENCY PUBLIC HEALTH LEGISLATION AGENDA

Council President Eigerman explained the opinion from Mark Reich, Esq. and read it into the record. Council President Eigerman explains it is an emergency and therefore can propose a motion now. Councillor Lane

proposed to close playgrounds. Councillor Khan not in favor of legislation at this time. Councillor Tontar supports Ward 6 Councillor. Motion to close playgrounds, basketball courts, and tennis courts by Councillor Tontar, seconded by Councillor Lane. Roll call vote, 5 yes (Tontar, Lane, McCauley, Eigerman, Wallace), 6 no. Motion failed.

6. GOOD OF THE ORDER

7. ADJOURNMENT

Motion to adjourn by Councillor Zeid, seconded by Councillor Tontar. 8:30pm.

MEETING DETAILS:

Please click the link below to join the webinar:

<https://zoom.us/j/337642563?pwd=dm43QzVuT211K1FrcS9MN2VWbzZVdz09>

Password: 411456

Or iPhone one-tap :

US: +16465588656,,337642563# or +13126266799,,337642563#

Or Telephone:

Dial(for higher quality, dial a number based on your current location):

US: +1 646 558 8656 or +1 312 626 6799 or +1 301 715 8592 or +1 346 248 7799 or +1 669 900 9128 or +1 253 215 8782

Webinar ID: 337 642 563

International numbers available: <https://zoom.us/u/aEW5ARi0O>

COMMUNICATIONS



March 11, 2020

RE: Hale Street Pedestrian and Bicycle Improvements

Dear Members of the City Council:

Hale Street is an important route connecting the Squires Glen and West End neighborhoods to schools, recreation areas, and the downtown. It also links to the Coastal Trails network, with a trailhead for the Gloria Braunhardt Bike Path that provides a safe walking and cycling route to the Storey Avenue business district as well as to the bus station and the Garrison Trail.

However, Hale Street's high traffic speeds, lack of sidewalks, and narrow to nonexistent shoulders make it unwelcoming and unsafe for walkers and bicyclists, particularly young people getting to school and activities. Improving this road's safety and walkability has long been a desire of West End residents. The Safe Routes to School Preliminary Assessment report that was prepared for the City in 2016 identified as a priority project the widening of Hale Street and the construction of a protected multimodal (bike/ped) path. The report also recommended implementing traffic calming devices along Hale Street in order to reduce vehicle speeds.

On February 4, Newburyport Livable Streets facilitated a community meeting about Hale Street, which was attended by about 40 neighborhood residents, as well as several members of the City Council. Mayor Holaday opened the meeting, and City Engineer Jon-Eric White presented preliminary concepts for better accommodating walkers and bicyclists within the street's existing layout, and with minimal impact to sensitive resources. Meeting attendees offered their own perspectives on the issue, expressing a variety of concerns about project complexity, costs and timeline, but all were in support of making the road better for walking and cycling, especially for school-age children.

It is undeniable that Hale Street can be redesigned and improved to provide safe accommodation for vulnerable users, but it is also true that cost considerations will likely require the optimal project to be funded and constructed in phases. Newburyport Livable Streets believes that it is time to move forward with project planning and design to demonstrate to residents of Squires Glen and the West End that the City is committed to resolving this long-standing issue.

In order to move this important project forward, some preliminary steps should be taken in the short term. City Engineer White has recommended that the City engage a survey firm to carry out a detailed survey of the right-of-way and adjacent land, and then engage an engineering firm to prepare a concept plan. The total cost of these two projects is estimated to be \$125,000. Once a concept plan has been prepared and a long-term solution has been agreed upon, the final design can be done in-house by the DPS Engineering Division.

We understand that the Mayor will be presenting a request for these funds to the Council, either as a CIP project or as a transfer request. We strongly urge you to support such a request so that survey and design work can begin this year.

Thank you for your consideration of this project. We look forward to working with the City as the project progresses.

Sincerely,

NEWBURYPORT LIVABLE STREETS

Rick Taintor	Ben Iacono	Bob Uhlig
Sheila Taintor	Kitty Krajci	Jay McCarthy
Juliet Walker	Conrad Willeman	Nancy McCarthy
Judy Tymon	Elizabeth Marcus	
Alden Clark	Mary McDonald	

ADDITIONAL SUPPORTERS OF THE HALE STREET PROJECT

Jim McCarthy	Jennifer Lader	Omni Raimo
Sharon Kennedy	Aine Quimby	Adam Robitaille
Nancy Brock	Deidra Rooney	Amber Roback



NEWBURYPORT PUBLIC SCHOOLS

70 LOW STREET

NEWBURYPORT, MASSACHUSETTS 01950-4086

COMM235_03_30_2020

OFFICE OF THE SUPERINTENDENT
SEAN T. GALLAGHER, SUPERINTENDENT

REC'D
CITY CLERK'S OFFICE
NEWBURYPORT, MA
2020 MAR 10 AM 10:28

TELEPHONE 978.465.4456
FAX 978.462.3495

March 9, 2020

Mr. Brett Murphy
2 Marsh Street
Newburyport, MA 01950

Dear Mr. Murphy:

I wish to inform you that the Newburyport School Committee voted to re-appoint you to serve for 3-years, as one of two Newburyport representatives on the Whittier Regional Vo-Tech School Committee. Your term is from April 1, 2020 through March 31, 2023.

Thank you for serving the students and community of Newburyport. Please do not hesitate to contact me any time via email at sgallagher@newburyport.k12.ma.us or 978-465-4456.

Sincerely,

Sean T. Gallagher
Superintendent of Schools

cc. Mayor Donna Holaday
Jared Eigerman, City Council President
Richard Jones, City Clerk
Maureen Lynch, Superintendent

**APPOINTMENTS
FIRST READING**



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

RECEIVED
CITY CLERK'S OFFICE
NEWBURYPORT, MA

2020 MAR 25 AM 7:29

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

To: President and Members of the
City Council

From: Donna D. Holaday, Mayor

Date: March 23, 2020

Subject: Re-Appointment

I hereby re-appoint, subject to your approval, the following named individual as a full-time Registrar for the Newburyport Board of Registrars. This term will expire on March 30, 2023.

Susanne F. Gallagher
3 Garnet Street
Newburyport, MA 01950



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

NEWBURYPORT, MA

2020 MAR 25 AM 7:29

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

To: President and Members
of the City Council

From: Donna D. Holaday, Mayor

Date: March 23, 2020

Subject: Re-Appointment

I hereby re-appoint, subject to your approval, the following named individual as Veterans Agent for Newburyport. This term will expire on April 1, 2021.

Kevin Hunt
14 Tenth Street
Newburyport, MA 01950



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

APPT159_03_30_2020

RECEIVED
CITY CLERK
NEWBURYPORT, MA
2020 MAR 25 AM 7:29

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

To: President and Members of the
City Council

From: Donna D. Holaday, Mayor

Date: March 24, 2020

Subject: Re-Appointment

I hereby reappoint, subject to your approval the following
named individual as a member of the Newburyport
Affordable Housing Trust. This term will expire on April 30,
2022.

Judy Tymon
39 Lime Street
Newburyport, MA 01950



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

REC
CITY CLERK'S OFFICE
NEWBURYPORT, MA
2020 MAR 25 AM 7:28

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

To: President and Members of the City Council
From: Donna D. Holaday, Mayor
Date: March 24, 2020
Subject: Re-Appointment

I hereby re-appoint, subject to your approval, the following named individual as member of the Harbor Commission. This term will expire on March 31, 2023.

Andrew Casson
240 Merrimac Street
Newburyport, MA 01950

FROM THE DESK OF

ANDREW B CASSON

March 23, 2020

Newburyport City Council
City of Newburyport
60 Pleasant St,
Newburyport, MA 01950

RE: Reappointment of Andrew B. Casson to the Newburyport Harbor Commission.

Dear City Councilors,

Below you will find a brief biography/ curriculum vitae. Since 1996 I have been self-employed and thus have not put together a formal resume or CV. I hope the following will provide you with some context into my background.

The Fresnel Companies, LLC

Since 2009, Andrew B. Casson continues to operate Fresnel as its founder and managing partner.

- The Fresnel Companies, LLC, is a business development company and private equity firm specializing in cultivating exponential growth in enterprises operating within established markets through scalable innovation, industry-specific expertise and dedicated resources. This unique operating model combines the best attributes of a management company, a private equity firm and a family office, giving Fresnel the ability to evaluate an opportunity, provide strategic solutions, overlay management guidance, and inject capital, all with the long-term goals of ethical and sustainable growth.
- At Fresnel, Mr. Casson continues to dedicate his career to entrepreneurial management and leadership, serving as the architect of multiple capital funding strategies and business ventures. Prior to forming The Fresnel Companies, Andrew founded and managed several successful startups in the financial, technology and communications industries, including serving as the Chairman and CEO of DigiFlow Systems, LLC, a specialist in the workflow management software market, and as the CEO of C-Comm, Inc., focused on the telecommunications services industry. Andrew has also lent his expertise and guidance to several other startups. At Fresnel's VXP Radio Network, he applied his experience to the enhancement and refinement of VXP's organization, systems, procedures and services to support its expansion into a global media company.

FROM THE DESK OF

ANDREW B CASSON

Current Boards Positions

Corporate:

- The Fresnel Companies, LLC – Chairman of the Board / 2009 – Present
- VXP Radio Network, LLC / Tring Live Media – Board Member / 2013 – Present
- Emergent International Payment Systems, LLC – Board Member / 2010 – Present
- Digital Latitude, LLC – Board Member / 2016 – Present
- Cipherium, LLC – Board Member / 2018 – Present
- Blue Creative Group, LLC – Board Member / 2019 – Present

Charity or Volunteer Positions:

- All Hands Alliance - Founding Board Member / 2020 – Present
- City of Newburyport Harbor Commission – Chairman / 2006 - Present



CITY OF NEWBURYPORT
OFFICE OF THE MAYOR

DONNA D. HOLADAY, MAYOR

RECEIVED
CITY CLERK'S OFFICE
NEWBURYPORT, MA
2020 MAR 25 AM 7:28

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

To: President and Members of the City Council
From: Donna D. Holaday, Mayor
Date: March 24, 2020
Subject: Re-Appointment

Donna D. Holaday

I hereby appoint, subject to your approval, the following named individual as a member of the Planning Board to. This term will expire on April 15, 2025.

Rick Taintor
10 Dexter Street
Newburyport, MA 01950

RICK TAINTOR, AICP

10 Dexter Street – Newburyport, MA 01950
978-872-8230 – rtaintor@gmail.com

SUMMARY OF EXPERIENCE AND QUALIFICATIONS

Rick Taintor has 40 years of planning and community development experience, including 18 years as a municipal planner and 22 years as a consultant to municipalities and state and federal agencies.

As a consultant, Rick has focused on comprehensive and strategic planning, corridor management, and land use regulation. He has directed a wide variety of community and regional planning projects, including:

- *comprehensive and master plans* for Acton, Berlin, Douglas, Newburyport, Pittsfield, Wellfleet and Westford, MA; Cranston, RI; and Windham and Portsmouth, NH
- *comprehensive zoning revisions* for Berlin and Wareham, MA, and Portsmouth, NH
- *commercial area zoning updates* for Revere, Framingham, Marion, and Carver, MA
- *commercial corridor studies* for Marshfield, MA, and Wells, ME
- *open space and recreation plans* for Wellesley, Berlin, Framingham and Dedham, MA
- *development review services* (impact analysis, zoning regulations, development agreements, and site plan review) for major commercial and mixed-use developments in Berlin, MA, and Merrimack and Durham, NH
- *regional economic development strategies* in the New Jersey Pinelands and Washington County, Rhode Island
- *scenic corridor management plans* in Maine, Rhode Island, New Jersey and Nevada
- *statewide scenic byway programs* in Rhode Island and Nevada
- *community planning guidebook and program assessment* for the Federal Highway Administration's National Scenic Byways Program

Rick was the Planning Director for Portsmouth, NH from 2009 to 2017, and for Framingham, MA from 1983 to 1988.

Rick's experience in municipal government also includes serving as a member and chair of the Holliston, MA, Zoning Board of Appeals; member and vice-chair of the Newburyport, MA, Redevelopment Authority; and member of the Newburyport Planning Board.

PROFESSIONAL EXPERIENCE

2017 – present Community Planning Consultant

Senior consultant providing community planning and zoning services to municipal clients. Current projects include:

- City of Portsmouth, New Hampshire: Drafting land use regulatory updates, including zoning ordinance, site plan review regulations, and Planning Board rules and regulations. Topics include use and dimensional standards, accessory dwelling units, multifamily dwellings, signs, off-street parking, highway noise mitigation, wetlands protection, and floodplains.
- Town of Durham, New Hampshire: Managing the Planning Board development review process (site plan review and conditional use permits) for a mixed-use (residential/retail/office) development adjacent to the town center.
- Town of Lamoine, Maine: Comprehensive Plan update.
- Town of Berlin, Massachusetts: Master Plan update.

**2009 – 2017 Planning Director
City of Portsmouth, New Hampshire**

Director of planning for the City of Portsmouth (pop 21,000). Responsible for managing the Planning Department; assessing proposals for land use and development; determining compliance with local land use regulations and applicable state and federal laws; long range planning and leadership; and recommending policies, standards and criteria to the Planning Board and City Manager.

- Administered a nine-person department providing a wide range of planning and development services.
- Managed the City’s land use, transportation and environmental planning activities.
- Assisted residents, property owners and permit applicants with land use and development issues.
- Provided staff support to the Planning Board.
- Provided support to ad hoc committees appointed by the City Council, such as the Transportation Policy Committee and Housing Committee.

- Oversaw staff support to the Zoning Board of Adjustment, Historic District Commission and Conservation Commission.
- City representative on the Board of the Rockingham Planning Commission; member of the Executive Committee, Legislative Policy Committee, Regional Impact Committee, Regional Master Plan Committee, and Executive Director Search Committee.
- Responsible for updating the Master Plan and land use regulations.
- Supervised planning projects including the Downtown Form-Based Zoning, Bicycle and Pedestrian Plan, and Coastal Resilience Initiative.

2000 – 2009

President

Taintor & Associates, Inc., Newburyport, Massachusetts

1992 – 2000

Partner

Whiteman & Taintor / The LandUse Collaborative

Hopkinton/Ashland, Massachusetts & Boulder, Colorado

Principal in consulting firm providing community and regional planning, policy and development review services. Prepared comprehensive and strategic plans, growth management plans, open space and recreation plans, economic development studies, housing and population studies, land use regulations, scenic byway program design and corridor plans, and policy studies and reports.

Representative projects:

Comprehensive and Strategic Planning

- Managed the preparation of more than 10 comprehensive plans for communities in New England (including two prepared under the Cape Cod Commission Act and one under Rhode Island’s Comprehensive Planning Act) and contributed to several additional comprehensive plans.
- Prepared build-out studies for a 5-mile commercial corridor in a suburban community and for a 1,300-acre section of a growing town along I-495, to estimate potential development and recommend growth management strategies.
- Prepared strategic plans for commercial districts, including a regional retail center, a suburban commercial area, and several downtown/village areas.

Land Use Regulations

- Prepared comprehensive zoning revisions for communities in Massachusetts and New Hampshire.
- Prepared innovative land use regulations to promote mixed-use and transit-oriented development and redevelopment.
- Provided consulting assistance to eight Rhode Island communities under the South County Watersheds Technical Planning Assistance Project, including preparation of handbooks and model ordinances on farmland protection and transfer of development rights
- Prepared model regulations and specific proposals for three Rhode Island communities under the Eight-Town Affordable Housing Project.

Economic Development

- Provided economic development planning assistance to the New Jersey Pinelands Commission and seven rural communities under the Pinelands Rural Economic Development Pilot Program.
- Prepared economic development strategies for rural communities in Massachusetts and New Hampshire, including recommended actions to support small-scale businesses and tourism.
- Prepared an economic development feasibility study for eight Rhode Island communities under the South County Sustainable Economy Project.

Scenic Highway Planning and Management

- Assisted in the design of statewide scenic byways programs in Nevada, Rhode Island and Vermont under the National Scenic Byways Program.
- Prepared a corridor management plan and successful state and national scenic byways nominations for the Pyramid Lake Paiute Indian Tribe in Nevada.
- Prepared corridor management plans for several designated scenic roads in Rhode Island.
- Prepared a corridor management plan for the Rangeley Lakes (Maine) Scenic Byway, in support of the route's successful nomination for National Scenic Byway designation.
- Prepared a corridor management plan for the Pine Barrens Byway, a 130-mile scenic byway in southern New Jersey. The byway planning process included 16 municipalities, 5 counties, and the New Jersey Pinelands Commission.

- Co-authored *Byway Beginnings: A Community Guide to Inventorying and Assessing Intrinsic Qualities Along Potential Scenic Byways*, published by the Federal Highway Administration.
- Managed the preparation of a report to the Federal Highway Administration on the National Scenic Byways Program, reviewing the status of the program after its first 15 years and identifying opportunities to enhance the program through administrative policies and regulatory and statutory changes.

Development Review

- Assisted the Berlin, MA, Planning Board in negotiations for rezonings and development agreements for several major commercial developments. Coordinated development impact reviews and site plan reviews.
- Assisted the Merrimack, NH, Planning Board to develop regulations and permitting procedures for a regional outlet shopping center. Provided oversight for the permitting process.

1988 – 1992

Senior Planner

IEP, Inc., Northborough, Massachusetts

Project Manager for various municipal planning projects including master plans and growth management plans, affordable housing plans, compliance review, and zoning bylaw preparation.

- Managed the preparation of comprehensive plans for urban and suburban communities, including coordination of subconsultants and in-house staff, public participation and client relations.
- Prepared a land use plan for a major suburban retail district crossing the border of two municipalities, including recommended zoning regulations that were adopted by both local governments.
- Prepared a town center plan for a rural community, addressing economic development, aesthetics, historic preservation, and traffic and pedestrian circulation and safety.
- Drafted an inclusionary zoning ordinance for an urban community.
- Prepared a growth management study for a small midwestern college town and the surrounding township, including drafting of several zoning ordinances.
- Assisted communities to assess the potential traffic impacts of major proposed industrial and residential developments.

1983 – 1988

**Planning Director
Town of Framingham, Framingham, Massachusetts**

Responsible for planning and community development activities for a community with a population of 65,000, reporting to the Town's Board of Selectmen and Executive Administrator.

- Administered a ten-person department providing a wide range of planning and development services.
- Managed the Town's Community Development Program, including a housing rehabilitation program providing assistance for property renovations to lower-income homeowners and owners of apartments with lower-income tenants.
- Planned, established and managed the Town's first public bus service.
- Developed a successful proposal for establishment and funding of a community land trust to help preserve affordable housing.
- Planned and coordinated the development of an access road to an underutilized and blighted industrial area.
- Planned and managed the construction of the Town's first public parking garage, coordinating the funding and design processes and working with consultants, local businesspersons, Town officials, and state agencies.

1980 – 1983

**Community Development Coordinator
Town of Framingham, Framingham, Massachusetts**

Assistant to the Planning Director. Responsible for design and management of several housing rehabilitation programs; coordination of projects and programs funded under the federal Community Development Block Grant Program; and general planning functions.

1977 – 1980

**Project Planner (1977 - 1978)
Senior Project Planner (1978 - 1980)
Town of Framingham, Framingham, Massachusetts**

Responsible for data collection and analysis; preparation of plans and reports, funding applications, and contracts; monitoring program performance; and working with citizens and public officials on issues and activities relating to planning and community development.

EDUCATION

- 1969 – 1973 Harvard University Cambridge, Massachusetts
Harvard College: B.A. magna cum laude in History, June 1973.
- 1973 – 1974 Harvard University Cambridge, Massachusetts
Graduate School of Design: City and Regional Planning Program, 1973-74.
- 1975 – 1977 University of Maine Orono, Maine
Graduate School: M.S. in Agricultural & Resource Economics, December 1977.
Areas of concentration: Resource Economics and City and Regional Planning.

PLANNING AWARDS

- Golden Triangle Study, Framingham & Natick, MA
Outstanding Comprehensive Planning Project, 1991
American Planning Association, New England Chapter
- Acton Master Plan, Acton, MA
Outstanding Comprehensive Planning Project, 1992
American Planning Association, New England Chapter
- Cranston Comprehensive Plan, Cranston, RI
Outstanding Comprehensive Planning Project, 1994
American Planning Association, Southern New England Chapter
- Little River Transit Village Feasibility Study, Newburyport & Newbury, MA
Outstanding Comprehensive Planning Project, 2006
American Planning Association, Massachusetts Chapter
and
Governor's Smart Growth Innovation Award, 2006
- Jeffrey H. Taylor Lifetime Achievement Award, 2017*
New Hampshire Planners Association

PROFESSIONAL SERVICE AND AFFILIATIONS

- Member, American Institute of Certified Planners
- Member, American Planning Association
- Former Member and Chair, Massachusetts Association of Planning Directors
- Former Member and Vice Chair, Massachusetts Association of Consulting Planners

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

**APPOINTMENTS
SECOND READING**

SECOND READING APPOINTMENTS

- APPT153_03_09_2020 Jane Healey 38 Winter St Comm Pres Comm 3/31/2023
- APPT154_03_09_2020 Paul J. Harrington 251B High St Tree Comm 3/31/2023
- APPT155_03_09_2020 Maurice Southworth 12 Fruit St Fruit St Historic 5/31/2023

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

COMMUNICATIONS



Bulletin

BUL-2020-01

Emergency Expenditures and Borrowing

TO: Local Officials
FROM: Marie Jane Handy, Director of Accounts
DATE: March 20, 2020
SUBJECT: **Emergency Expenditures Related to COVID-19 under G.L. c. 44, § 31 and
Emergency Short-term Borrowing under G.L. c. 44, § 8(9)**

This Bulletin provides guidance to local officials on emergency expenditures related to COVID-19 under G.L. c. 44, § 31. The provisions of G.L. c. 44, § 31 apply to cities, towns and special purpose districts as defined under G.L. c. 44, § 1, but do not apply to regional school districts.

Note – Legislation is pending which may affect the information contained in this Bulletin. If such legislation is approved, the Director will issue further guidance.

I. Emergency Liabilities in Excess of Appropriation

Under G.L. c. 44, § 31, no department financed by municipal revenue, or in whole or in part by taxation, of any city, town or special purpose district, except Boston, may incur liabilities in excess of appropriation “except in cases of major disaster, including, but not limited to, flood, drought, fire, hurricane, earthquake, storm or other catastrophe, whether natural or otherwise, which poses an immediate threat to the health or safety of persons or property, and then only upon a declaration by the governor of a state of emergency with respect to the disaster” On March 10, 2020, the Governor declared a state of emergency with regard to COVID-19. As a result, cities, towns and special purpose districts may expend from any available funds in the treasury in relation to the emergency without an appropriation by following the procedure described below.

II. Payment of Liabilities After Director’s Approval

Emergency liabilities in excess of appropriation may only be paid after written approval by the Director of Accounts (Director) of the Division of Local Services (DLS). Requests for written approval must be made by the entity’s chief executive officer (CEO). Under G.L. c. 4, § 7, clause Fifth B, the CEO is the mayor in a city and the selectboard in a town unless some other municipal office is designated to be the chief executive officer under the provisions of a local charter. In a district, the prudential committee, if any, otherwise the commissioners shall act as the CEO. The request must include the following:

- a spending estimate to address the emergency situation
- a description of the types of expenditures anticipated to be made.

Payments may be made from any available funds in the treasury. The Director's written payment authorization will deem these expenditures to be legal overdrafts. The spending estimate may be increased upon approval by the Director, if needed. The Director's approval provides immediate spending authority until other financing sources, such as emergency borrowing or appropriations from available funds, can be put in place to cover the spending.

Even if the entity intends to emergency borrow as will be shown in this Bulletin, the Director's payment approval is still necessary so as to not negatively affect the calculation of free cash.

III. Allowable and Non-Allowable Liabilities

Allowable liabilities in excess of appropriation which may be incurred include personnel costs, overtime and other costs associated with the emergency, including but not limited to, costs related to extraordinary cleaning of public buildings, maintaining the health and safety of employees or the public, including the purchase of personal protective supplies and equipment, and costs to implement remote participation of local boards or committees in meetings under the Open Meeting Law as described in the Governor's Order dated March 12, 2020 – Order Suspending Certain Provisions of the Open Meeting Law, G.L. c. 30A, § 20.

IV. Accounting for Expenditures

After receiving the Director's written payment authorization, the local accounting officer may either:

- establish a COVID-19 emergency account to charge expenditures (recommended); or
- charge any applicable existing account(s). If this option is chosen, by fiscal year end, the Director's authorized payments may be transferred by the local accounting official without appropriation to a COVID-19 emergency account as indicated above. If a sufficient balance remains in the account(s) as of June 30, such a transfer may be deemed unnecessary.

V. Providing for an Emergency Account Deficit

An emergency account deficit may be provided for in the current fiscal year's Tax Rate Recap, with or without appropriation from the tax levy, if the tax rate has not yet been set. Otherwise, the deficit must be provided for in the next fiscal year's Tax Rate Recap unless otherwise indicated by the Director. Additional options include:

- appropriating from certified free cash or other allowable available funds;
- transferring under G.L. c. 44, § 33B;
- applying applicable insurance reimbursements;
- borrowing short or long term under G.L. c. 44, § 8(9), and/or G.L. c. 44, § 8(9a), the proceeds from which must be received prior to tax rate certification for the deficit to be deemed provided for

VI. Reporting of Expenditures

Emergency payments as of June 30th which have not been provided for are reported by the accounting officer or treasurer to the board of assessors to include in the next annual Tax Rate

Recap unless otherwise provided for, so long as any proceedings brought under G.L. c. 40, § 53 regarding restraint of illegal appropriations are terminated.

VII. Emergency Short-term Emergency Borrowing under G.L. c. 44, § 8(9)

Cities, towns and special purpose districts may borrow through short-term notes to fund emergency payments approved by the Director under G.L. c. 44, § 31 for a period not more than 2 years or such longer period up to 10 years as the Director shall determine after considering the ability of the city, town or district to provide other essential public services and pay, when due, the principal and interest on its debts, the amount of federal and state payments likely to be received for the purpose of the appropriations and such other factors as the Director may deem necessary or advisable.

To use this short-term emergency borrowing option, the municipality or district must (1) authorize the borrowing and (2) obtain the approval of the borrowing from the Director. The borrowing may be authorized (1) in the regular manner by two-thirds vote of the municipality or district's legislative body, and in a city with the approval of the mayor if required by charter, or (2) under an expedited procedure authorized by the treasurer of the city, town or district, with the approval of the chief executive officer in a city or town, or the prudential committee, if any, or by the commissioners in a district.

Short-term borrowing may be paid down at maturity by applying without appropriation any FEMA or similar reimbursements received regarding the emergency expenditures or insurance reimbursements received regarding the emergency expenditures less than \$150,000 with approval of the chief executive officer under G.L. c. 44, § 53.

For purposes of 8(9), emergency means:

“a sudden, unavoidable event or series of events which could not reasonably have been foreseen or anticipated at the time of submission of the annual budget for approval; provided, further, that emergency shall not include the funding of collective bargaining agreements or items that were previously disapproved by the appropriating authority for the fiscal year in which the borrowing is sought;”

For more information on this borrowing option, please contact Bill Arrigal in the DLS Public Finance Section at (617) 626-2399 email: arrigal@dor.state.ma.us. For other questions regarding this Bulletin, please contact your Bureau of Accounts field representative.

Kathleen & Bronson de Stadler
19 Walnut Street
Newburyport, MA 01950

City Council President Jared J. Eigerman
Newburyport City Council Members
City Hall
Newburyport, MA 01950

March 28, 2020

Dear City Council President Jared Eigerman and City Council Members,

We are writing to enlist the City Council's help in next steps to address a deteriorating property adjacent to our Walnut Street home.

Background

21-23 Walnut Street is a Greek Revival three story home dating from the 1840s. The property was originally a single family house that was converted into a 2 unit condominium some years ago, with each unit now owned by a different bank related mortgage company. The property was abandoned by its prior owners with personal possessions left in the house and throughout the property 3 years ago.

As adjacent neighbors, our property faces the property. We began enlisting the help of the Health and Building Departments by lodging complaints in 2018 about the ongoing problem of squirrels entering the building through rotted soffits along the roof and rotten openings in the side of the building and basement. Further, the garage had a gaping hole in one wall and a missing door.

Our initial efforts were unsuccessful. Upon inspection by the building department in November 2018 we were told the building "looked occupied" despite the fact it had not been for some time, and the water and electricity had been turned off. After subsequent complaints by us and other neighbors over a two year period (and the intervention of historic preservation advocates) the mortgage companies were notified that the building must be secured or they would face daily fines until this work was done as it presented a hazard to the neighborhood. The companies complied by removing the previous owners possessions in the building and yard, boarding up openings, securing windows, and hiring an extermination company to prevent animals entering the building through holes in the soffits.

The initial extermination company used illegal traps to catch animals entering the building, resulting in a dead squirrel hanging by its neck in a trap down the side of the building, in full view of children in the neighborhood and passersby. A call was made to the Health Department

and the Animal Control Officer, who intervened. A new extermination company was hired and used appropriate and legal methods to trap squirrels and other animals and prevent access by them.

Actions Taken to Date

1. Complaint filed with the City Health Department after consulting with the Building Department (October 31, 2018).
2. Visit from Planning Department (Nov. 2018, result noted above).
3. Neighbors sought help from Ward 4 City Councilor Charlie Tontar (no response received).
4. Email sent to Andy Port and Jennifer Blanchet of a possible NZO Section XXVIII-F situation by a contributing building to the DCOD (January 5, 2019)
5. Site visit made on January 9, 2019 by Jennifer Blanchet (result was "not grounds to consider the property neglected or abandoned")
6. Email sent to Andy Port and Jennifer Blanchet requesting further investigation and monitoring of the abandoned property (February 12, 2019). No response.
7. Complaint filed with the City Health Department (June 19, 2019)
8. Ward 4 City Councilor Christine Wallace contacted December 2019, and has been actively involved since that time.
9. Zoning Compliance Request sent on January 9, 2020 to Chalet Properties III LLC (21 Walnut Street) and Federal Home Loan Mortgage Corporation (23 Walnut Street) certified mail citing Newburyport Zoning Ordinance (section XXVIII-F) authority to fine \$300 a day for non-compliance.
10. Coco, Early & Associates responded for FHLM to Zoning Compliance Request, saying they will comply (January 23, 2020).
11. Disposal company removed belongings from inside the house and all possessions and trash from the exterior of the property.
12. Construction company hired and covered all gaping holes into the basement, the side of the building and missing garage door.
13. The Realty company hired an exterminator, needed to fire him, hired a second company.

Current Situation

1. In the 8 weeks since the second exterminator completed his work, there has been no monitoring, and squirrels and possibly rodents or other animals have found multiple spots in the building or rotten soffits to enter.
2. No further repairs have been made. The soffits and other parts of the building continue to rot further. The roof continues to deteriorate with shingles on the property and in our yard.

Concerns

1. One of the realtors and one of the exterminators reported that the squirrels had done extensive damage to the interior of the building, tearing-up areas to build nests. This is apparently continuing.
2. Squirrels and possibly other animals are again entering the building, likely causing further damage.
3. The loose shingles could fly off at any time, possibly injuring passersby and pets being injured.

Requests

1. The stopgap measures taken to keep squirrels from infesting the building have not worked. There has been no follow-up. We request that more substantive repairs be done to the rotting soffits and other parts of the building to prevent this from happening.
2. We are concerned about the possibility of chewed wires inside the building which could present a fire hazard. We would like to request that the Building Inspector and Fire Marshal inspect the property, especially the third floor.
3. We hope that the City may have some means to influence the Mortgage Holders to promptly make necessary repairs so that both units can be released for sale. (Only one unit is currently for sale.) We have been told that there are buyers interested in buying both units, not one in a deteriorating building, and rehabilitating the property.
4. Finally, from an animal protection standpoint, it seems cruel to allow squirrels to continue to enter the building, as extermination involves luring them into traps and then euthanizing them.

As 40+ year residents of this beautiful city, we hope you will take action on this long-standing situation to address a health and safety problem.

Sincerely yours,

Bronson and Kathleen de Stadler

ORDERS

**AN ORDER RELATIVE TO THE USE OF REUSABLE BAGS IN THE CITY OF
NEWBURYPORT**

Be it ordered by the City Council of the City of Newburyport that:

The use of fabric reusable bags, as defined in Newburyport Municipal Code Article 3, Section 6.5-45, shall be prohibited within the City during the official State of Emergency as declared by Governor Charles D. Baker under Executive Order Number 591, dated 3/10/2020.

Respectfully Submitted,

Byron Lane, Ward 6 Councillor

Order Authorizing the Parking Clerk to Extend Employee Parking Permits

March 30, 2020

THAT pursuant to the CITY OF NEWBURYPORT Code of Ordinances Section 13-180.1(f)(1) and Section 13-166, the CITY COUNCIL of the CITY OF NEWBURYPORT hereby authorizes the Parking Clerk to extend the expiration date of Employee Parking Permits issued on or after March 10, 2020 by the number of days calculated between the state of emergency declaration on March 10th, due to the COVID-19 pandemic, and its ultimate rescission date by an Executive Order of the Governor. Permit holders will be notified by email through the Parking System.

This above-described extension shall further be subject to any necessary regulations promulgated by the Parking Clerk. as described in Section 13-180.1.(f)(2).

Councillor Sharif I. Zeid

Councillor James J. McCauley

Councillor Jared J. Eigerman

COMMITTEE ITEMS

Committee Items-March 30, 2020

Budget & Finance

Budget & Finance

In Committee:

- **TRAN069_03_09_2020 Free Cash \$13K to EMR Maint-Building \$10.5K, EMR Utilities \$2.5K**
- **TRAN071_03_09_2020 Receipts Reserved for Appr Fuel \$80K to DPS Highway Fuel & Oil \$80K**



**CITY OF NEWBURYPORT
FY 2020**

RECEIVED
CITY CLERK'S OFFICE
NEWBURYPORT, MA

TRANSFER/APPROPRIATION REQUEST

APR 8 PM 3: 23

Department: Emergency Management

Submitted by: Mayor Holaday, Chief LeClaire

Date Submitted: 3/9/2020

Transfer From:

Account Name:	<u>General Fund - Free Cash</u>	Balance:	<u>\$ 1,857,171.00</u>
Account Number:	<u>01-35910</u>	Category:	<u>\$ -</u>
Amount:	<u>\$13,000.00</u>	Trans I/O:	<u>\$ (15,500.00)</u>

Why Funds Are Available:

The Massachusetts Department of Revenue certified Free Cash for FY2020 at \$1,872,671. These funds are available for any legal expenditure with the approval of the Mayor and a vote of the City Council.

Transfer To:

Account Name:	<u>EMR Maint-Building</u>	Balance:	<u>\$ 1,619.60</u>
Account Number:	<u>01291002-52401</u>	Category:	<u>\$ 892.36</u>
Amount:	<u>\$10,500.00</u>	Trans I/O:	<u>\$ -</u>

Why Funds Are Needed:

As this is a drill and exercise year for Seabrook Station, it is imperative that the emergency operations center (EOC) be ready to accommodate that activity, as well as, any other events that arise. EOC will run out of the DPS Administration Building instead of the Low Street facility, which was closed due to untenable conditions. The water/sewer conference room will be used for EOC events and the small adjacent office will serve as a radio room; capable of communicating with fire, police, DPS, MEMA and the local 800 EMA frequency. Funding is needed to install radios, antennas and an antenna tower at the new site.

Transfer To:

Account Name:	<u>EMR Utilities</u>	Balance:	<u>\$ (727.24)</u>
Account Number:	<u>01291002-52100</u>	Category:	<u>\$ 892.36</u>
Amount:	<u>\$2,500.00</u>	Trans I/O:	<u>\$ -</u>

Why Funds Are Needed:

This line item was reduced from \$7,000 to \$5,000 due to the uncertain future of the Low Street facility. Prior year spending was: FY19 \$7,961, FY18 \$10,527, FY17 \$7,088. In addition to heat/electricity, this line item funds the monthly telecommunications service for the EOC equipment.

Donna D. Holaday, Mayor:

Donna D. Holaday

Date: 3/3/20

Ethan R. Manning, Auditor:

Ethan R. Manning

Date: 3/3/20

Sponsor: Charles F. Tontar, Councillor At-Large

City Council Approval:



CITY OF NEWBURYPORT FY 2020

RECEIVED
CITY CLERK'S OFFICE
NEWBURYPORT, MA

TRANSFER/APPROPRIATION REQUEST

2020 MAR 9 PM 3:22

Department: Department of Public Services

Submitted by: Anthony J. Furnari, Director

Date Submitted: 3/9/2020

Transfer From:

Account Name:	<u>Receipts Reserved for Appr. Fuel</u>	Balance:	<u>\$ 174,788.88</u>
Account Number:	<u>2722-59600</u>	Category:	<u>\$ -</u>
Amount:	<u>\$80,000.00</u>	Trans I/O:	<u>\$ -</u>

Why Funds Are Available:

This is the standard method of funding the DPS fuel and oil account. As City departments pay for gasoline, the funds are deposited into this reserve for appropriation account and then transferred into the fuel and oil expenditure account within the Highway budget to purchase more fuel.

Transfer To:

Account Name:	<u>DPS Highway Fuel & Oil</u>	Balance:	<u>\$ (25,141.14)</u>
Account Number:	<u>01421004-54801</u>	Category:	<u>\$ 46,197.91</u>
Amount:	<u>\$80,000.00</u>	Trans I/O:	<u>\$ -</u>

Why Funds Are Needed:

Funds are required to buy gasoline and oil that is used by City vehicles.

Donna D. Holaday, Mayor:

Donna D. Holaday

Date:

3/2/20

Ethan R. Manning, Auditor:

Ethan R. Manning

Date:

3/3/20

Sponsor: Charles F. Tontar, Councillor At-Large

City Council Approval:

Committee Item

General Government Committee March 30, 2020

In Committee:

- ODNC052 02 24 2020 Designate Members of Planning Board Members as Special Employees

February 24, 2020

AN ORDINANCE TO DESIGNATE MEMBERS OF THE PLANNING BOARD AS SPECIAL MUNICIPAL EMPLOYEES

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

Amend existing Section 2-119 the Newburyport Code, as follows, with additions double-underlined and italicized, and deletions ~~double-stricken through and italicized~~:

Sec. 2-119. – Members to serve without pay; powers and duties.

The members of the planning board shall serve without pay and shall have the powers and authority to perform the duties set forth in M.G.L. ~~c.~~ c. 41, §§ 81A– 81J inclusive, relative to local planning boards, Members of the planning board shall be deemed to be special municipal employees for purposes of M.G.L. c. 268A.

Councillor Jared J. Eigerman

Councillor Heather L. Shand

**Committee Items-
Planning & Development
March 30, 2020**

- APPT142_01_27_2020 Matthew D. Pieniazek 39 Marlboro St Waterfront Trust 01/01/2025

pad



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

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

2020 JAN 17 AM 10:08
RECEIVED
CITY CLERK'S OFFICE
NEWBURYPORT, MA

To: President and Members of the
City Council
From: Donna D. Holaday, Mayor
Date: January 27, 2020
Subject: Re-Appointment

Donna D. Holaday

I hereby reappoint, subject to your approval the following
named individual as a member of the Waterfront Trust. This
term will expire on January 1, 2025.

Matthew D. Pieniazek
39 Marlboro Street
Newburyport, MA 01950

MEMORANDUM

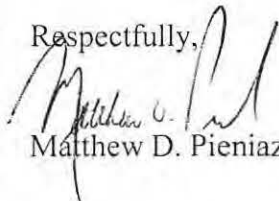
TO: Mayor Donna Holiday & Newburyport City Council
FROM: Matthew D. Pieniazek
DATE: January 15, 2020
SUBJECT: Reappointment to Newburyport Waterfront Trust

This brief note is to confirm my interest in being reappointed to a second term as a Trustee of the Newburyport Waterfront Trust.

I have enjoyed the last two years and have found my participation to be productive. I am excited to be a part of shaping the future direction and expansion/development of the City's greatest jewel, the waterfront, and its sustainable enjoyment by the citizens of Newburyport and surrounding communities.

It would be my honor to serve for another term.

Respectfully,



Matthew D. Pieniazek

Attachment: Personal Resume

Matthew D. Pieniazek
36 Marlboro St. Newburyport, MA 01950
mpieniazek@darlingconsulting.com
617.413.5986 (cell)

PROFESSIONAL EXPERIENCE

Darling Consulting Group - Newburyport, MA
Bank Consulting Firm

1990 – Present

President

A founding principal of Darling Consulting Group (DCG), a recognized leader in providing balance sheet risk management analyses, strategies and solutions to the U.S. banking industry. DCG employs 110 professionals who annually serve over 600 banking institutions nationwide, including many of the country's 100 largest banks, in various consulting capacities. DCG is highly regarded for its thought leadership as reflected in its many speaking engagements, webinars, published articles and quoted commentary on important industry topics.

While continuing to manage a book of banking clients, my primary roles include establishing the overall strategic direction of the organization, providing the appropriate resources and infrastructure to ensure success, mentoring colleagues throughout the organization, maintaining our unique culture and work environment, and upholding DCG's formal values of integrity, quality, teamwork and success.

KPMG Peat Marwick / Peat Marwick Mitchel & Company - Boston, MA/Hartford, CT
Management Consultants & Certified Public Accountants

Management Consultant

1985-1988

Worked under the head of global bank consulting to develop a balance sheet risk management consulting service, as well as designed and delivered related training programs for the firm's bank audit practice. Worked extensively in Europe to train the firm's bank consultants and work with clients to implement this new service.

Various Positions through Audit Manager

1979-1983

Engaged in broad array of audit related work and corresponding engagement planning/management for a variety of industries, including manufacturing, power companies, insurance and banks.

EDUCATION:

University of Chicago
MBA (Finance & Marketing concentrations)

1983-1985

University of Notre Dame
Bachelor's in Business Administration - Accounting

1975-1979

MISCELLANEOUS:

Anna Jaques Hospital: Board of Trustee & Vice Chairman of the Investment Committee

McCarthy Bush Corporation: Board of Director for \$300 Million development, construction & mining company

Active supporter of numerous Newburyport area charitable organizations