

CITY COUNCIL MEETING AGENDA - VERSION 1
CITY COUNCIL CHAMBERS
OCTOBER 29, 2018

7:15PM

Pole Hearing – 111 Low Street – 4 Henry Graf Jr. Road

7:30PM

(Sound Check)

- 1. MOMENT OF SILENCE**
- 2. PLEDGE OF ALLEGIANCE**
- 3. CALL TO ORDER**
- 4. LATE FILE ITEMS**
- 5. PUBLIC COMMENT**
- 6. MAYOR'S COMMENT**
- 7. PRESENTATION BY NEWBURYPORT AFFORDABLE HOUSING TRUST**

CONSENT AGENDA

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

8. APPROVAL OF MINUTES

October 9, 2018

(Approve)

October 22, 2018

(Approve)

9. TRANSFERS

- **TRAN030_10_29_18** Harbormaster Retained Earnings \$41,210.71 to Pump Out Boat Purchase \$41,210.71 (B&F)

10. COMMUNICATIONS

- **COMM091_10_29_18** Pole Hearing – 3 Perkins Way (PU)

11. APPOINTMENTS

- **APPT061_10_29_18** Victoria Finnigan 63 Washington St, Groveland Asst Treasurer/Collector 11/1/2019
- **APPT062_10_29_18** Karen B. Wiener 7 Lincoln St Affordable Housing Trust 11/30/2019
- **APPT063_10_29_18** Jane Niebling 45 Temple St Cultural Commission 9/30/2021
- **APPT064_10_29_18** Sarah M. White 349 High St Historical Commission 10/1/2021
- **APPT065_10_29_18** Douglas Bolick 8 Court St Board of Registrars 9/1/2021
- **APPT066_10_29_18** David Dylewski 334R Merrimac St Tree Commission 11/1/2021

END OF CONSENT AGENDA
REGULAR AGENDA

12. MAYOR'S UPDATE

13. TRANSFERS

- **TRAN031EP_10_29_18** Emergency Preamble for General Fund \$12.5K, Water Retained Earnings \$12.5K, Sewer Retained Earnings \$12.5K to Generator Purchase \$37.5K
- **TRAN031_10_29_18** General Fund \$12.5K, Water Retained Earnings \$12.5K, Sewer Retained Earnings \$12.5K to Generator Purchase \$37.5K

14. APPOINTMENTS

Second Reading

- **APPT059_10_09_18** Scott Hanley 1 Milk St Tree Comm 11/1/2021

Re-Appointments

- **APPT060_10_09_18** Paul M. Bevilacqua 126 Merrimac St #3 Tree Comm 11/1/2021

15. ORDERS

- **ORDR058_08_27_18** CPA Project #4, Slate Roof, Custom House (**TABLED**)
- **ORDR067_10_29_18** FY2019 Residential Factor
- **ORDR068_10_29_18** FY2019 Tax Rate
- **ORDR069EP_10_29_18** Emergency Preamble for FirstLight Conduit Grant
- **ORDR069_10_29_18** FirstLight Conduit Grant
- **ORDR070_10_29_18** CPC FY2019 Rail Trail Phase II
- **ORDR071_10_29_18** CPC FY2019 Custom House Slate Roof
- **ORDR072_10_29_18** Additions to 2-Hour Parking Zones
- **ORDR073_10_29_18** Stop Sign – Newhall Lane at Elizabeth Lane

16. ORDINANCES

- **ODNC023_05_29_18** LATE FILE Amendment to Waterways Fee (**2nd Reading**)
- **ODNC024_06_11_18** Zoning Amendment - Marijuana Retail Sales Locations (**2nd Reading**)

16. COMMITTEE ITEMS

Budget & Finance

In Committee:

- **ORDR007_01_29_18** 41C Amendment
- **TRAN027_10_09_18** Sale of Municipal Equip \$18K to School Tech Upgrades \$18K
- **TRAN028_10_09_18** Legal Settlements \$22.5K to Reservation Terr Wall \$22.5K
- **TRAN029_10_09_18** PI Utility Trust Fund \$99,197 to Olga Way Pump Replace \$99,197

Education

In Committee:

-

General Government

In Committee:

- **ODNC007_02_12_18** Amendment to Division 7 – City Solicitor
- **ORDR016_03_26_18** Naming of the Five (5) Nature Trails Contained in the Little River Trail System
- **COMM048_06_11_18** Ltr re: Marijuana Retailers Ballot Question
- **ORDR064_10_09_18** Yes on Question 3 Resolution

License & Permits

In Committee:

- **COMM029_04_30_18** Outdoor Seating - West Row Café

Neighborhoods and City Services

In Committee:

- **ORDR048_06_13_16** Sidewalk Order
- **COMM111_10_10_17** Petition for Road Repairs and Repaving – Squires Glen

Planning & Development

In Committee:

- **ODNC003_01_29_18** Zoning - Amendment to Table of Use Regulations
- **ODNC008_02_12_18** Disposition of G. W. Brown School
- **ORDR024_04_09_18** Special Act to Dissolve Newburyport Redevelopment Authority (**COTW**)
- **ODNC014_04_30_18** Amendment to Demolition Delay
- **ORDR033_05_14_18** Adoption of Housing Production Plan
- **ORDR036_05_14_18** Marijuana Retailers Ballot Question
- **ODNC025_08_13_18** Colby Farm Lane Residential Overlay District
- **ORDR065_10_09_18** Custom House Resolution
- **ORDR066_10_09_18** LATE FILE Sidewalk Easement

Public Safety

In Committee:

- **ODNC009_02_12_18** Floating Homes, Houseboats, and Related Marinas
- **ORDR031_04_30_18** No Parking Titcomb from Pleasant to Merrimac
- **ORDR032_04_30_18** No Parking Merrimac St from Titcomb St Running Westerly
- **ORDR059_08_27_18** Parking Hales Court, Waterfront Trust
- **COMM086_09_24_18** Ltr from Residents of East Boylston Street
- **COMM087_09_24_18** Ltr re: Coffin Street
- **COMM090_10_09_18** LATE FILE Harborside Half Marathon & 5K – 11/11/2018

Public Utilities

In Committee:

- **COMM122_11_27_17** Mobilite Application/Small Cell Utility Petition (re-file)
- **ODNC022_05_29_18** Addition to Chapter 5, Article 6 - Small Cell Sites
- **COMM088_09_24_18** Wave Guide Application

Rules Committee

In Committee:

- **ORDR057_08_27_18** Amendment to Council Rule 12A

17. GOOD OF THE ORDER

18. ADJOURNMENT

PETITION FOR CONDUIT, POLES & WIRES

September 17, 2018

To the City Council of Newburyport:


FirstLight requests permission to locate conduit, poles, wires, and fixtures, including the necessary sustaining and protecting fixtures, under, along and across the following public way:

Low St – From the intersection of Low St @ Hale St excavate by way of directional boring approximately 3000' easterly towards Graf Rd and ending at or near 4 Graf Rd, and place (1) 4" conduit to bring fiber optic services to a customer located at 4 Graf Rd. Location approximately as shown on plan attached.


Wherefore it prays that after due notice and hearing as provided by law, it be granted a location for and permission to erect and maintain conduit, poles and wires, together with such sustaining and protecting fixtures as it may find necessary, said conduit to be placed substantially in accordance with the plan filed herewith marked —“Site place Low St – Newburyport, MA” prepared by Waveguide, Inc., dated August 8, 2108.

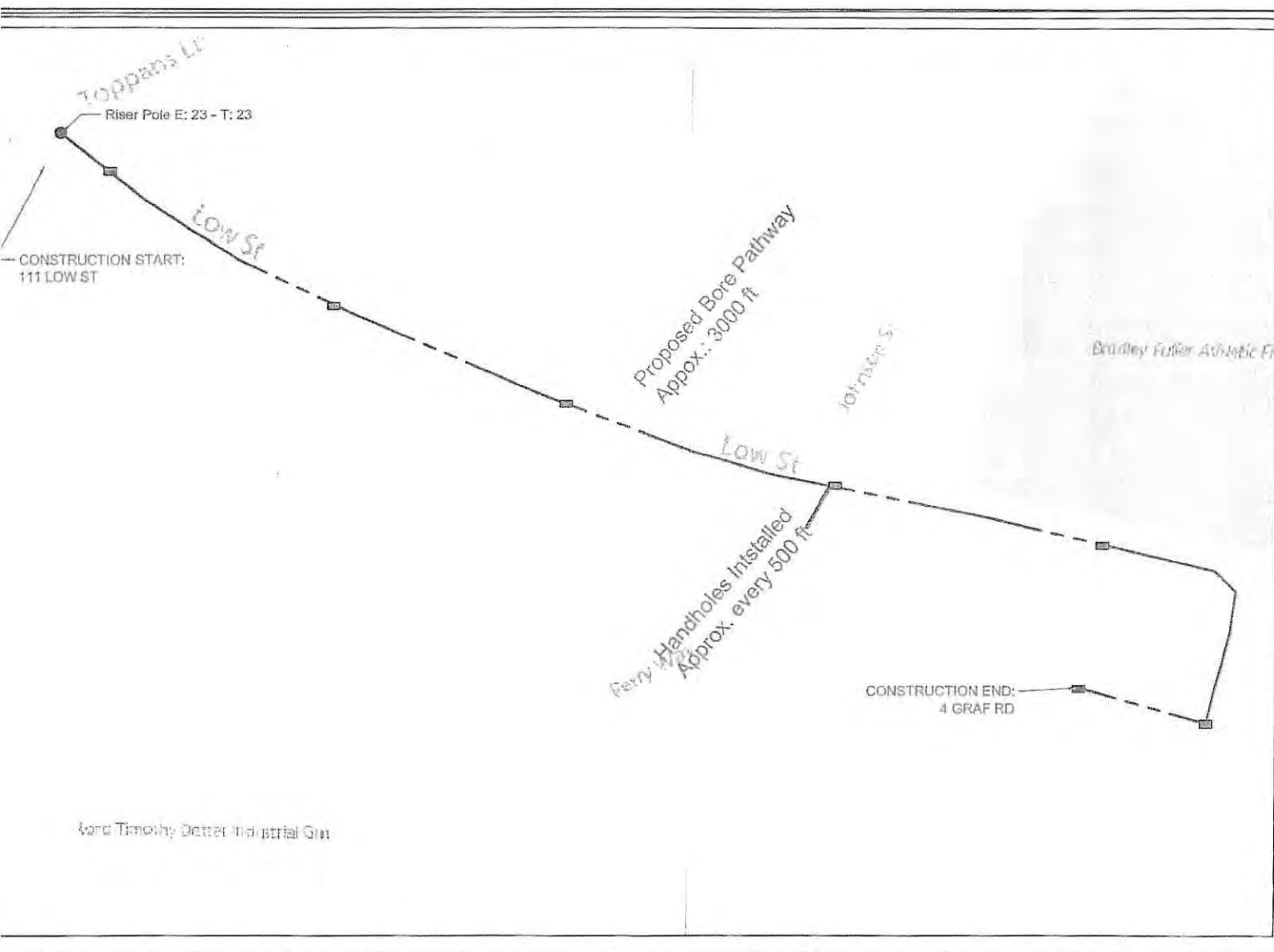
Respectfully submitted:

FIRSTLIGHT

By 
Peter Seehusen
VP, OSP Engineering & Construction

WAVEGUIDE, INC

By 
Jay Dunn (Agent)
Utilities Manager



Legend

- Bore Pathway - Consult
- Utility Pole
- Handhole

Site Plan
Low St, Newburyport MA

Prepared by:

Waveguide
Waveguide, Inc.
10 N. Southwood Dr.
Nashua, NH 03083
603-898-0096

Prepared for:

FirstLight
FirstLight
350 Corporate Dr.
Portsmouth, NH 03801

Issue Date: 06/28/2018

Project Location:
Latitude: 42.833024°
Longitude: -70.839966°

Project Title:
Bore Pathway on Low St & Graf Rd
Newburyport, MA 01850
Nearest Cross Street: Hise St

Project Contacts:
Jay Dunn
Waveguide - Utilities Manager
E-Mail - jdunn@waveguide.com

6095_ft_2018 WDX

Vendor: Timothy Dexter Industrial Group



CITY OF NEWBURYPORT

IN CITY COUNCIL

ORDERED:

By the City Clerk of Newburyport, Massachusetts

ORDERED:

Notice having been given and a public hearing held as provided by law, that the ___ Waveguide be and it is hereby granted permission to excavate the public highways and to run and maintain underground conduits, together with such sustaining and protecting fixtures as said company may deem necessary, in the public way or ways hereafter referred to, , as requested in petition of said company dated the 17th day of September, 2018.

Said underground conduits shall be located substantially in accordance with the plan filed herewith marked Low St., Newburyport, Massachusetts. Site Plan dated 08/29/2018.

The following are public ways or parts of ways under which the underground conduits above referred to may be laid.

See attached plan

I hereby certify that the foregoing order was adopted at a meeting of the _____

_____, held on the _____ day of _____ 20__

_____, _____ 20__

Received and entered in the records of location orders of the _____

Book _____ Page _____.

Attest:

_____ hereby certify that on _____ 20__ at _____ o'clock _____ M.
at _____, a public hearing was held on the petition of _____
NATIONAL GRID _____ for permission to construct the underground conduits
described in the order herewith recorded, and that I mailed at least seven days
before said hearing a written notice of the time and place of said hearing to each of the
owners of real estate (as determined by the last receding assessment for taxation) along
the ways or part of way upon which the company is permitted to construct the
underground electric conduits under said order. And thereupon said order was duly
adopted.



CITY OF NEWBURYPORT
MASSACHUSETTS
CITY CLERK'S OFFICE
NEWBURYPORT CITY HALL
60 PLEASANT STREET • P.O. BOX 550
NEWBURYPORT, MA 01950
TEL: 978-465-4407 • FAX: 978-462-7936

RICHARD B. JONES
CITY CLERK

October 15, 2018

Dear Property Owner:

Notice is hereby given that a public hearing will be held on the petition of Waveguide, Inc. as follows:

Starting at or near the intersection of 111 Low St @ Hales St directional bore approx. 3000' to a location at or near 4 Graf St and place (1) 4" PVC Conduit . Hand holes will be placed approx. every 500' depending on field conditions.

Said hearing will be held on Monday, October 29, 2018 at 7:15 PM in the City Council Chamber, City Hall, and Newburyport, MA. At that time, all interested parties will have an opportunity to be heard.

A copy of the plan is enclosed.

Sincerely,

Tricia E. Barker
Assistant City Clerk



City of Newburyport

OFFICE OF THE ASSESSOR

City Hall
60 Pleasant Street
Newburyport, MA 01950
978-465-4413 / Fx 978-462-8495

Date: September 13, 2018

To: Richard Jones, City Clerk

From: Newburyport Board of Assessors

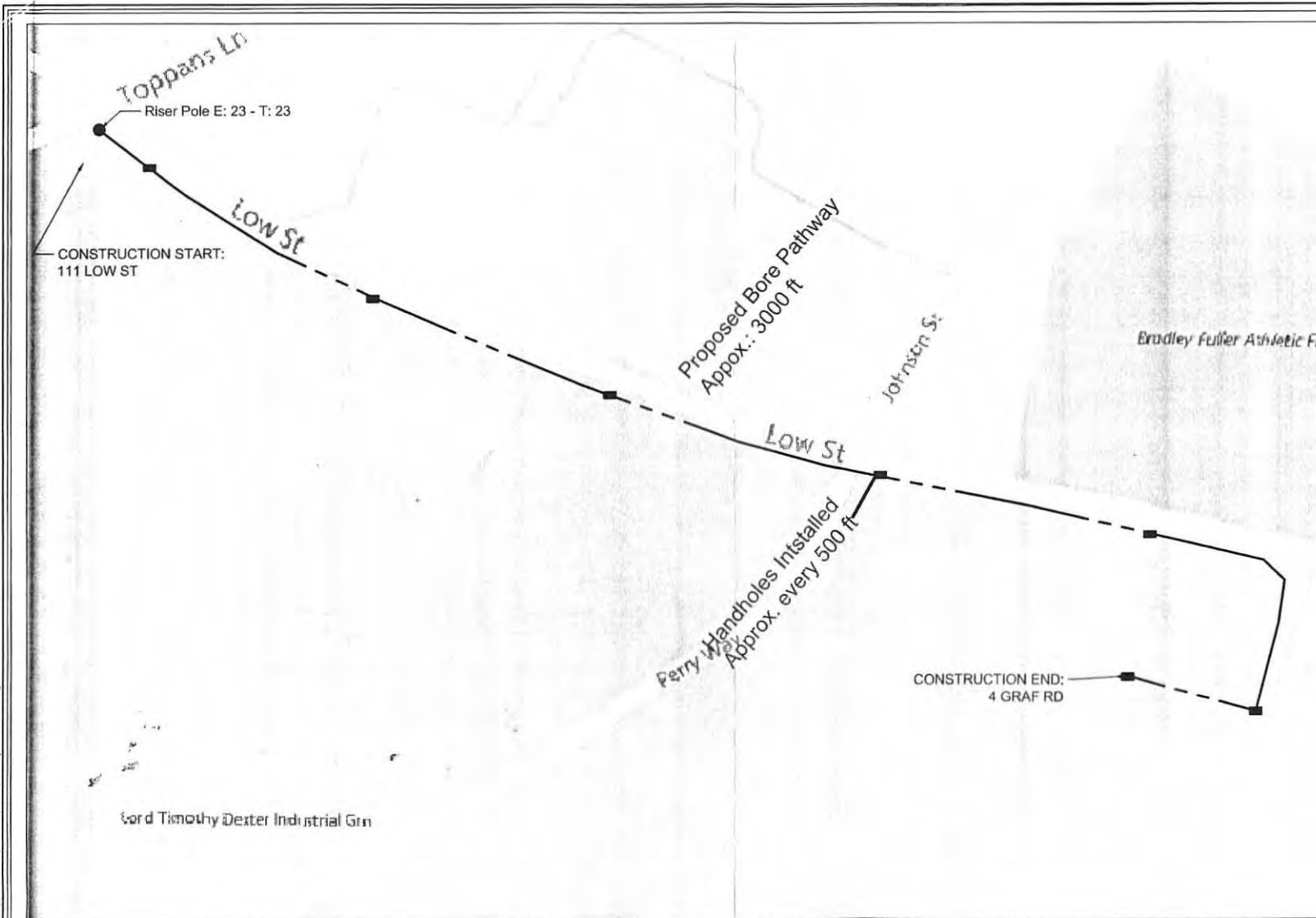
Re: **LOW STREET PROJECT** from 111 Low Street – 4 Henry Graf Jr. Road
Map: 82 & 83 Lot: 4A & 4 Respectively

“The scope of work is as follows: Starting at or near the intersection of 111 Low St @ Hales St directional bore approx. 3000’ to a location at or near 4 Graf St” (aka 4 Henry Graf Jr. Road) “and place (1) 4” PVC Conduit (please see the proposed site plan). Handholes will be placed approx. every 500’ depending on field conditions.”

The following are the abutters of the above described location:

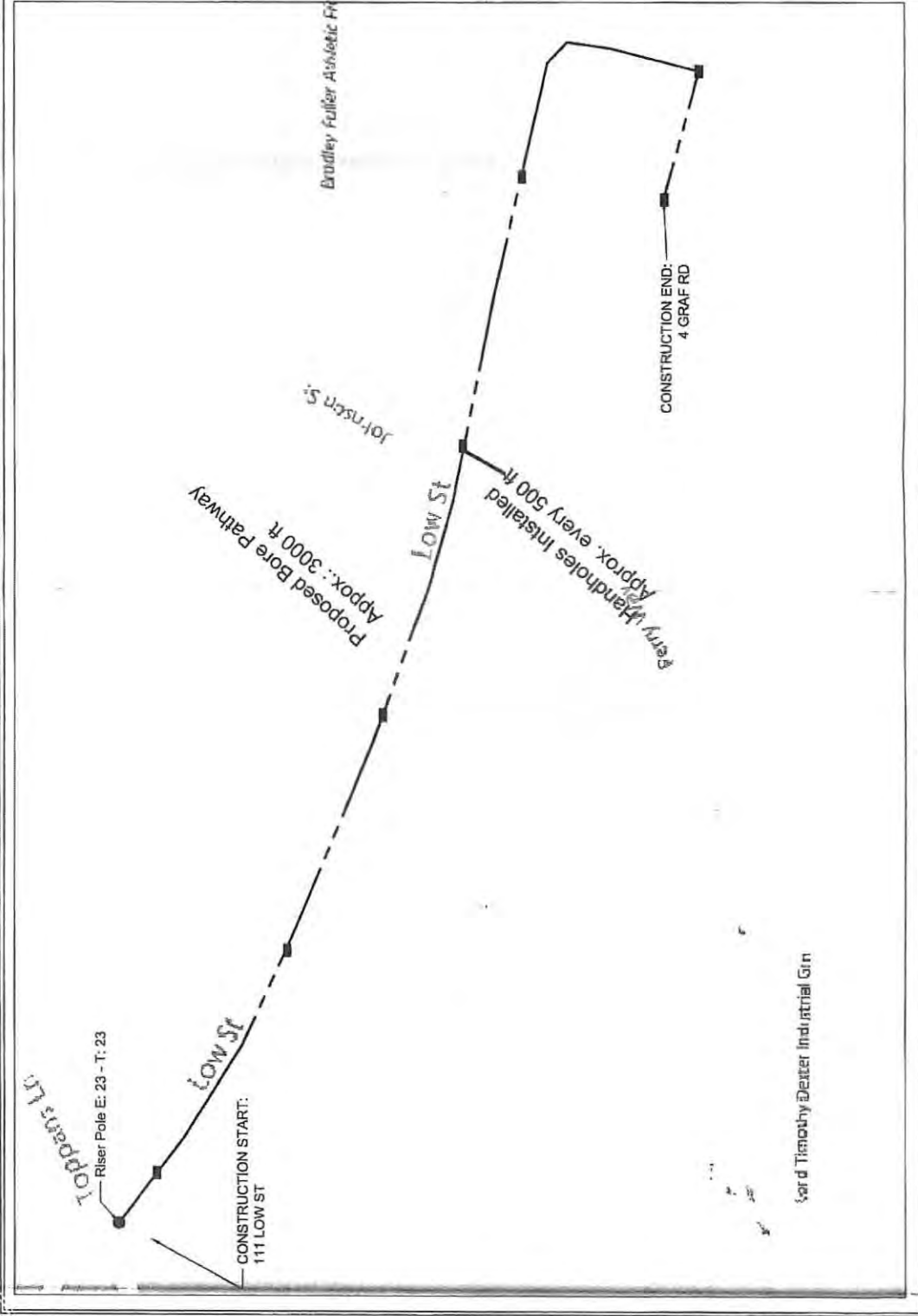
Board of Assessors

C:\Users\Tmookenz\OneDrive\Desktop\DWG\Drawing3_REVISION.dwg



Legend	
	Bore Pathway - Consult
	Utility Pole
	Handhole
Site Plan Low St, Newburyport MA	
Prepared by: Waveguide, Inc. 10 N. Southwood Dr. Nashua, NH 03063 603-598-0096	
Prepared for: FirstLight 359 Corporate Dr. Portsmouth, NH 03801	
Issue Date: 08/29/2018	
Project Location: Latitude: 42.809024° Longitude: -70.889966°	
Project Title: Bore Pathway on Low St & Graf Rd Newburyport, MA 01850 Nearest Cross Street: Hale St	
Project Contacts: Jay Dunn Waveguide - Utilities Manager E-Mail: jdunn@waveguide.com	
6095_FL_2018 W01	

<p>Legend</p> <ul style="list-style-type: none"> Blue Property - Conduit Utility Pole Hand-off 	<p>Site Plan</p> <p>Low St, Newburyport MA</p>	<p>Prepared by:</p> <p>Waveguide Waveguide, Inc. 10 N. Southwood Dr. Nashua, NH 03063 603-888-0288</p>	<p>Prepared by:</p> <p>First <small>INC</small></p>	<p>Project Location:</p> <p>Latitude: 42.80022° Longitude: -70.81888°</p>	<p>Project Title:</p> <p>Blue Property on Low St & Graf Rd Newburyport, MA 01850 House Cross Street: House 2</p>	<p>Project Contacts:</p> <p>Waveguide - Utilities Manager E-Mail: thom@waveguide.com</p>	<p>0003_U_0114.WPS</p>
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~~37/ 1/ / /
CITY OF NEWBURYPORT
FULLER FIELD
60 PLEASANT ST
NEWBURYPORT, MA 01950~~

37/ 22/ / /
PERRIN DEREK
KATHERINE T/E
58 LOW ST
NEWBURYPORT, MA 01950

37/ 23/ / /
KALIL WALTER JR
MYRA H J/T
56 LOW STREET
NEWBURYPORT, MA 01950

~~38/ 1/ / /
CITY OF NEWBURYPORT
NOCK MIDDLE SCHOOL
70 LOW STREET
NEWBURYPORT, MA 01950~~

38/ 18/ / /
HUBBARD ARTHUR E JR
PAMELA J T/E
60 LOW STREET
NEWBURYPORT, MA 01950

39/ 33/ / /
SAFFORD DONALD P & HELEN C TRS
SAFFORD REALTY TRUST
PO BOX 156
WEST NEWBURY, MA 01985

~~81/ 6/A / /
HARTNETT JOHN D JR TR
C/O BANDOIAN
PO BOX 2960
SEABROOK, NH 03874~~

~~81/ 6/B / /
HARTNETT JOHN D JR TR
C/O BANDOIAN
PO BOX 2960
SEABROOK, NH 03874~~

81/ 6/C / /
PEARL LAWRENCE S
SHERRY B T/E
54 LITTLE POND RD
MERRIMAC, MA 01860

~~81/ 6/D / /
MORIN MICHAEL R
3 HENRY GRAF JR RD UNIT 5
NEWBURYPORT, MA 01950~~

81/ 6/E / /
HARBORSIDE PRINTING CO INC
3 HENRY GRAF JR RD UNIT 5
NEWBURYPORT, MA 01950

81/ 6/F / /
BABENDREIER CARL TRUSTEE
VAQUERO REALTY TRUST
7 GARDEN ST
WEST NEWBURY, MA 01985

81/ 6/G / /
ALSI LLC
25 COX CT
BEVERLY, MA 01915

81/ 6/H / /
CASWELL BROTHERS REALTY LLC
3 HENRY GRAF JR RD UNIT 8
NEWBURYPORT, MA 01950

81/ 6/I / /
KOEHLER TOIVO
JOYCE ENDERLE T/E
2 FRUIT STREET
NEWBURYPORT, MA 01950

81/ 6/J / /
BANDOIAN STEPHEN J. TRS.
LUCINE REALTY TRUST
PO BOX 2960
SEABROOK, NH 03874

~~81/ 6/K / /
BANDOIAN STEPHEN J. TRS.
LUCINE REALTY TRUST
PO BOX 2960
SEABROOK, NH 03874~~

81/ 6/L / /
REDLEG REALTY LLC
C/O DAVID OTTO
61 STOREY AVE UNIT 6
NEWBURYPORT, MA 01950

81/ 6/M / /
MIRAGEAS HILLARY TRUSTEE
3-13 GRAF TRUST
41 SPOFFORD STREET
NEWBURYPORT, MA 01950

81/ 6/N / /
DEPIERO MARK A TRS
MAGGIE REALTY TRUST
3 HENRY GRAF JR RD UNIT 14
NEWBURYPORT, MA 01950

81/ 6/O / /
HARTNETT JOHN D TRS
COMMERCE REALTY TRUST
8 HENRY GRAF JR RD
NEWBURYPORT, MA 01950

82/ 4/A / /
DEMATTEO MANAGEMENT INC
80 WASHINGTON ST C-16
NORWELL, MA 02061

82/ 4/B 2/ /
DIANNES FINE DESSERTS INC
6 HENRY GRAF JR RD
NEWBURYPORT, MA 01950

~~82/ 7/A / /
DIANNES FINE DESSERTS INC
6 HENRY GRAF JR RD
NEWBURYPORT, MA 01950~~

82/ 7/Q / /
RIVER VALLEY CHARTER SCHOOL
FOUNDATION INC
2 PERRY WAY
NEWBURYPORT, MA 01950

82/ 8/ / /
COMMONWEALTH OF MASSACHUSETTS
100 CAMBRIDGE STREET
BOSTON, MA 02109

83/ 2/ / /
PORT ASSOCIATES LIMITED PARTNERSH
25 RAILROAD SQUARE
HAVERHILL, MA 01832

83/ 3/ / /
THE FIRST BAPTIST CHURCH
11 HALE ST
NEWBURYPORT, MA 01950

83/ 4/ / /
BINELLI FRANK J
111 LOW ST
NEWBURYPORT, MA 01950

83/ 4/A / /
KELLEHER DENNIS J
ROBERT F & MARY B KELLEHER
8 WANNALANCIT TRAIL
LITTLETON, MA 01460

83/ 5A/ / /
KELLEHER ROBERT F
MARY B T/E
107 LOW ST
NEWBURYPORT, MA 01950

CONSENT AGENDA

CITY COUNCIL MEETING MINUTES
CITY COUNCIL CHAMBERS
OCTOBER 9, 2018

7:15PM

Pole Hearing – 138 High Street

John Butler from National Grid spoke. Motion to approve by Councillor Zeid, seconded by Councillor Khan. Roll call vote, 10 yes, 1 absent (Devlin). Motion passed.

7:30PM

The City Council President, Barry Connell, called the meeting to order at 7:30pm, followed by the Pledge of Allegiance. A moment of silence was held for Robin DeMerritt. The City Council President then instructed the City Clerk to call the roll. The following Councillors answered present: Vogel, Zeid, Devlin, Earls, Eigerman, Giunta, Khan, OBrien, Shand, Tontar, Connell. 11 present, 0 absent.

(Sound Check)

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

4. LATE FILE ITEMS - COMM090_10_09_18, ORDR066_10_09_18

Motion to waive rule 16, to allow late files, by Councillor Zeid, seconded by Councillor Tontar. So voted.

5. PUBLIC COMMENT

1. Steve Comley, Sr.	Rowley, MA	COMM089
2. Lukas Phipps	2 Allen St	Question 3
3. Ahmer Ibrahim	85 Prospect St	Question 3
4. Jessica Amorosino	238 High St	Marijuana Retailers
5. Jake King	20 Johnson St	Marijuana Retailers
6. Stephen DeLisle	195 High St	Marijuana Retailers
7. Lynn Schow	75 High St	Marijuana Retailers
8. Josh Baumfeld	75 High St	Marijuana Retailers
9. Lauren Eramo	49 Kent St	Question 3
10. Linda Lambert	58 Merrimac St	Marijuana Retailers

6. MAYOR'S COMMENT

The mayor gave an update pursuant to her written communication.

CONSENT AGENDA

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

7. APPROVAL OF MINUTES

September 24, 2018

(Approve)

8. TRANSFERS

- **TRAN027_10_09_18** Sale of Municipal Equip \$18K to School Tech Upgrades \$18K (B&F)
- **TRAN028_10_09_18** Legal Settlements \$22.5K to Reservation Terr Wall \$22.5K (B&F)
- **TRAN029_10_09_18** PI Utility Trust Fund \$99,197 to Olga Way Pump Replace \$99,197 (B&F)

9. COMMUNICATIONS

- **COMM089_10_09_18** Stephen Comley Letter to the City Council (R&F)

10. APPOINTMENTS

- **APPT059_10_09_18** Scott Hanley 1 Milk St Tree Comm 11/1/2021

Re-Appointments

- **APPT060_10_09_18** Paul M. Bevilacqua 126 Merrimac St #3 Tree Comm 11/1/2021

**END OF CONSENT AGENDA
REGULAR AGENDA**

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

11. MAYOR’S UPDATE

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

12. COMMUNICATIONS

- **COMM090_10_09_18** LATE FILE Harborside Half Marathon & 5K - 11/11/2018
Motion to refer to Public Safety by Councillor Tontar, seconded by Councillor Zeid. So voted.

13. APPOINTMENTS

Second Reading

- **APPT052_09_24_18** Jennifer Groskin 11 Myrtle Ave Human Rights Comm 3/31/2019
- **APPT053_09_24_18** Matt Ellsworth 38 Plummer Ave Parks Comm, Atkinson 5/1/2020
- **APPT054_09_24_18** Charles Griffin 3 Vernon St Parks Comm, Bartlet Mall 5/1/2019
- **APPT055_09_24_18** Ann Lagasse 1 Pipers Quarry Parks Comm 5/1/2022
- **APPT056_09_24_18** Karen Popken 49 Boardman St Parks Comm 5/1/2021
- **APPT057_09_24_18** Kim Turner 27 High St Parks Comm 5/1/2023

Motion to approve second reading appointments by Councillor Zeid, seconded by Councillor Tontar. Roll call vote, 11 yes. Motion passed.

- **APPT058_10_09_18** Jessica Amorosino 238 High St Human Rights Comm 9/30/2021
Councillor Khan removed from Consent Agenda. Motion to receive and file by Councillor Khan, seconded by Councillor Zeid. So voted.

14. ORDERS

- **ORDR058_08_27_18** CPA Project #4, Slate Roof, Custom House (**TABLED**)
Motion to remove from table by Councillor Tontar, seconded by Councillor Vogel. So voted. City Council received opinion from Special Counsel Ray Miyares on the matter of CPA funding of the Custom House roof. Motion to table by Councillor Earls, seconded by Councillor Vogel. So voted (1 no, - Zeid).
- **ORDR064_10_09_18** Yes on Question 3 Resolution
Motion to refer to General Government by Councillor Tontar, seconded by Councillor Khan. So voted.
- **ORDR065_10_09_18** Custom House Resolution
Motion to refer to Planning & Development by Councillor Zeid, seconded by Councillor Tontar. So voted.
- **ORDR066_10_09_18** LATE FILE Sidewalk Easement
Motion to refer to Planning & Development by Councillor Zeid, seconded by Councillor Earls. So voted.

15. ORDINANCES

- NONE

16. COMMITTEE ITEMS

Planning & Development

Motion to waive the rules, to take Planning & Development committee items first, by Councillor Zeid, seconded by Councillor Tontar. So voted.

In Committee:

- **ODNC024_06_11_18** Zoning Amendment - Marijuana Retail Sales Locations (**COTW**)
Motion to remove from Planning & Development by Councillor Eigerman, seconded by Councillor Zeid. So voted. Motion to approve as amended in committee 10/9/2018 by Councillor Eigerman, seconded by Councillor Tontar. Roll call vote, 8 yes, 2 no (Giunta, OBrien), 1 recused (Devlin). Motion passed.
- **ODNC003_01_29_18** Zoning - Amendment to Table of Use Regulations
- **ODNC008_02_12_18** Disposition of G. W. Brown School
- **ORDR024_04_09_18** Special Act to Dissolve Newburyport Redevelopment Authority (**COTW**)
- **ODNC014_04_30_18** Amendment to Demolition Delay
- **ORDR033_05_14_18** Adoption of Housing Production Plan
- **ORDR036_05_14_18** Marijuana Retailers Ballot Question
- **ORDR037_05_14_18** Lease of Coast Guard Auxiliary Building on Plum Island Point
Motion to remove from Planning & Development by Councillor Eigerman, seconded by Councilor Tontar. So voted. Motion to approve as amended in committee 10/9/2018 (Comm vote 3-0) by Councillor Eigerman, seconded by Councillor Tontar. Roll call vote, 11 yes. Motion passed.
- **ORDR054_08_13_18** Preservation Restriction Agreement – 241 High Street
Motion to remove from Planning & Development by Councillor Eigerman, seconded by Councillor Zeid. So voted. Motion to approve by Councillor Eigerman, seconded by Councillor Tontar. So voted.
- **ODNC025_08_13_18** Colby Farm Lane Residential Overlay District
- **COMM083_09_10_18** CPA Funding Recommendation for Colby Farm
Motion to remove from Planning & Development by Councillor Eigerman, seconded by Councillor Zeid. So voted. Subject to condition of contract with developer. Motion to approve as amended in committee 10/9/2018 by Councillor Eigerman, seconded by Councillor Tontar. Roll call vote, 11 yes. Motion passed. Subject to condition that transaction is completed and further CPA conditions, money only if they go through with deal.
- **APPT051_09_24_18** Don Walters 15 Smith St CPC, Planning Board 10/1/2021
Motion to remove from Planning & Development by Councillor Eigerman, seconded by Councillor Zeid. So voted. Motion to approve by Councillor Eigerman, seconded by Councillor Zeid. Roll call vote, 11 yes. Motion passed.

Budget & Finance

In Committee:

- **ORDR007_01_29_18** 41C Amendment
- **ORDR022_04_09_18** Local Retail Sales Tax on Marijuana
Motion to remove from Budget & Finance by Councillor Tontar, seconded by Councillor Giunta. So voted. Motion to approve as amended, to add a second paragraph: "It is in the intent of the City Council that one half of the receipts be appropriated to the operating budget of the School Department and the remaining half be appropriated to the maintenance and repair of roadways and sidewalks." (Comm vote 2-1, 1 no – Tontar) by Councillor Tontar, seconded by Councillor Vogel. Roll call vote, 11 yes. Motion passed.
- **ORDR061_09_24_18** Gift Acceptance - Strem Chemicals, Inc. \$5,376.96

Motion to remove from Budget & Finance by Councillor Tontar, seconded by Councillor Zeid. So voted. Motion to approve (Comm vote 3-0) by Councillor Tontar, seconded by Councillor OBrien. So voted. The Clerk will send a letter of thank you to the gifter.

- **ORDR062_09_24_18** Gift Acceptance - NHS Class of 2018 \$500

Motion to remove from Budget & Finance by Councillor Tontar, seconded by Councillor Khan. So voted. Motion to approve (Comm vote 3-0) by Councillor Tontar, seconded by Councillor Khan. So voted. The Clerk will send a letter of thank you to the gifter.

Education

In Committee:

-

General Government

In Committee:

- **ODNC007_02_12_18** Amendment to Division 7 – City Solicitor
- **ORDR016_03_26_18** Naming of the Five (5) Nature Trails Contained in the Little River Trail System
- **COMM048_06_11_18** Ltr re: Marijuana Retailers Ballot Question

License & Permits

In Committee:

- **COMM029_04_30_18** Outdoor Seating - West Row Café
 - **ODNC023_05_29_18** LATE FILE Amendment to Waterways Fee
- Motion to remove from License & Permit by Councillor Earls, seconded OBrien. So voted. Motion to approve as amended (Comm vote 3-0) by Councillor Earls, seconded by Councillor Tontar. Roll call vote, 10 yes, 1 no (Zeid). Motion passed.

Neighborhoods and City Services

In Committee:

- **ORDR048_06_13_16** Sidewalk Order
- **COMM111_10_10_17** Petition for Road Repairs and Repaving – Squires Glen

Public Safety

In Committee:

- **ODNC009_02_12_18** Floating Homes, Houseboats, and Related Marinas
- **ORDR031_04_30_18** No Parking Titcomb from Pleasant to Merrimac
- **ORDR032_04_30_18** No Parking Merrimac St from Titcomb St Running Westerly
- **ORDR059_08_27_18** Parking Hales Court, Waterfront Trust
- **COMM086_09_24_18** Ltr from Residents of East Boylston Street
- **COMM087_09_24_18** Ltr re: Coffin Street

Public Utilities

In Committee:

- **COMM122_11_27_17** Mobilitie Application/Small Cell Utility Petition (re-file)
 - **ODNC022_05_29_18** Addition to Chapter 5, Article 6 - Small Cell Sites
 - **COMM088_09_24_18** Wave Guide Application
- Councillor Zeid gave an update.

Rules Committee

In Committee:

- **ORDR057_08_27_18** Amendment to Council Rule 12A

17. GOOD OF THE ORDER

Councillor Zeid clarified that only rule 16 was waived when accepting the late file items. Councillor Tontar remembered Sean Perkins' kindness and generosity. Councillor Connell spoke about joining the Geiger Walk.

18. ADJOURNMENT

Motion to adjourn by Councillor Khan, seconded by Councillor Eigerman. So voted. 9:28pm.

CITY COUNCIL MEETING MINUTES
CITY COUNCIL CHAMBERS
OCTOBER 22, 2018

7:00PM

The City Council President, Barry Connell, called the meeting to order at 7:01pm, followed by the Pledge of Allegiance. The City Council President then instructed the City Clerk to call the roll. The following Councillors answered present: Zeid, Devlin, Earls, Eigerman, Giunta, Khan, OBrien, Shand, Connell. 9 present, 1 remote (Tontar), 1 absent (Vogel).

(Sound Check)

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

1. Jeanette Isabella

1 Lime St

Waterfront West

- 5. LATE FILE ITEMS**

- 6. DISCUSSION** - to consider the purchase, exchange, lease, or value of real property, if the chair declares that an open meeting may have a detrimental effect on the negotiating position of the public body relating to Waterfront West.

President Connell stated that the purpose is not to create special zones but to look at past decisions and the context of potential uses as we see it now.

Andrew Port, Director of Planning and Development, gave a slide presentation entitled, "Waterfront West, Context and Background". He explained and showed the audience the 2003 Strategic Plan, the 2004 WWOD, the 2017 NED Proposal, the 2018 NED proposal, the 2018 Eval Criteria, and identified certain key areas for consideration.

At approximately 7:50 PM the President opened the meeting for comments and discussion among Councillors. Rebecca A. Lee, Esq. from Mintz, Levin, Cohn, Ferris, Glovsky and Popeo, P.C. spoke briefly as special counsel to the City Council.

A robust discussion followed. Councillor Zeid suggested that going forward it might make sense to establish an Ad Hoc committee of 5 Councillors to study and identify the criteria needed for this waterfront area and report back to the Council by the end of December, 2018. President Connell asked which Councillors would be interested in sitting on this Ad Hoc committee.

- 7. EXECUTIVE SESSION** - to consider the purchase, exchange, lease, or value of real property, if the chair declares that an open meeting may have a detrimental effect on the negotiating position of the public body relating to Waterfront West.

- 8. GOOD OF THE ORDER**

- 9. ADJOURNMENT**

Motion to adjourn by Councillor Earls, seconded by Councillor Devlin. So voted. 9:10pm.

TRANSFERS



City of Newburyport

FY 2019

BUDGET TRANSFER REQUEST

CITY CLERK'S OFFICE
NEWBURYPORT, MA

OCT 23 AM 10:05

Department: Harbormaster Department

Submitted by: Paul Hogg, Harbormaster

Date Submitted: 10/29/2018

Transfer From:

Account Name	Harbormaster Retained Earnings	YTD Bal:	\$ 554,212.00
Account Number:	6520-35920	Category:	\$ -
Amount:	\$41,210.71	Trans I/O:	\$ -
Why are Funds Available:	<i>The Massachusetts Department of Revenue certified Retained Earnings for the Harbormaster Enterprise Fund for FY2019 at \$554,212. These funds are available for any legal expenditure at the recommendation of the Mayor and a majority vote of the City Council.</i>		

Transfer To:

Account Name	Pump Out Boat Purchase	YTD Bal:	\$ -
Account Number:	New Account	Category:	\$ -
Amount:	\$41,210.71	Trans I/O:	\$ -
Why are Funds Needed:	<i>The City received a grant from the U.S. Fish and Wildlife Service's Clean Vessel Act Grant Program to fund the purchase of a new pump out boat. The total cost of the boat is \$97,461. The maximum grant award was \$56,250.00, leaving a balance of \$41,210.71 to be paid from the Harbormaster Enterprise Fund.</i>		

Donna D. Holaday, Mayor
 Ethan R. Manning, Auditor
 City Council Approval: (Stamp)

Date: 10/23/18
 Date: 10/23/18



CITY OF NEWBURYPORT
OFFICE OF THE HARBORMASTER

PAUL HOGG
HARBORMASTER

NEWBURYPORT CITY HALL
60 STATE STREET
NEWBURYPORT, MA 01950

TEL: 978-462-3746

The Newburyport Harbormaster Department received a Grant from the Clean Vessel Act to replace the aged and worn existing Pump Out Boat. This Vessel is used to pump out the Sewage in the holding tanks for Newburyport boaters so it does not end up in the River. The State awarded the Harbormaster Department \$56,250.00 towards the purchase of this new Vessel. The total cost of the new Vessel is \$97,460.71. The Harbormaster Enterprise Fund will cover the additional cost for the Vessel and was approved by the Harbor Commission. We are respectfully requesting these funds to obtain the new vessel. Please do not hesitate to contact me if you have any questions.

Respectfully,

Paul Hogg
Newburyport Harbormaster

COMMUNICATIONS

City

Questions contact – John Butler 978 725 1415

ORDER FOR JOINT OR IDENTICAL POLE LOCATIONS

To the City Council of Newburyport Massachusetts

Notice having been given and public hearing held, as provided by law,

IT IS HEREBY ORDERED:

that NATIONAL GRID and VERIZON NEW ENGLAND INC. (formerly known as NEW ENGLAND TELEPHONE AND TELEGRAPH COMPANY) be and they are hereby granted joint or identical locations for and permission to erect and maintain poles and wires to be placed thereon, together with such sustaining and protecting fixtures as said Companies may deem necessary, in the public way or ways hereinafter referred to, as requested in petition of said Companies dated the 3rd day of October 2018.

2018 OCT 16 AM 11:45
CITY CLERK'S OFFICE
NEWBURYPORT, MA

All construction under this order shall be in accordance with the following conditions:

Poles shall be of sound timber, and reasonable straight, and shall be set substantially at the points indicated upon the plan marked – Perkins Way-Newburyport Massachusetts.

26907934 Dated October 3, 2018. Filed with this order

There may be attached to said poles by NATIONAL GRID and Verizon New England Inc. such wires, cables, and fixtures as needed in their business and all of said wires and cables shall be placed at a height of not less than twenty (20) feet from the ground.

The following are the public ways or part of ways along which the poles above referred to may be erected, and the number of poles which may be erected thereon under this order:

Perkins Way-National Grid is to install pole 4-50 and 2-4" conduits to provide additional service to 3 Perkins Way.

Also for permission to lay and maintain underground laterals, cables, and wires in the above or intersecting public ways for the purpose of making connections with such poles and buildings as each of said petitioners may desire for distributing purposes.

I hereby certify that the foregoing order was adopted at a meeting of the
Of the City/Town of _____, Massachusetts held on the _____ day of _____ 20 .

Massachusetts City/Town Clerk. 20 .

Received and entered in the records of location orders of the City/Town of
Book _____ Page _____

Attest:

City/Town Clerk

I hereby certify that on _____ 20____, at _____ o'clock, M
At _____ a public hearing was held on the petition of
NATIONAL GRID and VERIZON NEW ENGLAND, INC.

for permission to erect the poles, wires, and fixtures described in the order herewith recorded, and
that we mailed at least seven days before said hearing a written notice of the time and place of said
hearing to each of the owners of real estate (as determined by the last preceding assessment for
taxation) along the ways or parts of ways upon which the Company is permitted to erect
Poles, wires, and fixtures under said order. And that thereupon said order was duly adopted.

City/Town Clerk.

.....
.....
.....
.....

Board or Council of Town or City, Massachusetts

CERTIFICATE

I hereby certify that the foregoing is a true copy of the location order and certificate of
hearing with notice adopted by the _____ of the City of
Massachusetts, on the _____ day of 20 and recorded with the records of location orders of
the said City, Book _____, and Page _____. This certified copy is made under the
provisions of Chapter 166 of General Laws and any additions thereto or amendments thereof.

Attest:

Questions contact John Butler 978 725 1415

PETITION FOR JOINT OR IDENTICAL POLE LOCATIONS

North Andover, Massachusetts

To City Council
Of Newburyport Massachusetts

NATIONAL GRID and Verizon New England, Inc requests permission to locate poles, wires, and fixtures, including the necessary sustaining and protecting fixtures, along and across the following public way:

Perkins Way-National Grid is to install pole 4-50 and 2-4" conduits to provide additional service to 3 Perkins Way.

Location approximately as shown on plan attached

Wherefore it prays that after due notice and hearing as provided by law, it be granted a location for and permission to erect and maintain poles and wires, together with such sustaining and protecting fixtures as it may find necessary, said poles to be erected substantially in accordance with the plan filed herewith marked – Perkins Way-Newburyport Massachusetts

26907934 October 3, 2018

Also for permission to lay and maintain underground laterals, cables, and wires in the above or intersecting public ways for the purpose of making connections with such poles and buildings as each of said petitioners may desire for distributing purposes.

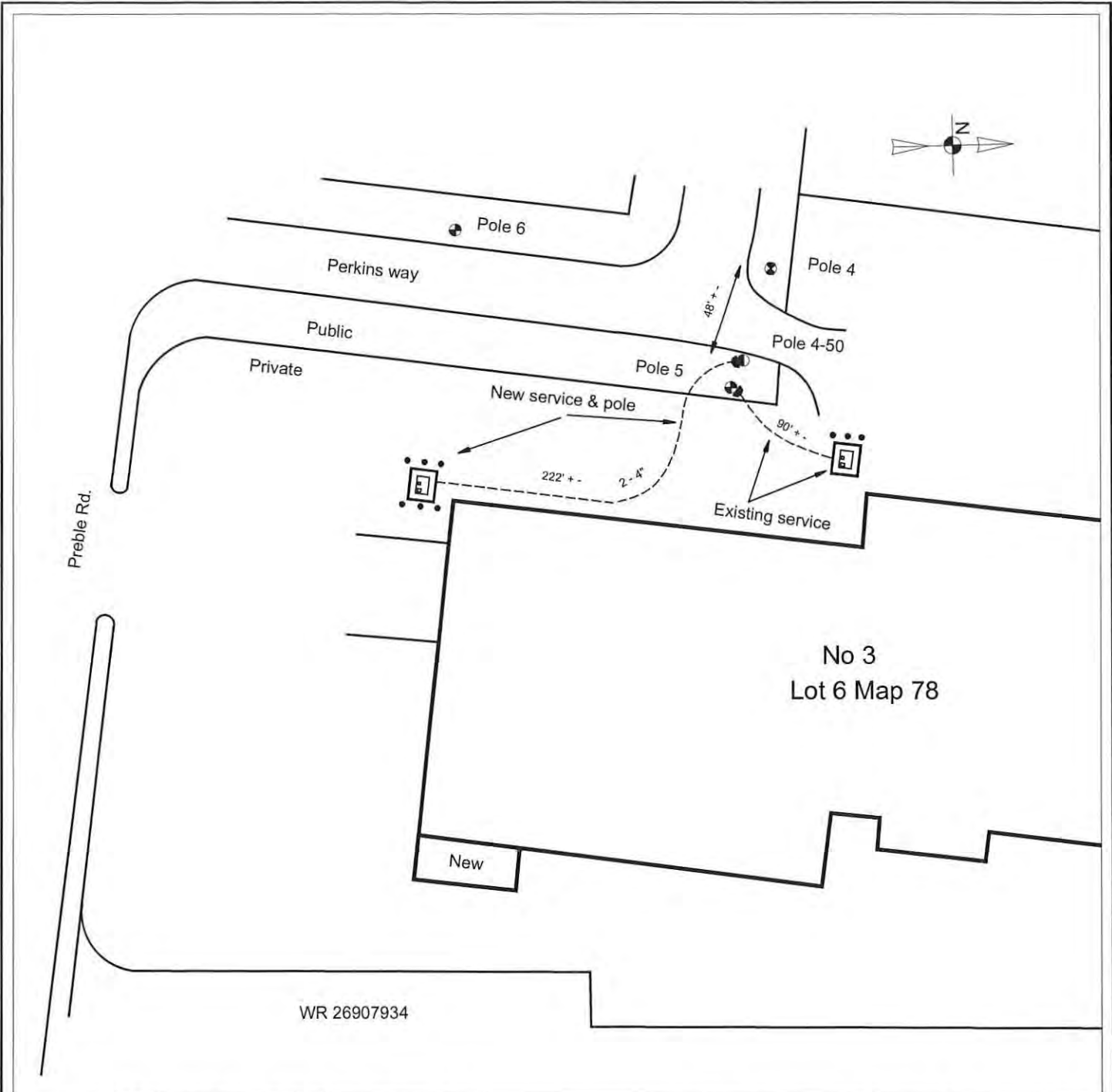
Your petitioner agrees to reserve space for one cross-arm at a suitable point on each of said poles for the fire, police, telephone, and telegraph signal wires belonging to the municipality and used by it exclusively for municipal purposes.

NATIONAL GRID

BY *Dore Johnson*
Engineering Department

VERIZON NEW ENGLAND, INC.

BY _____
Manager / Right of Way



WR 26907934

No 3
Lot 6 Map 78

JOINT OWNED POLE PETITION		<h1 style="margin: 0;">nationalgrid</h1> <p style="margin: 0;">And Verizon New England, Inc.</p>
<ul style="list-style-type: none"> Existing J.O. Riser Pole Locations Existing J.O. Pole Locations Proposed J.O. Riser Pole Locations Three phase transformer with bollards 2-4" Conduit 		
<p>Petition to install pole 4 - 50 and 2 - 4" conduits to provide additional service to 3 Perkins Way</p> <p>DISTANCES ARE APPROXIMATE</p>		<p>Date: October 2, 2018</p> <p>Work Request Number: Wr 26907934</p> <p>To Accompany Petition Dated: October 2, 2018</p> <p>To The: City Of Newburyport</p> <p>For Proposed Pole 4-50 Location: 3 Perkins Way</p>



CITY OF NEWBURYPORT

OFFICE OF THE
ASSESSOR

JILL BRENNAN
CITY ASSESSOR

NEWBURYPORT CITY HALL

60 PLEASANT STREET

NEWBURYPORT, MA 01950

TEL: 978-465-4403

FAX: 978-462-8495

WWW.CITYOFNEWBURYPORT.COM

October 11, 2018

TO: Richard Jones, City Clerk

FROM: Board of Assessors

RE: Install pole 4 – 50 and 2-4” conduits to provide
additional service to 3 Perkins Way

The attached are the abutters to the above described
location:

Jill Brennan

78/ 6/ / /
BRADFORD & BIGELOW REALTY LLC
3 PERKINS WAY
NEWBURYPORT, MA 01950

78/ 8/A / /
CORNERSTONE SHOP LLC
4 PERKINS WAY
NEWBURYPORT, MA 01950

78/ 9/ / /
BARBIRIS ANTHONY TRUSTEE
5 PERKINS WAY REALTY TRUST
P.O. BOX 2162
SO. HAMILTON, MA 01982

**APPOINTMENTS
FIRST READING**



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

RECEIVED
CITY CLERK'S OFFICE
NEWBURYPORT, MA

2018 OCT 18 AM 11:00

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

To: President and Members of the City Council
From: Donna D. Holaday, Mayor
Date: October 18, 2018
Subject: Appointment

I hereby appoint, subject to your approval, the following named individual as Assistant Treasurer/Collector for the City of Newburyport to fulfill the unexpired term of Kathleen Chase. This term will expire on November 1, 2019.

Victoria Finnigan
63 Washington Street
Groveland, MA 01834

Victoria Finnigan

978-821-4105 | vickifinnigan@gmail.com | 63 Washington St. Groveland, MA 01834

September 1, 2018

Ms. Languirand
Treasurer/Collector
60 Pleasant Street
Newburyport, MA 01950

Dear Ms. Languirand:

I am writing in response to your employment posting for an Assistant Treasurer/Collector. I am confident that my experience in a similar office environment makes me a perfect candidate.

I am a hard-working and conscientious employee. I learn and adapt quickly. My greatest strengths being my ability to multitask and work efficiently in a busy office environment. I believe that during my professional career I have acquired the skills that you are looking for to fill this position.

I am eager to speak with you further regarding employment and I would welcome the opportunity to meet with you for an interview.


Thank you for your time and consideration. I look forward to hearing from you.

Sincerely,

Victoria Finnigan

Victoria Finnigan

63 Washington St, Groveland MA 

978-821-4105 

vickifinnigan@gmail.com 

I am looking for a challenging position in which I am able to utilize my strong organizational, technical and interpersonal skills to complete tasks accurately and efficiently.

Experience

SEPTEMBER 2016 – PRESENT

Administrative Assistant / Treasurer/Collector's Office **Hamilton, MA**

Collect, process and post all payment of Town taxes and Water bills; enter information into Munis and maintain Excel spreadsheets for each turnover. Manage online payment activity, up and downloading of files. Process insufficient/reversal of funds and daily deposits; Prepare Municipal Lien Certificates; submit department invoices for payment, Print, mail and backup Town Warrant and manual checks. Process town Payroll as needed.

SEPTEMBER 1995 – PRESENT

Accounts Receivable, Money Room/ Henry's Foods, Inc. **Beverly, MA**

Manage Accounts Receivable for store and catering, process payments and generate monthly statements. Oversee money room and daily balancing; maintain files.

AUGUST 1986 – SEPTEMBER 1995

Retail Accounting/ Cressey-Dockham; SUPERVALU **Andover, MA**

Responsible for the payroll, accounts payable/receivable, manual check writing and bank statement reconciliation for independent grocery store clients.

Education

May 2010

Bachelor's Degree in Business Management **Bay Path University, Burlington, MA**

May 2006

Associates Degree in Business Management **Northern Essex Community College, Haverhill, MA**

Skills

- Analytical Thinker
- Ability to work independently or as a team
- Strong Communication Skills
- Customer Service Expertise
- Excellent Time Management
- Microsoft Office, Excel, Munis



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

To: President and Members of the
City Council

From: Donna D. Holaday, Mayor

Date: October 22, 2018

Subject: Re-Appointment

A handwritten signature in cursive script, reading "Donna D. Holaday", written diagonally across the right side of the document.

I hereby reappoint, subject to your approval the following
named individual as a member of the Newburyport
Affordable Housing Trust. This term will expire on
November 30, 2019.

Karen B. Wiener
7 Lincoln Street
Newburyport, MA 01950

KAREN B. WIENER

Professional Experience

Citizens' Housing and Planning Association (CHAPA) – Boston, MA

Deputy Director, 2007 – present

Serve as Deputy Director for leading statewide non-profit organization for affordable housing and community planning efforts in Massachusetts. Key responsibilities include fundraising, hiring and supervising of staff, working with the Board of Directors on policy decisions, and representing the agency in various forums and coalitions. Specialty issue areas include affordable housing awareness and education, planning and land use, and smart growth.

Director of Special Projects, 2002-2007

Managed all smart-growth related projects, including implementing CHAPA's Smart Growth Demonstration Initiative, a project that provided technical assistance to communities demonstrating successful models of smart growth planning and development incorporate affordable housing; representing CHAPA in the Massachusetts Smart Growth Alliance, a collaboration of seven leading non-profit organizations representing diverse interests and approaches to smart growth; developing education forums on smart growth topics; and staffing CHAPA's Smart Growth Committee.

Director of Homeownership Initiatives, 1990-2002

Developed and implemented all of CHAPA's affordable homeownership programs, including statewide foreclosure-prevention programs for the RTC, FDIC, Fannie Mae and Freddie Mac. Established the Massachusetts Homeownership Collaborative, a statewide initiative that works to professionalize, improve and bring standards and consistency to the quality of homebuyer education services for low and moderate income households. Created the New England HUD Housing Counseling Program, securing more than \$10 million in federal funds over twelve years for distribution to 25 non-profit organizations in five New England states.

Resources for Community Development – Berkeley, CA

Project Manager, 1988-1990

Provided research, analysis and project management for conversion and rehabilitation of a dilapidated former hotel into an SRO for formerly homeless men

Tri-City Community Action Program – Malden, MA

Advocacy Coordinator, 1984-1987

Worked as an advocate for lower income households facing eviction, job loss and other financial crises, and coordinated the services offered by the advocacy department.

Metropolitan Washington Planning & Housing Association – Washington, D.C.

Tenant Advocate and Organizer, 1982-1983

Worked as a community organizer and tenant advocate for low income tenants facing eviction and other housing-related issues

Education

Master of City and Regional Planning, University of California, Berkeley, 1990
Concentration in Housing Planning and Development

Bachelor of Urban Affairs, George Washington University, 1983
Concentration in Political and Social Urban Analysis

Professional Affiliations

Member, Board of Trustees, The Appraisal Foundation

Member, National Industry Standards for Homeownership Education and Counseling Committee

Member, Steering Committee, the Massachusetts Smart Growth Alliance

Member, Steering Committee, the Alliance to Advance Community Development by
Confronting Racism

Trustee, Newburyport Affordable Housing Trust



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

MA 01950
CITY OF NEWBURYPORT
NEWBURYPORT, MA
2018 OCT 23 AM 9:40

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

To: President and Members of the City Council
From: Donna D. Holaday, Mayor
Date: October 22, 2018
Re: Re-Appointment

Donna D. Holaday

I hereby re-appoint, subject to your approval, the following named individual as a member of the Cultural Commission. This term shall expire on September 30, 2021.

Jane Niebling
45 Temple Street
Newburyport, MA 01950



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

To: President and Members of the City Council
From: Donna D. Holaday, Mayor
Date: October 22, 2018
Re: Re-Appointment

I hereby re-appoint, subject to your approval, the following named individual as a member of the Historical Commission. This term will expire on October 1, 2021.

Sarah M. White
349 High Street
Newburyport, MA 01950



CITY OF NEWBURYPORT

OFFICE OF THE MAYOR

DONNA D. HOLADAY, MAYOR

15 2021
CITY CLERK'S OFFICE
NEWBURYPORT, MA
2018 OCT 23 AM 9:40

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

To: President and Members of the City Council
From: Donna D. Holaday, Mayor
Date: October 22, 2021
Re: Re-Appointment

I hereby re-appoint, subject to your approval, the following named individual as a member of the Newburyport Board of Registrars. This term shall expire on September 1, 2021.

Douglas Bolick
8 Court Street
Newburyport, MA 01950

E Douglas Bolick
8 Court Street
Newburyport MA 01950
(978) 465-8335
dougbolick@gmail.com

Education

University of North Carolina-Chapel Hill (BA, International Studies)

George Washington University Law School (Juris Doctor)

Boston University Law School (Masters in Tax Law)

Employment

1974-present *Attorney at law.* General civil practice concentrating in real estate.

1966-1971 *US Army (Military Intelligence officer).* Okinawa, Vietnam.

Community Service

Past

Newburyport Children's Theater (Board)

Theater of Newburyport (Board)

Newburyport Planning Board (Chairman)

Greater Newburyport-Kenya Alliance (President)

Kelly School Study Committee (Member)

Newburyport School Committee (Member)

Newburyport Cultural Council (Chairman)

Local Historic District Study Committee (Member)

Greater Newburyport Village (Board)

Present

Newburyport Board of Registrars

Museum of Old Newbury (Board)



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

CITY CLERK'S OFFICE
NEWBURYPORT, MA

2018 OCT 11 PM 1:49

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

To: President and Members of the City Council
From: Donna D. Holaday, Mayor *[Signature]*
Date: October 11, 2018
Re: Re-Appointment

I hereby re-appoint, subject to your approval, the following
named individual as a member of the Tree Commission.
This term shall expire on November 1, 2021.

David Dylewski
334R Merrimac Street
Newburyport, MA 01950

David L Dylewski
334R Merrimac Street
Newburyport, Ma 01950
978.979.0731
dave.dylewski@gmail.com

SUMMARY OF PROFESSIONAL QUALIFICATIONS

Retired after 31 years of service with Ames True Temper, a manufacturer of non-powered garden tools. Held many senior management positions and directed a 100 person sales force calling on the Contractor trade, Landscaping trade, and Industrial users of contractor tools throughout the United States. Part of my responsibilities was to call on the Nursery trade, the arborist trade, and growers of trees and shrubs.

EXPERIENCE IN HORTICULTURE

- Enrolled and passed the Master Gardener's program at the University of New Hampshire and currently a Master Gardener at the UNH Cooperative.
- Continue to take classes in Horticulture at the University of New Hampshire Cooperative, The Arnold Arboretum, and the Trustees of Reservation.
- Currently run a small business as a Horticulture Gardener.
- Called on municipalities, Parks & Recreation Departments, and government agencies, both state and Federal, including the GSA.
- An Avid Gardener

BUSINESS SKILLS

- Effective Communication Skills
- Excellent Organizational Skills
- Strong Attention to Detail and Accuracy
- Strong Technical and Computer Skills

EDUCATION

University of New Hampshire <i>Master's Gardener Program</i> Concentration in Horticulture	2000-Present
University of Pittsburgh, Pittsburgh, PA <i>Master of Education</i>	1971
Slippery Rock University, Slippery Rock, PA <i>Bachelor of Science in Education</i>	1968

References Available Upon Request

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

TRANSFERS

CITY OF NEWBURYPORT



IN CITY COUNCIL

ORDERED:

October 29, 2018

EMERGENCY PREAMBLE

Pursuant to Charter Section 2-9 (b) and as further defined in Section 1-7(7) an emergency exists due to the fact that the matter referenced in TRAN031_10_29_18, a transfer for the purchase of a generator, is time-sensitive due to the failure of an emergency back-up generator such that there is no power for the DPS main building and garage in the event of an outage.

Therefore, the City Council hereby affirmatively declares that an emergency exists such that Rule 12A be waived and TRAN031_10_29_18 may be voted upon at its first introduction to this Council.

Councillor Charles F. Tontar



City of Newburyport

FY 2019

BUDGET TRANSFER REQUEST

CITY CLERK'S OFFICE
NEWBURYPORT, MA

2018 OCT 23 AM 10:09

Department: Mayor's Office**Submitted by:** Donna D. Holaday, Mayor**Date Submitted:** 10/29/2018**Transfer From:**

Account Name	General Fund - Free Cash	YTD Bal:	\$ 2,145,714.00
Account Number:	01-35910	Trans In:	\$ -
Amount:	\$12,500.00	Trans Out:	\$ -

Why are Funds Available: The Massachusetts Department of Revenue certified Free Cash for FY2019 at \$2,145,714. These funds are available for any legal expenditure with the approval of the Mayor and a vote of the City Council.

Transfer From:

Account Name	Water Retained Earnings	YTD Bal:	\$ 1,188,081.00
Account Number:	60-35920	Trans In:	\$ -
Amount:	\$12,500.00	Trans Out:	\$ -

Why are Funds Available: The Massachusetts Department of Revenue certified Retained Earnings for the Water Enterprise Fund for FY2019 at \$1,188,081. These funds are available for any legal expenditure with the approval of the Mayor and a majority vote of the City Council.

Transfer From:

Account Name	Sewer Retained Earnings	YTD Bal:	\$ 916,043.00
Account Number:	61-35920	Trans In:	\$ -
Amount:	\$12,500.00	Trans Out:	\$ -

Why are Funds Available: The Massachusetts Department of Revenue certified Retained Earnings for the Sewer Enterprise Fund for FY2019 at \$916,043. These funds are available for any legal expenditure with the approval of the Mayor and a majority vote of the City Council.

Transfer To:

Account Name	Generator Purchase	YTD Bal:	\$ -
Account Number:	New Account	Trans In:	\$ -
Amount:	\$37,500.00	Trans Out:	\$ -

Why are Funds Needed: The generator at the Department of Public Services facility at 16 Perry Way is beyond repair and well past its useful life. Given that the manufacturer requires a 15 week lead time before the generator can be installed, an appropriation is requested so that the equipment can be ordered and installed prior to the start of the winter season. See attached.

Donna D. Holaday, Mayor
 Ethan R. Manning, Auditor
 City Council Approval: (Stamp)

Donna D. Holaday
Ethan R. Manning

Date: 10/23/18
 Date: 10/23/18



CITY OF NEWBURYPORT
DEPARTMENT OF PUBLIC SERVICES

16A PERRY WAY
NEWBURYPORT, MA 01950
TEL: 978-465-4463 EXT. 1701

ANTHONY J. FURNARI, DIRECTOR
WAYNE S. AMARAL, DEPUTY DIRECTOR/DIRECTOR OF OPERATIONS

MEMORANDUM

TO: Donna D. Holaday, Mayor
FROM: Anthony J. Furnari, DPS Director *AJF*
DATE: October 22, 2018
SUBJECT: Emergency Backup Generator Replacement Request

In September of this year during our weekly test of the Department of Public Services (DPS) generator, it was discovered that the generator failed to supply any output of power. This generator supplies power during outages to the DPS Main Building and Garage, Water and Sewer Administration Building, Animal Control Building and as important, the fuel pumps used by all city vehicles.

The generator is over 30 years old and has been very dependable over these many years. Once we discovered that the generator was not outputting any power, we called our local generator service contractor. Our contractor conducted a complete diagnostics of the generator and determined that an internal piece broke loose and destroyed the inner mechanisms of the equipment making it unrepairable.

This generator is a very important public safety piece of equipment that DPS and other city departments need for the daily and emergency operations of the city. Without power, DPS will not have power for lighting, computer and phones, garage doors, vehicle repair lifts, heating and fuel pumps.

I respectfully request an emergency transfer of Free Cash and Water and Sewer retained earnings to fund this emergency request. The total cost of the generator including installation is \$37,500. We have been told that the lead time is 12-15 weeks and we would need to order the equipment as soon as possible to get the new generator in place by early winter.

Existing Generator

Kohler 60 Hz

30 years old

Permanently out of service as of Sept. 2018



Proposed Replacement Generator

KOHLER[®]
IN POWER. SINCE 1920.

60RE0ZK, 60 Hz Industrial Diesel Generators

- Standby Range (kW/kVA) 56-60/56-75
- Prime Range (kW/kVA) 48-54/48-67
- Fuel Type Diesel
- Frequency 60 Hz
- Speed 1800 RPM
- Alternator Type 4-Pole, Rotating-Field
- Engine Manufacturer Kohler



(Pictured without enclosure)

STANDARD FEATURES

- KOHLER Co. provides one-source responsibility for the generating systems and accessories
- The generator set and its components are prototype-tested, factory-built, and production-tested
- The 60 Hz generator set offers a UL 2200 listing
- The 60 Hz generator set meets NFPA 110, Level 1, when equipped with the necessary accessories and installed per NFPA standards
- A one-year limited warranty covers all systems and components. Two- and five-year extended warranties are also available
- The generator set complies with Environmental Protection Agency (EPA) emergency stationary emissions requirements

OTHER FEATURES

- Kohler designed controllers for guaranteed system integration and remote communication
- The low coolant level shutdown prevents overheating (standard on radiator models only)
- Integral vibration isolation eliminates the need for under-unit vibration spring isolators
- Durable weather and sound enclosures available
- Various sizes of UL 142 listed subbase fuel tanks available
- Multiple circuit breaker configurations available

ALTERNATOR FEATURES

- Kohler's unique Fast-Response(TM) permanent magnet excitation system delivers excellent voltage response and short circuit capability
- NEMA MG1, IEEE, and ANSI standards compliance for temperature rise and motor starting
- Sustained short-circuit current of up to 300% of the rated current for up to 10 seconds and enables down stream circuit breakers to trip without collapsing the alternator field
- Self-ventilated and drip-proof construction
- Vacuum-impregnated windings with fungus-resistant epoxy varnish for dependability and long life
- Superior voltage waveform from a two-thirds pitch stator and skewed rotor

**APPOINTMENTS
SECOND READING**

SECOND READING APPOINTMENTS

- **APPT059_10_09_18** Scott Hanley 1 Milk St Tree Comm 11/1/2021

Re-Appointments

- **APPT060_10_09_18** Paul M. Bevilacqua 126 Merrimac St #3 Tree Comm 11/1/2021

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

ORDERS

CITY OF NEWBURYPORT ^{ORDR058_08_27_18}
TABLED



IN CITY COUNCIL

ORDERED:

That the City Council appropriates from the Community Preservation Act FY 2019 estimated revenues, in accordance with the provisions of M.G.L. Chapter 44B, for the following [project], based upon the Community Preservation Committee's recommendation. The source of funds shall be FY2019 estimated revenues and Community Preservation Fund Balance. Said appropriation shall be considered a separate appropriation or reservation in the amount indicated [below]:

Project No.	Project Title	Applicant	Request	Recommendation
4	Slate Roof Replacement	Newburyport Maritime Society, Inc.	\$101,914	\$101,914

Councillor Charles F. Tontar

CITY OF NEWBURYPORT



IN CITY COUNCIL

ORDERED:

October 29, 2018

THAT, all property within the City of Newburyport be taxed equally and that the method to determine this percentage of the local tax levy to be assessed by each class of property is established by the adoption of a **Residential Factor** of [] for **Fiscal Year 2019** in the City of Newburyport.

Councillor Charles F. Tontar
Chair, Budget & Finance Committee

CITY OF NEWBURYPORT



IN CITY COUNCIL

ORDERED:

October 29, 2018

THAT, the City of Newburyport **Tax Rate** for **Fiscal Year 2019** will be \$[] for all classes of property.

Councillor Charles F. Tontar
Chair, Budget & Finance Committee

CITY CLERK'S OFFICE
NEWBURYPORT, MA

2018 OCT 23 AM 9:40

**CITY OF NEWBURYPORT
PUBLIC HEARING**

In accordance with section 1 of chapter 369 of the acts of 1982, **the City Council of the City of Newburyport** will hold a public hearing on the determination of the **Percentage of Tax Levy** to be borne by each **Class of Real and Personal Property** for **Fiscal Year 2019**. The hearing will be held in **the Council Chambers at Newburyport City Hall at 7:15 P.M., Tuesday, November 13, 2018** At which time all interested parties may be heard.

Councillor Barry Connell

A true copy attest:

Richard B. Jones, City Clerk



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

NEWBURYPORT
CITY CLERK'S OFFICE
NEWBURYPORT, MA
OCT 23 AM 10:08

To: President and Members of the City Council
From: Donna D. Holaday, Mayor
Date: October 22, 2018
Subject: Fiscal Year 2019 Tax Rate

For Fiscal Year 2019, we recommend establishing a tax rate of **\$13.08 per \$1,000** based on a tax levy of \$57,458,764 and a city-wide valuation of \$4,369,487,756. This tax rate represents a 1.84% increase to the levy limit out of the 2.50% maximum increase allowed under Proposition 2 ½. This results in a decrease to the tax rate of \$0.18 per \$1,000 compared to the FY2018 tax rate of \$13.26.

Based on the FY2019 valuation, the average single family home in Newburyport is now assessed at \$595,000, compared to \$560,300 in FY2018. This results in an average single family tax bill of \$7,783, which represents a 4.8%, or \$353, increase over FY2018's average single family tax bill. By defraying the increase to the tax levy by 0.66%, the average single family home would experience a \$42 savings from what would otherwise be a \$395 increase.

The average single family home value continues to be driven up by a strong local economy that continues to encourage new development and improvements or additions to existing homes. As a result, we have added \$985,930 in value from New Growth for FY2019. Yet, while the economy is strong, I am ever-mindful that many property owners struggle to keep up with an increased cost of living, including higher taxes. As such, given that we built the FY2019 budget on a new growth estimate of \$700,000, I do not recommend taxing the additional \$285,930 that is available to be levied under Proposition 2 ½ as a result of the higher than projected new growth.

I realize that defraying the tax rate by 0.66% is not enough to help many struggling in our community, especially seniors. As such, I will continue to move forward with providing additional tax relief for those with the greatest need, while remaining cognizant of the city's responsibility of providing the public services and education that our community deserves and expects. In the coming weeks, I will be establishing an ad-hoc committee to study and recommend available tax relief options, including the expansion of Clause 41C, adoption of Clause 41C½ and other potential alternatives. I look forward to working with the Council in finding the right solution for our City.

Thank you for your consideration.

CITY OF NEWBURYPORT FISCAL YEAR 2019 CLASSIFICATION



November 13, 2018

MINIMUM RESIDENTIAL FACTOR

- A Residential Factor of 1 and raising the levy by 1.84% as opposed to 2.50% would yield a single tax rate of \$13.08 per thousand of value.
- Tax Levy: \$57,152,899 / Value: \$4,369,487,756 = (0.01308) X 1000 = Single Tax Rate of \$13.08.
- Chapter 200 allows Newburyport to select a factor less than 1 thereby shifting more of the tax burden onto the CIP classes of properties.
- Since 1918 Newburyport has chosen to adopt a MRF of 1 except for Fiscal Year 1986 when a shift to 1.50 of the CIP class was adopted.

TAX LEVY NOTES

- The Mayor has proposed raising the Levy by 1.84% instead of the full 2.5%.
- By not raising this additional \$285,930 of tax levy, the tax rate is reduced by \$0.18.
- It translates into a \$42 savings for the average single family residential taxpayer.

AVG TAX BILL FY 2018 – FY 2019

	FY2018	FY2019	Change
Avg. Single Family Value	\$560,300	\$595,000	+5.83%
Res Tax Rate	\$13.26	\$13.08	-\$0.18
Avg. Res Tax Bill	\$7,429.58	\$7,782.60	+\$353.02 or +4.54%
Avg. Commercial Value	\$1,211,800	\$1,269,982	+4.58%
CIP Tax Rate	\$13.26	\$13.08	-\$0.18
Avg. Commercial Tax Bill	\$16,068.46	\$16,611.36	+\$542.90 or +3.27%

TAX LEVY BY CLASS

CLASS	VALUE	%	
Residential	3,822,133,503	87.4733	R & O %
Open Space	259,700	0.0059	87.4792
Commercial	315,401,397	7.2183	
Industrial	181,397,100	4.1514	C I P %
Personal Property	50,296,056	1.1511	12.5208
Total	4,369,487,756	100.0000	

Levy	57,152,899
Single TaxRate	13.08

CIP Shift	Estimated Tax Rates				
	Residential	Open Space	Comm.	Ind.	PP
1.00	13.08	13.08	13.08	13.08	13.08
1.05	12.99	12.99	13.73	13.73	13.73
1.10	12.89	12.89	14.39	14.39	14.39
1.15	12.80	12.80	15.04	15.04	15.04
1.20	12.71	12.71	15.70	15.70	15.70
1.25	12.61	12.61	16.35	16.35	16.35
1.30	12.52	12.52	17.00	17.00	17.00
1.35	12.42	12.42	17.66	17.66	17.66
1.40	12.33	12.33	18.31	18.31	18.31
1.45	12.24	12.24	18.97	18.97	18.97
1.50	12.14	12.14	19.62	19.62	19.62

CITY OF NEWBURYPORT



IN CITY COUNCIL

ORDERED:

October 29, 2018

EMERGENCY PREAMBLE

Pursuant to Charter Section 2-9 (b) and as further defined in Section 1-7(7) an emergency exists due to the fact that the matter referenced in ORDR069_10_29_18, a request by Waveguide, Inc., is time-sensitive due to the time of the year and the approaching winter season. The Waveguide, Inc. request has been in committee as COMM088_9_24_18 since September 24, 2018. This order allows the Grantee to install approximately 3,000ft. of 4" conduit and up to 10 associated handholes for the purposes of pulling fiber for data connectivity on Low Street and continuing to Graf Road.

Therefore, the City Council hereby affirmatively declares that an emergency exists such that Rule 12A be waived and ORDR069_10_29_18 may be voted upon at its first introduction to this Council.

Councillor Sharif I. Zeid

CITY OF NEWBURYPORT



IN CITY COUNCIL

ORDERED:

October 29, 2018

THAT, The CITY COUNCIL of the City of Newburyport hereby approves the follow Grant of Location:

Grantee:

FirstLight
359 Corporate Dr.
Portsmouth, NH 03801

Grant Period:

For a period of 25 years from the date of Newburyport City Council Approval. If Grantee fails to commence construction at this Grant of Location within 12 months from approval, then the Grant shall be considered invalid. The Grantee may apply to the Newburyport City Council for additional 25-year terms anytime within 12 months of the expiration of the existing Grant.

Grant:

The grant allows the Grantee to install approximately 3,000ft. of 4" conduit and up to 10 associated handholes for the purposes of pulling fiber for data connectivity on Low Street and continuing to Graf Rd in the locations detailed below.

Granted Locations:

The conduit locations detailed on map shown in Attachment A of this Order. A high-resolution version of this site plan is on file with the Newburyport City Clerk.

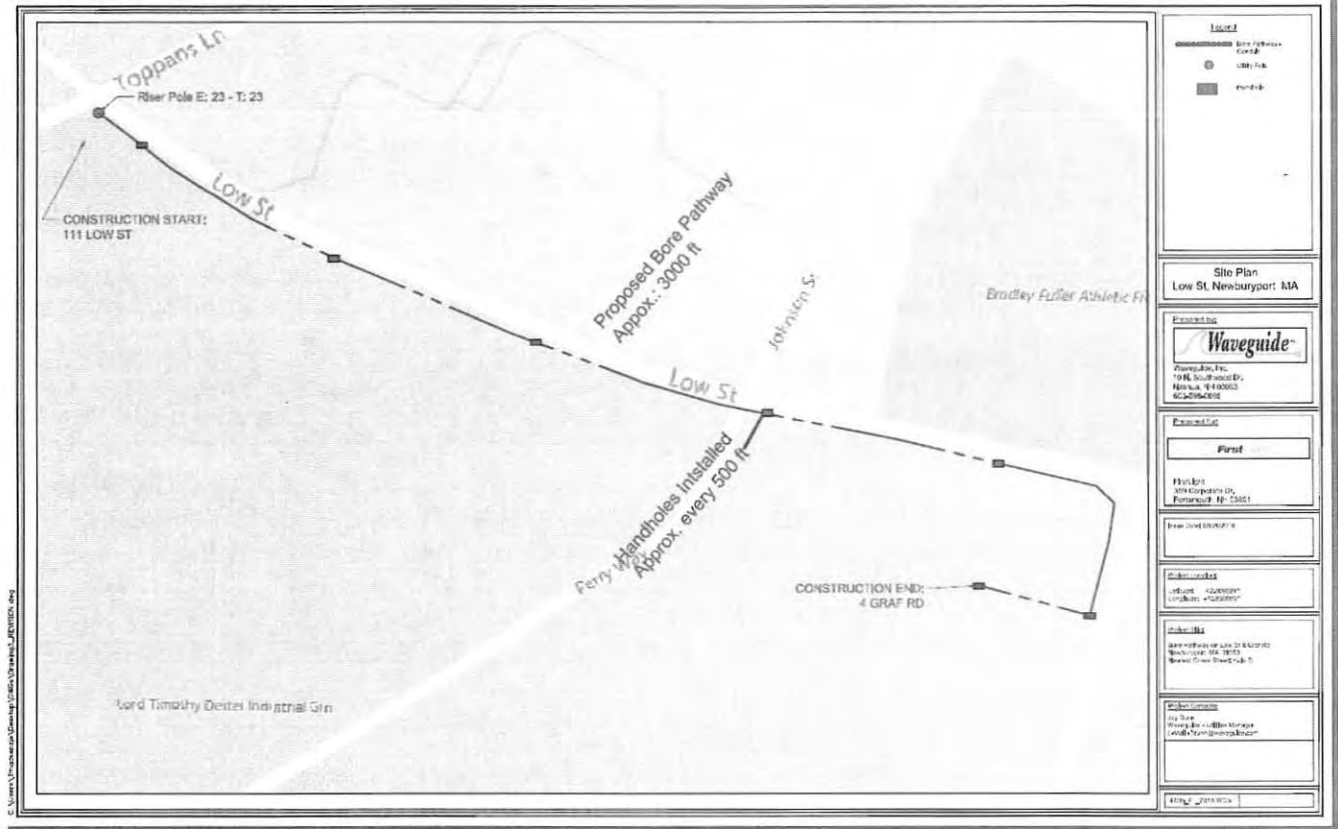
Terms and Conditions:

- 1) The boring and work is to be done off the roadway and on the side of the road. There are to be no penetrations or cut-ins to the pavement
- 2) Grantee shall submit to the City Clerk a certificate of insurance naming the City of Newburyport as an additional insured without further conditions. Said certificate shall cover the construction portion of the project but shall be maintained throughout the term of the grant.
- 3) The Granted Location is in the vicinity of two schools and all work-hours must be approved by the Newburyport Department of Public Services
- 4) Grantee shall be required to utilize Police Details during construction where and when deemed necessary by the City Marshall
- 5) Grantee shall be responsible for Dig Safe completion and verifying site conditions with the Newburyport Department of Public Services.

- 6) No road closures are anticipated. If a road closure is necessary, such closure may only occur upon express written consent of the Newburyport Department of Public Services and the Newburyport Police Department
- 7) Grantee shall post a bond for restoration of the public way of not less than \$10,000 with the Department of Public Services
- 8) Grantee shall indemnify and hold harmless the City of Newburyport from and against any and all damages, claims, demands, liabilities, actions, causes of actions, costs and expenses, including attorney's fees, arising out of this grant and work performed thereunder and/or the negligence or misconduct of Grantee, or Grantee's contractors, agents or employees.
- 9) The Grant is solely for the locations shown above and for the equipment detailed in the plans on file with the Newburyport City Clerk. Substantive deviations are not permitted without further approval by the City Council.
- 10) The Grant is specific to the Grantee and is non-transferrable without further approval by the City Council
- 11) Grantee shall comply all applicable local, state, and/or federal laws and regulations.
- 12) Grantee shall maintain all equipment installed under this Grant in a state of good repair during the term of Grant, and may replace or upgrade equipment, provided that the replacement is of like size, weight, and visual impact.
- 13) The City of Newburyport assumes no liability for any construction, maintenance, or operation undertaken through this Grant. Grantee shall be solely responsible for any and all costs, expenses, damages and liabilities associated with the exercise of its rights under this Grant.
- 14) No later than the expiration or early termination of the Grant, the Grantee shall be solely responsible to remove its equipment from the granted locations.
- 15) Such Grant is revocable by the City of Newburyport for any reason by supermajority vote of the Newburyport City Council upon notice to the Grantee (180 days for any reason, 15 days for breach of the Grant).

Sharif I. Zeid, Ward 1 City Councillor
Chair, Public Utilities

Attachment A: Site Plan



**NEWBURYPORT COMMUNITY PRESERVATION COMMITTEE
RECOMMENDATIONS FOR FY19 APPROPRIATIONS**

The Newburyport Community Preservation Committee recommends that the City Council appropriate from Community Preservation Fund Revenues [*as follows*]:

The following CONDITIONS are common to [*all projects*]:

- A. Each recipient of funds is required to submit to the CPC a written report on the status of the project by each October 15, January 15, April 15 and July 15 following appropriation and until final completion of the project.
- B. If a project is not completed within twelve (12) months of appropriation, the grantee must submit a written request to the CPC for an extension of the grant. Otherwise, funds may be subject to rescission and returned to Community Preservation Fund Reserves (applicable to appropriations, not to reservations).
- C. Full funding is conditioned upon the receipt of state matching funds, estimated to be 11.5% of local revenue, expected in November 2018.

Applications for all projects are available for review in the Office of Planning & Development.

Respectfully submitted by:

Community Preservation Committee Members

Michael Dissette, Chair	Jane Healey, Vice Chair
Paul Healy	Mark Rosen
Daniel Koen	Don Walters
Don Little	Sarah White

**PROJECT:
CLIPPER CITY RAIL TRAIL AND HARBORWALK PHASE II**

The CPC recommends the appropriation of \$175,000 from the FY 2019 Estimated Revenues to the City of Newburyport (Planning Office) to support completion of the Rail Trail along the 1200' riverfront between Joppa Park and the American Yacht Club.

The CPA category for this appropriation is Recreation and Open Space.

CITY OF NEWBURYPORT



IN CITY COUNCIL

ORDERED:

October 29, 2018

That the City Council appropriates from the Community Preservation Act FY 2019 estimated revenues, in accordance with the provisions of M.G.L. Chapter 44B, for the following [project], based upon the Community Preservation Committee’s recommendation. The source of funds shall be FY2019 estimated revenues and Community Preservation Fund Balance. Said appropriation shall be considered a separate appropriation or reservation in the amount indicated [below]:

Project No.	Project Title	Applicant	Request	Recommendation
TBD	Clipper City Rail Trail and Harborwalk Phase II	City of Newburyport	\$175,000	\$175,000

Councillor Charles F. Tontar

Councillor Sharif Zeid



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: COMMUNITY PRESERVATION ACT FUNDING TO SUPPORT COMPLETION OF CLIPPER CITY RAIL TRAIL PHASE II ALONG RIVERFRONT
DATE: 10/24/18

We are writing to respectfully request the City Council's approval of the Community Preservation Committee's recommendation of Community Preservation Act (CPA) funding of \$175,000 in support of the completion of the Clipper City Rail Trail Phase II project – addressing riverfront erosion, remediation of PCB contaminated soil, and construction – along the 1200 feet riverfront between Joppa Park and the American Yacht Club. Additional funding is necessary due to significant unanticipated changes on the ground and consequent changes in the scope of work necessary for design, permitting, construction, and completion of this critical section of the new facility. The City's existing project and contingency funding has been fully consumed by the development of the remediation plan, the temporary shoreline stabilization plan, and the interim Water Street detour plan. Additional funding is required now in the fall of 2018 as time is of the essence due to increased costs and risks associated with delay.

The remaining steps in the project include: A) managing the completion of an interim detour; B) managing time-sensitive temporary shoreline stabilization work to address erosion and scouring and reduce the risk of migration of contaminants, including providing reports to the EPA and DEP; C) hiring a coastal engineer and managing design and permitting for a revised approach that will raise the trail, protect the shoreline, and provide resiliency to future sea level rise and storm surge; and D) bidding and managing the permanent shoreline trail construction project.

Construction of the Phase II Rail Trail in the South End began in 2016 and is approximately 85% complete. The remediation plan for the soils discovered to be contaminated with PCB's in a section behind the Wastewater Treatment Facility was finalized and reported to the federal and state regulatory authorities in the spring of 2018. However, as the state contractor began to mobilize to address this area, the riverfront was hit by significant storm surge and high tides which caused increased scouring of the shoreline. It was concluded that temporary shoreline stabilization needs to be implemented in the scoured areas prior to any soil remediation work or trail construction, and that a coastal engineer needs to develop a revised plan to raise the trail higher and harden/improve the resiliency of the shoreline to future sea level rise and storm surge. MassDOT has determined that their part of the project will be completed after the interim detour and temporary shoreline stabilization is constructed this fall. While the interim Water Street detour will be functional in the near term to connect the trail, it is not a desirable long-term connection due to the narrowness of the road and sidewalks, the speed and proximity of motor vehicles, and the length of the section. The permanent trail along the riverfront cannot be constructed until the shoreline is temporarily stabilized, a revised design is developed, additional funding is secured, and the contaminated soils removed.

The City has already secured a state Municipal Vulnerability Preparedness Grant to support coastal resilience planning that includes development of several alternative conceptual revetment/shoreline protection approaches for this section of riverfront during the next two months. Additional funding is needed to contract with a coastal engineer to further develop a revised plan and secure permitting, and then subsequently remediate the contaminated soil area and build the riverfront section of trail. We are seeking construction funding through Lieutenant Governor Polito and the Baker Administration based on the Commonwealth's Environmental Bond Bill which was recently signed by the Governor and includes a \$750,000 legislative authorization earmark for this project. We need to secure additional funding to support the project now or the City will incur additional costs for mandatory reporting to the state and federal regulatory authorities regarding the contaminated soils, we will lose another construction season and push out completion of the trail for the public's use by two years, and we will risk additional storm events and associated riverfront erosion and scouring that could allow migration of the PCBs into the water and add complications and additional costs. CPA funding is vital to the timely and successful completion of this important public facility.

Please see the attached order and thank you for your consideration.

**NEWBURYPORT COMMUNITY PRESERVATION COMMITTEE
RECOMMENDATIONS FOR FY19 APPROPRIATIONS**
(excerpts related to Slate Roof at Custom House Maritime Museum)

The Newburyport Community Preservation Committee recommends that the City Council appropriate from Community Preservation Fund Revenues *[as follows]*:

The following CONDITIONS are common to *[all projects]*:

- A. Each recipient of funds is required to submit to the CPC a written report on the status of the project by each October 15, January 15, April 15 and July 15 following appropriation and until final completion of the project.
- B. If a project is not completed within twelve (12) months of appropriation, the grantee must submit a written request to the CPC for an extension of the grant. Otherwise, funds may be subject to rescission and returned to Community Preservation Fund Reserves (applicable to appropriations, not to reservations).
- C. Full funding is conditioned upon the receipt of state matching funds, estimated to be 11.5% of local revenue, expected in November 2018.

Applications for all projects are available for review in the Office of Planning & Development.

Respectfully submitted by:

Community Preservation Committee Members

Michael Dissette, Chair	Jane Healey, Vice Chair
Paul Healy	Mark Rosen
Daniel Koen	Steven Sawyer
Don Little	Sarah White

**PROJECT NO. 4
SLATE ROOF REPLACEMENT AT THE CUSTOM HOUSE MARITIME MUSEUM**

The CPC recommends the appropriation of \$101,914 from the FY 2019 Estimated Revenues to the Newburyport Maritime Society, Inc., to replace the failing slate roof at the Custom House Maritime Museum. This structure is protected by a Preservation Restriction.

The CPA category for this appropriation is Historic Preservation.

Project Summary: The existing slate roof is failing and thus endangering the artifacts located within the structure itself creating an emergency situation. The Museum has contracted with The Heritage Company of East Waterboro, Maine, who performed restoration work on the building in 2013 and 2018. This project includes removal and disposal of existing slate and membranes (except for recently installed slate and flashing around the observation deck), installation of new slate and copper flashing, and installation of snow guards on both sides of the building to protect pedestrians from falling ice and snow.

CITY OF NEWBURYPORT



IN CITY COUNCIL

ORDERED:

October 29, 2018

That the City Council appropriates from the Community Preservation Act FY 2019 estimated revenues, in accordance with the provisions of M.G.L. Chapter 44B, for the following [project], based upon the Community Preservation Committee's recommendation. The source of funds shall be FY2019 estimated revenues and Community Preservation Fund Balance. Said appropriation shall be considered a separate appropriation or reservation in the amount indicated [below]:

Project No.	Project Title	Applicant	Request	Recommendation
4	Slate Roof Replacement	Newburyport Maritime Society, Inc.	\$101,914	\$101,914

Councillor Charles F. Tontar

CITY OF NEWBURYPORT



IN CITY COUNCIL

ORDERED:

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

Date: October 29, 2018

THAT pursuant to the CITY OF NEWBURYPORT Code of Ordinances Section 13-180.1 and Section 13-166 the CITY COUNCIL of the CITY OF NEWBURYPORT hereby amends and approves as follows:

Chapter 13	Traffic and Motor Vehicles
Article 4	Specific Street Schedules
Division 6	Stopping, Standing and Parking
Section 13-175	Two Hour Parking

Amend existing Section as follows, with deletions ~~double-stricken-through~~, and additions double-underlined:

Street	Extent
Center	From Liberty Street to Water Street, both sides
Fair	From Liberty Street to Middle Street, both sides
Green	Westerly side from Washington Street to Pleasant Street
Liberty	From Fair Street to Independent Street, both sides
Liberty	Northerly side from Independent Street to Federal Street
Market	From Washington Street to Merrimac Street, both sides
Pike	From Liberty Street to Water Street
Prospect	Southerly side from Fruit Street to Federal Street

Councillor Jared J. Eigerman

CITY OF NEWBURYPORT



IN CITY COUNCIL

ORDERED:

October 29, 2018

AN ORDER TO DESIGNATE A STOP SIGN AT THE INTERSECTION OF
NEWHALL LANE AND ELIZABETH LANE

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

Chapter 13	Traffic and Motor
Article 4	Vehicles Specific Street
Division 4	Schedules Stop and Yield
Section 13-136	Intersections Stop signs designated.

Pursuant to Section 13-136 of the Newburyport Code, Newhall Lane shall have stop signs at the intersection of Elizabeth Lane travelling westerly and easterly.

Councillor Thomas F. O'Brien

ORDINANCES

CITY OF NEWBURYPORT



IN CITY COUNCIL

(a)

ORDERED:

Sec. 4-73. - Fees.

Establishment. The harbor commission shall establish fees and may amend them, from time to time, for all the facilities governed by this division. The commission shall establish fees subject to the approval of the city council. The fee schedule shall be published and available to the public upon request.

(b)

Accounts and appropriations. All of the fees collected under (a) above and any money generated through this division shall be deposited into accounts designated by the city council for the sole purpose of returning the fees to the management and operation of the harbor. Revenues shall not be appropriated from these accounts for any expense except harbor operation, maintenance to the harbor, capital improvements to the harbor and for matching state and local grants for harbor related projects. Approval of the mayor and city council shall be necessary to appropriate the funds for harbor-related operations.

(c)

Fees and permits for commercial fish pier.

(1)

Berth permits shall be issued annually for fulltime commercial fishing vessels in any licensed fishery. This facility is not intended for wet storage. If the harbor master determines that a vessel has remained idle for a period of thirty (30) days, that vessel shall be considered in wet storage and the harbor master shall direct the removal of the vessel at the vessel owner's expense. Upon review of the harbor master and the harbor commission the vessel shall forfeit its berthing fee and berthing privileges. Berth permits shall be renewed on October 1 and shall be valid for the period of one (1) year (October 1 to September 30). Applications shall be made available at city hall in the office of planning and development. All vessels must have a minimum of one hundred thousand dollars (\$100,000.00) liability insurance and property damage insurance as a condition of issuance of a berthing permit. Said insurance must name the city as an insured party.

(2)

Pier usage permits shall be renewed on May 1 and shall be valid for the period of one (1) year (May 1 to April 30). Applications shall be made available at city hall in the office of planning and development. All fishing vessels, businesses, corporations and individuals operating on the "fish pier" must have a minimum of one hundred thousand dollars (\$100,000.00) liability insurance and property damage as a condition of issuance of a pier use permit. Fish dealers and fuel dealers shall be required to carry additional insurance or post a bond if deemed necessary by the harbor commission. Said insurance must name the city as an insured party. Vessels holding a pier usage permit are allowed to load and unload their trucks on the pier and unload up to twenty thousand (20,000) pounds of fish per day. A fee of five cents (\$0.05) per pound for each pound in excess of twenty thousand (20,000) pounds shall be assessed by the harbor master.

AMENDED

The fee for transient berthing shall be for a twenty-four-hour period starting from the time of tie-up. (3)

(4)

A fee for transient loading and unloading shall be established by order of the city council. Time limits for loading and unloading shall be set by the harbor master.

(5)

All fees collected at the "fish pier" shall be deposited into an account known as the "fish pier account." This is in accordance with a land use agreement to be executed with the state grant to construct the fish pier. Said revenues deposited in the "fish pier account" shall not be appropriated from this account for any expenses except improvements, repairs, maintenance, and administration of the fish pier.

AMENDED

(d)

Fees and permits for the central waterfront embayment and bulkheads.

(1)

Permits for the berthing of fulltime commercial fishing vessels in the central waterfront embayment shall be issued for the season. The season shall be from October 15 to May 15. This facility is not intended for wet storage. If the harbor master determines that a vessel has remained idle for a period of 30 days that vessel shall be considered in wet storage and the harbor master shall direct the removal of the vessel at the vessel owner's expense. Upon review by the harbor master and the harbor commission the vessel shall forfeit its berthing fee and berthing privileges. The berthing permit allows for the berthing of the vessel and the loading and unloading of crew members and their personal gear, etc., at the central waterfront embayment. No fueling or the loading of fish, bait, nets, gear, etc., shall be allowed at the central waterfront embayment. All vessels must have a minimum of one hundred thousand dollars (\$100,000.00) liability insurance and property damage insurance a condition of issuance of a berthing permit. Said insurance shall name the city as an insured party. The berthing fee includes pier usage at the "fish pier" and parking privileges on the pier. Berth permits shall be renewed on October 1 and shall be valid for the season. Applications shall be made available at city hall in the office of planning and development.

(2)

The fee for transient berthing shall be for a twenty-four-hour period starting from the time of tie-up.

(3)

Central Waterfront Transient docking and mooring permit fees are calculated based the length of stay and upon the linear length of the vessel being berthed. The linear by foot rate for transient berthing is reviewed and set on an annual basis by the Newburyport Harbor Commission. When modified the fee is to be reviewed and approved by both the Harbor Commission and the City Council

~~The following section entitled Transit Mooring Docking Transit Central Waterfront Docks~~

~~Docking
Transit Central Waterfront Docks~~

~~Vessels under 60 feet:~~

Vessel length:	Hourly overnight (5:00pm – 10:00am)	
	Less than 20 feet	\$2.00
20-39 feet	\$3.00	\$24.00
40-59 feet	\$4.00	\$32.00

AMENDED

Shore power/water charge:	Included	
---------------------------	----------	--

Vessels 60 feet and over:

Vessel length	Day rates only
60-80 feet	\$90.00
81-100 feet	\$120
101-120 feet	\$150.00
121-140 feet	\$180.00
141-160 feet	\$210
Over 160 feet	\$240.00
Shore power/water charge:	Included

(e)

Waterways fee.

(1)

All vessels over 16 feet, that are required to register with the state or Federal Government, and operating in Newburyport waters over thirty (30) days per season must procure and display a Waterways Permit sticker:

1. Waterway and Mooring Permits are based upon the footage appearing on your registration or documentation. For all boats 17 feet and greater waterway & Mooring permit fees are

Commission. When modified the fee is to be reviewed and approved by both the Harbor Commission and the City Council.

2. Boats 16 feet and under are charged a flat rate. The fee is reviewed and set on an annual basis by the Newburyport Harbor Commission. When modified the fee is to be reviewed and approved by both the Harbor Commission and the City Council.
..:

3. Boats 20 feet or greater will also be charged a clean water surcharge. The fee is reviewed and set on an annual basis by the Newburyport Harbor Commission. When modified the fee is to be reviewed and approved by both the Harbor Commission and the City Council.

4. All vessels in rack storage or stored on trailers in Newburyport Marinas must procure and display a waterways permit sticker. However, any vessel that will not be used during the current boating season may apply for an exemption from the harbormaster with written proof on non-usage.

Cashman Park boat ramp. (f)

The fee for launching a vessel at the Cashman Park boat ramp shall be established by the harbor commission with city council approval. (1)

In lieu of single use payment a season pass may be purchased through the harbormaster. (2)
(Ord. of 3-13-89, § 5-6; Ord. of 7-14-92; Ord. of 5-8-06; Ord. of 2-26-07(2); Ord. of 5-9-11)

• **Amendment, addition and deletion by order.**

In order to efficiently and expeditiously address fees and permitting issues for BOATS, DOCKS AND WATERWAYS within the City of Newburyport, any and all amendments, additions and deletions to section 4.73 shall be by order of the council and, furthermore, the clerk's office shall maintain a list of said amendments, additions and deletions and post the same on the appropriate page of the City of Newburyport website.

Councillor Joseph H. Devlin

Councillor Gregory D. Earls

In City Council October 9, 2018:

Motion to remove from License & Permit by Councillor Earls, seconded OBrien. So voted. Motion to approve as amended (Comm vote 3-0) by Councillor Earls, seconded by Councillor Tontar. Roll call vote, 10 yes, 1 no (Zeid). Motion passed.

June 11, 2018

Amendment proposed in Cmte. on October 9, 2018

AN ORDINANCE TO AMEND THE ZONING ORDINANCE OF THE CITY OF NEWBURYPORT

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

THAT the Zoning Ordinance, Appendix A of the Code of Ordinances, City of Newburyport, Massachusetts, is hereby amended pursuant to Section XII-B "Adoption and Amendment" as follows:

Section V-D: Table of Use Regulations

Uses numbered 801 ["Marijuana Establishment (with retail sales)"] and 803 ["Medical Marijuana Treatment Center or Registered Marijuana Dispensary (with retail sales)"] shall be permitted only by Special Permit (SP) in the following zoning districts, and so indicated in said table:

- B-1 (Business District)*
- ~~B-2 (Downtown Business District)~~
- ~~B-3 (Neighborhood Business District)~~

* Use 801 is limited to the Marijuana Retailer subtype. For further limitations see Section XXXI.

Wherever the above referenced uses numbered 801 and 803 are listed as permitted by Special Permit (SP) said notation shall be accompanied by reference to the following footnote to the Table of Use Regulations:

- (h) *The Planning Board shall act as the designated Special Permit Granting Authority (SPGA) for this use. See Section XXXI entitled "Licensed Marijuana Businesses" for additional requirements and restrictions.*

For all other zoning districts the above referenced uses 801 and 803 shall be prohibited, or "Not Permitted" (NP), and so indicated in said table.

Section V-H: Temporary Moratorium on Recreational Marijuana Establishments

Delete Section V-H (entitled "Temporary Moratorium on Recreational Marijuana Establishments") in its entirety.

XXXI-D – License Requirements and Conditions of Use.

Amend Section XXXI-D (entitled "License Requirements and Conditions of Use") to add a new Subsection XXXI-D.6, to read as follows, with additions double-underlined and italicized:

6. The total number of Marijuana Retailers permissible to be located in the City shall be limited to twenty percent (20%) of the number of licenses issued within the City for the retail sale of alcoholic beverages not to be drunk on the premises where sold pursuant to G.L. c.138 s.15. In the event that 20% of said licenses is not a whole number, the limit shall be rounded up to the nearest whole number.

XXXI-F – Required Buffer Zones & Restrictions on Use.

Amend Section XXXI-F (entitled "Required Buffer Zones & Restrictions on Use") to read as follows, with deletions ~~double-stricken through and italicized~~, and additions double-underlined and italicized:

1. Residential Districts: No Marijuana Business within the Business and Industry Park zoning district (I-1 and I-1B) shall be located or permitted within two hundred and fifty (250) feet of any residential district. Nor shall any Marijuana Business within said district (I-1 and I-1B) be located or permitted northwest of Hale Street. Nor shall any public entrance to a Marijuana Business located within the Business district (B-1) be located within one hundred (100) feet of any residential district. Nor shall any Marijuana Business within said district (B-1) be located or permitted at a lot that has easterly frontage along State Street, nor at a lot with westerly frontage along State Street and north of number 149 State Street (Map 34, Parcel 14).
2. Protected Uses: No Marijuana Business shall be located or permitted within five hundred (500) feet of any public entrance to the following uses, regardless of whether such use is enclosed within a structure or building, except that in the Business district (B-1) centered around the intersection of State Street and Route 1 (Route 1 Traffic Circle), said minimum distance shall be two-hundred and fifty (250) feet:
 - a. a pre-existing public or private school providing education in kindergarten or any of grades 1 through 12;
 - b. a pre-existing nursery school or daycare facility;
 - c. a pre-existing public library;
 - d. a pre-existing public park or playground;
 - e. a pre-existing municipal youth or recreation center;
 - f. a pre-existing public swimming pool; or
 - g. any similar pre-existing facility in which children commonly congregate in an organized, ongoing, formal basis.
- ~~3. Measurement: The distance under this section shall be measured in a straight line from the nearest point of the property or district line in question to the nearest point of the building or structure where the Marijuana Business is or will be located.~~

In City Council September 10, 2018:

Motion to remove from Planning & Development by Councillor Eigerman, seconded by Councillor Khan. So voted. Motion to approve as amended in committee meeting of August 8, 2018 by Councillor Eigerman, seconded by Councillor Zeid. Roll call vote, 6 yes, 4 no (Tontar, Vogel, Earls, Khan), 1 recused (Devlin). Motion failed.

In City Council September 24, 2018:

Councillor Devlin recused. Motion to allow the sole error of the petitioners' not having changed the reference from "Ordinance 16" to "Ordinance 24" by the deadline of noon the next day after the vote to be reconsidered, and reconsider ODNC024_06_11_18 by Councillor Eigerman, seconded by Councillor Tontar. Roll call vote, 9 yes, 1 recused (Devlin), 1 absent (OBrien). Motion passed. Motion to approve as amended in committee by Councillor Eigerman, seconded by Councillor Zeid. Councillor Eigerman withdrew, Councillor Zeid did not. Motion stands. Motion to amend, that the City will issue no more than two retail licenses, by Councillor Zeid, seconded by Councillor Giunta. Roll call vote, 6 yes, 2 no (Vogel, Earls), 1 present (Eigerman), 1 recused (Devlin), 1 absent (OBrien). Motion passed. Motion to amend, as read by Planning Director Andrew Port: "The number of Marijuana Retailers permissible to be located in the City shall be limited to twenty percent (20%) of the number of licenses issued within the City for the retail sale of alcoholic beverages not to be drunk on the premises where sold pursuant to G.L. c.138 §15. In the event that 20% of said licenses is not a whole number, the limit shall be rounded up to the nearest whole number", by Councillor Zeid, seconded by Councillor Eigerman. Roll call vote, 6 yes, 2 no (Vogel, Earls), 1 present (Eigerman), 1 recused (Devlin), 1 absent (OBrien). Motion passed. Motion to approve as amended is withdrawn by Councillor Zeid and Councillor Eigerman. Motion to refer to Planning & Development and Committee of the Whole by Councillor Zeid, seconded by Councillor Tontar. Roll call vote, 8 yes, 1 no (Zeid), 1 recused (Devlin), 1 absent (OBrien). Motion passed.

In City Council October 9, 2018:

Motion to remove from Planning & Development by Councillor Eigerman, seconded by Councillor Zeid. So voted. Motion to approve as amended in committee 10/9/2018 by Councillor Eigerman, seconded by Councillor Tontar. Roll call vote, 8 yes, 2 no (Giunta, OBrien), 1 recused (Devlin). Motion passed.

Approve: _____
Donna D. Holaday, Mayor

Attest: _____
Richard B. Jones, City Clerk

Date: _____

COMMITTEE ITEMS

October 29, 2018
Committee on Budget & Finance

- **TRAN027_10_09_18** – Sale of Municipal Equip \$18K to School Tech Upgrades \$18K.
- **TRAN028_10_09_18** – Legal Settlements \$22.5K to Reservation Terr Wall \$22.5K.
- **TRAN029_10_09_18** – PI Utility Trust Fund \$99,197 to Olga Way Pump Replace \$99,197.



City of Newburyport

FY 2019

BUDGET TRANSFER REQUEST

CITY CLERK'S OFFICE
NEWBURYPORT, MA

OCT -2 PM 12:26

Department: Mayor's Office
Submitted by: Donna D. Holaday, Mayor **Date Submitted:** 10/9/2018

Transfer From:

Account Name	Sale of Municipal Equipment	YTD Bal:	\$ 18,000.00
Account Number:	01040420-48101	Category:	\$ -
Amount:	\$18,000.00	Trans I/O:	\$ -
Why are Funds Available:	<i>Proceeds from the sale of the Surface Pros used to fund the school's computer replacement project. These funds were used to offset the cost of the district-wide computer upgrades.</i>		

Transfer To:

Account Name	School Technology Upgrades	YTD Bal:	\$ 50,506.53
Account Number:	3824-49710	Category:	\$ -
Amount:	\$18,000.00	Trans I/O:	\$ -
Why are Funds Needed:	<i>When the City Council appropriated \$196,500 for technology upgrades in the district, School IT Director Don Skane indicated that the old Surface Pros would be sold to help offset the cost of the new Chromebooks. The Surface Pros were sold at \$18,000, which needs to be appropriated to the capital project in order to close out the project.</i>		

Donna D. Holaday, Mayor
 Ethan R. Manning, Auditor
 City Council Approval: (Stamp)

Date: 10/2/18
 Date: 10/2/18



City of Newburyport

FY 2019

BUDGET TRANSFER REQUEST

RECEIVED
CITY CLERK'S OFFICE
NEWBURYPORT, MA

OCT -2 PM 12:20

Department: Mayor's Office
Submitted by: Donna D. Holaday, Mayor **Date Submitted:** 10/9/2018

Transfer From:

Account Name	Rsv Appr - Legal Settlements	YTD Bal:	\$ 109,323.16
Account Number:	2745-59600	Category:	\$ -
Amount:	\$22,500.00	Trans I/O:	\$ -
Why are Funds Available:	<i>Proceeds from legal settlements are placed into a receipts reserved for appropriation account to be used for any legal municipal purpose at the recommendation of the Mayor and approval by the City Council.</i>		

Transfer To:

Account Name	Reservation Terrace Wall Construction	YTD Bal:	\$ -
Account Number:	New Account	Category:	\$ -
Amount:	\$22,500.00	Trans I/O:	\$ -
Why are Funds Needed:	<i>Funds are needed to purchase materials to construct a wall on a section of Reservation Terrace that is susceptible to erosion and flooding. The estimated cost of the concrete blocks is \$22,500.</i>		

Donna D. Holaday, Mayor
 Ethan R. Manning, Auditor
 City Council Approval: (Stamp)

Date: _____
 Date: 10/2/18



Scituate Companies
 P.O. Box 636
 Marshfield, Ma 2050
 Phone: (781) 837-1747
 Fax: (781) 837-4320

Quote Number: 26202

Order Date: 8/1/2018

Bill to:	CITY OF NEWBURYPORT DEPT OF PUBLIC SERVI 16 A PERRY WAY NEWBURYPORT, MA 01950	Delivery to:	BIN BLOCK 16 A PERRY WAY NEWBURYPORT, MA
Contact:	DAN LYNCH 978-465-4467 X1720	Project Manager:	
Phone :	(978) 465-4467 Fax:	Phone :	Fax:
Customer ID:	NEWBURYPORT PO:	ShipVia:	Unassigned
Terms:	NET 30	Sales Rep:	Don Lash
		Bid Date:	

Qty	Item	Description	Unit Price	TX	Extension
		Structure: <input type="checkbox"/> BIN BLOCK			
225	BIN	2 X 2 X 6 BIN BLOCKS 2,500 PSI UNREINFORCED CONCRETE	\$100.00	<input checked="" type="checkbox"/>	\$22,500.00
					\$22,500.00

Total Weight 799,875

Taxable	\$0.00
Non-Taxable	\$22,500.00
Sub Total	\$22,500.00
Tax	\$0.00
Total	\$22,500.00

Returns shall be first-quality only and prior approval will be required. A 25% handling charge and all transportation costs will be deducted.
 Prices quoted on specific projects are valid for 30 days or the date agreed on the quote.
 Custom products must have a signed shop drawing & will require a 50% deposit before it's manufactured.
 Job and materials quoted per information supplied. SCP reserves the right to ammend the above quoted precast products based upon release of full details, job information, as well as approved fabrication drawings.

 Authorized Signature & Title

 Sales Representative



City of Newburyport

FY 2019

BUDGET TRANSFER REQUEST

CITY CLERK'S OFFICE
NEWBURYPORT, MA

10/11/18 -2 PM 12:20

Department: Mayor's Office

Submitted by: Donna D. Holaday, Mayor **Date Submitted:** 10/9/2018

Transfer From:

Account Name	<u>Plum Island Utility Trust Fund</u>	YTD Bal:	<u>\$ 1,843,922.63</u>
Account Number:	<u>8287-59600</u>	Category:	<u>\$ -</u>
Amount:	<u>\$99,197.00</u>	Trans I/O:	<u>\$ -</u>
Why are Funds Available:	<u>Proceeds from CDM Smith Inc. Settlement Agreement. Must be approved by a two-thirds vote of the City Council in accordance with M.G.L. c. 40, sec. 5B.</u>		

Transfer To:

Account Name	<u>Olga Way Pump Replacement Project</u>	YTD Bal:	<u>\$ -</u>
Account Number:	<u>New Account</u>	Category:	<u>\$ -</u>
Amount:	<u>\$99,197.00</u>	Trans I/O:	<u>\$ -</u>
Why are Funds Needed:	<u>Funding is needed to replace the four main pumps at the Olga Way station on Plum Island. The pumps are twelve years old with an estimated useful life of ten years. This funding represents 40% of the estimated project cost of \$241,944; the Town of Newbury has agreed to fund 60% of the project cost for a contribution of \$142,747 (see summary of funding sources below).</u>		

Donna D. Holaday, Mayor
Ethan R. Manning, Auditor
City Council Approval: (Stamp)

Donna D. Holaday
Ethan R. Manning

Date: 10/12/18
Date: 10/2/18

Summary of Funding Sources:

Plum Island Utility Trust Fund (40%)	\$99,197.00
Town of Newbury (60%)	\$142,747.00
Total Appropriation for Olga Way Pump Replacement Project	\$241,944.00



City of Newburyport
Department of Public Services
16A Perry Way
Newburyport, MA 01950

ANTHONY FURNARI, DIRECTOR
WAYNE S. AMARAL, DEPUTY DIRECTOR/DIRECTOR OF OPERATIONS

PHONE: 978-465-4463
FAX: 978-465-1623

TO: Donna D. Holaday, Mayor
FROM: Jamie Tuccolo, Sewer Superintendent
CC: Anthony Furnari, DPS Director
DATE: September 27, 2018
RE: Request of funds and explanation for vacuum pump replacement.

The Sewer Department is requesting to use funds from the Plum Island settlement agreement to purchase and install four new vacuum pumps on Plum Island. Below is a brief synopsis of events explaining how much the current pumps have operated over the years and why new pumps are needed.

The beginning:

The Plum Island vacuum sewer system was designed and constructed early 2000's, the system was partially online in 2006, and fully online in 2007. The winter of 2008/09 was the second full year in operation; it was a very cold winter where it became apparent how much the vacuum pumps were running. The weekend of Martin Luther King January 2009, freezes ups were occurring in valve pits throughout the Island. This was mainly due to improper placement of the valve pits during construction (noted in multiple reports) during this time **the vacuum pumps did not shut off, the pumps ran consistency for weeks until we got out of the freeze up situation.** In the Spring of 2009 the City started to make modifications to the system, and it worked well, allowing the pumps to operate as designed.

Winter 2015:

The winter of 2015 was historic in so many ways, from extremely cold, to the record amounts of snow, etc. On the Island everything started to unravel after the first of four blizzards in as many weeks. The system went into low vac alarm the week of Christmas. However, the calls were phantom calls; meaning- the issue causing the alarm, reset itself before operators could find and address the issues. On January 23, 2015 the system went into low vac and did not recover for 8 weeks. The operators could not see with the blinding snow, operator safety became an issue; operators had to wait out the storms before being able to address issues. The snow was deep and covering 95% of the valve pits in the roads, by the time operators started to make headway, another storm hit and so on and so forth. At this time the domino effect happened; "Domino effect" a chain reaction when one event sets off a chain of similar events. Keeping the rest of the system operating while repairing Northern Blvd. inner (bay side) and outer (ocean side), meant the pumps would run until the system was back to normal, this was again mainly due to the locations of the valves pits during construction. Another major issue is if one or more of the vacuum pumps went offline, the I-beam inside of the Olga Way station was installed incorrectly and essentially is useless in removing the pump(s) (also, stated in multiple reports). Installation of the new pumps will be adjusted and placed under the current I beam for future O&M if needed.

As most are aware how the rest of the winter went. The system did not come out of low vac for 8 weeks. The vacuum pumps ran the entire time adding stress to the pumps. Again, modifications/improvements were made to the system.

Winter 2018

Record cold temperatures and historic flooding all happened at the same time, once again putting the system in harm's way. Only this time the PI online alarm system was nearly completed allowing operators to go to the problematic valve pit and address issues before a repeat of the domino effect. However, the vacuum pumps again ran nonstop for weeks until the freezing temperature warmed up. The vacuum pumps are the heart of the system, without the pumps the system is useless!

Present:

Vacuum Pumps, and or any pump or mechanical equipment regardless of how well maintained, the O&M program still faces a life expectancy. The current pumps life expectancy of 10 years has past, the pumps are 12 years and are showing signs of fatigue. Run times are longer, it takes all four to get the vacuum to the ends of the Island under normal conditions. Currently the City does not have pump redundancy, meaning, if a pump fails the three other pumps will not be able to maintain. Three new pumps are equivalent to the four current pumps, leaving the fourth for redundancy.

Additional positives to new pumps:

1. The current pump is BUSCH single stage rotary vane RC0630 455 actual cubic feet per minute (ACFM); the new pumps are BUSCH Mink 1202A ACFM 677. Current ACFM total is 1820 compared to new pump 2708 difference of 888 ACFM.
2. The pumps are in fair working condition; however, they are showing significant signs of fatigue. The pumps worked hard throughout the years due to the lack of an alarm system during initial construction. This alarm system would have reduced the excessive time of pump operation as well as provided a more rapid response from staff. This is the way the system is working today following the installation of the alarm system..
3. Reason for requesting funds from the Plum Island settlement agreement The "PLUM ISLAND UTILITY FUND" SECTION III, BULLET 2. "EARMARKED FOR COST AND EXPENSES FROM OR RELATED TO THE PROJECT, INCLUDING BUT NOT LIMITED TO THE REPAIR, MODIFICATION, IMPROVEMENTS OR OPTIMIZATION OF THE PROJECT".
4. The efficiency of the new pumps will not only lower energy costs, it will also greatly reduce the sound level due to the state of the art acoustic system.
5. Four new pumps is the equivalent of five of the existing pumps. Again, this is the redundancy the island so badly needs especially during the colder months.
6. The Plum Island vacuum system is operated solely with these four vacuum pumps, if these pumps fail no vacuum will be produced, rendering the system useless.
7. The new pumps will reduced O&M costs yearly estimated at 8,000 due to the elimination of operating fluids, the new style of vacuum pumps are air cooled and do not require oil changes/filter changes/sight glass changes.
8. There are 1196 accounts on Plum Island, of that 60% are in Newbury and 40% Newburyport.
9. **Newbury voted to allocate a contribution \$142,747 representing 60% of the project cost.**
10. Cost including installation, replacement correctly under I-beam and re piping total cost **\$241,944.**



Airvac

Vacuum Technology
Systems

Aqseptence Group, Inc.
4217 N Old U.S. 31
Rochester, IN 46975

Phone +1 574 223 3980
info.airvac@aqseptence.com
www.aqseptence.com

July 26, 2018

Jamie Tuccolo

City of Newburyport Sewer
157 Water Street
Newburyport, MA 01950

RE: Plum Island, MA – Vacuum Pump Exchange Program

Jamie,

The information below is regarding options for exchanging the four current Plum Island vacuum pumps.

Currently, Plum Island has four Busch RCO630 rotary vane vacuum pumps, which are ~12 years old. We recommend replacing/rebuilding/exchanging the pumps every 10 years or 20,000 hours, whichever comes first. However, as Plum Island has done a great job at maintaining these pumps over the years, you have enjoyed the benefit of at least two additional years of life. However, I strongly suggest that you begin to consider a capital plan to replace/rebuild/exchange the pumps to prevent potential failures in the future.

While you and Tony were in Rochester, we showed you the Busch Mink Aqua pumps, which are the standard pumps we currently use and have been using for ~8 years. The key advantages of the Busch Mink Aqua pumps are below, and the recurring maintenance cost of the Mink pumps compared to the RCO630 pumps is ~\$7,295 less (\$4,000 oil per year and \$3,295 exhaust filter per year).

Mink Advantages

1. Do not require oil or oil filter (other than one pint of gear box oil, which should be changed every 6 years or 20,000 hours).
2. Do not require exhaust filters
3. Is internal coated with a proprietary material to prevent corrosion due to H₂S gases and moisture, which is common with vacuum sewer systems
4. More efficient and quieter (MV version)

There are several Mink Aqua pump sizes to choose from and unfortunately there is not an exact replacement for the pumps currently at Plum Island. Therefore, these are the options:

1. **SMALLER** - Replace the current pumps with smaller pumps, but you will need to add an extra (fifth) pump. Plus, you will need to add new starters and electrical control panel components. Additionally, an additional vacuum pump exhaust line will need to be installed to the outside of the building and new inlet piping, valves and moisture separator to the collection tank.

From our discussion during your visit, this option would not be ideal due to space requirements for the fifth pump and its associated costs.

2. LARGER - Replace the current pumps with larger pumps, but still use four of them. The MV1202.AVA6.ZZXZ will provide 222 ACFM more per pump (888 ACFM for four) compared to your current model. This additional ACFM, could very easily mean one less pump would operate per cycle and as these pumps are more efficient and quieter, you have an opportunity to decrease power cost and noise concerns...if they exist. More importantly, during critical times, you will have more ACFM to overcome low vacuum conditions, which means fewer potential disruptions to the community.

Per your request, you have asked us to price the MV1202.AVA6.ZZXZ and offer an exchange price for the existing pump, which you currently have.

Per your request attached is itemized pricing:

1. Cost to replace the four pumps: \$256,844
 - a. (4) MV1202.AVA6.ZZXZ - \$224,208
 - b. (4) Pipe, fittings, valves, etc. - \$19,036
 - c. (4) Installation cost - \$23,600
 - d. (4) Trade in of existing pump - \$10,000 (credit)

As we value our long and outstanding relationship and per your request, Airvac will offer the following additional discounts:

1. Reduce the installation price of the four MV1202.AVA6.ZZXZ pumps by \$5,900
2. Airvac to buy the spare vacuum pump, which is currently in Plum Islands inventory for \$9,000

Assuming the discounts, the final price will be \$241,944.

If you have questions or need clarification, please let me know. This offer is valid for 90 days and does not include applicable taxes or freight.

Sincerely,

Clint Hawn
Chief Operating Officer

Aqseptence Group, Inc.
(574) 208-5903

Donna Holaday

From: Town Administrator <administrator@townofnewbury.org>
Sent: Friday, September 28, 2018 11:16 AM
To: NBPT Mayor; Donna Holaday; JR Colby
Cc: 'jamie.tuccolo@gmail.com'
Subject: Pump Station Replacement Project

Please be advised that at their meeting on September 25, 2018, the Newbury Board of Selectmen voted to approve an appropriation of \$142,747 from the Betterment Fund for the purchase and replacement of 4 pumps at the Olga Way pump station.
We are pleased to partner with you on this project.

The Secretary of State's office has determined that most emails to and from municipal offices and officials are public records. Consequently, confidentiality should not be expected.

Tracy Blais
Town Administrator
Town of Newbury
12 Kent Way
Suite 101
Byfield, MA 01922
978.465.0862 X301
administrator@townofnewbury.org



October 29, 2018
Committee on General Government

ODNC007_02_12_18 Amendment to Division 7- City Solicitor

ORDR016_03_26_18 Naming of the Five (5) Nature Trails Contained in the Little River Trail System

COMM048_06_11_18 Ltr re: Marijuana Retailers Ballot Question

CITY OF NEWBURYPORT



IN CITY COUNCIL

MOTION
TO RECALL
Gen Gow Petros up
SZ/LO

ORDERED:

February 12, 2018

AN ORDINANCE TO AMEND CHAPTER 2, ARTICLE IV, DIVISION 7 CITY SOLICITOR

That the following changes be made to Sec 2-246:

Sec. 2-246. - Appointment; qualifications; term; removal.

Annually in the month of January, the mayor, with approval of the City Council, shall appoint a city solicitor who shall be an attorney and counselor-at-law of the courts of the commonwealth. The appointee shall hold office until a successor is appointed and qualified and the appointee may be removed at any time by the mayor, with approval of the City Council.

And further that, Sec-2-252 be inserted as follows:

Sec. 2-252 – City Solicitor mandatory attendance in certain instances:

The city solicitor shall be present, physically, for the first hearing of any project before Newburyport Zoning Board of Appeals or Newburyport Planning Board that exceeds the following thresholds:

- A) Any residential project in any zone defined within that Newburyport Zoning Ordinance where 10 or more residential units is proposed
- B) Any Open Space Residential Development (OSRD) application filed under the Newburyport Zoning Ordinance, Section XIV.
- C) Any project of any size filed for a project within Waterfront West Overlay District (WWOD) as defined by the Newburyport Zoning Ordinance, Section XXIV
- D) Any project of any size filed for a project within a Water Resource Protection District, as defined by the Newburyport Zoning Ordinance, Section XIX.

Such thresholds may be updated from time to time. Further direct, physical attendance of the City Solicitor may be requested by the City Council, at is discretion, upon request from the relevant board or commission.

Submitted,

Sharif I. Zeid
Ward 1 City Councillor

GPA/GMT

CITY OF NEWBURYPORT



IN CITY COUNCIL

ORDERED:

March 26, 2018

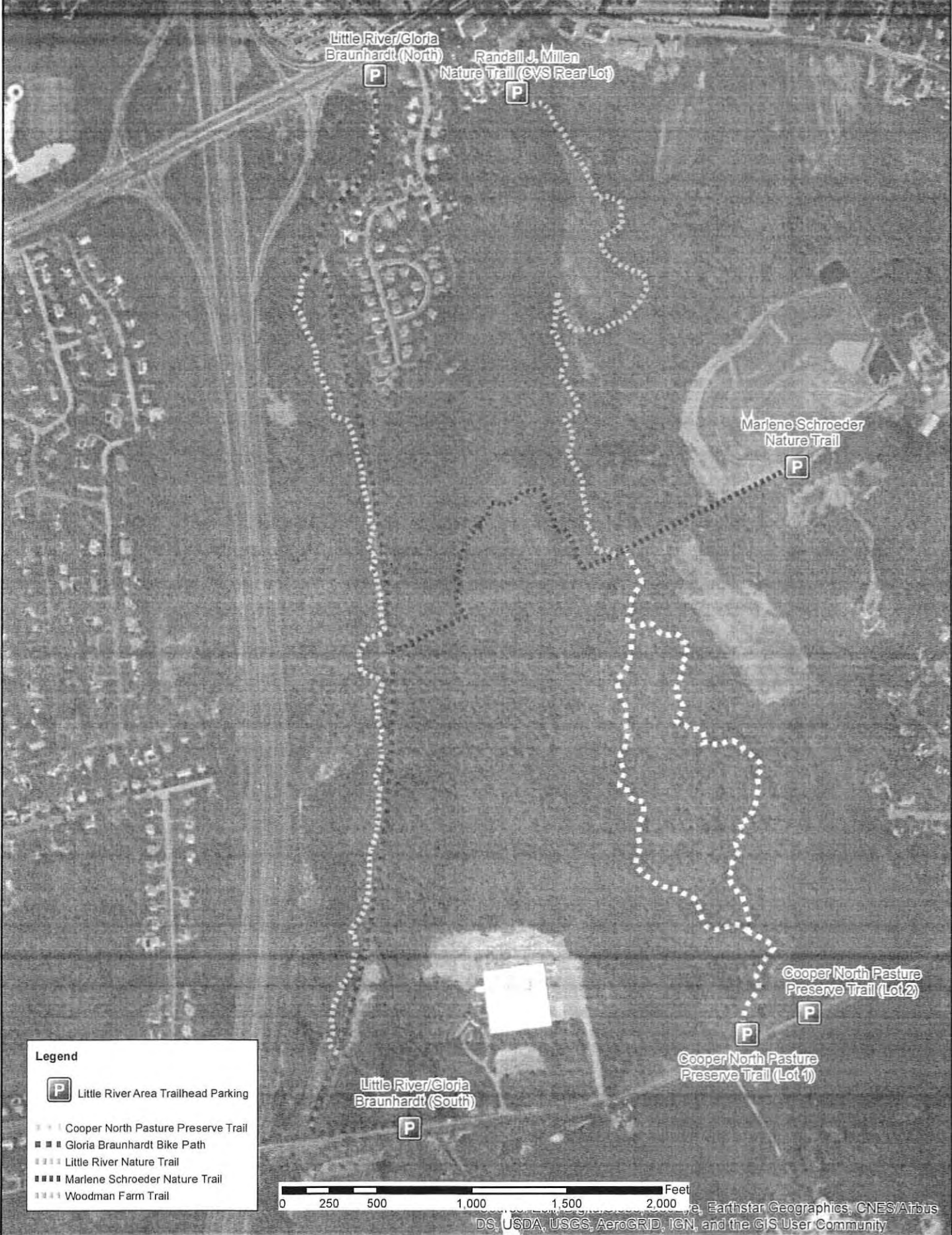
THAT The CITY COUNCIL of the City of Newburyport hereby names the five (5) nature trails contained in the Little River Trail System. The five trails (of which one is already officially recognized by the city) are;

1. Albert G. Decie II Little River Nature Trail
2. Gloria Braunhardt Bike/Pedestrian Trail
3. Cooper North Pasture Preserve Trail
4. Marlene Schroeder Nature Trail
5. Randal J. Millen Nature Trail

Said trails are shown on the map attached hereto and incorporated herewith and marked as "Trails of the Little River Headwaters".

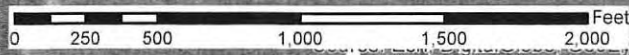
Councillor Larry G. Giunta

Trails of the Little River Headwaters



Legend

- P Little River Area Trailhead Parking
- ⋯ Cooper North Pasture Preserve Trail
- - - Gloria Braunhardt Bike Path
- Little River Nature Trail
- ▬▬▬ Marlene Schroeder Nature Trail
- Woodman Farm Trail



Map data provided by Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community

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

RECEIVED
 CITY CLERK'S OFFICE
 NEWBURYPORT, MA

2018 MAY 29 AM 9:14

ORDR036_05_14_18 Marijuana Retailers Ballot Question

May 26, 2018

Dear President Connell, and honorable City Council members;

Sadly, there has been extensive misinformation and misguidance on Facebook, Social Media, and most recently in the Daily News varying form of Letters to the Editor to the Daily News' own online POLL regarding the **Commonwealth Ballot Question 4 on November 2016**; which was voted YES by 53.6%, and NO by 46.4% of MA residents, and in Newburyport YES 55% vs NO 45% (Simple Majority in both cases).

The Majority that voted YES on the Ballot also voted YES to every part of Question 4 including paragraph 5 of the ballot question ***"The proposed law would authorize cities and towns to adopt reasonable restrictions on the time, place, and manner of operating marijuana businesses and to limit the number of marijuana establishments in their communities. A city or town could hold a local vote to determine whether to permit the selling of marijuana and marijuana products for consumption on the premises at commercial establishments."***

Question 4 was approved by the State Senate and House of Representative **BILL H. 3818**, and signed into LAW by Governor Baker; **Chapter 94G**: "REGULATION OF THE USE AND DISTRIBUTION OF MARIJUANA NOT MEDICALLY PRESCRIBED".

M.G.L. c. 94G, § 3(b) grants Cities and Towns the right for a Ballot Question and Voting to allow or ban the Recreational sale of Marijuana: ***"The city council of a city and the board of selectmen of a town shall, upon the filing with the city or town clerk of a petition (i) signed by not fewer than 10 per cent of the number of voters of such city or town voting at the state election preceding the filing of the petition and (ii) conforming to the provisions of the General Laws relating to initiative petitions at the municipal level, request that the question of whether to allow, in such city or town, the sale of marijuana and marijuana products for consumption on the premises where sold be submitted to the voters of such city or town at the next biennial state election. If a majority of the votes cast in the city or town are not in favor of allowing the consumption of marijuana or marijuana products on the***

premises where sold, such city or town shall be taken to have not authorized the consumption of marijuana and marijuana products on the premises where sold.”

Thus, voting NO on **ORDR036_05_14_18 Marijuana Retailers Ballot Question**, not only defies the Newburyport Voters who voted YES to Question 4 in entirety, but also defies the Commonwealth LAW M.G.L. c. 94G, § 3(b).

As for other circulating misinformation about Risk-Benefit of Recreational Marijuana which is entirely different from Medical Marijuana; there are plenty of evidence-based studies and research on Federal and Medical websites including, but not limited to:

1. Centers for Disease Control and Prevention (**CDC**):
<https://www.cdc.gov/marijuana/index.htm>
2. National Academies of Sciences, Engineering, and Medicine (**NASEM**) report: The Health Effects of Cannabis and Cannabinoids:
<https://www.nap.edu/read/24625/chapter/1>
3. American Academy of Pediatrics (**AAP**):
<https://www.aap.org/en-us/about-the-aap/Committees-Councils-Sections/substance-use/Pages/marijuana.aspx>
4. National Institutes of Health (**NIH**) – National Institute on Drug Abuse (**NIDA**):
<https://www.drugabuse.gov/publications/drugfacts/marijuana>
5. National Highway Traffic Safety Administration (**NHTSA**):
<https://www.nhtsa.gov/risky-driving/drug-impaired-driving>

I am kindly asking that the honorable City Council would vote YES on **ORDR036_05_14_18 Marijuana Retailers Ballot Question** in accordance with M.G.L. c. 94G, § 3(b).

Respectfully submitted,

Hazem Mahmoud, M.D., Ph. D.

Professor of Pediatric Hematology Oncology

52A Ferry Road, Newburyport, MA 01950

October 29, 2018
Committee Items-
Planning & Development

- ORDR024_04_09_18 Special Act to Dissolve Newburyport Redevelopment Authority (COTW)
- ORDR033_05_14_18 Adoption of Housing Production Plan (Cover page and action items in the back)
- ORDR065_10_09_18 Custom House Resolution
- ORDR066_10_09_18 LATE FILE Non-Exclusive Easement at Hancock Street

ORDR024_04_09_18

*p#0-2003
SZ/LG
FRAN BL/LG
roll call
(11/12)*

CITY OF NEWBURYPORT



IN CITY COUNCIL

ORDERED:

Order Relative to a Special Act to
Dissolve Newburyport Redevelopment Authority (NRA)

That the City Council of the City of Newburyport hereby authorizes the Mayor, on behalf of the City, to submit a Home Rule Petition to the General Court of the Commonwealth of Massachusetts to enact a Special Act for the City of Newburyport in the manner described below, and for the purposes of dissolving the Newburyport Redevelopment Authority (NRA), provided that the General Court may make clerical or editorial changes of form only to the bill, unless the Mayor approves amendments to the bill before enactment by the General Court, and to further authorize the Mayor to act on behalf of the City relative to any inquiries and/or changes made by the General Court concerning the proposed Special Act, and to approve amendments which shall be within the scope of the general public objectives of the petition.

Councillor Sharif I. Zeid, Ward 1

Councillor Larry G. Giunta, Ward 5

Councillor Gregory D. Earls, At-Large

Councillor Joseph H. Devlin, At-Large

ORDR024_04_09_18

A SPECIAL ACT TO DISSOLVE THE NEWBURYPORT REDEVELOPMENT
AUTHORITY

Whereas, the City Council of the City of Newburyport voted on February 1, 1960, to create a redevelopment authority, as contemplated by Massachusetts General Laws (MGL) Chapter 121B, now known as the Newburyport Redevelopment Authority (NRA), for the purposes of accomplishing urban renewal objectives, such as the removal of substandard buildings and blight, providing land for public uses, ensuring adequate public amenities and infrastructure, removing impediments to land acquisition and disposition for redevelopment, promoting economic development, and ensuring the preservation and integration of architectural and urban character in historic downtown Newburyport, and

Whereas, the originally cited purposes for establishing the NRA, including redevelopment, economic revitalization, and removal of blight has since been substantially realized in downtown Newburyport, and maintained without continued assistance from the NRA by way of local regulation, historic preservation, economic development and tourism, and

Whereas, the Urban Renewal Plan of said NRA, entitled "Newburyport Central Business Urban Renewal Project" (Mass R-80), dated April 26, 1965, as amended, expired effective 2005, approximately 13 years ago, and is no longer a valid or legal basis for NRA activities under MGL Chapter 121B, Section 48, or otherwise, and

Whereas, the real property acquired by said NRA, by purchase and by eminent domain for public purposes, pursuant to said Massachusetts General Laws (MGL) Chapter 121B and said expired Urban Renewal Plan, was intended to be redeveloped for the purposes of accomplishing urban renewal objectives such as the removal of substandard buildings and blight, providing land for public uses, ensuring adequate public amenities and infrastructure, removing impediments to land acquisition and disposition for redevelopment, promoting economic development, and ensuring the preservation and integration of architectural and urban character in historic downtown Newburyport, and

Whereas, pursuant to MGL Chapter 121B, Section 16, the real estate and tangible personal property of the NRA shall be deemed to be public property used for essential public and governmental purposes, and shall be exempt from taxation and from betterments and special assessments, and

Whereas, the City Council has made substantial multi-year, good-faith effort to negotiate a reasonable settlement of disputes related to future use of the NRA's properties, most recently

ORDR024_04_09_18

page settlement framework, approved unanimously by the City Council on May 30th, 2017 (May 2017 Order), and

Whereas, the NRA voted on March 14, 2018, to transfer its real property to third-parties, including to a nonpublic institution, without authorization under any urban renewal plan, or any other project which the NRA is authorized to undertake under MGL Chapter 121B, nor in compliance with the uniform procurement act established pursuant to MGL Chapter 30B, the state finance provisions established pursuant to MGL Chapter 29, nor consistently with the May 2017 Order, and

Whereas, under that certain confirmatory declaration of trust dated January 28, 1991, as revised (Trust Declaration), the Newburyport Waterfront Trust already controls significant real property located adjacent to the real property currently controlled by the NRA, and

Whereas, the purpose of the Newburyport Waterfront Trust is to hold, manage, maintain, conserve and utilize its real property for use and enjoyment by the public in perpetuity, with free access of the public to and from such real property as "public trust lands," forever, and

The trustees of the Newburyport Waterfront Trust are appointed by the Mayor with the approval of the City Council, and

Whereas, consistent with the May 2017 Order and all applicable law, the Mayor and the City intend to transfer virtually all of the personal and real property rights that it obtains from the NRA to the Newburyport Waterfront Trust, consistent with the May 2017 Order and immediately upon the satisfaction of certain conditions precedent specified in the May 2017 Order, including amendments to the Trust Declaration.

Whereas the Mayor and the City Council of the City of Newburyport, representing the citizens of this community have petitioned the General Court relative to the same,

Now therefore, be it enacted by the Senate and the House of Representatives in General Court assembled, and by the authority of the same as follows:

SECTION 1. Newburyport Redevelopment Authority Dissolved.

Notwithstanding the provisions of Massachusetts General Laws (MGL) Chapter 121B, Section 4 and any general or special law, state agency regulations or guidelines to the contrary, the Newburyport Redevelopment Authority (NRA), established on February 1, 1960, by vote of the Newburyport City Council pursuant to said Chapter 121B, Section 4 is hereby dissolved, and no approval from the

ORDR024_04_09_18

chapter, the Clerk of the City of Newburyport shall provide a copy of this chapter to the State Secretary and said Newburyport Redevelopment Authority shall be dissolved forthwith.

Notwithstanding the provisions of Massachusetts General Laws (MGL) Chapter 155, Section 51, the Newburyport Redevelopment Authority (NRA) shall be dissolved immediately and shall not be continued as a body corporate after the effective date of this chapter.

SECTION 2. Ownership Interests.

Notwithstanding any general or special law, state agency regulations or guidelines to the contrary, the entirety, without exception, of all personal and real property interests held by the Newburyport Redevelopment Authority (NRA) are hereby transferred and conveyed to, and shall be vested in, the City of Newburyport to be held solely for the same public uses as exist at the time of transfer, and until such time as the Mayor, a two-thirds, super-majority of the City Council, and the trustees of the Newburyport Waterfront Trust, agree to the terms of the transfer and conveyance to the Newburyport Waterfront Trust of virtually all of the personal and real property rights acquired from the NRA, consistent with the terms and conditions out in the May 2017 Order.

The City may execute and deliver a certificate in a form suitable for recording referencing the passage of this chapter along with a copy of said Chapter, and the Register of Deeds for Essex County shall accept the same for recording and make a marginal reference thereto upon the record of all applicable deeds for real property heretofore owned by the NRA, as provided in summary format by the City of Newburyport. The Land Court shall also accept said certificate and a copy of this Chapter for the purposes of issuing a Certificate of Title to the City of Newburyport for any registered land heretofore owned by the Newburyport Redevelopment Authority (NRA).

SECTION 3. Elimination of NRA Powers.

Notwithstanding any general or special law, state agency regulations or guidelines to the contrary, after the effective transfer and conveyance to the City of the entirety of all of NRA's personal and real property interests, as required by this chapter, all remaining powers and authorities held by the Newburyport Redevelopment Authority (NRA), without exception, and including, without limitation, the power of eminent domain, are hereby dissolved.

ORDR024_04_09_18

If any provision of this Chapter conflicts with any provisions of any general or special law, state agency regulations or guidelines, the provisions of this Chapter shall govern.

If at any point after the passage of this chapter, the City of Newburyport determines that a new redevelopment authority shall be necessary in the City for any reason, it may vote to organize a new redevelopment authority in accordance with Massachusetts General Laws (MGL) Chapter 121B, Section 4.

SECTION 5. Records of the Newburyport Redevelopment Authority.

All members of the Newburyport Redevelopment Authority immediately prior to the effective date of this chapter shall immediately transfer all files, legal and financial records or other materials belonging to the Newburyport Redevelopment Authority to the City of Newburyport, acting through its Office of Planning and Development. Such files, records and materials shall include any such items held by consultants or legal counsel to the NRA, without reservation.

SECTION 6. Effective Date.

This Chapter shall take effect upon its passage by the General Court.

PAD

CITY OF NEWBURYPORT



IN CITY COUNCIL

ORDERED:

May 14, 2018

WHEREAS, recent trends in Newburyport suggest a growing 'affordability gap' for those in need of affordable housing (including rental units, affordable homeownership, and housing for at-risk and special needs populations); and

WHEREAS, the Newburyport Affordable Housing Trust and Office of Planning & Development has worked with Merrimack Valley Planning Commission to update the City's comprehensive plan for the creation and preservation of affordable housing in Newburyport entitled, "City of Newburyport Housing Production Plan, 2018-2022" ('Housing Production Plan'); and

WHEREAS, said plan recommends the City consider and undertake a variety of strategies for plan implementation, including public education and capacity building strategies, policy changes, regulatory changes, and housing development programs; and

WHEREAS, the Commonwealth of Massachusetts Department of Housing and Community Development (DHCD) requires adoption of such a proactive plan to be eligible for certain state grants and assistance in accordance with M.G.L. Chapter 40B and 760 CMR 56; and

WHEREAS, the City Council recognizes that implementation of said plan will require further action by the Council, Newburyport Affordable Housing Trust, Office of Planning & Development, and others,

NOW THEREFORE LET IT BE RESOLVED that the Newburyport City Council hereby adopts the Housing Production Plan as a guidance document for implementation by the City in future years.

Councillor Jared J. Eigerman



Merrimack Valley
Planning Commission

J M Goldson

community preservation
+ planning

CITY OF NEWBURYPORT

Housing Production Plan

2018-2022

PREPARED FOR:

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

PREPARED BY:

Merrimack Valley Planning Commission
With assistance by JM Goldson community preservation + planning

Chapter 5: Housing Goals and Strategies

Five-Year Goals

The City of Newburyport currently has 599 subsidized housing units listed on the Department of Housing and Community Development's (DHCD) Subsidized Housing Inventory (SHI) as of December 2017. This number represents 7.47 percent of the total year-round housing units as reported by the 2010 U.S Census. Therefore, the City is 202 housing units shy of the 10 percent affordable housing goal as defined by DHCD.

Over the next five years, the goal is for Newburyport's HPP to become "certified." Reaching the annual goals of 0.5 percent or 1 percent will allow the HPP to be certified by DHCD for one year if the City develops 0.5 percent of its overall goal in a year's time or for two years if the City develops 1 percent of the target units in a year's time. In order to produce 0.5 percent of its total units annually as SHI units, Newburyport will need to add an additional 40 SHI-eligible housing units each year. In order to produce 1 percent of its total units annually, the City will have to produce 80 SHI units annually. This will be a challenging task given the amount of development likely to occur each year. While the City may not reach this goal, it will be making strides toward it with several projects that have been recently permitted and others that are anticipated to be permitted in the next five years.

Between 2000 and 2015, residential permit activity in Newburyport fluctuated between 7 and 90 permits, with an annual average of about 30.5 units per year. However, those units were primarily single-family homes, with an average of about 25 single-family units permitted each year. The City's single-family unit permitting peaked in 2001 with 90 single-family units, and multi-family unit permitting peaked in 2007 with 24 five+ family units. These numbers represent total permits, market rate and affordable dwelling units. The City could come close to achieving 1-year certification by adding 40 affordable units in one year, but this number is still 10 more units than the average over a 15-year period for all residential units (market and affordable). If the City is able to permit a high number of residential units to be developed, of which at least 40 are eligible for the SHI, the City would get close to or go over the statewide goal of 10 percent affordable units.

Chapter 40B Housing Production Schedule – 0.5% and 1% Growth*

Year	0.5% Increase				1.0% Increase			
	Additional Affordable Units - 0.5%	Number of Total Affordable Units	Total Units	Percent Affordable	Additional Affordable Units - 1%	Number of Affordable Units	Total Units	Percent Affordable
Current numbers		599	8,015	7.5%		599	8,015	7.5%
2018	40	639	8,055	7.9%	80	679	8,095	8.4%
2019	40	679	8,095	8.4%	80	759	8,175	9.3%
2020	40	719	8,135	8.8%	80	839	8,255	10.2%
2021	40	759	8,175	9.3%	80	919	8,335	11.0%
2022	40	799	8,215	9.7%	80	999	8,415	11.9%

* Note: this schedule will need to be re-evaluated and revised when the 2020 U.S. Census numbers are released to accommodate any changes in housing units reported.

In order to achieve certification and meet the needs of Newburyport's population today and tomorrow, units of all types should be considered for development. The City identified some potential locations for housing of all types as part of the development of this HPP. Using both the information and projections from the 2013 Newburyport HPP, the following table was created representing Newburyport's Housing Production Program, outlining how projected strategies and housing developments can meet housing needs now and in the future.

Newburyport 5-Year Housing Production Plan

Projects/Strategies by Year	Affordable Units ≤80% AMI	'a'ffordable units (not eligible for SHI)	Total # of Units Added to SHI
Year 1 – 2018			
1 Boston Way Smart Growth Project/Rentals	19	0	76*
<i>Year 1 Subtotals</i>	<i>19</i>	<i>0</i>	<i>76</i>
Year 2 – 2019			
Hillside Center YWCA/Rental	10	0	10
Parker Street/Hines Way/Ownership	3	0	3
Colby Farm OSRD	2	0	2
Accessory Apartments	0	2	0
By-Right Two-Families	0	2	
<i>Year 2 Subtotals</i>	<i>15</i>	<i>4</i>	<i>15</i>
Year 3 – 2020			
Brown School Redevelopment	20	0	20
Accessory Apartments	0	2	0
By-Right Two-Families	0	2	
<i>Year 3 Subtotal</i>	<i>20</i>	<i>4</i>	<i>20</i>
Year 4 – 2021			
Waterfront West – Phase 1	12	0	12
Accessory Apartments	0	2	0
By-Right Two-Families	0	2	
<i>Year 4 Subtotals</i>	<i>12</i>	<i>4</i>	<i>12</i>
Year 5 – 2022			
Waterfront West – Phase 1 continued	12	0	12
Rt. 1 Smart Growth (Minco Development)	32	0	125*
Accessory Apartments	0	2	0
By-Right Two-Families	0	2	
<i>Year 5 Subtotals</i>	<i>35</i>	<i>4</i>	<i>137</i>
Totals	101	16	260
<p><i>* The project includes 25% affordable units that will all be rentals. In this scenario (25% and rental) the State allows all units, affordable and market rate, to be counted on the SHI.</i></p> <p><i>Source: City of Newburyport Office of Planning and Development, 2018</i></p>			

Strategies

Based on the local needs, existing resources, and development considerations, the following recommended strategies have been developed for Newburyport. The proposed strategies were developed to help the community direct and leverage funding, resources, and capacity to best meet the community's housing needs. The strategies have been grouped into three main categories:

- 1) Planning and Policies:** This includes capacity-building strategies such as staffing and creating committees or housing trusts, as well as recommended changes in zoning and/or municipal policies.
- 2) Production:** How can the community produce units to achieve 10 percent? This category provides specific strategies, developing partnerships, purchasing land/property, and converting existing structures to create affordable housing.
- 3) Preservation:** Communities go through a great deal of effort to create affordable units. This category outlines tactics necessary to keep those units affordable.

While some of the strategies – like those aimed at capacity-building – do not directly create affordable units, they do serve as a foundation for achieving housing goals. The final strategies also reflect the state's requirements to address the following strategies to the greatest extent possible:

- Identify zoning districts of geographic areas where the municipality proposes to modify current regulations to create subsidized housing inventory (SHI) eligible housing units to meet its housing production goals;
- Identify specific sites where the municipality can encourage the filing of Comprehensive Permit applications;
- Identify the characteristics of proposed residential or mixed-use developers that would be preferred by the municipality;
- Identify municipally-owned parcels that the community commits to issue requests for proposals to develop SHI eligible housing; and
- Participate in regional collaborations addressing housing development.

PLANNING AND POLICIES

1. Modify the current in-law ordinance.

As of 2018, a zoning revision project is underway. This project includes exploring the modification of the current in-law apartment ordinance to allow 'accessory' apartments that do not require a family member as tenant and are available for rent.

2. Allow two-family structures by-right in R2 and R3 zoning districts.

As part of the City's zoning revision project, modifications will be explored to reconsider allowing two family structures in the R2 and R3 zones by-right. This will likely not result in SHI-eligible units but may result in 'affordable ones. However, given Newburyport's housing market, many of the two-family structures will likely be market rate units.

3. Partner with for- and non-profit developers to create affordable housing on privately owned sites.

Both for- and non-profit developers can play a crucial role as a partner in developing affordable housing. In addition to having access to upfront capital, they also understand the design, development, construction, preservation, weatherization, and/or management steps necessary to create and maintain affordable housing units. They can help navigate the state and federal subsidy processes that can be challenging for local governments with limited capacity and/or experience. One possible example of partnering is use of a Host Community Agreement to establish an on-going long-term relationship between a developer(s) and a local government in an effort to create affordable housing that aligns with the community's goals. It aligns with the

Housing Production Plan's production goals, as stated in the Goals section of this plan, and is non-exclusive. The agreement encourages regular communication between the developer and various boards and committees responsible for creating affordable housing. A sample Host Community Agreement can be found at: <http://www.hamiltonma.gov/wp-content/uploads/2017/02/Draft-Host-Community-Agreement.pdf>.

4. Seek designation as a Housing Choice Community which will provide preferential access to Commonwealth grant programs as well as a new grant program open only to Housing Choice Communities.

In 2018, the Baker-Polito Administration created the Housing Choice Initiative, a multi-pronged effort to align resources and data to create a single point of entry for communities seeking assistance in increasing their supply housing. A crucial part of Housing Choice Initiative is the Housing Choice designation and grant program. The Administration has identified simple, flexible standards that are achievable to all municipalities. For more information on how to become designated as a Housing Choice Community, please visit: <https://www.mass.gov/orgs/housing-choice-initiative>.

5. Conduct ongoing community education in partnership with nonprofit organizations and ad hoc coalitions

In order to successfully create affordable housing, it is important to remove one of the biggest obstacles – lack of community support. In many communities, the term “affordable housing” conjures up negative connotations and evokes “not-in-my-backyard” sentiments. However, community education that focuses on why affordable housing is important, including the economic benefits and a focus on the profile of those who would benefit, will help remove that barrier to creating affordable units and help to create a richer, well-rounded and healthy community. There are a variety of successful educational campaigns, and one of the most successful is to put a “face” to affordable housing. The Citizens’ Housing and Planning Association (CHAPA) created a document called *The Faces of 40B* which can serve as a template for communities in creating their own education programs: <https://www.chapa.org/sites/default/files/Facesof40B.pdf>.

6. Provide support for seniors to age in place.

In each of the community workshops held to create this plan, and through the online tool coUrbanize, we heard that senior residents want the opportunity to not just remain in their community, but age in place in their existing home. There are a variety of tools that could help accomplish this, including public transportation subsidies, grants to maintain and retrofit existing housing, and real estate tax abatements. Through the MA Healthy Aging Collaborative’s Age-Friendly Communities Program, age-friendly communities strive to better meet the needs of their older residents by considering the environmental, economic, and social factors that influence the health and well-being of older adults. These programs seek to allow older adults to stay in their communities and “age in place.” One option is to join an age-friendly network. The World Health Organization (WHO) established a [Global Network of Age-Friendly Cities and Communities](#) to support communities who are taking active steps toward becoming more age-friendly. The American Association of Retired Persons ([AARP Network of Age-Friendly Communities](#)) is the U.S. affiliate of the WHO network. Several Massachusetts communities have been accepted into the WHO global network, and other communities are exploring applications. MVPC has included this strategy in the Regional Housing Plan. To learn more, visit: <https://mahealthyagingcollaborative.org/programs/overview/age-friendly-communities/>.

Investigating in opportunities and models that currently exist for shared living situations for seniors makes sense as well. With an increasing aging population in the Merrimack Valley, now is the time to investigate home sharing as an option for seniors, particularly for women. According to AARP, “four million women aged 50-plus live in U.S. households with at least two women 50-plus — a statistic that is expected to rise.” According to the National Center for Family & Marriage Research, “one out of three boomers will probably face old age without a spouse.” Women, on average, live about five years longer than men. If you add in rising

housing costs and the desire to 'downsize', more and more aging adults will be looking for opportunities to stay in their community, and with their peers. AARP released an article with numerous resources on shared living situations around the United States: <https://www.aarp.org/home-family/your-home/info-05-2013/older-women-roommates-house-sharing.html>. Another model that is being used here in Massachusetts, is *Nesterly*.

7. Provide direct support for low income homeowners and renters struggling with housing costs, in partnership with non-profits and other appropriate organizations.

A common cause of homelessness is the inability to pay for the increasing costs of housing. There are a variety of programs that can help mitigate those rising costs, including loan assistance, homeowner counseling, and mortgage purchase or modification programs. Housing trust funds can provide funding for local counseling programs, and community land trusts provide important services to prevent foreclosures and can purchase foreclosed properties to preserve affordability and help residents stay in their homes.

8. Develop trainings for board and committee members to learn more about affordable housing processes and needs.

An important element of creating and maintaining affordable housing in a community is educating local boards and committees. Some of the issues to address in these trainings should be: What is the process to create an affordable housing unit? What are the needs of our community? Who are we providing affordable housing for? What is our role in creating affordable housing? What barriers do we have to creating affordable housing in our community and how can we remove those obstacles? The Citizens' Housing and Planning Association (CHAPA) is a great resource for educating local boards and committees about affordable housing and working together to create it for the community's residents today and tomorrow. Trainings should also emphasize the importance of creating units that are accessible to all incomes, abilities, and ethnicities to encourage diversity and inclusivity. Visit www.chapa.org for more information.

9. Investigate securing the services of a shared housing coordinator with neighboring communities.

Developing and maintaining affordable housing can be a full-time job in some communities. In others, it at least necessitates on-going, dedicated staff to employ the various tasks involved with creating, tracking and retaining affordable units. While communities might not be able to hire someone solely focused on housing, there would be benefits to working with neighboring communities who are likely experiencing the same issues. One possible avenue of exploration would be to procure the services of a shared/regional housing coordinator, whose regional view and approach would be valuable to all participating communities, by identifying best practices, potential partnerships, education techniques, etc. Of note: MVPC is considering how to serve in this capacity for its member communities by including this strategy in the Regional Housing Plan.

10. Ensure that new/remodeled units and infrastructure follow ADA Standards at a minimum but ideally incorporate Universal Design Standards.

With an average of 14 percent of residents having disabilities and a projected 30 percent of the population being over 65 years old by 2035, there is an even greater need for units and infrastructure that follows, at the minimum, standards set by the Americans with Disabilities Act. However, preferably, these units follow more stringent standards such as Universal Design, which means that a housing unit is both accessible and barrier-free. Universal Design goes far beyond the minimum specifications and limitations of legislated mandates for accessible and barrier-free facilities. Universal Design homes avoid use of special assistive technology devices and, instead incorporate consumer products and design features that are easily usable and commonly available. In addition to create a more livable environment, the home is also "visitable", which allows relatives and friends to access the unit as well. For more information on Universal Design, please visit: <https://humancentereddesign.org/index.php?q=resources/universal-design-housing>.

11. Follow Sustainable Design Standards to create/remodel housing units.

Sustainable Design Standards help to create more energy efficient, low-carbon solutions for housing that reduces the costs to renting or owning a home. There are several methods that can be used, including (but not limited to) Passive House design, EnergyStar and GreenGlobes

PRODUCTION

1. Continue to encourage development of housing that is affordable to both low- and moderate-income households (i.e., those who earn between 60 to 120 percent area median income).

As shown in the household income distribution chart, there are a variety of income levels in the community. Households that make above 100 percent area median income (AMI) struggle with housing costs as do those who earn 60 percent of the AMI. To accommodate the diversity in household incomes, housing options should be offered to be affordable at all levels, including those between 60 percent and 120 percent of the area median income. The City should consider creative financial incentives (i.e. use of local Community Preservation Act or state CDBG funding) as well as density bonuses as deemed appropriate by City officials.

2. Continue ongoing inventory of publicly-owned land to determine suitability and availability for developing affordable housing.

One way to reduce the costs associated with developing affordable housing is to utilize publicly-owned land. By creating an inventory of land, a community can work collaboratively to develop criteria that narrows down which properties are most suitable for housing development. Criteria can include access to services and transportation, proximity to schools, wetlands or environmental constraint present, etc.

PRESERVATION

1. Consider retrofitting municipally-owned buildings to affordable housing.

Similar to the abandoned buildings strategy, retrofitting municipally-owned buildings for affordable housing could provide another option for communities. Buildings such as old schools and other municipal structures can provide a unique opportunity to maintain the community's historic buildings while providing more affordable options for residents.

2. Continue to monitor the Subsidized Housing Inventory to ensure that units do not expire.

In order to maintain the existing stock of subsidized housing units, it is important to develop and utilize a system to track when the units expire, if they are not protected in perpetuity. MVPC is including this strategy in the Regional Housing Plan and encourages communities to identify ways to track these units on an on-going basis.

3. Convert large single-family homes to multi-family housing in all residential zoning districts

As our population ages and there is more of a need for services for the disabled and elderly, converting existing single-family homes into multi-unit structures could be an affordable tool for communities. Large, underutilized mansions are being converted to multi-level apartments that are affordable. It can also be a great way to provide more affordable units without constructing brand-new multi-family developments, which can create opposition and deter from neighborhood character. Small multi-family residences also offer connection and proximity to others and create the opportunity to expand the definition of family to include our neighbors.

Action Plan

The most important part of a plan is outlining an approach to implement the strategies. That approach should include how long each strategy will take to complete, the champion (aka responsible party) who 'owns' the strategy and whether there is funding needed to implement the strategy. Without that approach, the plan is in jeopardy of just 'sitting on the shelf'.

Housing Strategies			
Strategies	Time to Complete (months/years)	Strategy Champion(s) (Board, committee, person, etc.)	Funding Needed? Y/N and Source
<i>Planning and Policies</i>			
Modify in-law ordinance	1 year	Planner, Affordable Housing Trust, Planning Board, City Council	No, not if using local staff support
Allow two-family structures by-right in R2 and R3 zoning districts	1 year	Planner, Affordable Housing Trust, Planning Board, City Council	No, not if using local staff support
Partner with for- and non-profit developers to create affordable housing	Ongoing	Planner, Affordable Housing Trust, Planning Board	Yes CPA; Affordable Housing Trust Fund
Investigate securing the services of a shared housing coordinator with neighboring communities	1 year	Planner, Affordable Housing Trust, City Council, MVPC	Yes Housing Choice Program
Work with for- and non-profit developers to create affordable housing through methods such as a Host Community Agreement	Ongoing	Planner, Affordable Housing Trust	No
Provide support services for elderly to age in place.	Ongoing	Mayor's Office, City Council, Council on Aging	Yes
Participate in the MA Healthy Aging Collaborative Age-Friendly Communities Program	6 months – 1 year	Planner, Affordable Housing Trust, Council on Aging	No, but could be eligible for Tufts Foundation funding once officially participating
Provide direct support for low income homeowners and renters struggling with housing costs	Ongoing	Planner, Affordable Housing Trust, Council on Aging	Yes
Develop trainings for board and committee members to learn more about affordable housing processes and needs	Ongoing	Planner, Affordable Housing Trust, MVPC	Yes Housing Choice Initiative; Affordable Housing Trust Fund
Investigate opportunities and models for shared living situations for seniors	6 months – 1 year	Planner, MVPC, Council on Aging	No
Ensure that new/remodeled units and infrastructure follow ADA Standards at a minimum but	<i>Ongoing</i>	Planner, Building Inspector, Council on Aging, Northeast	Yes MassWorks, DHCD

ideally incorporate Universal Design Standards		Independent Living Program, and Elder Services of Merrimack Valley, Housing Authority	
Follow Sustainable Design Standards to create/ remodel housing units	Ongoing	Planner, Planning Board, ZBA, Affordable Housing Trust	No
Production			
Continue to encourage a range of affordability	Ongoing	Planner, Planning Board, ZBA, Affordable Housing Trust	No
Continue inventorying publicly-owned land for suitability as affordable housing development	Ongoing	Planner, Affordable Housing Trust	No
Preservation			
Develop a system to monitor the Subsidized Housing Inventory to ensure that units do not expire	1 year	Planner, MVPC, Affordable Housing Trust, Housing Authority	Yes Housing Choice Program Tufts Foundation
Convert single-family homes to multi-unit for supportive services, small-scale, or multi-family housing	Ongoing	Planner, Affordable Housing Trust, ZBA, City Council	Yes DHCD
Consider retrofitting municipally-owned buildings to affordable housing	2-5 years	Planner, City Council	Yes U.S. HUD

pro

ORDR065_10_09_18

CITY OF NEWBURYPORT



IN CITY COUNCIL

ORDERED:

October 9, 2018

A RESOLUTION EXPRESSING CITY OF NEWBURYPORT'S OPPOSITION TO PRIVATIZATION OF CUSTOM HOUSE AND ASSOCIATED LAND

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

WHEREAS, The City of Newburyport recognizes the value and importance of public land and public money, and the fundamental responsibility of its elected and appointed officials to protect them;

WHEREAS, The City of Newburyport's residents have made substantial financial and in-kind investments into the Custom House Maritime Museum, as have the federal and state governments;

WHEREAS, Privatization, despite any restrictions, would mean a loss of control by and connection to the residents and taxpayers of Newburyport who have maintained some control over both the building and its use through their elected and appointed officials over the past 50 years;

WHEREAS, It is impossible to devise restrictions on any property transfer that contemplates every possible scenario to protect the public's investment, for all of time;

WHEREAS, While a preservation restriction benefiting the Newburyport Historic Commission exists on the building today, it is tied to a lease agreement outside of the control of the City, which would be abrogated by any land transfer;

WHEREAS, The City of Newburyport recognizes the importance of the Custom House Maritime Museum to the residents of Newburyport based upon its great cultural, aesthetic, and historical significance, and beyond;

WHEREAS, In 1971, 47 years ago, the City of Newburyport codified Sec. 2-106 through 2-109 stating that the Newburyport Historical Commission is expressly authorized to manage the building and serve as lessor:

Sec. 2-106. - Management of *Custom House*.

The Newburyport Historical Commission is hereby authorized and empowered to any such extent as it may already be authorized and empowered by its enabling statute to acquire in the name of the city, and to manage, control, repair, restore, rehabilitate maintain and operate for public purposes the

building situated on Water Street known as the *Custom House*; and, in its discretion to delegate, by lease to any nonprofit group or organization, upon such terms and conditions as it sees fit for any term of years, the management and control of the building and the appurtenant land.

Sec. 2-107. - Funding generally.

In order to acquire, manage, control, repair, restore, rehabilitate, maintain, or operate the *Custom House*, the historical commission may accept funds from any source, and may apply for and accept grants from the state or federal governments or any agency thereof, or from any private person, firm or foundation.

Sec. 2-108. - Lease for management, operation.

Upon acquisition of the *Custom House*, the historical commission shall undertake to enter into a lease with any group or organization for such management, control and operation. The commission shall retain as lessor by the written instrument such powers as may be necessary to ensure that if the building is not being properly maintained, or is being used for purposes other than those for which the historical commission may acquire property, it may resume the exercise of dominion over the property to such extent as may be necessary to bring it into conformity with such purposes.

Sec. 2-109. - Use of city seal; indebtedness.

The use of the city seal is authorized as may be necessary to effectuate the intent of this division. The historical commission shall neither incur nor purport to incur indebtedness on the city's behalf.

WHEREAS, The Newburyport City Council undertook a nearly two-year process through its Central Waterfront Ad-Hoc Committee to investigate a permanent resolution of ownership and use of the entire Central Waterfront now owned by the Newburyport Redevelopment Authority; resulting in the unanimous passage by the City Council on May 30, 2017 of resolution approved in May 2017 (2017 Central Waterfront Resolution) that included a call to implement Sections 2-106 through 2-109 of the Municipal Code;

WHEREAS, The Newburyport Redevelopment Authority has been operating without an Urban Renewal Plan for over a decade; and

WHEREAS, The City of Newburyport has retained ownership of the Firehouse Center for the Arts and leased it to a non-profit tenant/operator to great success over many years, and regards leases as proper instruments to protect the interests of the public in public property, while supporting charitable organizations with missions that further the City's overall interests;

NOW, THEREFORE, BE IT RESOLVED, that:

1. Opposition to the privatization of the Newburyport Custom House property. The City of Newburyport expresses its opposition in principle to the privatization of the Newburyport Custom House property.
2. Request to rescind. The City of Newburyport requests that the Newburyport Redevelopment Authority rescind its RFP and proceed with the tenets of the 2017 Central Waterfront Resolution calling for a transfer of the land to the City for its subsequent committal to a 99-year lease to the Custom House Maritime Museum for a term of 99 years.

ORDR065_10_09_18

Councillor Sharif I. Zeid

Councillor Jared J. Eigerman

Councillor Barry N. Connell

990

CITY OF NEWBURYPORT



IN CITY COUNCIL

ORDERED:

NON-EXCLUSIVE USE EASEMENT

This Non-Exclusive Use Easement (the "Easement") is granted this ___ day of _____, 2018 by Chestnut Hancock Condominium Trust, a Massachusetts Condominium Trust, and having a mailing address of 434-36 Hancock Street, Newburyport, Massachusetts ("Grantor"), as the owner of property on 34-36 Hancock Street, Newburyport, Massachusetts, as shown on the Phased Condominium Site Plan, by Winter GEC, LLC, 34 Winter Street, Newburyport and recorded in Plan Book 464 Plan 21 in the Essex South Registry of Deeds (the "Grantor's Property"), to the City of Newburyport, an municipal corporation duly organized under the laws of the Commonwealth of Massachusetts and located in Essex County, Massachusetts, located at 60 Pleasant Street, Newburyport, Massachusetts, 01950 (together with its successors and assigns, "Grantee").

WHEREAS, Grantor is the owner of the Grantor's Property, as set forth on the Condominium Site Plan ("Grantor's Land");

WHEREAS, pursuant to condition 4 of the Special Permit granted by the Newburyport Zoning Board of Appeals originally dated January 11, 2018 (the "Permit;

WHEREAS, as part of the Special Permit the Grantor is required to provide an easement to allow a portion of the public sidewalk to traverse a portion of the Grantor's Property as more fully set forth on the plan entitled "Sidewalk Easement" by GEC Winter LLC, 34 Winter Street, Newburyport, MA 01950 and dated August 8, 2018 and attached as Exhibit A (the "Easement Area").

NOW THEREFORE, for nominal consideration the receipt and sufficiency of which is hereby acknowledged and for the promises set forth below, Grantor does hereby grant to Grantee the following rights and easement:

1. Grant of a Non- Exclusive Public Access and Use Easement. Grantor does hereby grant to Grantee the following non-exclusive use easement to run with the land as follows:

(a) The non-exclusive right for the City of Newburyport and the public to use the Easement Area. Such non-exclusive use shall be for general strolling and pedestrian access along Chestnut Street as more fully shown on the Plan in a manner consistent with how municipal sidewalks are used throughout the Commonwealth of Massachusetts. This Non Exclusive Use Easement and conditions provided herein shall be perpetual and irrevocable and shall be deemed to be covenants running with the land and shall inure to the benefit of and be binding upon the Grantee and the Grantor and their respective successors and assigns.

2. Limitations and Restrictions. The rights and easements granted in Section 1 above shall become effective only if and when Grantor has recorded the Plan. The rights and easements granted in Section 1 hereof shall be limited to use of the Easement Area for strolling and pedestrian walkway purposes and not for motor vehicles of any kind or nature. The rights and easements granted herein shall not include (a) any right to construct or install any other improvements.

3. Maintenance.

(a) Maintenance of the Easement Area. Grantee shall be responsible for maintaining the Easement Area at Grantee sole cost and expense. Notwithstanding the foregoing, pursuant to local ordinance the adjacent landowner shall be responsible for removing snow from the sidewalk.

4. Insurance. Prior to exercising any rights under this Agreement, Grantee shall obtain, and thereafter shall maintain in effect, a policy of public liability insurance insuring against claims on account of loss of life, bodily injury or property damage that may arise from, or be occasioned by, the use and/or exercise of rights and/or obligations under this Agreement, including but not limited to use, construction and maintenance of athletic fields. Such insurance policy shall name Grantor (and following notice, any holders of mortgages on Grantor's Land), as an additional insured. Said insurance shall be carried by a financially responsible insurance company or companies qualified to do business in the Commonwealth of Massachusetts and having a single limit for loss of life or bodily injury and for property damage of not less than \$3,000,000. Grantee shall furnish to Grantor a certificate of insurance evidencing the existence of the insurance required to be carried pursuant hereto. Such policy shall contain a provision that it shall not be cancelled or terminated without at least thirty (30) days advance written notice to each insured.

5. Public Park Status: The Grantor does not assume any responsibility to the Grantee, the general public, or anyone else in connection with its or their use of this Non-Exclusive Use Easement which use shall be at its and their discretion and risk. As set forth in General Laws, Chapter 21, Section 17C, neither the Grantor nor the Grantee shall be liable to members of the general public who use this Non-Exclusive Use Easement.

6. No Representations or Warranties. Grantor makes no representation or warranty, either express or implied, with respect to the condition of any portion of Grantor's Land or the improvements now or hereafter constructed thereon.

7. Compliance with Law. In the performance of its obligations hereunder, Grantee shall comply promptly with all laws, regulations and governmental permits and approvals and matters of record existing prior to the recording of this Agreement.

8. Amendment. Except as otherwise expressly set forth in this Agreement, no amendments or modifications of this Agreement shall be effective without the prior written consent of each party at the time of such amendment or modification.

9. Severability. If any term or provision of this Agreement or the application thereof to any person or circumstance shall, to any extent, be declared to be invalid or unenforceable, then the remainder of this Agreement shall not be affected thereby, and each term and provision of this Agreement shall be valid and enforceable to the fullest extent permitted by law.

10. Governing Law. This Agreement shall be construed and interpreted under the laws of the Commonwealth of Massachusetts.

11. Notices. Unless otherwise specified herein, any notice to be given hereunder shall be in writing and shall be deemed to have been given (a) when delivered by hand, or (b) when mailed by registered or certified mail return receipt requested, or (c) when sent by overnight delivery (such as FedEx), or (d) when sent by daytime courier, addressed as follows:

If to Grantor: Trustees
Chestnut Hancock Condominium Trust
34-36 Hancock Street
Newburyport MA 01950

If to Grantee: City of Newburyport
Mayor
City Hall
60 Pleasant Street
Newburyport, MA 01950

Each party's notice address may change upon twenty (20) days prior written notice to the other party. Notices shall be deemed delivered on the date received or rejected or on the date noted that the addressee has refused delivery, or on the date that the notice is returned to sender due to the inability of the postal authorities to deliver.

12. Not a Public Dedication. Nothing contained in this Agreement shall be deemed to be a gift or dedication of or a restriction or covenant upon any part of the remaining portion of the Grantor's Land, for the benefit of the general public, or for any public purpose whatsoever.

ORDERED:

DATE: 10/8/18

THAT the City Council of the City of Newburyport hereby authorizes the Mayor to accept on behalf of the City an access easement from the Chestnut Hancock Condominium Trust as more fully set forth on the plan entitled "Sidewalk Easement" by GEC Winter LLC, 34 Winter Street, Newburyport, MA 01950 and dated August 8, 2018 on file with the City Clerk.

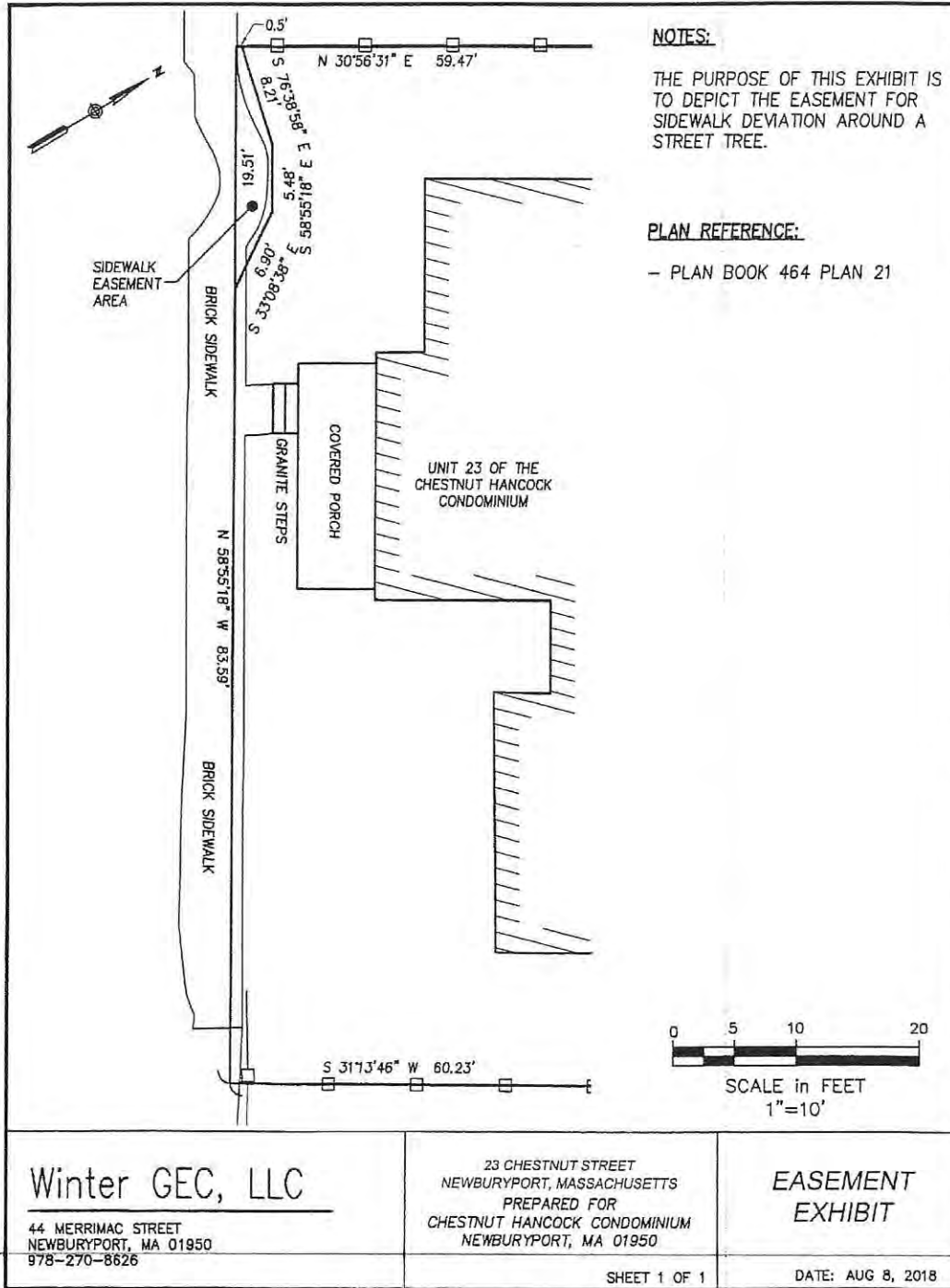
Councilor Sharif I. Zeid

Approve: _____
Donna Holaday, Mayor

Attest: _____
, City Clerk

Date: _____, 2018

Exhibit A
Easement Plan



October 29, 2018
Committee Items-Public Utilities

COMM088_09_24_19 - Wave Guide Application

PETITION FOR CONDUIT, POLES & WIRES

September 17, 2018

To the City Council of Newburyport:


FirstLight requests permission to locate conduit, poles, wires, and fixtures, including the necessary sustaining and protecting fixtures, under, along and across the following public way:

Low St – From the intersection of Low St @ Hale St excavate by way of directional boring approximately 3000' easterly towards Graf Rd and ending at or near 4 Graf Rd, and place (1) 4" conduit to bring fiber optic services to a customer located at 4 Graf Rd. Location approximately as shown on plan attached.


Wherefore it prays that after due notice and hearing as provided by law, it be granted a location for and permission to erect and maintain conduit, poles and wires, together with such sustaining and protecting fixtures as it may find necessary, said conduit to be placed substantially in accordance with the plan filed herewith marked —“Site place Low St – Newburyport, MA” prepared by Waveguide, Inc., dated August 8, 2108.

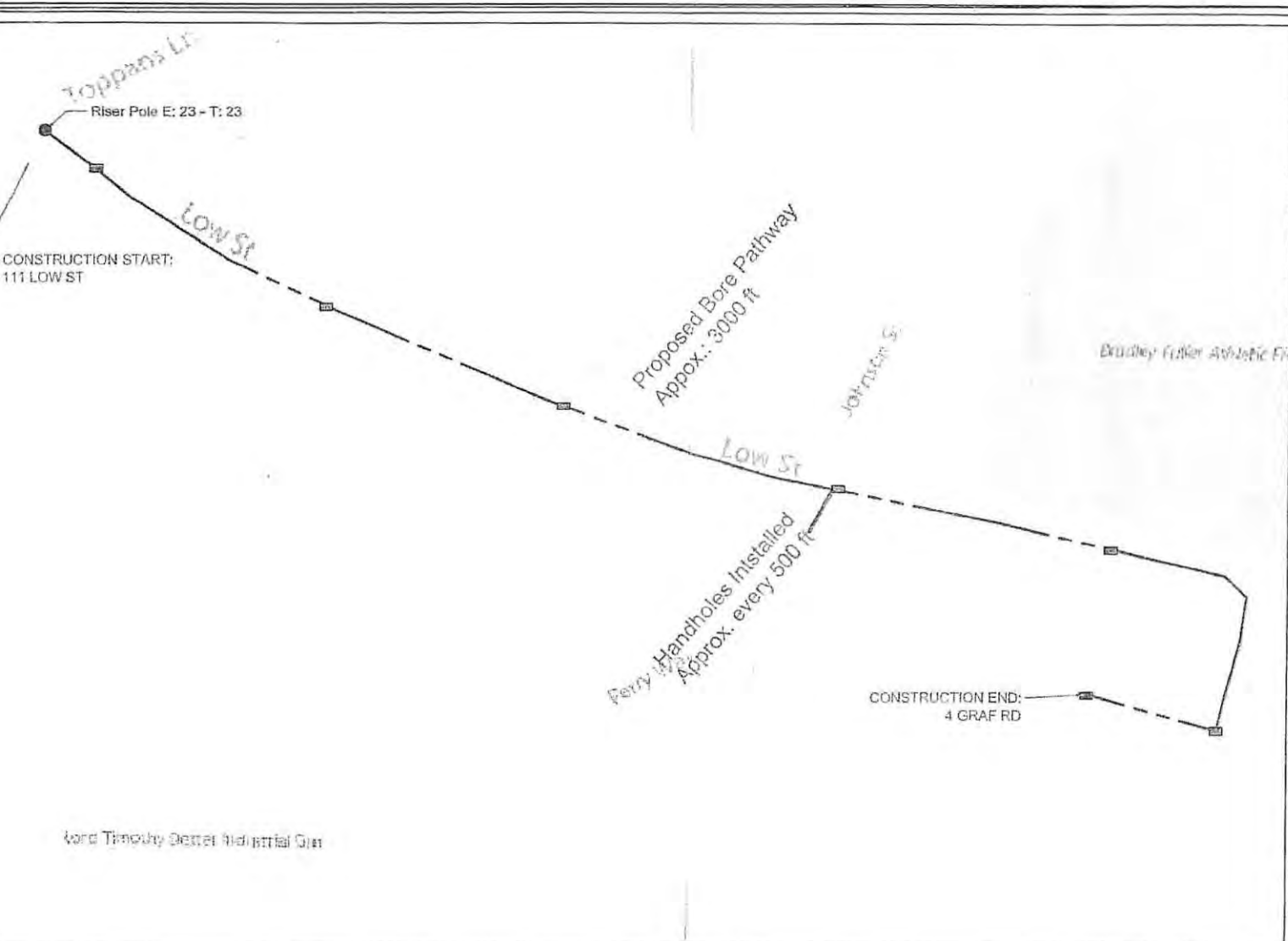
Respectfully submitted:

FIRSTLIGHT

By 
Peter Seehusen
VP, OSP Engineering & Construction

WAVEGUIDE, INC

By 
Jay Dunn (Agent)
Utilities Manager



and Timothy Decker Electrical Co. Inc

Legend	
	Bore Pathway - Conduit
	Utility Pole
	Handhole
Site Plan Low St, Newburyport MA	
Prepared by: Waveguide, Inc. 10 N. Southwood Dr. Nashua, NH 03063 603-898-0095	
Prepared for: FirstLight 359 Corporate Dr. Portsmouth, NH 03801	
Issue Date: 06/29/2016	
Project Location: Latitude: 42.82824° Longitude: -70.619966°	
Project Title: Bore Pathway on Low St & Graf Rd Newburyport, MA 01850 Nearest Cross Street: Hale St	
Project Contacts: Jay Dunn Waveguide - US Sales Manager E-Mail: jdunn@waveguide.com	
6095_FT_2016 V02	

CITY OF NEWBURYPORT



IN CITY COUNCIL

ORDERED:

By the City Clerk of Newburyport, Massachusetts

ORDERED:

Notice having been given and a public hearing held as provided by law, that the ___ Waveguide be and it is hereby granted permission to excavate the public highways and to run and maintain underground conduits, together with such sustaining and protecting fixtures as said company may deem necessary, in the public way or ways hereafter referred to, , as requested in petition of said company dated the 17th day of September, 2018.

Said underground conduits shall be located substantially in accordance with the plan filed herewith marked Low St., Newburyport, Massachusetts. Site Plan dated 08/29/2018.

The following are public ways or parts of ways under which the underground conduits above referred to may be laid.

See attached plan

I hereby certify that the foregoing order was adopted at a meeting of the _____

_____, held on the _____ day of _____ 20__

_____, _____ 20__

Received and entered in the records of location orders of the _____

Book _____ Page _____.

Attest:

_____ hereby certify that on _____ 20__ at _____ o'clock _____ M.
at _____, a public hearing was held on the petition of _____
NATIONAL GRID _____ for permission to construct the underground conduits
described in the order herewith recorded, and that I mailed at least seven days
before said hearing a written notice of the time and place of said hearing to each of the
owners of real estate (as determined by the last receding assessment for taxation) along
the ways or part of way upon which the company is permitted to construct the
underground electric conduits under said order. And thereupon said order was duly
adopted.



CITY OF NEWBURYPORT

MASSACHUSETTS

CITY CLERK'S OFFICE

NEWBURYPORT CITY HALL

60 PLEASANT STREET • P.O. BOX 550

NEWBURYPORT, MA 01950

TEL: 978-465-4407 • FAX: 978-462-7936

RICHARD B. JONES

CITY CLERK

October 15, 2018

Dear Property Owner:

Notice is hereby given that a public hearing will be held on the petition of Waveguide, Inc. as follows:

Starting at or near the intersection of 111 Low St @ Hales St directional bore approx. 3000' to a location at or near 4 Graf St and place (1) 4" PVC Conduit . Hand holes will be placed approx. every 500' depending on field conditions.

Said hearing will be held on Monday, October 29, 2018 at 7:15 PM in the City Council Chamber, City Hall, and Newburyport, MA. At that time, all interested parties will have an opportunity to be heard.

A copy of the plan is enclosed.

Sincerely,

Tricia E. Barker
Assistant City Clerk



City of Newburyport

OFFICE OF THE ASSESSOR

City Hall
60 Pleasant Street
Newburyport, MA 01950
978-465-4413 / Fx 978-462-8495

Date: September 13, 2018

To: Richard Jones, City Clerk

From: Newburyport Board of Assessors

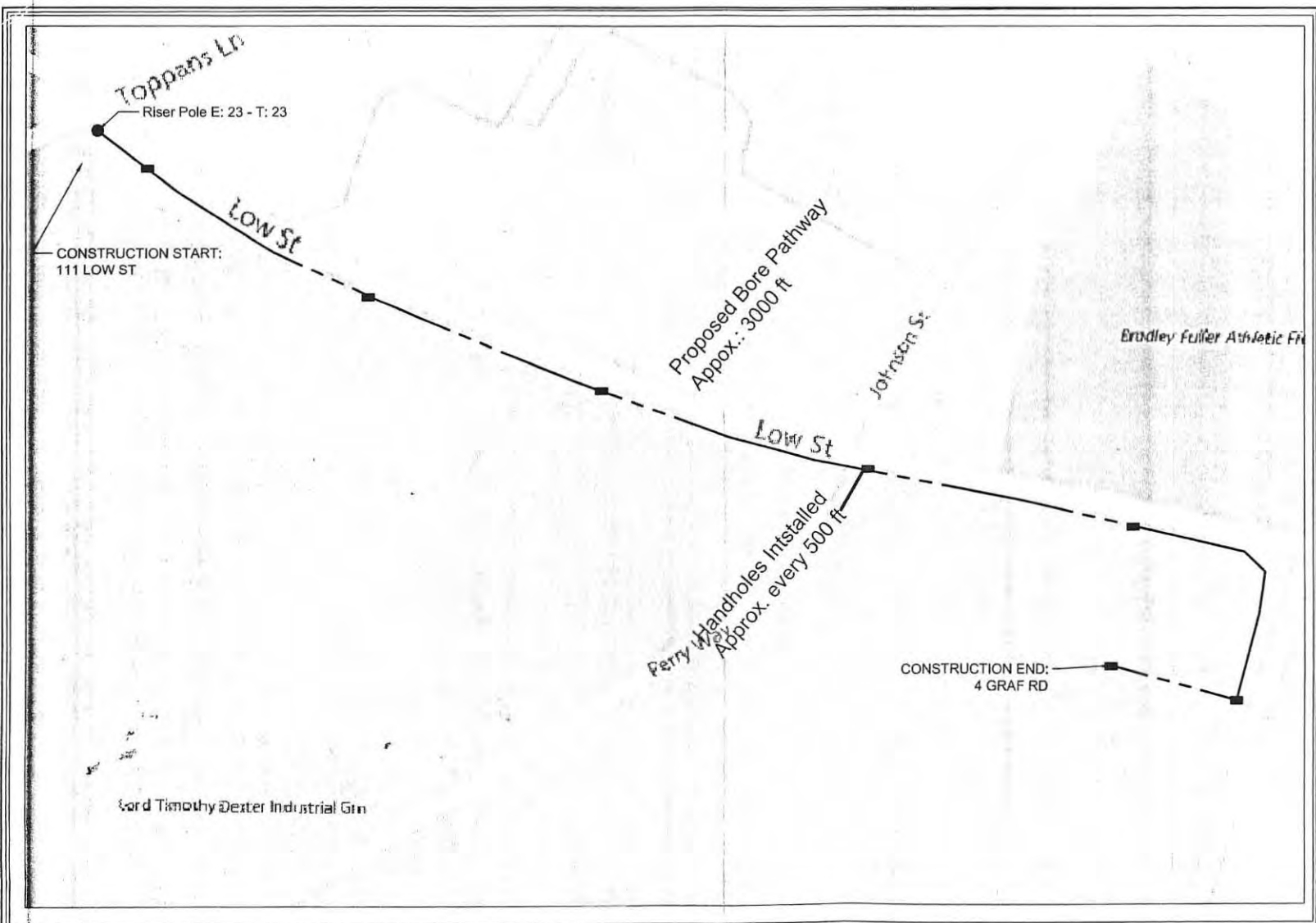
Re: **LOW STREET PROJECT** from 111 Low Street – 4 Henry Graf Jr. Road
Map: 82 & 83 Lot: 4A & 4 Respectively

“The scope of work is as follows: Starting at or near the intersection of 111 Low St @ Hales St directional bore approx. 3000’ to a location at or near 4 Graf St” (aka 4 Henry Graf Jr. Road) “and place (1) 4” PVC Conduit (please see the proposed site plan). Handholes will be placed approx. every 500’ depending on field conditions.”

The following are the abutters of the above described location:

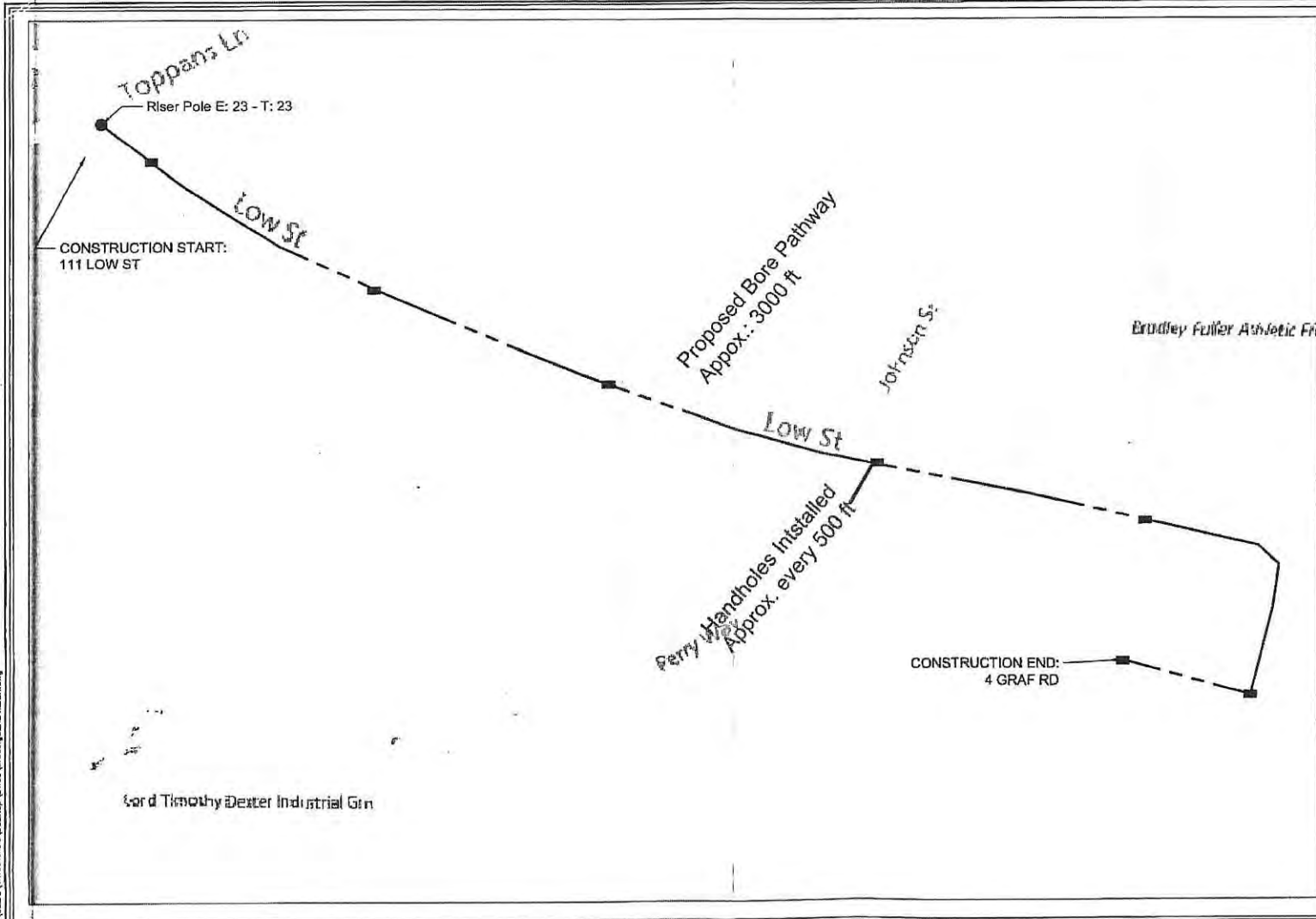
Board of Assessors

C:\Users\TimothyDexter\OneDrive\Documents\Drawings\REVISED.dwg



<p>Legend</p> <p>— Bore Pathway - Conduit</p> <p>● Utility Pole</p> <p>■ Handhole</p>
<p>Site Plan Low St, Newburyport MA</p>
<p>Prepared by:</p> <p>Waveguide*</p> <p>Waveguide, Inc. 10 N. Southwood Dr. Nashua, NH 03063 603-598-0096</p>
<p>Prepared for:</p> <p>FirstLight</p> <p>FirstLight 359 Corporate Dr. Portsmouth, NH 03801</p>
<p>Issue Date: 08/28/2018</p>
<p>Project Location:</p> <p>Latitude: 42.80824° Longitude: -70.88998°</p>
<p>Project Title:</p> <p>Bore Pathway on Low St & Graf Rd Newburyport, MA 01950 Nearest Cross Street: Hale St</p>
<p>Project Contacts:</p> <p>Jay Dunn Waveguide - Utilities Manager E-Mail - jdunn@waveguide.com</p>
<p>6095_FL_2018 WD's</p>

C:\Users\Timothy Dexter\Documents\Waveguide\Drawings\DWG\WV016.dwg



Legend

- Bore Pathway - Conduit
- Utility Pole
- Handhole

Site Plan
Low St, Newburyport MA

Prepared by:
 Waveguide, Inc.
10 N. Southwood Dr.
Nashua, NH 03063
603-598-0088

Prepared for:
 FirstLight
359 Corporate Dr.
Portsmouth, NH 03801

Issue Date: 08/28/2016

Project Location:
Latitude: 42.858224°
Longitude: -70.859903°

Project Title:
Bore Pathway on Low St & Graf Rd
Newburyport, MA 03053
Nearest Cross Street: Hole St

Project Contacts:
Joy Dunn
Waveguide - Utilities Manager
E-Mail - jdunn@waveguide.com

6095_fi_2016 WQ's

~~37/ 1/ / /
CITY OF NEWBURYPORT
FULLER FIELD
60 PLEASANT ST
NEWBURYPORT, MA 01950~~

37/ 22/ / /
PERRIN DEREK
KATHERINE T/E
58 LOW ST
NEWBURYPORT, MA 01950

37/ 23/ / /
KALIL WALTER JR
MYRA H J/T
56 LOW STREET
NEWBURYPORT, MA 01950

~~38/ 1/ / /
CITY OF NEWBURYPORT
NOCK MIDDLE SCHOOL
70 LOW STREET
NEWBURYPORT, MA 01950~~

38/ 18/ / /
HUBBARD ARTHUR E JR
PAMELA J T/E
60 LOW STREET
NEWBURYPORT, MA 01950

39/ 33/ / /
SAFFORD DONALD P & HELEN C TRS
SAFFORD REALTY TRUST
PO BOX 156
WEST NEWBURY, MA 01985

~~81/ 6/A / /
HARTNETT JOHN D JR TR
C/O BANDOIAN
PO BOX 2960
SEABROOK, NH 03874~~

~~81/ 6/B / /
HARTNETT JOHN D JR TR
C/O BANDOIAN
PO BOX 2960
SEABROOK, NH 03874~~

81/ 6/C / /
PEARL LAWRENCE S
SHERRY B T/E
54 LITTLE POND RD
MERRIMAC, MA 01860

~~81/ 6/D / /
MORIN MICHAEL R
3 HENRY GRAF JR RD UNIT 5
NEWBURYPORT, MA 01950~~

81/ 6/E / /
HARBORSIDE PRINTING CO INC
3 HENRY GRAF JR RD UNIT 5
NEWBURYPORT, MA 01950

81/ 6/F / /
BABENDREIER CARL TRUSTEE
VAQUERO REALTY TRUST
7 GARDEN ST
WEST NEWBURY, MA 01985

81/ 6/G / /
ALSI LLC
25 COX CT
BEVERLY, MA 01915

81/ 6/H / /
CASWELL BROTHERS REALTY LLC
3 HENRY GRAF JR RD UNIT 8
NEWBURYPORT, MA 01950

81/ 6/I / /
KOEHLER TOIVO
JOYCE ENDERLE T/E
2 FRUIT STREET
NEWBURYPORT, MA 01950

81/ 6/J / /
BANDOIAN STEPHEN J. TRS.
LUCINE REALTY TRUST
PO BOX 2960
SEABROOK, NH 03874

~~81/ 6/K / /
BANDOIAN STEPHEN J. TRS.
LUCINE REALTY TRUST
PO BOX 2960
SEABROOK, NH 03874~~

81/ 6/L / /
REDLEG REALTY LLC
C/O DAVID OTTO
61 STOREY AVE UNIT 6
NEWBURYPORT, MA 01950

81/ 6/M / /
MIRAGEAS HILLARY TRUSTEE
3-13 GRAF TRUST
41 SPOFFORD STREET
NEWBURYPORT, MA 01950

81/ 6/N / /
DEPIERO MARK A TRS
MAGGIE REALTY TRUST
3 HENRY GRAF JR RD UNIT 14
NEWBURYPORT, MA 01950

81/ 6/O / /
HARTNETT JOHN D TRS
COMMERCE REALTY TRUST
8 HENRY GRAF JR RD
NEWBURYPORT, MA 01950

82/ 4/A / /
DEMATTEO MANAGEMENT INC
80 WASHINGTON ST C-16
NORWELL, MA 02061

82/ 4/B 2/ /
DIANNES FINE DESSERTS INC
6 HENRY GRAF JR RD
NEWBURYPORT, MA 01950

~~82/ 7/A / /
DIANNES FINE DESSERTS INC
6 HENRY GRAF JR RD
NEWBURYPORT, MA 01950~~

82/ 7/Q / /
RIVER VALLEY CHARTER SCHOOL
FOUNDATION INC
2 PERRY WAY
NEWBURYPORT, MA 01950

82/ 8/ / /
COMMONWEALTH OF MASSACHUSETTS
100 CAMBRIDGE STREET
BOSTON, MA 02109

83/ 2/ / /
PORT ASSOCIATES LIMITED PARTNERSH
25 RAILROAD SQUARE
HAVERHILL, MA 01832

83/ 3/ / /
THE FIRST BAPTIST CHURCH
11 HALE ST
NEWBURYPORT, MA 01950

83/ 4/ / /
BINELLI FRANK J
111 LOW ST
NEWBURYPORT, MA 01950

83/ 4/A / /
KELLEHER DENNIS J
ROBERT F & MARY B KELLEHER
8 WANNALANCIT TRAIL
LITTLETON, MA 01460

83/ 5A/ / /
KELLEHER ROBERT F
MARY B T/E
107 LOW ST
NEWBURYPORT, MA 01950