

CITY COUNCIL MEETING AGENDA - VERSION 1

REMOTE –

Link to join Webinar

<https://us02web.zoom.us/j/81462146905>

Phone Dial-In Instructions:

Dial: (646) 558-8656 Webinar ID: 814 6214 6905

MAY 11, 2020

7:30PM

(Sound Check)

1. **MOMENT OF SILENCE**
2. **CALL TO ORDER**
3. **LATE FILE ITEMS**
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

- April 27, 2020 (Approve)

7. COMMUNICATIONS

- COMM243_05_11_2020 Ltr from Jane Rascal re: NMMCD (N&CS)

8. TRANSFERS

- TRAN076_05_11_2020 Storm Water Test \$9,944.31, Storm Water Maint \$16,939.15, Streetlights Electricity \$14,576.54 to CIP Phillips Drive Drainage Improvement \$41,460 (B&F)
- TRAN077_05_11_2020 Free Cash \$125K to Fire OT \$110K, Fire Dispatch OT \$15K (B&F)
- TRAN078_05_11_2020 Mult Accts \$\$42,928.37 to CIP Rail Trail Phase II \$42,928.37 (B&F)

9. FIRST READING APPOINTMENTS

- APPT174_05_11_2020 Paul Swindlehurst 12 Spofford St Parks Commission 5/1/2025

To be Referred to Planning & Development

- APPT175_05_11_2020 Ronald DiCola 6 Shandel Dr Conservation Comm 6/1/2023
- APPT176_05_11_2020 Jane Sender 9 Dalton St, #3 Conservation Comm 6/1/2023
- APPT177_05_11_2020 Alden Clark 15 Lunt St Planning Board 6/1/2025

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

Budget & Finance

- COMM232_03_09_2020 Annual Audit of the City's FY2019 Financial Statements
- 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
- COMM239_04_27_2020 Whittier Tech Approved Budget 2020-2021
- TRAN074_04_27_2020 Free Cash 125K to Dump Truck Lease
- TRAN075_04_27_2020 Bud Cont. \$104K to Fire SAL \$84K, Dep Ch SAL \$3,5K, Cloth \$16,5K

Planning & Development

- | | | | | |
|----------------------|--------------------|--------------|-----------------|-----------|
| • APPT161_03_30_2020 | Rick Taintor | 10 Dexter St | Planning Board | 4/15/2025 |
| • APPT163_04_13_2020 | Glenn Richards | 6 Kent St | Historical Comm | 5/1/2023 |
| • APPT173_04_27_2020 | Stephen G. DeLisle | 195 High St | ZBA | 5/31/2021 |

Public Safety

- ODNC057_04_27_2020 Moratorium on Dog License Fines

END OF CONSENT AGENDA REGULAR AGENDA

10. MAYOR'S UPDATE

11. SECOND READING APPOINTMENTS

- | | | | | |
|----------------------|------------------|----------------------|-----------------------|-----------|
| • APPT167_04_27_2020 | Madeline Nash | 19 Arlington St | Afford Housing Trust | 5/1/2023 |
| • APPT168_04_27_2020 | Barry J. McBride | 5 Pine St, Salisbury | Asst Wiring Inspector | 5/15/2021 |
| • APPT169_04_27_2020 | Cynthia Muir | 10 Hancock St | Council on Aging | 5/31/2025 |
| • APPT170_04_27_2020 | Robert Dow | 185 Storey Ave | Harbor Comm | 5/1/2023 |
| • APPT171_04_27_2020 | James Knapp | 24 Cutting Dr | Harbor Comm | 5/1/2023 |

12. COMMUNICATIONS

- COMM241_05_11_2020 Charter Review Final Report
- COMM242_05_11_2020 Confirmatory Legal Opinion from KP Law re: Charter Changes

13. ORDERS

- ORDR180_05_11_2020 Emergency Order - Economic Revitalization
- ORDR181_05_11_2020 Resolution Recognizing NHS 2020 Graduates

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
- TRAN070_03_09_2020 Free Cash \$25K to LIB Maint-Equipment \$25K
- **COMM232 03 09 2020 Annual Audit of the City's FY2019 Financial Statements**

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
- APPL004_03_09_2020 Footsteps for Food - 4/14/2020
- APPL005_03_09_2020 Cultural Survival Bazaar - 7/18-19 2020
- APPL006_03_09_2020 Spring Invitation Night - 5/1/2020
- APPL007_03_09_2020 Newburyport Spring Festival - 5/24-25 2020
- APPL008_03_09_2020 Newburyport Car Show - 8/20/2020
- APPL009_03_09_2020 Newburyport Fall Harvest Festival - 10/11-12 2020
- APPL010_03_09_2020 Witches' Night Out - 10/23/2020
- APPL011_03_09_2020 Downtown Trick or Treat - 10/30/2020
- APPL012_03_09_2020 Invitation Nights - 12/4, 12/11, 12/18 2020
- ODNC055_03_09_2020 Recycling and Yard Waste Disposal by City
- COMM237_03_30_2020 21-23 Walnut St Public Safety Concern
- APPT165_04_13_2020 Dr. Robin Blair 18 Market St Board of Health 4/30/2023
- **ODNC057 04 27 2020 Moratorium on Dog License Fines**
- APPL013_04_27_2020 Chocolate Tour Central Cong. Church 5/16/2020

Public Utilities

In Committee:

- APPT156_03_09_2020 John Tomasz 38 Storeybrooke Dr Water/Sewer Comm 3/31/2023
- APPT166_04_13_2020 Robert A. Cook 19 Everett Dr Water/Sewer Comm 3/1/2023
- APPT166_04_13_2020 Resume of Robert Cook, Water/Sewer Commission

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

CONSENT AGENDA

CITY COUNCIL MEETING MINUTES

REMOTE –

Phone Dial-In Instructions:

Link to join Webinar

<https://zoom.us/j/97335451669>

Dial: (312) 626-6799 Webinar ID: 973 3545 1669

Meeting Recording:

https://us02web.zoom.us/rec/share/3tR4IJ3L_VpJaZHxRz1C5N5L4DbT6a8hCQZqPoMmUhh1Nokg-KhsdOpVzVsrMEe

Password: 3F^6\$!5j

APRIL 27, 2020

The City Council President, Jared Eigerman, called the meeting to order at 7:30pm. A moment of silence was held for Rosaria Ciaramitaro Giacalone, mother of Health Director Frank Giacalone, and George Edward Dodge member of the NRA and spouse to Sandra Dodge, past employee of the Assessor's Dept. The City Council President then instructed the City Clerk to call the roll. The following Councillors answered present: Devlin, Khan, Lane, McCauley, Connell, Shand, Tontar, Vogel, Wallace, Zeid, Eigerman. 11 present using Zoom as a platform.

7:30PM

(Sound Check)

1. MOMENT OF SILENCE

2. CALL TO ORDER

3. LATE FILE ITEMS - ODNC057_04_27_2020 Moratorium on Dog License Fines; COMM240_04_27_2020 Memo re: SOI Submission Info

Motion to waive the rules, to allow late files, by Councillor Zeid, seconded by Councillor Khan. So voted.

4. PUBLIC COMMENT

5. MAYOR'S COMMENT

The Mayor gave a verbal update.

CONSENT AGENDA

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6. APPROVAL OF MINUTES

- April 8, 2020 (Approve)
- April 13, 2020 (Approve)

7. COMMUNICATIONS

- COMM239_04_27_2020 Whittier Tech Approved Budget 2020-2021 (B&F)
- APPL013_04_27_2020 Chocolate Tour Central Cong. Church 5/16/2020 (PS)
- APPT166_04_13_2020 Resume of Robert Cook, Water/Sewer Commission (PU)

8. TRANSFERS

- TRAN074_04_27_2020 Free Cash 125K to Dump Truck Lease (B&F)
- TRAN075_04_27_2020 Bud Cont. \$104K to Fire SAL \$84K, Dep Ch SAL \$3,5K, Cloth \$16,5K (B&F)

9. FIRST READING APPOINTMENTS

- APPT167_04_27_2020 Madeline Nash 19 Arlington St Afford Housing Trust 5/1/2023
- APPT168_04_27_2020 Barry J. McBride 5 Pine St, Salisbury Asst Wiring Inspector 5/15/2021
- APPT169_04_27_2020 Cynthia Muir 10 Hancock St Council on Aging 5/31/2025
- APPT170_04_27_2020 Robert Dow 185 Storey Ave Harbor Comm 5/1/2023
- APPT171_04_27_2020 James Knapp 24 Cutting Dr Harbor Comm 5/1/2023

To be Referred to License & Permit

- APPT172_04_27_2020 Craig G. Holt 33 Carter St Licensing Board 6/1/2026

To be Referred to Planning & Development

- APPT173_04_27_2020 Stephen G. DeLisle 195 High St ZBA 5/31/2021

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

Budget & Finance

- 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
- ORDR172_03_09_2020 Brislin Scholarship Gift Acceptance \$4,793.86
- TRAN073_04_13_2020 Essex NS Tech \$4,772, Hwy Streetlights \$5,228 to Elections \$10,000

Education

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

Neighborhoods & City Services

- COMM194_10_15_19 Ltr from Newburyport Livable Streets
- ODNC050_02_24_2020 Curb Cuts and Notice of Work Involving Sidewalks

END OF CONSENT AGENDA

REGULAR AGENDA

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

10. MAYOR'S UPDATE

11. COMMUNICATIONS

- COMM240_04_27_2020 LATE FILE Memo re: SOI Submission Info
Motion to refer to Education by Councillor Khan, seconded by Councillor Connell. So voted.

12. SECOND READING APPOINTMENTS

- APPT162_04_13_2020 Lauren Healey 6 Plum Island Tpke Open Space Comm 4/1/2023
- APPT164_04_13_2020 Matt Ellsworth 38 Plummer Ave Parks Comm (Atkinson) 5/1/2025

Motion to approve Second Reading appointments collectively by Councillor Zeid, seconded by Councillor Tontar. Roll call vote, 11 yes. Motion passed.

13. ORDERS

- ORDR178_04_27_2020 Acts of 1987
Motion to refer to Education and Budget & Finance by Councillor Zeid, seconded by Councillor Devlin. Roll call vote, 8 yes, 3 no (Connell, Tontar, Vogel). Motion passed.

- ORDR179_04_27_2020 Remote Participation Policy
Motion to approve by Councillor Zeid, seconded by Councillor Khan. Motion to table and waive Rule 7 by Councillor Zeid, seconded by Councillor Khan. So voted. Motion to remove from table by Councillor Zeid, seconded by Councillor Khan. So voted. Motion to approve by Councillor Zeid, seconded by Councillor Khan. Roll call vote, 11 yes. Motion passed.

14. ORDINANCES

- ODNC057_04_27_2020 LATE FILE Moratorium on Dog License Fines
Motion to refer to Public Safety by Councillor Khan, seconded by Councillor Tontar. So voted.

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
- TRAN070_03_09_2020 Free Cash \$25K to LIB Maint-Equipment \$25K
- **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**
Motion to approve by Councillor Tontar, seconded by Councillor Khan. So voted.
- COMM232_03_09_2020 Annual Audit of the City's FY2019 Financial Statements
- **ORDR172_03_09_2020 Brislin Scholarship Gift Acceptance \$4,793.86**
Motion to approve by Councillor Tontar, seconded by Councillor Khan. So voted.
- 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
- COMM236_03_30_2020 DLS Bulletin 2020-01 Emergency Expenditures and Borrowing
- COMM238_04_13_2020 FY2021-FY2025 Capital Improvement Program Submission
- **TRAN073_04_13_2020 Essex NS Tech \$4,772, Hwy Streetlights \$5,228 to Elections \$10,000**
Motion to approve by Councillor Tontar, seconded by Councillor Khan. So voted.

Education

In Committee:

- **ORDR175_03_09_2020 Newburyport High School Statement of Interest - Roof and Science Labs**
Motion to approve by Councillor Khan, seconded by Councillor McCauley. Roll call vote, 11 yes.
Motion passed.
- COMM235_03_30_2020 Ltr re: SC Apptmnt of Brett Murphy to Whittier Vo-Tech Cmte

General Government

In Committee:

-

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
- COMM230_03_09_2020 Yearly Report, Section 16A of the Liquor Control Act

Neighborhoods & City Services

In Committee:

- **COMM194 10 15 19 Ltr from Newburyport Livable Streets**
Motion to receive and file (comm vote 3-0) by Councillor Connell, seconded by Councillor McCauley. So voted.
- COMM197_10_28_19 Ltr re: Phillips Drive Neighborhood Drainage (COTW)
- **ODNC050 02 24 2020 Curb Cuts and Notice of Work Involving Sidewalks**
Motion to approve by Councillor Connell, seconded by Councillor Wallace. Withdrawn. Motion to Strike the remainder of the second sentence in Sec. 12-5 beginning with 'and shall in no case...' by Councillor Zeid, seconded by Councillor Khan. Withdrawn. Motion to refer to Neighborhood & City Services by Councillor Zeid, seconded by Councillor Tontar. So voted.
- COMM233_03_09_2020 Ltr re: MVRTA State Street Bus Stop Shelter
- COMM234_03_30_2020 Ltr from Newburyport Livable Streets March 11, 2020

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
- ODNC048_02_10_2020 Newburyport Historical Commission
- ODNC051_02_24_2020 Fences in Downtown Overlay District
- COMM231_03_09_2020 Ltr re: Short-Term Rental Ordinance
- ODNC054_03_09_2020 Enforcement of the State Building Code
- APPT161_03_30_2020 Rick Taintor 10 Dexter St Planning Board 4/15/2025
- APPT163_04_13_2020 Glenn Richards 6 Kent St Historical Comm 5/1/2023

Public Safety

In Committee:

- COMM216_01_13_2020 Ltr re: Ban the Use of Glyphosate
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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

Councillor Khan stated there would be an Education Cmte meeting on May 4, at 5:30 pm

Councillor Zeid commented that there would be possible changes to the Remote Policy to include hybrid meetings wherein the meeting would be physical and remote

Councillor Tontar thanked the residents for social distancing

Councillor Connell complimented the staff at the Anna Jaques Hospital

Councillor Eigerman reminded Councillors to submit their committee meeting minutes even though there were recordings of the Zoom meetings.

17. ADJOURNMENT

Motion to adjourn by Councillor Tontar, seconded by Councillor Khan. So voted. 9:31pm.

COMMUNICATIONS

TRANSFERS

To The Newburyport City Council,

I respectfully submit this letter to ask that the City Council reconsider its upcoming contract with the Northeast Massachusetts Mosquito Control District. As the annual budget approval process begins, please note that the cost to the City will be \$46,347 for a service that is not squarely focused on protecting Newburyport residents from a possible threat of EEE or West Nile Virus.

The three main tasks that NEMMC performs for the City are:

1. Larviciding the Plum Island salt marsh by helicopter to reduce the population of nuisance mosquitoes. NEMMC describes this as a quality of life issue. Species of mosquitoes known to carry and transmit arbovirus do not live or breed in this habitat. A list of mosquitoes associated with arboviral activity compiled by the Massachusetts Department of Public Health accompanies this letter. At the very least, larviciding disturbs the ecological balance of the salt marsh and, consequently, The Parker River Wildlife Refuge, extending from Newbury to Ipswich, has consistently requested an exemption from these applications.
2. Surveillance of a single dual-purpose trap located at the DPS facility. Just 256 mosquitoes were collected there last year, none testing positive for either EEE or WNV.
3. Larviciding catch basins and assisting Newburyport DPS in cleaning culverts to reduce WNV mosquito populations. Would a substantial cost savings be expected if DPS did this work itself?

While some of these activities are helpful, NEMMC misses the mark by not prioritizing measures that are proven to be most effective in containing a threat of arbovirus. These measures include source reduction whereby mosquito breeding sites are identified and eliminated as well as public outreach to encourage personal protection in order to avoid mosquito bites. Maximizing the impact of these proactive measures, along with surveillance and targeted larviciding, would suppress the population of mosquitoes capable of transmitting disease and avoid the need to spray adulticides.

Another important point to consider: NEMMC broke protocol without accountability when it decided to broadcast spray the entire City of Amesbury late last fall, giving just six-hours notice to residents on a Friday afternoon. According to the IPM response plan set out by MDPH, it only should have been a targeted spray in a remote corner of the City, at best.

I strongly encourage the City Council to vote to defund the FY21 contract with NEMMC and instead authorize a committee to research and propose a more cautious and considered mosquito control policy for the City. It's a complicated issue. We can find a smarter, safer and less expensive solution.

Thank you,

Jane Rascal
EcoHealth Advocates
jane@ecohealth.buzz
978-992-7064

Appendix 1: Mosquitoes Associated with Arboviral Activity in Massachusetts

Aedes vexans – Is a common nuisance mosquito. Temporary flooded areas such as woodland pools and natural depressions are the preferred larval habitat of this mosquito. It feeds on mammals and is an aggressive human biter. This species is typically collected from May to October. *Ae vexans* is an epizootic (bridge) vector of eastern equine encephalitis (EEE) virus.

Coquillettidia perturbans - Cattail marshes are the primary larval habitat of this mosquito. It feeds on both birds and mammals. It is a persistent human biter and one of the most common mosquitoes in Massachusetts. This species is typically collected from June to September. *Cq perturbans* is an epizootic (bridge) vector of EEE virus.

Culex pipiens – Artificial containers are the preferred larval habitat of this mosquito. It feeds mainly on birds and occasionally on mammals. It will bite humans, typically from dusk into the evening. This species is regularly collected from May to October but can be found year round as it readily overwinters in man-made structures. *Cx pipiens* is the primary vector of West Nile Virus (WNV).

Culex restuans – Natural and artificial containers are the preferred larval habitat of this mosquito. It feeds almost primarily on birds but has been known to bite humans on occasion. This species is typically collected from May to October but can be found year round as it readily overwinters in man-made structures. *Cx restuans* has been implicated as a vector of WNV.

Culex salinarius – Brackish and freshwater wetlands are the preferred habitat of this mosquito. It feeds on birds, mammals, and amphibians and is well known for biting humans. This species is typically collected from May to October but can be found year round as it readily overwinters in natural and man-made structures. *Cx salinarius* may be involved in the transmission of both WNV and EEE.

Culiseta melanura –White cedar and red maple swamps are the preferred larval habitat of this mosquito. It feeds almost exclusively on birds. This species is typically collected from May to October. *Cs melanura* is the primary enzootic vector of EEE.

Ochlerotatus canadensis – Shaded woodland pools are the preferred larval habitat of this mosquito. It feeds mainly on birds and mammals but is also known to take blood meals from amphibians and reptiles. This mosquito can be a fierce human biter near its larval habitat. This species is typically collected from May to October. *Oc canadensis* is an epizootic (bridge) vector of eastern equine encephalitis EEE virus.

Ochlerotatus japonicus – Natural and artificial containers such as tires, catch basins, and rock pools are the preferred larval habitat of this mosquito. It feeds mainly on mammals and is an aggressive human biter. This species is typically collected from May to October. *Oc japonicus* may be involved in the transmission of both WNV and EEE.



CITY OF NEWBURYPORT FY 2020

CLERK'S OFFICE
NEWBURYPORT, MA

TRANSFER/APPROPRIATION REQUEST

2020 MAY -5 PM 3:22

Department: Department of Public Services
Submitted by: Anthony J. Furnari, Director **Date Submitted:** 5/11/2020

Transfer From:

Account Name:	<u>Storm Water Testing</u>	Balance:	<u>\$ 9,944.31</u>
Account Number:	<u>01421002-53032</u>	Category:	<u>\$ 249,513.00</u>
Amount:	<u>\$9,944.31</u>	Trans I/O:	<u>\$ -</u>

Why Funds Are Available:

A reappropriation of funds to the Phillips Drive Drainage Improvements CIP account is recommended.

Transfer From:

Account Name:	<u>Storm Water Maint.</u>	Balance:	<u>\$ 16,939.15</u>
Account Number:	<u>01421002-52406</u>	Category:	<u>\$ 249,513.00</u>
Amount:	<u>\$16,939.15</u>	Trans I/O:	<u>\$ -</u>

Why Funds Are Available:

A reappropriation of funds to the Phillips Drive Drainage Improvements CIP account is recommended.

Transfer From:

Account Name:	<u>Streetlights - Electricity</u>	Balance:	<u>\$ 66,179.64</u>
Account Number:	<u>01421002-52103</u>	Category:	<u>\$ 249,513.00</u>
Amount:	<u>\$14,576.54</u>	Trans I/O:	<u>\$ (5,228.00)</u>

Why Funds Are Available:

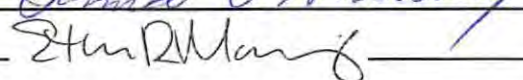
A surplus is anticipated at year-end.

Transfer To:

Account Name:	<u>CIP Phillips Drive Drainage Improv.</u>	Balance:	<u>\$ 56,850.00</u>
Account Number:	<u>3806-49700</u>	Category:	<u>\$ 56,850.00</u>
Amount:	<u>\$41,460.00</u>	Trans I/O:	<u>\$ -</u>

Why Funds Are Needed:

Funds are needed to conduct the Phillips Drive Roadway and Drainage Improvement Design. The lowest bid came in at \$93,310 plus a \$5,000 contingency brings the total design budget to \$98,310. There is \$56,850 remaining in the CIP account from the \$75,000 appropriated in June 2018.

Donna D. Holaday, Mayor:  Date: 5/5/20
 Ethan R. Manning, Auditor:  Date: 5/5/2020

Sponsor: Charles F. Tontar, Councillor At-Large

City Council Approval:

**CITY OF NEWBURYPORT
PHILLIPS DRIVE NEIGHBORHOOD
ROADWAY AND DRAINAGE IMPROVEMENTS**

April 29, 2020

Scope of Services

BSC Group, Inc. (BSC) prepared a comprehensive scope of work for the proposed roadway and drainage improvements within the Phillips Drive Neighborhood in the City of Newburyport, Massachusetts which includes Phillips Drive, Sullivan Drive, Drew Street, and Ryan Road. The proposed services shall include the wetland resource area delineations, design, permitting, bidding and limited construction support of the roadway and drainage improvements as outlined in the RFP dated February 14, 2020.

BSC has prepared this proposal based upon the following understanding of your needs and circumstances that have affected the scope of services:

- An existing conditions survey of the area has been previously prepared and will be provided in AutoCAD file format for use in the execution of this scope.
- The neighborhood was originally built on wetlands and the soils are typically poorly draining causing high groundwater and drainage issues in the neighborhood. Improvements will need to consider subdrains, swales and other drainage features to direct stormwater runoff away from homes to improve existing poor drainage conditions.
- Based on the MassGIS Wetlands Viewer, there appears to be wetland resource areas and/or buffer zones located in and adjacent to the neighborhood. Thus, the delineation of these areas and the filing of a Notice of Intent with the Newburyport Conservation Commission along with the issuance of an Order of Conditions for the proposed improvements will be required.
- The design and construction of the improvements shall be in compliance with applicable federal, state, and local regulations, including the latest edition of the MassDOT Standard Specifications for Highways and Bridges, latest edition, 2/20/20, and the City's Stormwater Management Ordinance and Stormwater Rules and Regulations.
- The project is intended to be constructed in two phases as outlined in the RFP.
- The City will determine if the water distribution and/or sanitary sewer systems require upgrading. If required BSC can incorporate the upgrades as an Additional Service.

Scope of Work:

Wetland Delineation

BSC wetland scientists will update delineated wetland resource areas within and adjacent to the project limits. Because of trespass law, we are unable to delineate wetlands on property not owned by the City without approval from the property owners. However, we will sketch the estimated location of wetlands which extend from, or may be located within, 100-ft of the roadway right of way line.

Additionally, BSC will evaluate and flag the Mean Annual High-Water Mark/Top of Bank (whichever is higher) of the stream that runs from Ryan Road to Hoyt's Lane to establish the associated 200-foot Riverfront Area on plans. BSC assumes the Top of Bank will be consistent with the Mean Annual High-Water Mark. Flagging will be limited to the roadway right of way boundary. However, BSC will estimate the Top of Bank and assess the presence of other resource areas, such as Bordering Vegetated Wetlands, along the immediate limits of the right of way boundary. Wetland resource areas will be identified in accordance with the Massachusetts Wetlands Protection Act, its associated Regulations, the Department of Environmental Protection (DEP) Policy 95-1, the Army Corps of Engineers (ACOE) Wetland Delineation Manual (1987) and any local ordinance/bylaw requirements. Policy 95-1 specifically outlines the current DEP criteria and methodology for defining jurisdictional wetlands in Massachusetts. Both the ACOE Manual and Policy 95-1 allow for the use of the environmental characteristics of hydrophytic vegetation, hydric soils and hydrology in order to identify wetland areas.

As part of this task, BSC scientists will place sequentially numbered pink flagging tape in the field in order to demarcate the wetland/upland boundary onsite. The City will engage the surveyor of record to locate the wetland flagging and add to the existing conditions plan.

Pavement Evaluation and Soil Borings

BSC will perform a visual evaluation of the pavement deterioration and the existing drainage issues. Additionally, BSC, with support from the City, will engage a contractor to provide one day of borings, approximately 8-10 borings to refusal or 10-12 feet deep, to help determine the best repair methods for each individual section of roadway. Test pits in critical areas off the sides of the roadway may be advisable to determine groundwater elevations to support the stormwater management improvements. The cost of the boring contractor has been included in our fee and it is assumed that the City will be able to perform the test pit excavation.

BSC will compile the results of the borings, our evaluation of the existing pavement, and recommended repair solutions in a letter report.

Schematic Design

Working with the City, BSC will prepare a preliminary plan set showing proposed improvements to Phillips Drive, Sullivan Drive, Drew Street, and Ryan Road. BSC's plans will show preliminary roadway improvements, rough site grading, utilities, and stormwater management solutions for discussion and review with the City Departments. The BSC site plans will include:

- Cover Sheet
- Existing Conditions Plan (provided by others)
- Site Preparation Plan: Plan illustrating those existing Site elements to be removed or modified prior to new construction and general construction phase erosion control.

- Roadway Improvements Plans: Plan illustrating Site construction materials, dimensioned layout, utilities, existing and proposed contours, and general Site construction features.
- Roadway Profiles: Plan illustrating the proposed and existing roadway centerline profiles and utilities.
- Stormwater Management Plans: Plan illustrating the proposed and existing drainage structures and features to improve the stormwater management of the neighborhood.
- Signage Plan: Plan illustrating the proposed location and type of signage to be installed on the improved neighborhood roadway network.
- Details: Details at appropriate scale to support approval from the City including typical roadway sections.

BSC will submit the Schematic Plan set to the Client for review and comment. One set of revisions have been included in our budget to address review comments from the City.

BSC will attend project Team meetings, Team conference calls and a neighborhood meeting to support the project. For budgeting purposes, BSC has included 24 hours of meeting time during this phase of the project.

75% Design Documents

Based upon the approved Schematic Design and the Neighborhood meeting BSC will prepare 75% Construction Documents for the purpose of permitting the project with the City of Newburyport Conservation Commission. The 75% Design Documents will be prepared for both Phase I and Phase II of the project.

BSC will also prepare a set of project specifications, including technical and front-end specifications in CSI format to cover all elements of the construction described on the plans prepared above.

A construction cost estimate, using unit pricing, will be prepared based on the approved plans and using the estimated construction quantities for both Phase I and Phase II. The construction documents (plans, technical and front-end specifications, and construction cost estimate) will be submitted to the City for review and comments. Review comments will be satisfactorily addressed and/or incorporated into a final set of 75% construction documents as appropriate.

Notice of Intent Package Preparation and Submittal

Using the approved 75% Design Plans, BSC will prepare a Notice of Intent package (with associated plans and analysis) for approval of the project under the Massachusetts Wetlands Protection Act (310 CMR 10.00) and the City of Newburyport Wetlands Ordinance. The Notice of Intent will be submitted to the Newburyport Conservation Commission and the Department of Environmental Protection (DEP) in accordance with filing requirements. BSC will coordinate with the Commission to determine the responsibility for providing public notice in the newspaper. We will obtain an abutters list from the City and mail abutter notifications as required.

For projects of this nature, it is typical to receive input during the Conservation Commission processes. BSC has included a budget to provide up to 40 hours of written and engineering design plan revisions and responses to comments received during the Conservation Commission hearings. Additional time, if required, will be provided as an additional service on a time and materials basis.

BSC team will attend the Conservation Commission public hearing in support of the Project. BSC has estimated the attendance of two (2) Conservation Public Hearings in support of the Project. Upon receipt, we will review the Orders of Conditions (OOC) for any issues detrimental to the City's interests. After the OOC is found to be acceptable by the City, BSC will record the Order at the Essex County Registry of Deeds.

Final Design Documents

Based upon the approved 75% Design Documents and the Order of Conditions BSC will prepare the 100% Construction Documents for the purpose of bidding and construction of the approved work. The documents will cover both Phase I and Phase II of the project with the understanding that the drainage improvements will be constructed first with the roadway improvements beginning the following construction season as a separate bid project. Careful attention will be given to the Phase I work and accommodating the existing Phase II infrastructure along with the bidding and constructing the drainage work separate from the roadway improvement work. The Phase II design will include the removal of any temporary infrastructure required in Phase I.

A set of bidding specification, including technical and front-end sections, to cover elements of the site construction described on the plans will be prepared to support Phase I and II.

The 75% Construction estimates will be updated and advanced to 100%. The construction documents (plans, technical specifications, and construction cost estimate) will be submitted to the City for review and comments. Review comments will be satisfactorily addressed and/or incorporated into a final set of construction documents as appropriate.

Bid Documents

Based upon the approved Final Design, BSC will prepare two sets of Bid Documents for bidding and construction of the approved work associated with Phase I of the project. The documents will cover the Phase I scope of work of the project with the understanding that the drainage improvements will be constructed first with the roadway improvements beginning the following construction season as a separate bid project.

A set of bidding specification, including technical and front-end sections, to cover elements of the site construction described on the plans will be prepared to support both Bid packages for the Phase I scope of work.

The Construction estimates will be updated and advanced to 100%. The construction documents (plans, technical specifications, and construction cost estimate) will be submitted to the City for review and comments. Review comments will be satisfactorily addressed and/or incorporated into a final set of Bid documents as appropriate.

Additional Services:

The following services are not included as a part of this Agreement. These services may become necessary based upon the conclusions derived from the performance of the proposed services. If required, these services will be performed for an additional fee to be paid on an hourly basis in accordance with the attached Fee Schedule.

- Field Survey (with associated research, office calculations and data reduction). The field survey is to be provided to BSC by the City.
- Utility designation to verify record utility plans and non-intrusive vacuum excavation to determine depths to specific utility lines, including any contractor fees.
- Activities related to the collection, handling, or treatment of hazardous materials. For this work it is assumed that any excess material can be disposed of as cover material at an unlined landfill.
- Construction and Bidding support. BSC can provide support as requested by the City as an Additional Service.



**CITY OF NEWBURYPORT
FY 2020**

TRAN077_05_11_2020

CITY CLERK'S OFFICE
NEWBURYPORT, MA

2020 MAY -5 PM 3:22

TRANSFER/APPROPRIATION REQUEST

Department: Fire Department

Submitted by: Christopher J. LeClaire, Fire Chief

Date Submitted: 5/11/2020

Transfer From:

Account Name:	<u>General Fund - Free Cash</u>	Balance:	<u>\$ 1,693,756.88</u>
Account Number:	<u>01-35910</u>	Category:	<u>\$ -</u>
Amount:	<u>\$125,000.00</u>	Trans I/O:	<u>\$ (178,914.12)</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. Above balance includes pending TRAN074_04_27_2020 for \$125,825.

Transfer To:

Account Name:	<u>Fire Overtime</u>	Balance:	<u>\$ (66,211.61)</u>
Account Number:	<u>01220001-51301</u>	Category:	<u>\$ 397,931.31</u>
Amount:	<u>\$110,000.00</u>	Trans I/O:	<u>\$ -</u>

Why Funds Are Needed:

The FY2020 appropriation for Fire Overtime was \$300,000. Overtime is predominantly used to cover paid time off, including vacation, sick and personal time. An additional \$110,000 is needed to cover the current deficit, as well as, expenses through year-end.

Transfer To:

Account Name:	<u>Fire Dispatcher Overtime</u>	Balance:	<u>\$ (6,876.59)</u>
Account Number:	<u>01220001-51302</u>	Category:	<u>\$ 397,931.31</u>
Amount:	<u>\$15,000.00</u>	Trans I/O:	<u>\$ -</u>

Why Funds Are Needed:

The FY2020 appropriation for Fire Dispatcher Overtime was \$20,000. Overtime is predominantly used to cover paid time off, including vacation, sick and personal time. An additional \$15,000 is needed to cover the current deficit, as well as, expenses through year-end.

Donna D. Holaday, Mayor:

Donna D. Holaday

Date: 5/5/20

Ethan R. Manning, Auditor:

Ethan R. Manning

Date: 5/5/2020

Sponsor: Charles F. Tontar, Councillor At-Large

City Council Approval:

FY2020 Fire Overtime as of 4/30/2020

01220001-51301

Category	YTD Expended
VACATION DAY/NIGHT	\$ 150,005.00
PERSONAL DAY/NIGHT	\$ 8,995.00
ACTING LIEUTENANT	\$ 1,683.00
SICK COVERAGE	\$ 54,469.00
INJURY COVERAGE	\$ 95,090.00
BEREAVEMENT	\$ 953.00
CALL BACK	\$ 5,590.00
STORM COVERAGE	\$ -
TRAINING	\$ 6,590.00
MUTUAL AID	\$ 10,774.00
MEETINGS	\$ 3,421.00
FIRE ALARM	\$ 2,661.00
YANKEE HOMECOMING	\$ 6,216.00
MISCELLANEOUS	\$ 6,209.00
HAZMAT	\$ 16,159.00
REGULAR 3%	\$ 6,350.00
STATION COVERAGE	\$ 593.00
BOAT	\$ 1,484.00
APPARATUS MAINTENANCE	\$ 5,953.00
Total	\$ 383,195.00



CITY OF NEWBURYPORT
OFFICE OF PLANNING AND DEVELOPMENT

60 PLEASANT STREET • P.O. BOX 550
NEWBURYPORT, MA 01950
(978) 465-4400 • (978) 465-4452 (FAX)

DONNA D. HOLADAY
MAYOR

MEMORANDUM

TO: NEWBURYPORT CITY COUNCIL
FROM: GEORDIE VINING, SENIOR PROJECT MANAGER
SUBJECT: PCB CLEANUP PROJECT: TRANSFER REQUEST
DATE: 5/5/20

We are writing to respectfully request the City Council's approval of a transfer of \$42,928.37 from several closed-out DPS projects to support the PCB cleanup project in the old rail corridor and inside the Wastewater Treatment Facility (WWTF).

Cleanup of the PCB contaminated soil is required by state and federal law and regulation and is a prerequisite for protection of the WWTF and Rail Trail from storm surge and sea level rise.

The PCB cleanup project has experienced increased costs from originally projected due to finding additional deeper contamination after post-excavation sampling and analysis, which necessitated a second smaller phase of excavation, transport and disposal as well as associated Licensed Site Professional (LSP) costs. An additional pocket of soil contamination was found on the WWTF side of the fence. We are required to conduct a third smaller excavation, transport and disposal of this soil as well as some additional work to close out the rail corridor side. It is a long iterative process, but we are getting close to the end. The current projection for the cleanup in the WWTF including LSP support, sampling and analysis, excavation, transportation, disposal (34 tons) and backfill, and a contingency is \$55,808; the current projection for potential additional work in the old rail corridor is \$32,443, and there remains the backfill to complete. We are seeking an additional smaller Brownfields grant from the Merrimack Valley Planning Commission for the balance.

Available funding has been identified by the City's Finance Director from several closed out DPS projects as indicated on the transfer request.

Thank you for your consideration.



CITY OF NEWBURYPORT FY 2020

TRAN078_05_11_2020

RECEIVED
CITY CLERK'S OFFICE
NEWBURYPORT, MA

TRANSFER/APPROPRIATION REQUEST

MAY -5 PM 3: 23

Department: Mayor's Office
Submitted by: Donna D. Holaday, Mayor **Date Submitted:** 5/11/2020

Transfer From:

Account Name: Multiple - See below Balance: \$42,928.37
Account Number: Multiple - See below Category: \$ -
Amount: \$42,928.37 Trans I/O: \$ -

Why Funds Are Available:

Closed out capital project accounts.

Account	Description	Amount	Reason Available
3805-59600	2 MACK DT W/PLOWING EQUIP	\$7,177.28	Surplus
3704-59600	CLEAN RIVER PROJECT	\$18,162.66	Did not use
3412-59600	VACUUM TRUCK	\$14,081.68	Surplus
4114-59600	BOBCAT LOADER	\$3,506.75	Surplus

Transfer To:

Account Name: CIP Rail Trail Phase 2 Balance: \$ -
Account Number: 3608-49700 Category: \$ -
Amount: \$42,928.37 Trans I/O: \$ -

Why Funds Are Needed:

To continue cleanup of PCB contaminated soil as required by state and federal laws and regulations. See attached memorandum from Senior Project Manager, Geordie Vining.

Donna D. Holaday, Mayor: Donna D. Holaday Date: 5/5/20
Ethan R. Manning, Auditor: Ethan R. Manning Date: 5/5/2020

Sponsor: Charles F. Tontar, Councillor At-Large

City Council Approval:

**APPOINTMENTS
FIRST READING**



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

RECEIVED
CITY CLERK'S OFFICE
NEWBURYPORT, MA
2020 MAY -4 AM 10:35

To: President and Members of the City Council
From: Donna D. Holaday, Mayor
Date: May 5, 2020
Subject: Appointment

I hereby appoint, subject to your approval, the following
named individual as a member of the Parks Commission.
This term will expire on May 1, 2025.

Paul Swindlehurst
12 Spofford Street
Newburyport, MA 01950

12 Spofford Street
Newburyport, MA 01950

27 April 2020

The Honorable Donna D. Holaday, Mayor
City of Newburyport
60 Pleasant Street
Newburyport, MA 01950

Dear Mayor Holaday:

Recently I learned of an opening on the city's Parks Commission and I am writing to you to express my interest in being appointed by you as a Commissioner. Recently I asked to speak with the Commission Chair, Kim Turner, about the work and challenges ahead. I think my experience might serve the parks and the city well.

As detailed in the attached resume, I have more than 40 years of experience working for nonprofit organizations. This has included executive-level appointments at Bentley University, the Rashi School, the Greater Boston Food Bank, and Community Resources for Justice. Over this time, I developed deep experience in professional fundraising, marketing, communications, and strategic planning. I also worked closely with boards of directors, creating productive staff/volunteer partnerships that advanced the organization's mission.

About two years ago I left staff work and created my management consulting company, Seacoast Philanthropy Services. (www.seacoastphilanthropy.com) The focus of my consulting practice is helping small- and mid-sized nonprofits improve their fundraising results and build stronger boards of directors. Local clients have included the C-10 Research and Education Foundation and the Merrohawke Nature School.

My wife Jan and I moved to Newburyport 11 years ago and bought a house adjacent to Moseley Woods. As you know, I became involved with Yankee Homecoming right away and went on to serve as the 2016 General Chairman of the Festival. I have also served on the board of directors of the Newburyport Art Association.

Should I be appointed to the Commission, I would bring both my significant professional skill set, and a deep, personal commitment to Newburyport, to the important work of maintaining and assuring the highest and best use of our parks and open spaces.

Should you have any questions for me, please do be in touch. Thank you for your consideration.

Sincerely,



Paul G. Swindlehurst

Paul G. Swindlehurst

Experienced Development Professional

Newburyport, MA 617-780-2373 PaulSwindlehurst99@gmail.com

[in linkedin.com/in/paulswindlehurst](https://www.linkedin.com/in/paulswindlehurst)



Professional Experience

Principal January 2018 - Present

Seacoast Philanthropy Services

We help small- and mid-sized nonprofits increase their fundraising effectiveness and improve their governance structure and results.

The consultancy focuses on three practice areas:

1. **Fundraising** analysis, strategy, and work planning;
2. **Board of Director** analysis, training (fundraising/communications) and recruitment strategy toward creating a more effective governing body;
3. Serving as **Interim Director of Development** - providing department leadership and services while a search is conducted.

Vice President & Chief Advancement Officer 2001 - 2017

Community Resources for Justice, Boston, MA

Reporting to the President/CEO, I provided leadership to a department responsible for all fundraising, marketing, public relations, and communications for a complex, \$50 million human service agency.

I led a paradigm shift in fundraising strategy and tactics that has moved away from general agency support toward building a sustainable, scalable fund development program for each of the three operating divisions.

Executive Vice President, Marketing and Development 2007 - 2011

The Greater Boston Food Bank, Boston, MA

Reporting to the President/CEO, I provided leadership and strategic direction to the Development Department and Marketing Department of the largest hunger relief organization in New England. I managed a team of 13 employees between the two departments. Significant accomplishments included:

- FY2010 achievement of raising 114% of the annual private source goal. We exceed the goal for each of the last three years;
- A 56% growth in annual giving in three fiscal years. FY2010 total for annual giving was \$8.6 million from all sources;
- I raised an additional \$5.0 million for the then six year old capital campaign, driving toward a December 2010 completion at \$35 million;
- I created a major gift prospect business plan that resulted in effective relationship manager assignments and accountabilities, tactical cultivation and stewardship planning, and personal solicitation. As a percentage of total raised, major gifts has increased from 30% to 49% during 2008 - 2010. Our average gift exceeded \$3000;
- Leading the marketing department, I developed strong brand presences on many platforms - print, web, advertising, public relations, and social media, resulting in high awareness on the part of the public.

Chief Advancement Officer 2005 - 2007

The Rashi School, Newton, MA

Summary

A 30 year record of achievement in a variety of mission-driven institutions.

My work has included **cultivating and soliciting major gift prospects, department leadership, and capital campaign planning and execution.**

I have experience with **annual giving, planned giving, and planning and executing fundraising events.**

Identifying, cultivating, and soliciting major gift prospects is a core strength.

I am also an experienced manager with solid background in **goal setting, performance evaluation, and inspiring staff to reach their greatest potential.**

Expertise

- **Leadership and Staff Management**
- **Board and Committee Development**
- **Fundraising**
 - Donor cultivation, stewardship and solicitation
 - Program management
 - Capital Campaign planning and management
 - Fundraising event planning and execution
- **Operations**
 - Volunteer and staff recruitment
 - Database design and administration
 - Fiscal planning and budget management
- **Technology**
 - Microsoft Office Suite
 - Raiser's Edge and E-Tapestry CRM applications
 - Foundation Center Online
 - Google Docs
 - Various cloud-based collaboration platforms

Reporting to the head of school, I provided leadership to a department of five professionals responsible for annual fundraising, the \$30 million capital campaign, external communications, public relations, and parents programs. Accomplishments included:

- Reorganizing and revitalizing a six-year old capital campaign through strategic planning, creating short-term tactics, additional volunteer recruitment, aggressive prospect review, and focused solicitation strategies;
- Raised \$2.9 million for the capital campaign during my tenure;
- Developed Campaign communications initiatives, launching both a printed Campaign newsletter and email-based Campaign Update;
- Reorganized the department and recruited 5 experienced professionals for annual giving, communications, and major gift solicitation;
- Developed and implemented new donor recognition strategies including giving level segmentation and creating an annual donor recognition event.

Vice President of Institutional Advancement 2004 - 2005
Merrimack College, Andover, MA

In anticipation of a large, comprehensive campaign, I planned and lead a reorganization of the Institutional Advancement Division.

- We achieved annual fund growth of 8%;
- I implemented best practices in gift administration, prospect management, management reporting, and prospect research;
- Working in collaboration with the fund development committee and board, I created a first-ever gift acceptance policy and a campaign planning timetable;
- I hired and collaborated with Marts and Lundy to conduct the campaign feasibility study. I authored case statement for use in the study.

Philanthropy Counsel 2002 - 2004

In two years of independent consulting, I provided technical assistance and expert advice to several clients, including Big Brothers of Massachusetts Bay and Community Resources for Justice.

Scope of work included: serving as interim director of development, capital campaign strategic planning, development operations audit, board training, staff development, executive search, and major fundraising event planning.

Executive Director of Development / Chief Development Officer 1998 - 2002

Bentley University, Waltham, MA

- Planned and launched \$100 million comprehensive campaign with \$62 million raised toward goal by December 2002;
- Total annual private support from all sources reached \$12 million by FY03, a 47% increase in three years;
- Annual Giving revenue increased 38% in 36 months to \$1.25 million per year;
- Effectively cultivated, stewarded, and solicited a portfolio of prospects with capacity for six- and seven-figure commitments. Successfully solicited and closed commitments of \$1 million;
- Supported college president and officers, trustees, and volunteers with strategic planning, counsel, and training;
- Successfully expanded the development staff by recruiting outstanding professionals to serve in new positions in operations, communications, special events, and annual giving field staff;
- Designed and implemented new prospect tracking system. Supervised conversion of alumni database and gift administration system to new client-server system.

Director of Alumni Development, College of Business Administration 1986 - 1998

Professional Affiliation

- **Past President, Association of Fundraising Professionals** – MA Chapter (AFP)

Current and previous memberships

- CASE
- AFP
- Planned Giving Group of New England

Recent Community Service and Involvement

- **Board of Directors**, Newburyport Art Association
Chairing the Fund Development Committee and serving on the Strategic Planning Committee. (2017-2019)
- **General Chairman** (2016) of Yankee Homecoming
Greater Newburyport's 9-day summer festival with over 180 events, 200 volunteers, and \$150,000 in annual fundraising
- **Board of Directors** - Yankee Homecoming, Inc.
- **Member** - Newburyport Chamber of Commerce and Industry. Nonprofit Council *Steering Committee member.*

Education

Bachelor of Science - Major: Education
Northeastern University

Northeastern University

Hired initially as a major gifts officer, assumed increasing responsibility over the period to eventually lead the development efforts for the College of Business Administration.

- Planned and implemented a successful capital solicitation program for alumni and friends, raising \$6.7 million for the business school building renovation.
- Wrote campaign case statement and supporting materials.
- Personally cultivated and solicited prospects for six- and seven-figure commitments.
- Served as liaison between the business school and university central development office. Trained and supported the dean, faculty, and volunteers in cultivation and solicitation activity.



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

APPT175_05_11_2020

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

RECEIVED
CITY CLERK'S OFFICE
NEWBURYPORT, MA
2020 MAY -4 AM 10:35

To: President and Members of the
City Council

From: Donna D. Holaday, Mayor

Date: May 5, 2020

Subject: Appointment

I hereby appoint, subject to your approval, the following named individual as a member of the Conservation Commission. This term will expire on June 1, 2023.

Ronald DiCola
6 Shandel Drive
Newburyport, MA 01950

April 24, 2020

Dear Donna,

Stephen Moore of the Newburyport Conservation Commission reached out to me recently and mentioned that there is an opening on the Newburyport Conservation Commission. I own a home in Newburyport and reside at 6 Shandel Drive.

I am a life long environmental professional at 4 different Fortune 100 Technology and Pharmaceutical Corporations occupying positions of increasing functional and geographic responsibility. I have held several other positions as well directly related to the conservation field including having owned my own Tree Expert Company and being a New Jersey Certified Tree Expert.

I have experience on several Boards including most recently becoming a member of the Friends of Parker River National Wildlife Refuge Board on February 8, 2020.

I have attached my resume outlining my experience and qualifications and would like to be considered for the Newburyport Conservation Commission opening.

I appreciate your help in providing my qualifications to the appropriate decision maker for the Conservation Commission and welcome any guidance you can provide related to this request.

Sincerely,

Ronald DiCola
Cell 508-903-3062

RONALD DI COLA

6 Shandel Drive
Newburyport, MA 09510

508-903-3062 (mobile)
rdicola10@gmail.com

EXPERIENCE

Sanofi, Paris, France

July 2007 - Present

Sanofi, Waltham, Massachusetts: North America (NA) Health Safety Environment (HSE) Head, Associate Vice President (10/1/2016 – Present)

Regional HSE leader responsible for starting a new HSE regional support function and building a new Team while providing direct support to 10 NA Region HSE Experts and approximately 60 dotted line HSE Team Members from Sanofi Canada and US sites and businesses. Responsibilities cover ~ 18,000 employees located at 11 manufacturing sites, 6 warehouses, 9 R&D locations, 4 field sales organizations and 7+ commercial operation office locations. Leadership goals include continuous HSE performance improvement in employee/contractor safety, environmental footprint reduction, HSE Compliance and Environmental Sustainability across all US and Canada Operations while building the Sanofi NA community of HSE Professionals. The key strategic leadership initiatives include the introduction of an HSE maturity model to standardize NA HSE operations around a unified HSE Management System and Culture based on prevention, the deployment of leading activities/behaviors and the successful/sustainable engagement of all Sanofi Employees in addressing HSE responsibilities.

Genzyme, a Sanofi Company, Framingham, Massachusetts: Global Head of Biologics HSE (7/01/2014 – 10/01/2016)

Global HSE Leader for the Sanofi's Biologics manufacturing Division (Rare Disease and tMabs) responsible for leading the integration of Genzyme HSE into Sanofi, the reorganization of the Division's HSE function and providing strategic and tactical leadership of 9 manufacturing locations in the US and Europe. Through a unique blend of Site and Corporate HSE Leadership experience I successfully established a Division wide HSE Governance structure and site based HSE maturity model focused largely on leading performance indicators. This flexible, yet prescriptive, approach to HSE Governance has been universally successful in delivering a standard HSE Culture focused on proactive behaviors and preventive measures to engage employees/management and drive continuous and sustainable HSE performance improvement at all Sanofi Biologic manufacturing locations. Results include the achievement of top safety performance for the Sanofi Biologics Division, within 2 years, as compared to all other Sanofi manufacturing Divisions.

Sanofi Pasteur, Swiftwater, Pennsylvania: Senior Director HSE (7/13/2007 – 6/30/2014)

Site and regional HSE Leader responsible for a Team of ~ 25HSE employees and contractors for Sanofi Pasteur's North American Vaccines Division and HSE leadership to over 3,500 employees and contractors in manufacturing, R&D, commercial and logistic operations. Key accomplishments include ISO 14001 Environmental Management Systems recertification in 2008 and 2011 and the development of the site's OHSAS 18001 Health and Safety Management System that was certified in 2009 and recertified in 2011. Developed programs to evolve the HSE culture and achieved a 74% improvement in the total recordable injury rate between 2006 and 2013. Championed the establishment of cross organizational sustainable growth teams in Green Chemistry, Green Procurement, Climate Change and Energy, Waste and Water to reduce the business' environmental footprint and support Sanofi's Corporate Social Responsibility objectives. I also championed a focused initiative to improve operational efficiency by reducing spills, accidental alarms, accidental sprinkler activations, and broadly raising awareness to the prevention of all forms of security and HSE business interruptions. Responsibilities during this 7 year period also included Site Security and Business Continuity Planning.

Senior Director, Corporate Environmental Affairs (1/1/06 – 7/2007)

Environmental leader of Pfizer's corporate organization responsible for seven major programs, four directors and an extended network of ~40 environmental professionals located around the world. The most noteworthy programs associated with this position included the Green Building, Green Chemistry, Climate Changes and Energy, Air, Wastewater and Waste programs. Other programs managed included Pfizer's global EHS performance measurement and reporting program and supplier management program. Established Pfizer's 2nd Generation public Climate Change Goal and managed Pfizer's goal to eliminate Class I ozone depleting compounds in support of a public goal to protect the ozone layer. Developed Pfizer's EH&S Strategic Plan as a member of the senior management team.

Director, Corporate Environmental Affairs (10/2004 – 12/2005)

Led Pfizer's Corporate Environmental Affairs Team made up of experts and programs in energy management and policy, solvent use reduction, product regulation, air, water and waste management. Specific responsibilities included the development and implementation of strategies to manage existing compliance concerns while preparing the Corporation to address emerging environmental issues. In addition to these leadership responsibilities, the program responsibilities identified below continued to be supported.

Assistant Director, Corporate Environmental Affairs (11/2001 – 9/2004)

Supported the development and implementation of corporate environmental programs in the areas of ozone layer protection, waste management and minimization, change management, EHS performance data collection and reporting, supply chain environmental management, green chemistry and life cycle assessment. Developed IT solutions to improve compliance, increase efficiency, and reduce the cost of developing and implementing EHS programs.

Lucent Technologies, Morristown, NJ

1997–August 2001

EH&S Director, Lucent Internetworking Systems (11/2000 – 8/2001)

Developed and implemented a self-certified Environment, Health and Safety Management System and Product Stewardship program as the lead EH&S professional within Lucent's Data Networking equipment business. Responsible for bringing together a new global business group consisting of 5,000 employees and the products and technologies from 15 acquisitions, to ensure that operations and products meet regulatory and customer environmental requirements.

EH&S Director (1998- 2000)

Directed a team of 35 professionals in Corporate EHS operations. Responsibilities included environmental remediation, real estate due diligence, design for the environment and technical support (RCRA, CWA, CAA, OSHA, TSCA etc.). Developed and implemented an EH&S compliance and management systems audit program, an audit follow-up and closure program and an annual Officer level compliance assurance process. Provided operations level leadership to Bell Laboratories' environmental programs. Managed environmental liabilities (CERCLA, SARA). Contributed to a corporate tax rate reduction goal by creating a majority owned remediation subsidiary to aggressively manage a \$300 + million portfolio of remediation liabilities. Decreased remediation costs 4.7 % in the first full year of operation. Developed Lucent's EHS Strategic Plan as a member of the senior management team.

EH&S Director North American Operations (1997)

Directed a team of 30 EH&S professionals regionally deployed across the United States. Provided compliance and accident reduction support for over 15,000 installation technicians and compliance support to over 50,000 administrative employees in 900 locations around the country. Developed EH&S management systems for two Business Group clients and decreased lost workday case accidents by 17 % and annual cost to the business by over \$10 million by providing implementation support for the Company's safety improvement goal.

Manager, EHS Audit and Environmental Teams (1996)

Managed 30 EH&S professionals through the reorganization of AT&T's service businesses (after the spin off of AT&T's telephone equipment business). Developed a corporate audit and performance metrics program to annually perform 150 audits and measure and report internal and external EH&S performance. Managed a nationwide network of environmental professionals providing EH&S compliance support for the operations of AT&T's telecommunications network infrastructure.

Manager, Global Compliance Assurance (1992 – 1995)

Managed a team of 15 EHS professionals in the performance of compliance assurance audits. Led the reorganization and improvement of AT&T's Corporate Compliance Assurance Program in response to the criminal prosecution of the Company on an environmental matter. Engaged 300 EH&S professionals throughout AT&T's Corporate Center, Bell Laboratories and Business Groups in the analysis of EH&S programs; used quality improvement techniques to identify organizational and performance gaps and implemented countermeasures. Improved Audit operational performance by globalizing the audit program, decreasing the audit cycle time, increasing the number of annual audits and improving the overall quality and utility of the compliance information provided to management. Introduced root cause analysis and provided executive engagement opportunities through a new Audit Executive Summary Report. Managed the development and deployment of EHS programs and staff in regional offices in Spain, Singapore, Mexico and China.

Superfund Manager (1989 – 1991)

Managed a portfolio of over 100 Superfund sites with liability in excess of \$200 million; estimated cleanup liability reserves, provided technical support for insurance litigation and managed a staff of six engineers responsible for site investigations and cleanups.

Superfund Engineer (1987 – 1989)

Managed a case load of approximately 30 abandoned hazardous waste sites with responsibility for all aspects of the Company's Superfund liability including the negotiation of waste contribution to the sites, investigation and clean up financial liabilities, and technical clean up issues with the USEPA and other potentially responsible corporations.

New Jersey Institute of Technology, Newark, NJ**1989-1992****Adjunct Professor in Physical Geology for evening undergraduate classes.****NJ Department of Environmental Protection, Trenton, N.J.****1986-1987****Senior Environmental Engineer** - Conducted comprehensive environmental assessments of industrial property prior to sale or closure as part of the State's implementation of the Environmental Cleanup Responsibility Act (ECRA).**New Jersey Institute of Technology, Newark NJ****1984-1986****Research Assistant** - Set up a state-of-the-art laboratory and investigated the changes in soil properties and permeability resulting from Benzene, Phenol and TCE contamination.**Hackensack Meadowlands Environment Center, Lyndhurst, NJ****1984-1985****Program Specialist** - Developed and delivered educational programs on estuary ecology, solid waste management and land use planning.**Appalachian Tree Surgeons, Inc., Montclair, NJ, Owner/President****1980-1984****BOARD EXPERIENCE****Friends of Parker River National Wildlife Refuge****2/2020 – Present**

Board Member – Provide oversight and governance of volunteer activities and privately donated funds in support of the Parker River National Wildlife Refuge Mission with activities ranging from fund raising, STEM Internship Programs, habitat and infrastructure restoration and cleanup programs.

Eastern School of Acupuncture and Traditional Medicine 6/2011 – 9/2013

Board Member – Provide strategic direction and operational guidance to the School's Leadership Team in support of the long-term viability and success of the school, the highest quality educational experience for students and the enrichment of the broader community.

USEPA Northeast Region Training and Technology Transfer Advisory Committee 1989–1999

Chairman - Chaired a committee of public and private sector experts charged with setting training and technology transfer priorities in the area of hazardous waste management for the USEPA. Annually solicited proposals from research institutions within USEPA Regions 1 and 2 and awarded up to \$300,000 in funding annually.

Front Street Remedial Action Corporation 1987–1991

Director and Treasurer – Served as Director and Treasurer responsible for contracting and overseeing the implementation of \$30 million court ordered clean up of the Conservation Chemical Company Superfund Site in Kansas City, Missouri.

EDUCATION

Massachusetts Audubon Birder's Certificate Program	Aug. 2018 – June 2019
NYU Stern School of Business - Pfizer Legal Leadership Series	March 1-3, 2006 Oct 24-28, 2005
Penn State Executive Education - Lucent Technologies Leadership Training Leading with Impact: Linking People, Strategy and Results Financial Analysis for Strategic Management	Sept. 1999 - Oct. 1999 Oct. 19-29, 1998
New Jersey Institute of Technology, Newark, New Jersey MS Toxicology/ Environmental Science Thesis: The Effects of Toxic Substances on the Index Properties of Soil	1984-1986
Cook College/Rutgers University, New Brunswick, New Jersey BS Environmental Science, with Honors	1978-1979
Montclair State University, Montclair, New Jersey BS Biology, Cum Laude	1975-1978

HABITAT DEVELOPMENT/RESTORATION PROJECTS

Garret Mountain Rifle Camp Park Youth Conservation Corp. Trail Development Program Leader - Passaic County Park Commission	1979
Hackensack Meadowlands Environment Center Trail System Development	1984-1985
New Jersey Natural Lands Trust Volunteer – Purple Martin House Project (Barnegat, NJ), Limestone Ridge Trail Heron Rookery Project (Lafayette, NJ), Taylor Property Trail Project (Cinnaminson, NJ)	1986-1991
New Jersey Audubon Volunteer - Butterfly and Hummingbird Habitat Project - Lorimar Sanctuary	1996
Honey Bee Hive Project – 5 Sanofi Genzyme Sites in Europe and US	2015-2018
Screech Owl Conservation Project (Mass Audubon BCP Project) – 10 Nesting Boxes on Sanofi Genzyme Sites in North America	2019

HONORS/ACCREDITATIONS

AT&T Champion of the Environment - 1996

National Association for Environmental Management Special Recognition Award - 1991

Exxon Research Fellowship - 1985

NJ Certified Tree Expert



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

RECEIVED
CITY CLERK'S OFFICE
NEWBURYPORT, MA
2020 MAY -4 AM 10:35

To: President and Members of the
City Council
From: Donna D. Holaday, Mayor
Date: May 5, 2020
Subject: Appointment

I hereby appoint, subject to your approval, the following
named individual as a member of the Conservation
Commission. This term will expire on June 1, 2023.

Jane Sender
9 Dalton Street, Unit 3
Newburyport, MA 01950

Jane E. Sender
9 Dalton Street
Unit 3
Newburyport, MA 01950

March 12, 2020


The Honorable Donna D. Holaday
Mayor
City of Newburyport
60 Pleasant Street
Newburyport, MA 01950

Dear Mayor Holaday,

Please accept this letter and enclosed resume in response to your posting of an opening on the City's website of a position on the Newburyport Conservation Commission. I am a retired lawyer, and served for five years as a member of the Conservation Commission in Newton, MA until I moved to Newburyport in March, 2017. The experience was interesting and rewarding. I have enclosed a brief resume which includes current and recent experience. I would welcome the opportunity to become more involved in my new community.

I look forward to discussing this with you.

Sincerely yours,

A handwritten signature in cursive script that reads "Jane Sender". The signature is written in black ink and is positioned above the typed name.

Jane Sender
janesender@verizon.net
617 462-8425

Jane E. Sender
9 Dalton Street
Newburyport, MA 01950
Janesender@verizon.net
617 462-8425

Community / Volunteer Experience

Birding Trip Co-leader, MassAudubon Drumlin Farm Wildlife Sanctuary, Lincoln, MA, 2018 to present; Member, Newton Conservation Commission, 2012-2017; Chair and Member, Newton Community Preservation Committee 2014-2017; President, Newton Conservators, Inc. 2010-2014; NOAA Seabird Observer, Stellwagen Bank National Marine Sanctuary, 2010 to present.

Professional Experience

Attorney, Boston, MA and Atlanta, GA, 1982-2008; Law Clerk, United States Court of Appeal for the Fifth Circuit, Shreveport, LA, 1981-82.

Education

J.D., University of Florida College of Law 1981; B.A./M.A. University of Oxford 1976.

Bar admissions

Massachusetts



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

RECEIVED
CITY CLERK'S OFFICE
NEWBURYPORT, MA
2020 MAY -4 AM 10:35

To: President and Members of the City Council
From: Donna D. Holaday, Mayor
Date: May 5, 2020
Re: Appointment

I hereby appoint, subject to your approval, the following named individual as a member of the Planning Board. This term will expire on June 1, 2025.

Alden Clark
15 Lunt Street
Newburyport, MA 01950

Donna Musumeci

From: Alden Clark <aldenclarkboston@yahoo.com>
Sent: Monday, April 13, 2020 11:14 AM
To: Donna Musumeci
Subject: [Ext]Newburyport Planning Board position
Attachments: AWC bio.doc

external e-mail use caution opening

Hi Donna,

I understand from talking with Bonnie Sontag that there is an open position on the Newburyport Planning Board, and after speaking with her she said that I should send this letter of interest to you for you to coordinate with the mayor.

I moved to Newburyport from Boston in the spring of 2017 and reside in the South End on Lunt Street.

I have participated with the Newburyport Livable Streets group since 2018 and Rick Taintor had told me about the open position and thought I might be interested.

I have been interested in Urban planning and design since my college days and I may have tried to get into that field, but took another path in school and went to Law School. I did not practice law, but was employed in my second interest of computer programming. So I do not have any formal planning background or employment. My interest in planning and local transit lead me to have discussion with some of the Boston City employees, and MBTA historians. I frequently walk around the streets in Newburyport with my dog, and am very interested in the projects and development occurring in the city and how they fit in with the character of the city.

I was employed at New England Life which later merged with MetLife in Boston, in various position from Programmer, Lead programmer, Project Manager to Manager of Computer Systems. I retired from there and have since moved to Newburyport.

While living in Boston, I participated briefly on an MDC committee focusing on Metropolitan Park usage, as I was an officer in a local running group that had regular use of the parks.

With the Newburyport Livable Streets group I participated with some others in the group on bike rack planning, snow removal tracking and recommendations, Hale Street Improvements, and I helped coordinate the Open Streets event that was held in the South End in June of 2019. Along with them I have attended some of the TSAC and City Council meetings.

I do not have a current resume, but I have attached here a brief biography. Please let me know if there is more information that would would like or require.

Thank you,

Alden Clark

Alden Clark Biography

Alden Clark
15 Lunt St
Newburyport, MA 01950

Education:

1969-1973 BA, Mathematics and History Lake Forest College

1973 – 1976 JD, New England School of Law

Employment:

1979 – 2007 – Computer programmer, Project Manager, Computer Systems Manager
New England Life / MetLife Insurance Company

2008 on – Retired

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

**APPOINTMENTS
SECOND READING**

SECOND READING APPOINTMENTS

- APPT167_04_27_2020 Madeline Nash 19 Arlington St Afford Housing Trust 5/1/2023
- APPT168_04_27_2020 Barry J. McBride 5 Pine St, Salisbury Asst Wiring Inspector 5/15/2021
- APPT169_04_27_2020 Cynthia Muir 10 Hancock St Council on Aging 5/31/2025
- APPT170_04_27_2020 Robert Dow 185 Storey Ave Harbor Comm 5/1/2023
- APPT171_04_27_2020 James Knapp 24 Cutting Dr Harbor Comm 5/1/2023

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

COMMUNICATIONS



**City of Newburyport
Charter Review Committee
Report to the City Clerk
April 29, 2020**

Pursuant to Section 9-6 of the Newburyport Home Rule Charter, the Charter Review Committee submits this report to the City Clerk, to be forwarded to the City Council and Mayor for consideration and possible action.

For the reasons detailed below, and in light of the current nationwide emergency, the committee asks that the Council and Mayor accept this report and also consider extending the charge of the committee beyond the May 1 deadline in order to file a more comprehensive report.

I. Background

The Charter Review Committee was formed pursuant to Section 9-6 of the Newburyport Charter, which states:

Sec. 9-6. - Periodic review of charter

Not later than the first day of July, at ten-year intervals, in each year ending in a nine, the mayor and city council shall provide for a review to be made of the city charter. This review shall be made by a special committee to consist of nine members, four of whom shall be appointed by the city council president and five of whom shall be appointed by the mayor. At least two of the persons appointed by the city council president shall be members of the city council. All members of the committee shall be voters of the city. The appointing authority shall fill any vacancies within fourteen days. The special committee shall file its report with the city clerk, not later than the first day of May in the year following the year in which the committee is appointed. The recommendations of the special committee shall appear on the city council's agenda for action before the fifteenth day of June in that year and if not so scheduled by the city clerk the matter shall come before the city council for action at its next meeting held following the

fifteenth day of June, and no other business shall be in order until such report has been acted upon, by roll call vote.

In June 2019 Mayor Donna Holaday and Council President Barry Connell selected the following members:

Mayoral Appointments

Denis Kennedy
Bruce Menin
Connie Preston
Sheila Taintor
Juliet Walker

Council President Appointments

Ed Cameron
Heather Shand, Ward 3 Councilor
Charlie Tontar, Ward 4 Councilor (became councilor-at-large in January 2020)
Sharif Zeid, Ward 1 Councilor

II. Committee Meetings and Progress

The committee held its first meeting on Jan. 22, 2020, and elected the following officers: Charlie Tontar, Chair; Denis Kennedy, Vice Chair; and Ed Cameron, Secretary.

The committee met a total of eleven times over the next three months, usually convening weekly. A public hearing was held at the Feb. 5 meeting, and the committee also set aside a public comment period at each meeting.

After general preliminary discussions, the committee went methodically through the charter, flagging issues to be discussed or items to be corrected. The plan was to return to those items for specific action as needed after the preliminary pass through the charter. There would also be a determination, if necessary, of whether some items could best be addressed through other means such as ordinance or council rules.

The committee completed the initial review by March 5 and started discussion of specific amendments at its next meeting on March 10. However, only a handful of items were addressed, such as Section 1: Definitions. We had not reached discussion of larger, substantive issues, such as any modifications of the sections dealing with the City Council, Mayor and School Committee. Arrangements were made to proceed with subsequent sections at the next meeting, scheduled for March 18.

By that time, however, there had been a significant upheaval in daily life due to the growing novel Coronavirus pandemic. On Thursday, March 12, Mayor Holaday recommended that city boards postpone meetings, with the exceptions that meetings could be held to address critical, time sensitive matters. In addition, Gov. Baker issued an emergency order that municipal bodies meet remotely for the foreseeable future to reduce the chances of the spread of the virus.

Consistent with these directives, Chairman Tontar notified Charter Review Committee members on March 13 that he had canceled all scheduled meetings of the committee while the city researched "a means through which we could meet remotely with real time public observation and participation."

The situation escalated significantly in the ensuing days, as the governor declared a state of emergency statewide and the mayor followed suit in Newburyport. Public buildings, including City Hall, were closed, and residents were advised to stay home as much as possible.

During this time some city bodies made arrangements to hold meetings over the online meeting program Zoom. The Charter Review Committee followed suit, convening its next meeting on Wednesday, March 25. All nine members participated.

During the meeting some members conveyed reservations about going forward under the current circumstances. Some expressed difficulty with the shortcomings of remote participation and its effect on member discussion and public participation. There was also significant concern over whether the committee would be able to deliver a complete report to the city clerk by the charter-prescribed deadline of May 1.

After discussion, the committee voted 6-3 to suspend its deliberations on review and changes to the charter, based on the current circumstances. Members agreed to meet remotely a week later, on April 1, to discuss a more detailed motion.

At that meeting, the committee voted unanimously in favor of the following motion:

That the Charter Review Committee submit a report to the City Clerk, pursuant to Section 9-6 of the city charter, summarizing its efforts and work to date and also stating the following:

- 1) while it has made progress, including an initial review of all chapters of the charter, the committee has been unable to complete substantive discussions on possible charter revisions due to limitations on meetings and other conditions imposed by the current state of emergency;
- 2) these limitations have made the submission of a more comprehensive report by the May 1 deadline under Sec. 9-6 of the charter unrealistic; and

3) the committee respectfully recommends and requests that the City Council and the Mayor authorize the committee to reconvene and resume its work after the end of the current state of emergency and submit a final report by a deadline to be specified by order of the council in consultation with the mayor.

III. Topics Identified

In its discussions, the committee reached no final conclusions on any significant, structural changes to the city's council-mayor form of government. We did, however, flag several dozen items for further discussion, some based on comments received from the public.

Suggestions from the public, both sent by email and delivered in person during public comment at meetings, included:

- Changing to a city manager form of government
- Electing city officials by ranked choice voting
- Eliminating the mayor's position as chair of the School Committee
- Reducing the term of School Committee members
- Instituting term limits and recall provisions for the mayor
- Amending the removal procedures for city officers and employees

In addition, the mayor's chief of staff submitted a memorandum listing the administration's suggestions for possible changes (attached), based on discussions with the City Clerk, Planning Director and Finance Director. Those suggestions included:

- Amending the prohibition on a Councillor holding any other city office or employment on a limited basis, such as a part-time athletic position.
- Establishing an Elected Official Compensation Commission to set salaries for officials. Compensation is currently set by ordinance.
- Changing the definition of "Majority Vote" to mean a majority of all members or a body, not of those present.
- Changing the current language that no "measure" shall be passed by the Council on the same night it is introduced to allow votes on time-sensitive matters such as road races, block parties and special events.
- Eliminating separate public hearings for the Capital Improvement Plan and the annual city budget to allow a single hearing for greater public participation.

- Eliminating the requirement that notice of capital plan and budget hearings be posted in a local newspaper.
- Moving the filing date for the Capital Improvement Plan from April 1 to May 15, to coincide with the filing of the budget.
- Eliminating the rule that no “rule or regulation” adopted by a city agency cannot take effect for five days.
- Eliminating the filing of meeting documents, including minutes, with the public library. Documents are now filed with the city clerk.

The committee flagged these and many other topics for later discussion and possible action. Our spreadsheet of items numbered more than 70, including these brought up by members:

- The Capital Improvement Plan, including changes to calendar for submittal to the Council and information to be contained
- The prohibition on additional employment of councilors
- Expansion of the ban on councilors and mayors serving if they are convicted of a felony related to a public position to cover all felonies
- Amending/clarifying the prohibition on councillors’ ability to “give orders or directions to any officer or employee of the city appointed by the mayor, either publicly or privately.”
- The ability of the council to initiate removal of department heads (currently the prerogative of the mayor)
- Prohibiting the mayor from receiving compensation for any other positions
- Limitations on former mayors appearing before land use boards (ZBA, Planning Board) after leaving office
- Elimination of the special committee to revise or recodify ordinances every five years
- Ensuring ward lines do not split streets
- Inserting gender-neutral language where needed
- The role and management of the City Solicitor

IV. Charter Amendment or Revision Process

We gained a greater understanding of the charter review and amendment process in a discussion with Lauren Goldberg, managing partner of City Solicitor KP Law, at our meeting on Jan. 29. We are aware that there is more than one method of changing the charter. Relatively minor changes may be accomplished by a council vote, in consultation with the mayor, followed commonly by a citywide vote. MGL c. 43B requires that more substantive amendments, specifically “any change in a charter relating in any way to the composition, mode of election or appointment, or terms of office of the legislative body, the mayor or city manager, or the board of selectmen or town manager,” can only be accomplished through one of two ways: 1) the election of a charter commission, such as in 2010-11, or 2) the filing of special legislation with the Legislature enacting such changes.

We are mindful of our relatively limited charge, but have not ruled out discussion of some issues, such as recall, terms of office and the adoption of a city manager form of government. For this reason, we had envisioned completing work on the relatively minor revisions, and if we had reached a consensus on the larger issues, recommending them for further study and possible action by the council and mayor.

V. A Path Forward

Consistent with the motion passed at its April 1 meeting, as noted in Section II above, the committee submits this summary of its work to date. We are mindful that it is an incomplete work, but feel that our decision was warranted considering the unique circumstances. (It is also our understanding that other city bodies have reduced their meetings and postponed action on some items.)

Though our charter-mandated deadline has expired, we are willing to resume the task of reviewing the charter and receiving additional public input to complete our charge, if the council and mayor so decide.

We recognize the council and the mayor are under no obligation under the charter to authorize further action by this committee. However, state law (MGL c. 43B, § 10) authorizes a council and mayor to initiate the charter review process at any time. Given that our committee just recently started operating, we suggest the council authorize this committee to resume its work for a period after the end of the current state of emergency and submit a more complete report by a deadline to be specified by the council in consultation with the mayor.

Approved at a remote meeting of the committee on April 29, 2020 by a vote of 7 in the affirmative with Edward Cameron and Heather Shand absent having previously expressed support.

Charter Review Committee

Charles Tontar, Chair

Bruce Menin

Sheila Taintor

Denis Kennedy, Vice Chair
Edward Cameron, Secretary

Connie Preston
Heather Shand

Juliet Walker
Sharif Zeid

Attachments

1. Memo Charter Committee Admin. Recommendations 2020-02-12
2. Charter Testimony
 - a. Amy Roberts Testimony
 - b. Brin Stevens Testimony
 - c. Hazem Mahmoud Testimony
 - d. Bruce Menin Testimony
 - e. David Hochheiser Testimony
 - f. Sean Reardon Testimony
3. Minutes
 - a. CRC Minutes JAN 22, 2020
 - b. CRC Minutes FEB 5, 2020
 - c. CRC Minutes FEB 12, 2020
 - d. CRC MINUTES FEB 26, 2020
 - e. CRC Minutes MAR 5, 2020
 - f. CRC Minutes MAR 10, 2020
 - g. Remote Meetings were held on March 25, 2020, April 1, 2020, April 9, 2020, April 15, 2020, and April 29, 2020. Remote meetings were recorded and are available on the city web page.

1. Memo Charter Committee Admin. Recommendations 2020-02-12



CITY OF NEWBURYPORT
OFFICE OF THE MAYOR
DONNA D. HOLADAY
60 PLEASANT STREET • P.O. BOX 550
NEWBURYPORT, MA 01950
(978) 465-4413 • (978) 465-4402 (FAX)
WWW.CITYOFNEWBURYPORT.COM

To: Councillor Charles Tontar
From: Matthew Coogan, Chief of Staff
Date: February 2, 2020
Subject: Charter Review

Thank you to the Chair and the members of the Special Committee for volunteering your time to focus on such an important endeavor as the periodic review of the City Charter. In accordance with Section 9-6 of the City Charter and M.G.L. Chapter 43B Section 10, a Special Committee shall provide the City Council and the Mayor a report that reviews the Charter and can include potential. Below are some suggested amendments to the Charter by the Administration for the Committee to consider. These suggestions were provided by Department Heads with a thorough working knowledge of the Charter and significant experience administering City government in compliance with the Charter. We ask you consider these suggestions as you deliberate and develop your report. City staff can be available to discuss further.

- Amend Section 2 – 3 (a) to allow a city councilor member, by approval of the President of the Council or the Mayor, to hold another city office or city employment at a limited basis. For example, it seems too restrictive, to prohibit a Councillor from a part-time position keeping score at high school athletic events. A situation like this could be allowed with the approval of the President of the Council or the Mayor.
- Replace Section 2-4(a), 3-1(c) and 4-4 with an Elected Official Compensation Commission that meets every 2 years to establish salaries for elected officials.
- Define in Section 2-6(b) Majority Vote (13) as meaning a majority of the members of the body – instead of those present. The Council actually had to vote its own order to require this for non-appropriation orders.
- Amend Section 2-9 to allow certain measures to be passed on the night of introduction. In addition to veritable emergencies, including last-minute block parties, road races and special events, this restriction should be easily waived by the Council for any purpose in the broad public interest where a matter is urgent, important or time-sensitive. We suggest adding ‘provided however [event / order description] may be passed on the date on which it is introduced’ at the end of the first sentence in Charter 2 – 9 (a) rather than redefine what a measure is.

- Combine Section 6-4 (a) and 6-5 (b) that requires separate public hearings for the annual operating budget and capital improvements program. One public hearing may prove to be more effective and generate greater participation.

Remove the requirement to publish a notice in a local newspaper of the public hearing required under Section 6-4 (a) and 6-5 (b). The public hearings are noticed on the City website and social media.

- Amend Section 6-5(a) and 6-5 (c) to reflect the following timeline:
 - Mayor's recommended operating budget and capital plan submitted to City Council on or before May 15th.
 - The city council shall, within forty-five days following the date the proposed budget and capital program is filed with the city clerk, adopt the capital improvements program with or without amendment council, provided that each amendment must be voted separately and that any increase in the capital improvements program as submitted must specifically identify the method of financing proposed to accomplish such increase.
- Eliminate in Section 9-4 the provision that no rule or regulation adopted by any city agency shall become effective until at least five days following the date it is so filed.
- Consider eliminating in Section 9-7(b) the requirement that public meeting documents be sent to the Library. Meeting documentation are available through the City Clerk Office and the City website.

2. Charter Testimony

a. Amy Roberts Testimony

Good evening, Councillors Shand, Tontar and Zeid,

I am interested in the Charter Review process and would like to relay a few thoughts via email, since I am unfortunately unable to attend tonight's hearing.

My goal is to have the Charter reflect our community. Since residents vote specifically for Ward Councillors and Councillors-at-large to represent them, I want the City Council to be in charge as a collaborative group. I do not prefer the current system where a Nbpt Mayor has more power than an individual Council member. And I definitely disapprove of Mayoral veto power over Council decisions. I would prefer that the City Council/City Manager structure be considered. I believe the Council could hire a Manager to oversee operations and advise on large decisions that the Council would make together. Local voters would hold the Council accountable for those decisions.

If the strong mayor structure were to unfortunately persist, I would prefer that a Mayor of Newburyport no longer presides as Chair of the School Committee. This opinion is based on observation of the budget process last year.

Thanks for your consideration,

Amy Roberts
5 Dexter Street

b. Brin Stevens Testimony

Dear Councillors Shand, Zeid, and Tontar,

Several local political decisions that have been made over the past few years have concerned me and many other citizens of Newburyport—many of which seem to have happened without much information provided to the community and with little regard for some of the City’s more pressing needs—the recent NED deal comes to mind.

It’s now time to seriously consider looking into a City Manager form of government for our community. I hope you will address this possible modification to the charter at this evening’s review meeting, which, unfortunately, I will not be able to attend.

Our city is small; even what might seem like minor decisions at the time, have the potential to greatly impact all of us long-term. Moving toward creating a City Manager position seems preferable to our currently established government, where the Mayor’s power outweighs that of the City Council. I don’t imagine a form of government that allows for more checks and balances in our city is anything other than a smart and important shift in operations, one that has the interests of its citizens as its first priority. That’s just good governance.

Sincerely,

Brin Stevens
195 High Street

c. Hazem Mahmoud Testimony

Honorable Charter Committee Members

I would like to suggest the following changes to the Newburyport Charter currently under review:

Over the past few years; several City Employees including Police Officers and Department Heads were charged with misconduct accounting to Felony charges including theft, embezzlement, lewd behavior in public, immoral conduct, and perjury. Yet, all these city employees were allowed to RESIGN rather than prosecuted under the Law, and if found guilty would be dismissed and fired without any retirement packages..

These disgraced employees were not brought to trial and generously allowed to collect pension and medical coverage on the expense of tax payers which is outrageous and incomprehensible.

ARTICLE 3:

Section 3-1: (Page 13) 1. To set term limits on how many terms can the Mayor serve.

2. To set conditions and provisions for Mayor Recall should the City Council find Performance, Ethical, or Moral misconduct.

d. PROHIBITIONS: The Mayor shall not be the chair or a member of the School committee, which is a conflict of interest regarding BUDGET discussions and approvals as a Committee Chair while being the Mayor.

Section 3-4: REMOVAL or SUSPENSION of CERTAIN OFFICIALS (page 16)

The Mayor SHALL NOT accept the resignation of any City Employee who is under investigation and / or charged with misconduct, or any civil or criminal charges, until the employee is cleared from or convicted of such charges. If convicted, such employee shall be fired or dismissed without any retirement compensations.

Yours Sincerely,

Hazem Mahmoud, M.D., M.Sc., PhD
Professor of Pediatric Hematology Oncology
52A Ferry Road,
Newburyport, MA 01950

d. Bruce Menin Testimony

Bruce Menin: Testimony for Newburyport Charter Review
Article 4- School Committee
Submitted April 6, 2020

I greatly appreciate the effort that the Charter Review Committee has made to solicit feedback from the community with regard to possible changes in the City Charter.

I am submitting testimony regarding the following items that have been raised with the Charter Committee: terms of the members of the School Committee; the size/membership of the School Committee, the waiting period for employment of a former School Committee member in the district; and language around administrative interference.

I have served on the Newburyport School Committee since January, 2001. During that period of time, I have served with seven Superintendents and five Mayors. I have also served as the Vice Chair of the Committee, working directly with three different Superintendents in that capacity. I have always taken my responsibilities seriously, and tried to serve the students and the community by focusing on what I believe is in the best interest of students.

TERMS OF SCHOOL COMMITTEE MEMBERS:

I strongly support keeping the terms of service for elected School Committee members at 4 years

The School Committee is statutorily charged with three responsibilities- hiring and evaluating the Superintendent of Schools, recommending a budget annually to the Mayor, and ensuring that the district has in place operating policies that comply with federal, state and local statutes.

The School Committee is a governing body, working with an employee who is hired and not elected. Because of the nature of the work we do in providing consistent and equitable educational services and programs for all of the young people of Newburyport, there is a premium on consistency over time. Consistency in pedagogy, and in the management of the district. Shorter terms on the School Committee would needlessly expose the community to inconsistent and more politicized oversight. The Massachusetts Association of School Committees suggests that it takes two years for a person to 'learn the job' and understand their role as a School Committee member; in my experience that has been mostly true. Sometimes I have observed that it takes longer than that. A term shorter than 4 years would not allow that learning process to bear fruit, before a member has to run for re-election.

In my first 19 years of service, I have worked with seven superintendents- that is a new superintendent every 2.7 years, on average. With that amount of turnover in a hired management position, it is very important that district leadership- the staff, and the elected School Committee- are able to ensure that the district experiences minimal disruption. I think we would lose consistency if the term length of a School Committee member were to dip below that of the average Superintendent here in Newburyport- (or across the state as well, where the average is similar to Newburyport).

One of the persuasive pieces of feedback we received when the Charter Commission was considering expanding the term of the Mayor from two to four years came from the Mayor of Haverhill, who told us that in his opinion, 'two years is not enough time to get established and understand the job. It also makes a Mayor less likely to think long term and make difficult, politically risky decisions, because of the election cycle.' That has some relevance to the role of a School Committee member.

The Charter Committee has also received testimony that some in the community believe that if the term was reduced to two years, more people would be inclined to run for office. While this seems intuitive, the data from the last twenty years of School Committee and City Council elections clearly shows otherwise. Since 2000, 50% of School Committee elections to four-year terms were competitive. The trend at the City Council level, with two year terms, shows that fewer, and in some years like the last election significantly fewer elections were competitive. In point of fact, the last time there was an election to fill out the remaining two years of a four-year School Committee term was in 2015; it was not a competitive race and Mr. Hochheiser was elected at that time.

As a participant in electoral politics here in this community for 20 years, I would suggest that issues drive participation, and not whether a term is two, three or four years.

No other purely governing body in any community has the potential impact on preparing young citizens for the work of citizenship. I encourage the Charter Committee and the community to approach embracing any ideas that might significantly impact or disrupt that work very carefully.

I urge you to maintain School committee terms at their present four-year level.

MEMBERSHIP ON THE SCHOOL COMMITTEE:

I do not support reducing the membership of the School Committee below the current figure of 7 members.

The current number of seven provides for a broader cross-section of opinions, and has the potential to better reflect the constituency and community, as opposed to a smaller number of members.

The current number provides a better ability to populate sub-committees and ad hoc committees requiring representation. A more compact School Committee would make it more challenging for School Committee members to appear at the myriad of annual school functions – graduations, award ceremonies, special school events, community forums- that take place in the district.

I am prepared to continue discussion about whether the Mayor should continue as a member/chair of the School Committee; I am at this time undecided. But I don't find any of the testimony put forth for removing the Mayor as compelling enough to warrant the change.

The Mayor accepts the budget that is voted on by the School Committee, and in turn sends it on after review and possible amendment to the City Council.

Some School Committee members find it frustrating that the Mayor both votes to send the budget to their office, and has the power to add or subtract funds before sending it on to the City Council. There is also frustration that often the budget is created in response to a figure that the Mayor provides as the budget process begins. They feel it doesn't allow for an aspirational approach to budgeting and improving the district.

In my 20 years of service, I can only remember one year when a short-term aspirational budget was not prepared, presented and available as part of the budget process. I can also only remember one year when a Mayor and City Council did not improve on the target figure initially given at the beginning of the budget. Whether it was fully adequate to meet the aspirational needs and hopes of the district is another question; but I don't feel that has any relevant bearing to whether or not the Mayor serves on the Committee.

I have always found that having the Mayor as a member of the School Committee gives them the opportunity to understand the district and its needs at a very deep and granular level- immensely helpful when trying to fund initiatives and make changes. While the Mayor, through the Charter, has the ultimate decision on the budget figure forwarded to the City Council, they represent a single vote in the budget process at the School Committee level. On several occasions, budgets have been sent forward with the Mayor serving as a no vote.

The answer to the question of identifying and funding a more long term aspirational budget lies in embracing more strategic planning, I agree with the recommendation of the City Council that the district should be looking at the potential cost of longer term initiatives that are critical to district improvement, and that costing them out should project several years- clearly identifying what potential costs will be added to the

budget and what outcomes will be expected for the investments over several years. That is the charge for the district office and the Superintendent.

Again- every year but one, in the last 20, an aspirational budget was prepared by the district; and every year but one in the last 20, a Mayor has given the district a financial target, and then added funds before the final approval of the budget. And every year but one, initiatives and positions in that aspirational budget were funded. Not all positions, but certainly enough to continue to encourage district improvement.

The budget issue here is not whether the Mayor serves on the Committee- the challenge really is how should a district initiate new, long term operating directives that will take several years to implement, when we are limited to an annual budget cycle for planning operating expenses. Bringing back a robust world language program at all levels of the district is not like renovating a school. The budget process as it exists cannot ensure that any initiative the district undertakes in year one will also be funded in year two and three. The annual budget cycle does not provide any guarantee that a five year curriculum initiative can be funded adequately for the full five years out. This is not an obstacle to long term initiatives, but it is a factor.

And a second factor driving the implantation of initiatives is that data generated by the initiative might also drive significant adjustments during the startup of the initiative. That is exactly as it should be. But that certainly means that year three and four might look significantly different than the expectations were in year one and two.

None of these operational and budgetary realities mitigate against, or in favor of the Mayor serving on the School Committee, either as a member or as chair.

SHOULD THE CITY WAIVE THE REQUIREMENTS THAT A SCHOOL COMMITTEE MEMBER NEEDS TO HAVE BEEN OFF THE COMMITTEE FOR A YEAR BEFORE THEY ARE ELIGIBLE TO APPLY FOR A DISTRICT POSITION

I strongly urge the Charter Review Committee to leave this proscription intact as it currently exists in the Charter.

Shortening the time between departure from the Committee and application for a district job has the potential to lead to an ethical problem, or the appearance of one. Potentially, a School Committee member could vote to approve a budget that funds a position- new or existing- in April, and then apply for that within a few months. Or, knowing that they intend to apply, reuse themselves from discussion and voting on the budget. **I feel strongly that there should be at least one full annual budget cycle before a School Committee member who has left the Committee can apply for a position in the district, to avoid the actuality or the appearance of self-serving.**

SHOULD WE CHANGE THE LANGUAGE IN 4-3c AROUND INTERFERENCE WITH ADMINISTRATION

I oppose any alteration of this language.

The School Committee has a unique responsibility in the community, and is also in a unique position. It serves as a governing body- not a legislative one- and it is often populated by members who are also 'consumers'- they have children who are served by the district they govern. The reality is that there is an inevitable impact on the perceptions of district leadership and staff when a School Committee member is communicating with the district around their own child. As Committee members, we need to be exquisitely clear, for instance, that our communications are not intended or perceived as inappropriate interference with staff. No other elective body in the City has this challenge.

Personally, to avoid any appearance of interference, most of the communicating with the district while my own children were here was done by my spouse.

The existing language helps to articulate that challenge, and provide clear direction around it. That current language serves both the district staff and the School Committee to clarify boundaries and maintain appropriate communications between School Committee members who are the parents of students in the district, and staff.

I recommend keeping the language as is.

Thank you for your consideration of this testimony.

Bruce Menin, Vice Chair
Newburyport School Committee
Member, Newburyport Charter Review Committee

e. David Hochheiser Testimony

From: David Hochheiser <dhochheiser@newburyport.k12.ma.us>

Subject: charter review

Date: March 27, 2020 at 7:12:32 AM EDT

To: Charles Tontar <tontar44@comcast.net>

Good Morning:

As I've heard you are as well, I am disappointed that this committee's work is going to be put on hold. If anything, going to video chat would make your meetings much more accessible to people in that they could either watch it live or have it to watch afterwards if they're interested. So it goes. The whole world is going to video. I don't see why an organization is being held up because some don't like it. As in the past, Bruce has said nothing to us about the commission's work or our coming to speak a few weeks back, either to ask that we discuss it or to talk about issues we brought up in his absence.

- A crisis such as this only highlights another reason for the mayor to not chair the School Committee. The Mayor's position is just too important and the needed work is too diverse to ask any mayor to focus on one city committee over another. Even if there isn't a crisis, a mayor's time is thin enough. A seventh at-large person ought to be elected from the community.

- Anyone running for School Committee in 2021 should be put on a 3-year term, after which all SC elections ought to for 2-yr seats. This will ensure that half of the committee has at least a year's experience, even in the event of everyone being voted in a cycle.

At this point, I guess I'm writing to see if you can put these thoughts in a folder for when you reconvene.

Thanks,
Dave

f. Sean Reardon Testimony

From: Sean Reardon sreardon@newburyport.k12.ma.us **Subject:** Charter Review

Date: March 26, 2020 at 10:07 AM

To: Charles Tontar tontar44@comcast.net, Charles Tontar ctontar@cityofnewburyport.com

Hi Charlie,

I hope you are doing well. Crazy couple of weeks.

Not sure if you are meeting soon to review the charter. I would really like to revisit term length for school committee members and the mayor as chairperson. Shorter term might encourage other to run. Removing the mayor from the committee would also lead to a more back and forth with the city council specifically around the annual school budget.

Respectfully,

Sean Reardon
Newburyport School Committee Member

4. Minutes

a. CRC Minutes JAN 22, 2020

Charter Review Committee

February 5, 2020

Minutes

Present Committee Members: Ed Cameron (minutes), Denis Kennedy, School Committee Member Bruce Menin, Connie Preston, Councillor Heather Shand, Sheila Taintor, Councillor Charlie Tontar (Chair), Juliet Walker, Councillor Sharif Zeid.

Public: Jeff Cutter, Jeanette Isabella, Jane Snow.

Chair called the meeting to order at 7:01PM.

January 29 Minutes will be reviewed at next meeting.

Chair reviewed ways to change charter, recommendations by Committee, Home Rule Process, an Elected Charter Commission. 43B, Section 10 allows for amending. In any event, likely needs to go to the ballot. Chair will clarify what Kopelman and Paige Attorney Goldberg reported to Committee.

Public Comment:

Jane Snow mentioned the timing of the CIP. Jeanette Isabella asked about process.

Chair will circulate link to old minutes from 2011.

Jane Snow mentioned some community interest in Rank Choice Voting; she did not say she was in favor.

Chair reports and read from two emails from public. Amy Roberts of 5 Dexter Street advocates for City Manager and if there is a Mayor that Mayor not preside over School Committee. Brin Stevens of 195 High Street advocates for City Manager. Chair will enter emails into the record.

Public Comment closed.

Denis Kennedy suggests soliciting ideas from School Committee, Administration, and Council.

Committee agreed to start with Articles 1 and 2 at next meeting to review and understand with discussion of potential changes.

Chair will request City Clerk to set up a charter page on website with email contact information on members.

Councillor Zeid will finalize a flow chart of the ways to make charter changes.

Additional Public Comment:

Jane Snow asked to have copies of charter available.

Next Meeting on February 12 at 8pm, agreed to have at Senior Community Center.

On a motion by Bruce Menin, seconded by Connie Preston, Committee voted to adjourn at 7:42PM.

b. CRC Minutes FEB 5, 2020

Charter Review Committee

February 12, 2020

Minutes

Present Committee Members: Ed Cameron (minutes), Denis Kennedy, School Committee Member Bruce Menin, Connie Preston, Councillor Heather Shand, Sheila Taintor, Councillor Charlie Tontar (Chair), Juliet Walker, Councillor Sharif Zeid.

Public: Joe DiBiase, Peter Fitzsimmons, Jim McCarthy, Jane Snow.

Public Comment:

Jane Snow says that the Mayor's Comment is not in the Council packet and should be. Peter Fitzsimmons of 7 Arlington Street regarding Section 7 would like to establish Rank Choice Voting and he would like it to go to a City ballot. Other cities in MA and NYC have passed it.

Minutes

Approval of Jan 22 minutes on motion by Zeid, Walker

Minutes of January 29 are being finalized with addition of flow chart(s). Awaiting feedback from Atty. Lauren Goldberg on flow.

Approval of February 5 minutes on motion by Menin, second by Shand with addition of Capital Improvement Plan, approved.

Article 1 Incorporation Review

Sec. 1-3. Would be the place to change form of government, bigger than the scope of tonight's conversation (Zeid).

Sec. 1-7 Definitions.

City officer-discussion of meaning by Kennedy.

Zeid suggests adding definition for "City Solicitor."

"Majority vote" shall be discussed.

"Measure" shall be discussed.

Article 2 Legislative Branch Review

Section 2-1-Composition

(a) Composition should be 'under section 7-6' not 'under section 7-7.'

(b) Term of office discussed to stagger terms. Menin discussed how School Committee terms are staggered including 4 year terms. Zeid says 4 year term might inhibit candidates. Walker thinks it could be confusing to the public to have different length terms.

Section 2-2-President

(a) Election and term....look at term limits. One year term seems fine. Might consider what to change if manager.

Section 2-3-Prohibitions

(a) Holding other city or position...Administration has suggested a modification with a waiver for minor positions.

(b) Interference with administration...Zeid discussion of clarity of language and secondly City Solicitor

Section 2-4 Compensation

(a) Compensation...Administration has recommended a elected official compensation committee...to be discussed.

Section 2-6 (b) definition of quorum shall be discussed.

Section 2-6 (c) (2) discussion of notification of Special Meetings

Section 2-7 Access to Informationlook at (b) and (c)

Section 2-9 Ordinances and other measures

(a) Measureswe agree that smaller items like block parties could be passed on the same night.

Section 2-10 City Council confirmation of certain appointments...Zeid suggests looking at language that allows Council to initiate removals.

Section 2-11 Filling of vacancies will be looked at

Suggestion to add a 2-12 City Council acceptance of gifts....that acceptance of gift

No meeting next week.

Wednesday, February 26th at 7PM. Public hearing then time to cover Sections 5, 6, 7, 8.

Thursday, March 5th at 7pm at City Hall, (Section 3 and 4)

Tuesday, March 10th at 7pm at Senior Center (Tontar won't be in attendance)

Wed, March 18th at 7pm at Senior Center

Wednesday, March 25th at 7pm at Senior Center

Wednesday, April 1st at 7PM at Senior Center

Public comment:

Joe Dibiase suggested about capitalization in the document making it easier to identify as a defined word.

Motion to adjourn by Preston, seconded by Kennedy. Meeting adjourned at 10:22.

c. CRC Minutes FEB 12, 2020

Charter Review Committee

Minutes

February 26, 2020

Present: Ed Cameron (minutes), Denis Kennedy, Councillor Heather Shand, Councillor Tontar, Juliet Walker

Absent: School Committee Member Bruce Menin, Connie Preston, Sheila Taintor.

Public: Jane Snow

Meeting Called to Order at 7:05PM

Article 5. Administration Organization

Sec. 5-1 Organization of city agencies---whole section is flagged. Committee understands that this is common language in other charters.

Article 6 Finance and Fiscal Procedures

Sec. 6-2 Annual Budget Meeting---discussed whether to add another meeting in Spring between the November Annual Meeting

Sec. 6-3 Submission of operating budget---discussed moving from May 15 to May 1. Change Sec. 6-3 re-organization for clarity.

Sec. 6-4 Action on the operating budget---discussed having CIP hearing and having financing plan in CIP add requirement that city and school budget be online.

Sec. 6-5 Capital Improvement program---discussed coordinating between operating and CIP

Sec 6-6 Independent Audit---needs to be put into practice

Article 7 – Elections---this would be where Ranked Choice Voting could apply.

Article 8 Citizen Petition Mechanisms--discussed

Public Comment:

Dr. Hazem Mahmoud submitted a letter in favor of term limits for Mayor, to set provisions for Mayoral recall, to remove Mayor as Chair or member of School Committee, add section on removal of certain officials.

Jane Snow mentions that page 28 Section 6-4d School full budget is not online.

Meeting of Thursday, March 5 will be changed to 7:30. We will cover Sections 3 and 4.

Discussed how to later discuss City Manager option and Rank Choice Voting.

Meeting Adjourned at 9:28 on a motion by Cameron, seconded by Walker

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Sent from Gmail Mobile

d. CRC MINUTES FEB 26, 2020

January 22, 2020 Charter Review Meeting Minutes

Present: Denis Kennedy, Ed Cameron, Councillor Charlie Tontar, School Committee member Bruce Menin, Councillor Sharif Zeid, Councillor Heather Shand, Sheila Taintor, Juliet Walker. Absent: Connie Preston.

Citizens in attendance: School Committee member Brian Callahan, Jeff Cutter, Jane Snow, Lynn Schow

Meeting called to order at 7:01 PM by Charlie Tontar.

Introductions.

Councillor Tontar reviewed relevant documents as to the process for this committee including Mass General Laws Chapter 43B, Section 10. The committee discussed understanding of Charter Commission, Special Acts, role of Council and Mayor.

Election of officers: After discussion of roles, on motion from Mr. Cameron, seconded by Councillor Shand, Councillor Tontar was nominated and voted as chair unanimously. After a motion from Mr. Cameron, seconded by Councillor Shand, Denis Kennedy was nominated and voted as vice chair unanimously. After a motion by Mr. Kennedy, seconded by Councillor Zeid, Ed Cameron was nominated and elected as secretary unanimously.

Meeting dates: After discussion, the following dates were agreed upon.

Wednesday, January 29 at 8 PM,

Wednesday, February 5 at 7 PM which will also be a Public Hearing with 30 minutes for the public, 30 minutes for Administration, 30 minutes for the Council, and 30 minutes for the schools.

Wednesday, February 12 at 8 PM,

Wednesday, February 26 at 7 PM also as a Public Hearing. If the agenda for February 5 is too crowded, this could be of a slot for the Schools.

Ms. Walker suggested having a public hearing on a Saturday, which was discussed without a decision.

Scope and charge for committee:

The chair will discuss the City Clerk's involvement with process. The chair believes that the committee gives a report to council and the council needs a 2/3 vote for approval and the Mayor's approval. The Council and Mayor could not make larger changes as to the composition of the legislative body, mode of election or appointment, or the terms

of office. Those would require a charter commission or a special act and/or vote of the public.

Councillor Tontar said he thought that the charge was broad yet should focus on the smaller revisions that might be needed given the short timeframe with a submission to the City Council not later than May 1 for Council action by June 15.

Mr. Cameron suggested that the scope for the committee should be broad, yet focusing on the necessary amendment revisions, but also researching possible changes to form of government such as City Manager which would need to be taken up in a future process.

Mr. Kennedy suggested sticking to the smaller Items and correcting and tweaking the current charter. Mr. Kennedy stated that we have only been with this revised charter for a few years and over time more significant changes might be deemed necessary.

Counselor Zeid echoed the broad perspective regardless of process.

Ms. Walker wants to take a broader view.

Ms. Taintor mentioned Rank Choice voting as another possible big change.

Agreement by the committee that the focus will be on the “tweaks” and open to broader changes. The possibility of a sub-committee to look at broader changes was discussed without a decision at this time.

There was a discussion that the committee needed clarity on what the committee does at the May 1 deadline.

Councillor Zeid asked for clarity on process including getting city solicitor. Councillor Tontar said he had had discussions with the city solicitor and it was not made clear how to read the conflicting elements of Chapter 43B and how they reconciled with our current charter in terms of making changes.

On a motion from Mr. Cameron, seconded by Councillor Zeid, the committee agreed to invite to the January 29 meeting Lauren Goldberg from KP Law And Clerk Rich Jones to learn the process. All voted in favor.

The committee agreed that the goal would be to have a draft by mid-April. And that press notices would go out before each meeting. Chair will talk to local cable about videotaping.

Some of the content of the current charter that should be considered for revision would be Emergency Preamble, definition of ‘measure’, timing of charter review.

Discussion of public comment before or after committee meetings: Mr. Callahan stated that he thinks it appropriate to have a response from committee members when comment was made. Jane Snow said that she prefers to speak at end of meeting to react to what was discussed and would like relevant handouts given to the public. Lynn Schow suggested two public comment sections with the first time-limited.

On a motion by Ms. Walker, seconded by Mr. Cameron, the committee agreed that there would be public comment at the beginning and end with the time constraints set by Chair and that Chair at his discretion may allow dialogue between public and members.

On a motion by a Councillor Shand, with a second by Ms. Taintor, the meeting was adjourned at 9:38 PM.

Minutes submitted by Clerk Cameron who will not be at the January 29 meeting because of a prior obligation.

e. **CRC Minutes MAR 5, 2020**

Charter Review Committee

Minutes

March 5, 2020

Present: Ed Cameron (minutes), Denis Kennedy, Councillor Heather Shand, Councillor Tontar, Councillor Zeid, Connie Preston, Sheila Taintor.

Absent: School Committee Member Bruce Menin, Juliet Walker

Public: Jane Snow, Jeanette Isabella, Mayor's Office Matt Coogan, School Committee members Dave Hoccheiser, Brian Callahan.

Meeting Called to Order at 7:37

Minutes of February 5th approved on a motion by Zeid, seconded by Kennedy. Approved by a voice vote.

Minutes of February 12th approved on a motion by Zeid, seconded by Kennedy. Approved by a voice vote.

Minutes of February 26th approved on a motion by Zeid, seconded by Kennedy. Approved by a voice vote with Preston, Taintor abstaining.

Public Comment

Brian Callahan, 29 Warren Street, School Committee, would like to discuss whether Mayor should be on School Committee. Other communities handle this both ways. He sees it as a conflict of interest for the position that 'controls' the whole budget also gets a vote on the school budget. Prefers that the 7th member would be an appointed person or elected; or whittle it down to 5 members. He thinks 4 years is too long of a term.

David Hoccheiser, School Committee, not speaking on behalf of the School Committee, says School Committee was not allowed to have a discussion about it. He thinks 4 years too onerous of a term; he took over for someone

who left early. He ran then for a two year term. He thinks two year term would encourage more people to run and that two years of running and getting signatures puts the candidates out in the community. Suggests that there be interim 3 year term to then stagger 2 year terms. Also questions whether Mayor's role on School Committee is a conflict with competing budget priorities. He has experience in other communities. Having the Mayor on School Committee means one fewer person to be on committees. Also thinks that Charter language about current School Committee member being prohibited (until end of cooling off period) from School Department employment should be reviewed (Section 4-3); he agrees that School Committee member shouldn't be employed at School Department at same time.

Suggestions flagged for eventual decision

Sec. 4-1 School Committee--Idea to eliminate Mayor as chair

Sec. 4-1b---Term of office. In 47 cities, 19 have 4 year terms and 26 have 2 year terms. Eliminate 'his'.

Sec. 4-2 School Committee Chair

Idea to eliminate Mayor as chair was suggested by letters from public (Roberts, Stevens, Mahmoud)

Sec. 4-2b School Committee Members

Possibility of adding dissemination of packet.

Sec. 4-3 Prohibitions

Discuss eliminating one year cooling off.

Sec. 4-3b Felony conviction

Make consistent with Council

Sec. 4-3c interference with administration

Zeid mentions keep consistent with Council language; ie a body can make changes, just not an individual

Sec. 4-4 Compensation; benefits; expenses.

Zeid suggests adding 'until the next election' language

Sec 4-5 Powers and duties

Make formatting a, b, c

Allow 'revoking'

Sec. 4-6 Filling of vacancies

This section would need to be harmonized if a change in terms.

Section 3 – Executive Branch

Matt Coogan is asked by Kennedy about Mayor's position on School Committee terms and role. Coogan says that there is no position at the moment.

Coogan is asked by Kennedy about Compensation Committee idea.

Discussed CIP and budget timing

Discussed suggestion to eliminate Section 9-4 provision that no rule or regulation (...) become effective until at least 5 days.

Committee flags

Eliminate 'his' in these sections

Section 3-1 Mayor

b) one public letter (Mahmoud) suggested term limits and recall; letter (Roberts) suggested City Manager or two year.

c) Compensation—suggestion that

d) Prohibitions---suggestion to have a cooling off period to prevent a former Mayor from appearing before a board.

e) felony conviction flagged.

Sec. 3-2 Executive Powers

Flag enforcement of ordinance

Section 3-3 Appointments by the Mayor

Section 3-4 Removal or suspension of certain officials

Citizen Mahmoud suggested adding section about employees under

add some language about a time period for board member to contest

Sec. 3-5 Temporary appointment to city office. Language needs to be cleaned up.

Section 3-6 Communications

Section 3-7 Approval or veto by Mayor of measures

Section 3-8 Temporary absence of Mayor

Section 3-9 Delegation of authority by Mayor

Section 3-10 Vacancy

Public Comment: Jane Snow comment about positions with stipends and how those fit into the current position.

Next Meeting Tuesday, March 10 7pm at Senior Center to cover 9, 10, 11. Cameron will not be attending. Councillor Shand will take minutes.

Motion to adjourn, made by Cameron, seconded by Preston at 9:39PM.

f. CRC Minutes MAR 10, 2020

March 10, 2020

Charter Review Committee

7:00 Senior Center

Present: Councillor Heather Shand (minutes), Councillor Charlie Tontar, Councillor Sharif Zeid School Committee member Bruce Menin, Denis Kennedy, Shelia Taintor, Connie Preston, Juliet Walker

Absent: Ed Cameron

Public: Jane Snow

Approval of meeting minutes from March 5th postponed until next meeting.

Comments:

- Dennis Kennedy recommends having the school committee return to talk to the charter committee to discuss comments made at March 5th meeting.

Article 9

Comments

Section 9-4

- Staff requests this whole section eliminated.
- Office of the city clerk doesn't have room to "file paper." Placed on file should be allowed to be online.
- Are boards and city agencies defined terms?
- The 5 days is the concern.
- Concern is there's a "cooling off period...staff wants board decisions filed immediately

Section 9-5

- Should this section be stricken? Per city clerk it is very expensive. Council President says he's going to form a committee to do this, this year.
- Is 5 years may be too much? suggest 10 years
- Ratio is an issue, possibly change to 2 mayoral appointments, 2 city councilors, and the rest should be elected officials.

Section 9-6

- Should have language inserted that the committee has a budget.
- Change the ratio of people on the committee.
- Dates should change as they coincide with the city budget process.
- Language should be inserted stating charter review can occur more often than every ten years.

Section 9-7 (a)

- Recommends term limits to certain city committees, elected and appointed.
- Recommend standardization for how people are notified

Section 9-7 (b)

- Written rules should be covered in 9-4
- Staff recommends not requiring placement in the Newburyport Public Library
- Question on rules relating to archival retention. Example, pdf might not be available in 100 years. How will retention be handled?.

Section 9-7 (c)

No comments

Section 9-7 (d)

- Concerns regarding provision made by the multiple member body's own rules while a quorum is present, except on procedural matters, a majority of the full membership of the body shall be required to vote on any matter representing an exercise of the powers of the multiple member body.
- Question whether this should be allowed. Examples, ZBA and Planning Board.
- Recommendation for specific state laws be reviewed on this matter.
- Request planning department input.

Section 9-7 (e)

- Questions regarding whether the regulation for residency makes sense.
- If you're going to be on a city board, should you live in the city?
- Residency needs to be defined

Section 9-8

- Eliminate use of the masculine and feminine
- Recommend keeping only the first two sentences.

Section 9-10, 9-11 and 9-12

No comments

Section 9-13

- Recommend revisit this section. Example City clerk and parking clerk being the same. Conflict as clerk has to file a waiver with the clerk.

Section 9-14

- This is a check and balance of the charter.
- Council is allowed to go straight to the general court (231A)

Article 10

Section 10-1, 10-2, 10-3

No comments

Section 10-4, 10-5, 10-6

- Consult Councillor Lauren Goldenberg

Section 10-6

- Comments regarding has this section been used. Example, Finance and HR department and they were formed by ordinance in 2013.

Charter first pass review completed

Councillor Tontar requested taking straw vote on items that have been flagged to mark for further review

ART/SEC	Date	SUGGESTED CHANGE (suggested by)	YES	NO	Date Adopt	Comments
1-3	2/12	Division of powers - will have to change in city manager form (SZ)	8	0		
1-7-(5)	2/12	Make city solicitor uniquely answerable to the Council and mayor jointly	1	7	3/10	SZ neg
1/7/10	3/10	"General Laws" change to "Massachusetts General Laws"	8	0	3/10	
1-7-(13)	2/12	Replace with "a majority of the full body" (SZ)	5	3	3/10	Juliet, Connie & Bruce
1-7-(14)	2/12	Add "any use of city property" (SZ)				belongs someplace else
2-1-(a)	2/12	7-7 should be 7-6 (CP)	8	0	3/10	

Richard Jones

From: Lauren F. Goldberg <LGoldberg@k-plaw.com>
Sent: Friday, May 01, 2020 1:31 PM
To: Richard Jones; Mark R. Reich
Cc: Councillor Tontar
Subject: [Ext]RE: Charter Change Methods by the Review Committee
Attachments: KP-#719355-v1-NBPT_Changes_to_the_Charter_4_16_2020_with_KP_edits.DOCX; KP-#719354-v1-NBPT_Charter_Change_Methods_with_KP_edits.XLSX

external e-mail use caution opening

Richard, please see attached. I made some minor tweaks to both documents for consistency with law.

Let me know if you or Councillor Tontar have any further questions.

Best,

Lauren

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Changes to the Charter

Section 9-6 of the Charter, Periodic Review of Charter, states that;

“Not later than the first day of July, at 10-year intervals, in each year ending in a 9, the mayor and city council shall provide for a review to be made of the city charter.”

The Review Committee noted in discussion that this statement does not preclude a review of the Charter at any other time. It simply mandates that the Charter must be reviewed at least every 10 years. The practical and important implication of this is that the Charter can be reviewed and a process commenced to alter the Charter at any time. For example, once the current Emergency Order is lifted and normal meetings can commence, the Council could begin a Charter review with the intent of implementing changes to the charter. In essence, the Council could take steps to assure that the work of this Committee is completed.

We gained a greater understanding of the charter review and amendment process in a discussion with Lauren Goldberg, managing partner of City Solicitor KP Law, at our meeting on Jan. 29. We are aware that there is more than one method of changing the charter.

Method 1

Special attention should be given to M.G.L. Chapter 43B, §10 and §11. Section 10 (a) outlines a process through which an existing Charter may be changed.

Amendments to a city or town charter previously adopted or revised under this chapter may be proposed by the city council of a city or the town meeting of a town by a two thirds vote in the manner provided by this section; provided, that amendments of a city charter may be proposed only with the concurrence of the mayor in every city that has a mayor, and that only a charter commission elected under this chapter may propose any change in a charter relating in any way to the composition, mode of election or appointment, or terms of office of the legislative body, the mayor or city manager, or the board of selectmen or town manager.

If two thirds of the city council and mayor agree on what could be characterized as “minor” amendments, they are submitted to the attorney general and to the department of housing and community development. The attorney general has four weeks to determine if the amendment conflicts with the constitutional laws of the commonwealth.

If the attorney general determines there is no conflict, the question of approving the revision or amendments shall be placed on a written or printed ballot and placed before the voters (M.G.L. Chapter 43B, §11). If the voters approve of the revisions, the changes take effect immediately or on a later date specified in the proposed revision.

Method 2

The second method through which the Charter can be revised/amended is based upon M.G.L. c. 43B, §10 and §11 with particular reference to Section 10 (b). Such change can be initiated by the

mayor, any member of the city council, or a petition signed by 50 registered voters (in cities with populations of 12,000 or more but less than 50,000 inhabitants). The city council must consider such proposed revision and vote upon it after holding a public hearing. This method applies only to the so-called “minor” revisions stipulated in Section 10 (a).

If the city council approves the proposed revision and the mayor agrees, the process is then the same as that in Method 1. The law requires a two thirds vote of the council.

If the attorney general determines there is no conflict, the question of approving the revision or amendments shall be placed on a written or printed ballot and placed before the voters (M.G.L. Chapter 43B, §11). If the voters approve of the revisions, the changes take effect immediately or on a later date specified in the proposed revision.

Method 3

The third method through which the Charter can be revised/amended is provided in Chapter 43B, sections 1 through 9 and sections 11 through 15. This is the process that was utilized when the Charter was last revised in 2011. Utilization of this method does not entail any limitations on what can be changed in the Charter as long as the changes are not in conflict with the constitutional laws of the commonwealth. See M.G.L. c.43B, §20; Home Rule Amendment to Constitution, §7.

This method is initiated by the election of home rule charter commission, which leads to what is often referred to as a “home rule charter.” A commission of nine members may be elected to “frame a charter” or “revise its present charter” for a city or town upon petition of 15 percent of the municipality’s voters. Chapter 43B of the Mass General Laws provides a specific framework, timeline, and set of responsibilities for the charter commission to fulfill. The commission has a maximum of 16 months to produce a preliminary report, and a maximum of 18 months to produce a final report. The statute requires that two public hearings be held. Both the preliminary and final reports must be printed and distributed. The final change must be approved by a majority vote at an election.

Method 4

The final method is the “home rule petition” path, which leads to what is often referred to as a “special act charter.” Section 8 of the Home Rule Amendment (Article LXXXIX of the state Constitution) provides that cities may use a “home rule petition” to achieve change in structure. This “petition” route was the only route available for cities and towns to make structural change prior to passage of the Amendment. Utilization of this method does not entail any limitations on what can be changed in the charter.

Section 8 does not provide detailed instructions regarding the preparation of a “home rule petition” charter. The mayor may appoint a study committee, or such committees may be created by a city council. In addition, under Article 8-2 of the City Charter, a citizen initiative petition could propose such a study committee. Such actions may set a timeline for such committees to report back to the appointing body, but there is no state requirement for a specific timeline. There

is also no requirement for printing and distribution of any proposal. There are no public hearing requirements, per se, although some study committees do provide a public forum for discussion of its recommendations, and city council meetings where such changes would be considered are public meetings.

After completing its work, the committee submits its recommendations to the city council, which must decide whether to approve a “home rule petition.” Such approval must also have the concurrence of the mayor. If the petition is passed by the legislative body (and receives the mayor’s approval), it is then treated as a piece of proposed legislation – i.e., it is filed with the House or Senate clerk, assigned to a legislative committee, passed by the House and Senate, signed by the Governor, and returned to the city. In most instances where a significant change is proposed, the legislation will be subject to ratification by the municipality’s voters prior to taking effect.

Home Rule Amendment Path	Degree of Change	Who initiates?	Requirement	Public Hearing	AG approval	Ballot
M.G.L. c. 43B, §10 & §11						
Method 1 (c.43B, §10 §11)	Minor	City Council	2/3 Council + Mayor Concurrence	YES	YES	YES
Method 2 (c.43B, §10b, 10c, §11)	Minor	Mayor, any City Councillor, petition signed by 50 registered voters	2/3 Council approval after a public hearing + Mayor Concurrence	YES	YES	YES
Method 3 (c. 43B, §1-9, 11-15)	Any Change	Petition signed by 15% of registered voters as of last state election	Election of 9 member commission and simultaneous voter approval of a charter commission	YES	YES	YES
Home Rule Petition Path	Degree of Change	Who initiates?	Requirement	Public Hearing	AG approval	Ballot
Method 4 (Article LXXXIX, §8 of the State Constitution)	Any Change	Mayor, any City Councillor, Article 8-2 of City Charter Citizen Initiative	City Council approval + concurrence of Mayor, Filed with House or Senate Clerk, passed by 2/3 of each body, signed by Governor	NO, but helpful before submitting to Legislature	NO, but Legislature will likely do so	If required by Legislature