

CITY COUNCIL MEETING AGENDA - VERSION 1
CITY COUNCIL CHAMBERS
NOVEMBER 25, 2019

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. **RESOLUTION FOR ROBERT "BOBBY" PARKER**

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

- November 12, 2019 (Approve)

9. TRANSFERS

- TRAN065_11_25_19 Free Cash \$15.5K to Meeting Recording \$15.5K (B&F)

10. COMMUNICATIONS

- COMM206_11_25_19 Pole Hearing - Bayberry Road (PU)
- COMM207_11_25_19 Memo re: Retirement Board Supplemental Expense Budget (B&F)
- COMM208_11_25_19 2020 Class II Vehicle License - Plum AutoWorks, Inc. (L&P)
- COMM209_11_25_19 Frigid Fiver - 1/26/2020 (PS)

11. APPOINTMENTS

First Reading - NONE

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

License & Permits

- COMM203_11_12_19 2020 Class II Vehicle License - RL Currie Corp.
- COMM204_11_12_19 2020 Class II Vehicle License - LCA Motors

Neighborhoods & City Services

- ODNC042_09_30_19 Parking at Public Parks and Playgrounds

Public Safety

- ORDR145_09_30_19 Snow Emergency Parking – Greenleaf Street
- ORDR146_09_30_19 Restricted Parking – Merrimac Street at Ashland Street
- ORDR149_10_28_19 Eliminate Two Hour Parking Upper Summer St

Public Utilities

- COMM200_10_28_19 Pole Hearing - 30 Colby Farm Lane

END OF CONSENT AGENDA REGULAR AGENDA

12. MAYOR'S UPDATE

13. APPOINTMENTS

Second Reading - NONE

14. ORDERS

- ORDR159_11_25_19 Free Holiday Parking 2019
- ORDR160_11_25_19 Resolution for Robert Parker
- ORDR161_11_25_19 Preservation Restriction - 25 Water Street

15. ORDINANCES

- NONE

16. COMMITTEE ITEMS

NOTE: UNDERLINED COMMITTEE ITEMS WILL BE CONSIDERED AT THIS MEETING

Budget & Finance

In Committee:

- COMM112_02_11_19 Memo re: Fire-Based EMS Cost/Benefit Analysis
- COMM120_03_11_19 Central Congregational Grant Award Letter
- ORDR132_07_15_19 CPC FY2020 Recommended Appropriations (COTW)
Project No. 9 held in committee.
- ORDR136_08_19_19 Fuller Track Phase II Loan Order
- COMM189_09_09_19 CPC Revised Recommendation for FY2020 Appropriations
- COMM192_09_30_19 10-Year Financial Projection (COTW)
- ORDR150_10_28_19 Opioid Addiction Treatment and Prevention Grant Acceptance \$600K
- ORDR154_11_12_19 Friends of NYS Gift Acceptance \$11,000
- ORDR155_11_12_19 Plum Island AED Gift Acceptance \$2,603.98
- ORDR157_11_12_19 Fire Boat Gift Acceptance
- ORDR158_11_12_19 Rescission of Marijuana Sales Tax (COTW)

Education

In Committee:

-

General Government

In Committee:

-

License & Permits

In Committee:

- COMM029_04_30_18 Outdoor Seating – West Row Café
- COMM104_01_14_19 Seacoast Taxi - Application by Richard Hewlett for 2019
- **COMM203_11_12_19 2020 Class II Vehicle License - RL Currie Corp.**
- **COMM204_11_12_19 2020 Class II Vehicle License - LCA Motors**
- ODNC043_11_12_19 Prohibition of Non-Medical Marijuana Retailers (COTW)

Neighborhoods & City Services

In Committee:

- ORDR048_06_13_16 Sidewalk Order
- COMM111_10_10_17 Petition for Road Repairs and Repaving – Squires Glen
- **ODNC042_09_30_19 Parking at Public Parks and Playgrounds**
- COMM194_10_15_19 Ltr from Newburyport Livable Streets
- COMM196_10_15_19 Ltr re: Road and Sidewalk Work on Merrimac and High Streets (COTW)
- COMM197_10_28_19 Ltr re: Phillips Drive Neighborhood Drainage (COTW)

Planning & Development

In Committee:

- **ORDR086_01_28_19 CPC FY2019 Amended Recommendation for Affordable Housing Trust Funds**
- ODNC029_01_28_19 Zoning Map Amendment – Storey Ave South
- ODNC038_07_15_19 Zoning Amendment – Waterfront West Overlay District (COTW)
- COMM185_09_09_19 Memo re: Waterfront West Sustainability
- COMM201_10_28_19 Memo re: Proposed Zoning Change – WWOD
- **ORDR156_11_12_19 Acceptance of Colby Farm Open Space**
- ODNC044_11_12_19 Zoning Amendment - Prohibition of Non-Medical Marijuana Establishments (w/ PB and COTW)
- ODNC045_11_12_19 Zoning Amendment - Definition “Marijuana Retailers” (w/ PB and COTW)

Public Safety

In Committee:

- ODNC009_03_12_18 Floating Homes, Houseboats, and Related Marinas
- COMM087_09_24_18 Ltr re: Coffin Street
- COMM116_02_25_19 Toward Zero Waste Newburyport Initiative *(full text available)* (COTW)
- ORDR094_04_08_19 Traffic Changes - Green, Pleasant, and Titcomb Streets
- ODNC035_05_28_19 Amendment to Health and Sanitation (COTW)

- **ORDR145_09_30_19 Snow Emergency Parking – Greenleaf Street**
- **ORDR146_09_30_19 Restricted Parking – Merrimac Street at Ashland Street**
- COMM198_10_28_19 Ltr re: Middle Street Parking/Curb Cuts
- **ORDR149_10_28_19 Eliminate Two Hour Parking Upper Summer St**
- ORDR151_10_28_19 Amendment to 2-Hour Resident Zones
- COMM202_11_12_19 Newburyport Rotary Santa Parade - 12/1/2019
- COMM205_11_12_19 Ladies' Night Out Run/Walk - 12/7/2019

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
- **COMM200_10_28_19 Pole Hearing - 30 Colby Farm Lane**

Rules

In Committee:

- ORDR057_08_27_18 Amendment to Council Rule 12A

17. GOOD OF THE ORDER

18. EXECUTIVE SESSION to discuss litigation with respect to the 193 High Street Zoning Appeal

19. ADJOURNMENT

CONSENT AGENDA

CITY COUNCIL MEETING MINUTES
CITY COUNCIL CHAMBERS
NOVEMBER 12, 2019

7:15PM

Tax Levy Hearing

The tax levy hearing was called to order at 7:15pm. 9 councillors present, 2 absent (Zeid, Devlin). Motion to adjourn by Councillor OBrien, seconded by Councillor Giunta. So voted.

Pole Hearing – Colby Farm Lane

The pole hearing was called to order at 7:20pm. 9 councillors present, 2 absent (Zeid, Devlin). Paullo Satler from National Grid and Rob Germinara spoke in favor. No one spoke against.

7:30PM

The City Council President, Barry Connell, called the meeting to order at 7:30pm, followed by the Pledge of Allegiance. The City Council President then instructed the City Clerk to call the roll. The following Councillors answered present: McCauley, OBrien, Shand, Tontar, Vogel, Zeid (remote), Eigerman, Giunta, Khan, Connell. 10 present, 1 absent (Devlin).

(Sound Check)

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

1. Byron Lane	14 Hart Rd	Retail Zoning
2. Constance Preston	18 Atwood St	Retail Zoning
3. Lanita Ann Dykes	12 Munroe St	Retail Zoning
4. Lynn Schow	75 High St	Retail Zoning
5. Paul O'Brien	483 Merrimac St	Retail Zoning
6. Tom Salemi	16 Tyng St	Retail Zoning
7. Sierra Gitlin	20 Orange St	Retail Zoning
8. John Giordano	7 N Atkinson St	Retail Zoning
9. Eileen Regan	79 Lime St	Retail Zoning
10. Roy Hancock	4 Tilton St	Retail Zoning
11. Molly Manuel	27 Broad St	Retail Zoning
12. Jennie Donahue	18 Cherry St	Retail Zoning
13. Matt Kane	63 Curzon Mill Rd	Retail Zoning
14. Joanne McCarthy	158 Crow Ln	Retail Zoning

6. COMMENDATION FOR THE "PLOGGING OF NEWBURYPORT" TEAM

The Mayor read a commendation for the Plogging Newburyport team.

7. RECOGNITION FOR COUNCILLOR OBRIEN

The Mayor and the City Council President jointly read a proclamation for Councillor Thomas F. OBrien.

8. MAYOR'S COMMENT

The Mayor gave an update pursuant to her written communication.

CONSENT AGENDA

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THAT ITEM WILL BE REMOVED FROM THE CONSENT AGENDA AND CONSIDERED SEPARATELY.

9. APPROVAL OF MINUTES

- October 28, 2019

(Approve)

10. TRANSFERS

- NONE

11. COMMUNICATIONS

- COMM202_11_12_19 Newburyport Rotary Santa Parade - 12/1/2019 (PS)
- COMM203_11_12_19 2020 Class II Vehicle License - RL Currie Corp. (L&P)
- COMM204_11_12_19 2020 Class II Vehicle License - LCA Motors (L&P)
- COMM205_11_12_19 Ladies' Night Out Run/Walk - 12/7/2019 (PS)

12. APPOINTMENTS

First Reading - NONE

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

Public Safety

- COMM195_10_15_19 Newburyport Youth Hockey Tag Day Fundraiser - 11/16/2019

END OF CONSENT AGENDA

REGULAR AGENDA

Motion to waive the rules, so that the Council did not have to do a roll call vote when removing items from committee, by Councillor Giunta, seconded by Councillor Eigerman. Roll call vote, 10 yes, 1 absent (Devlin). Motion passed. Motion to approve the Consent Agenda by Councillor Giunta, seconded by Councillor Khan. Roll call vote, 10 yes, 1 absent (Devlin). Motion passed.

13. MAYOR'S UPDATE

Motion to receive and file by Councillor Khan, seconded by Councillor OBrien. Roll call vote, 10 yes, 1 absent (Devlin). Motion passed.

14. APPOINTMENTS

Second Reading

- APPT131_10_28_19 Victoria Finnigan 10 Boxford Rd #25, Rowley Asst Treasurer 11/1/2022
- Motion to approve second reading appointment by Councillor OBrien, seconded by Councillor McCauley. Roll call vote, 10 yes, 1 absent (Devlin). Motion passed.

15. ORDERS

- ORDR154_11_12_19 Friends of NYS Gift Acceptance \$11,000
Motion to refer to Budget & Finance by Councillor Tontar, seconded by Councillor Khan. Roll call vote, 10 yes, 1 absent (Devlin). Motion passed.
- ORDR155_11_12_19 Plum Island AED Gift Acceptance \$2,603.98
Motion to refer to Budget & Finance by Councillor Tontar, seconded by Councillor Khan. Roll call vote, 10 yes, 1 absent (Devlin). Motion passed.
- ORDR156_11_12_19 Acceptance of Colby Farm Open Space
Motion to refer to Planning & Development by Councillor Giunta, seconded by Councillor Tontar. Roll call vote, 10 yes, 1 absent Devlin). Motion passed.

- ORDR157_11_12_19 Fire Boat Gift Acceptance
Motion to refer to Budget & Finance by Councillor Tontar, seconded by Councillor Khan. Roll call vote, 10 yes, 1 absent (Devlin). Motion passed.
- ORDR158_11_12_19 Rescission of Marijuana Sales Tax
Motion to refer to Budget & Finance and Committee of the Whole by Councillor Giunta, seconded by Councillor Khan. Roll call vote, 10 yes, 1 absent (Devlin). Motion passed.

16. ORDINANCES

- ODNC040_08_19_19 Zoning Ordinance re: Kennel/Animal Boarding Use (Confirmatory 2nd Reading)
Motion to approve confirmatory reading by Councillor Eigerman, seconded by Councillor Tontar. Roll call vote, 10 yes, 1 absent (Devlin). Motion passed.
- ODNC043_11_12_19 Prohibition of Non-Medical Marijuana Retailers
Motion to refer to General Government and Committee of the Whole by Councillor Giunta, seconded by Councillor Khan. Withdrawn. Motion to refer to License & Permit and Committee of the Whole by Councillor Eigerman, seconded by Councillor OBrien. Roll call vote, 10 yes, 1 absent (Devlin). Motion passed.
- ODNC044_11_12_19 Zoning Amendment - Prohibition of Non-Medical Marijuana Establishments
Motion to refer ODNC044_11_12_19 and ODNC045_11_12_19, collectively, to Planning & Development, Planning Board, and Committee of the Whole by Councillor Giunta, seconded by Councillor OBrien. Roll call vote, 10 yes, 1 absent (Devlin). Motion passed.
- ODNC045_11_12_19 Zoning Amendment - Definition "Marijuana Retailers"

17. COMMITTEE ITEMS

NOTE: UNDERLINED COMMITTEE ITEMS WILL BE CONSIDERED AT THIS MEETING

Budget & Finance

In Committee:

- COMM112_02_11_19 Memo re: Fire-Based EMS Cost/Benefit Analysis
- COMM120_03_11_19 Central Congregational Grant Award Letter
- ORDR132_07_15_19 CPC FY2020 Recommended Appropriations (COTW)
Project No. 9 held in committee.
- ORDR136_08_19_19 Fuller Track Phase II Loan Order
- COMM189_09_09_19 CPC Revised Recommendation for FY2020 Appropriations
- COMM192_09_30_19 10-Year Financial Projection (COTW)
- **ORDR148_10_28_19 Parent Workshops Gift Acceptance from Anna Jaques \$5,000**
Motion to remove from Budget & Finance by Councillor Tontar, seconded by Councillor OBrien. Roll call vote, 10 yes, 1 absent (Devlin). Motion to approve by Councillor Tontar, seconded by Councillor OBrien. Roll call vote, 10 yes, 1 absent (Devlin), Motion passed.
- ORDR150_10_28_19 Opioid Addiction Treatment and Prevention Grant Acceptance \$600K
- **ORDR152_10_28_19 FY2020 Tax Rate**
Motion to remove from Budget & Finance by Councillor Tontar, seconded by Councillor Khan. Roll call vote, 10 yes, 1 absent (Devlin). Motion to approve tax rate of \$12.84 by Councillor Tontar, seconded by Councillor Khan. Roll call vote, 8 yes, 2 no (Zeid, Giunta) 1 absent (Devlin), Motion passed.
- **ORDR153_10_28_19 FY2020 Residential Factor**
Motion to remove from Budget & Finance by Councillor Tontar, seconded by Councillor Vogel. Roll call vote, 10 yes, 1 absent (Devlin). Motion to approve residential factor of 1 by Councillor Tontar, seconded by Councillor Khan. Roll call vote, 10 yes, 1 absent (Devlin), Motion passed.

Education

Councillor Giunta provided Council with materials on Budget Development.

In Committee:

-

General Government

In Committee:

-

License & Permits

In Committee:

- COMM029_04_30_18 Outdoor Seating – West Row Café
- COMM104_01_14_19 Seacoast Taxi - Application by Richard Hewlett for 2019

Neighborhoods and City Services

In Committee:

- ORDR048_06_13_16 Sidewalk Order
- COMM111_10_10_17 Petition for Road Repairs and Repaving – Squires Glen
- ODNC042_09_30_19 Parking at Public Parks and Playgrounds
- COMM194_10_15_19 Ltr from Newburyport Livable Streets
- COMM196_10_15_19 Ltr re: Road and Sidewalk Work on Merrimac and High Streets (COTW)
- COMM197_10_28_19 Ltr re: Phillips Drive Neighborhood Drainage (COTW)

Planning & Development

In Committee:

- ORDR086_01_28_19 CPC FY2019 Amended Recommendation for Affordable Housing Trust Funds
- ODNC029_01_28_19 Zoning Map Amendment – Storey Ave South
- **COMM164_06_24_19 Ltr to Ward 2 Councillor from Eric Goodness**

Motion to remove from Planning & Development by Councillor Eigerman, seconded by Councillor Giunta. So voted. Motion to receive and file by Councillor Eigerman, seconded by Councillor Giunta. Motion to amend the motion to receive and file, add a request to the Clerk to request a copy of the investigation by the executive branch on the matter, by Councillor Eigerman, seconded by Councillor Giunta. Roll call vote, 10 yes, 1 absent (Devlin). Motion passed. Motion to receive and file as amended by Councillor Eigerman, seconded by Councillor Giunta. Roll call vote, 10 yes, 1 absent (Devlin). Motion passed.

- ODNC038_07_15_19 Zoning Amendment – Waterfront West Overlay District (COTW)
- COMM185_09_09_19 Memo re: Waterfront West Sustainability
- **APPT129_09_30_19 Malcolm Carnwath 22 Strong St Historical Comm 9/30/2022**
Motion to remove from Planning & Development by Councillor Eigerman, seconded by Councillor Giunta. Roll call vote, 10 yes, 1 absent (Devlin). Motion passed. Motion to approve by Councillor Eigerman, seconded by Councillor OBrien. Roll call vote, 10 yes, 1 absent (Devlin). Motion passed.
- **COMM199_10_28_19 Newburyport Armory Conveyance**
Motion to remove from Planning & Development by Councillor Eigerman, seconded by Councillor Giunta. Roll call vote, 10 yes, 1 absent (Devlin). Motion passed. Motion to receive and file by Councillor Eigerman, seconded by Councillor Giunta. Roll call vote, 10 yes, 1 absent (Devlin). Motion passed.
- COMM201_10_28_19 Memo re: Proposed Zoning Change – WWOD

Public Safety

In Committee:

- ODNC009_03_12_18 Floating Homes, Houseboats, and Related Marinas

- COMM087_09_24_18 Ltr re: Coffin Street
- COMM116_02_25_19 Toward Zero Waste Newburyport Initiative *(full text available)* (COTW)
- ORDR094_04_08_19 Traffic Changes - Green, Pleasant, and Titcomb Streets
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- ORDR145_09_30_19 Snow Emergency Parking – Greenleaf Street
- ORDR146_09_30_19 Restricted Parking – Merrimac Street at Ashland Street
- **COMM195_10_15_19 Newburyport Youth Hockey Tag Day Fundraiser - 11/16/2019**
Motion to approve by Councillor Giunta, seconded by Councillor OBrien. Roll call vote, 10 yes, 1 absent (Devlin). Motion passed.
- COMM198_10_28_19 Ltr re: Middle Street Parking/Curb Cuts
- ORDR149_10_28_19 Eliminate Two Hour Parking Upper Summer St
- ORDR151_10_28_19 Amendment to 2-Hour Resident Zones

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
- COMM200_10_28_19 Pole Hearing - 30 Colby Farm Lane

Rules Committee

In Committee:

- ORDR057_08_27_18 Amendment to Council Rule 12A

18. GOOD OF THE ORDER

The Clerk wished Councillor OBrien good luck and thanked him for all he has done, and noted that his unequalled institutional knowledge will be missed.

19. ADJOURNMENT

Motion to adjourn by Councillor Vogel, seconded by Councillor OBrien. So voted. 9:15pm.

TRANSFERS



City of Newburyport

FY 2020

BUDGET TRANSFER REQUEST

RECEIVED
CITY CLERK'S OFFICE
NEWBURYPORT, MA

2019 NOV 19 PM 3: 28

Department: Mayor's Office

Submitted by: Donna D. Holaday, Mayor

Date Submitted: 11/25/2019



Transfer From:

Account Name	<u>General Fund - Free Cash</u>	YTD Bal:	<u>\$ 1,872,671.00</u>
Account Number:	<u>01-35910</u>	Trans In:	<u>\$ -</u>
Amount:	<u>\$15,500.00</u>	Trans Out:	<u>\$ -</u>
Why are Funds Available:	<u>The Massachusetts Department of Revenue certified Free Cash for</u>		
	<u>FY2020 at \$1,872,671. These funds are available for any legal expenditure with the approval of the</u>		
	<u>Mayor and a vote of the City Council.</u>		

Transfer To:

Account Name	<u>Meeting Recording</u>	YTD Bal:	<u>\$ -</u>
Account Number:	<u>New account</u>	Trans In:	<u>\$ -</u>
Amount:	<u>\$15,500.00</u>	Trans Out:	<u>\$ -</u>
Why are Funds Needed:	<u>To video record meetings of the Planning Board and Zoning Board of</u>		
	<u>Appeals. Costs are estimated at 60 hours per month at \$25 per hour for remaining 7 months in the fiscal</u>		
	<u>year plus \$5,000 for additional editing equipment. See attached memo.</u>		

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

Date: 11/19/19
Date: 11/19/19



CITY OF NEWBURYPORT
OFFICE OF THE MAYOR
DONNA D. HOLADAY

RECEIVED
CITY CLERK'S OFFICE
NEWBURYPORT, MA

60 PLEASANT STREET • P.O. Box 550
NEWBURYPORT, MA 01950

(978) 465-4413 • (978) 465-4402 (FAX)

WWW.CITYOFNEWBURYPORT.COM

2019 NOV 19 PM 4:08

To: President and Members of the City Council
From: Matt Coogan, Chief of Staff
Date: November 19, 2019
Subject: Funding for the Recording of Planning Board and ZBA Meetings

The Administration has been working on increasing our recording capabilities for public meetings. Back in August, the City Council passed an Ordinance requiring the video recording of Planning Board and ZBA meetings. The Administration has been coordinating with the Greater Newburyport Community Media Hub (NCM) to develop a plan to record these meetings for the public viewing. The NCM has developed a budget to meet the Ordinance Requirement for the City that funds additional staffing and equipment. The Administration is requesting a transfer of \$15,500 from Certified Free Cash to fund NCM's budget.

NCM estimates 2 additional staff are needed to record the Planning Board and ZBA minutes. In addition, the recordings need to be formatted and edited to be posted on NCM's YouTube page for public viewing. For every recorded hour, there's one hour of staff time devoted to editing the raw footage into a final product. The additional staff time equates to 60 total hours per month at a rate of \$25 an hour, totaling \$10,500 for the remaining seven months of this fiscal year.

In addition to staff time, NCM is requesting a new work station to handle additional editing and post production. NCM estimates the work station and corresponding software to cost \$5,000.

This transfer request will fund the recording of Planning Board and ZBA meetings for the rest of this fiscal year. Going forward, the City will create a line item in the budget that provides funding for NCM to continue recording these meetings in the future.

The Administration will also continue working with NCM to develop a plan that identifies the equipment and resources necessary to further increase our capabilities of recording meetings for additional Boards and Commissions.

COMMUNICATIONS

RECEIVED
CITY CLERK'S OFFICE
NEWBURYPORT, MA

2019 NOV 14 PM 1:42

nationalgrid

November 8, 2019

The City Council of Newburyport, Massachusetts

To Whom It May Concern:

Enclosed please find a petition of NATIONAL GRID covering the installation of underground facilities.

If you have any questions regarding this permit, please contact:

Veasna Eang 781-907-2041

If this petition meets with your approval, please return an executed copy to:

National Grid: Lisa Ayres; 1101 Turnpike Street; North Andover, MA 01845; # 978-725-1418

Very truly yours,

Dave Johnson/lla

Dave Johnson
Supervisor, Distribution Design

Enclosures

Questions contact – Veasna Eang 781-907-2041

Petition of the Massachusetts Electric Company d/b/a NATIONAL GRID
Of NORTH ANDOVER, MASSACHUSETTS
For Electric Conduit Location:

To the City Council of Newburyport

Respectfully represents the Massachusetts Electric Company d/b/a NATIONAL GRID of North Andover, Massachusetts, that it desires to construct a line of underground electric conduits, including the necessary sustaining and protecting fixtures, under and across the public way or ways hereinafter named.

Wherefore it prays that after due notice and hearing as provided by law, it be granted permission to excavate the public highways and to run and maintain underground electric conduits, together with such sustaining and protecting fixtures as it may find necessary for the transmission of electricity, said underground conduits to be located substantially in accordance with the plan filed herewith marked – Bayberry Rd. - Newburyport, Massachusetts.

The following are the streets and highways referred to:

28231546 Bayberry Rd. - National Grid to replace riser pole 15-1. National Grid to replace direct buried cable with cable and conduit system. Approximately +/- 2120 feet of cable in conduit will be install. National Grid to install 4 pullboxes within the grass median.

Location approximately as shown on plan attached.

Massachusetts Electric Company d/b/a
NATIONAL GRID
BY _____

Dave Johnson/lla

Engineering Department

Dated: November 8, 2019



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

November 15, 2019

Dear Property Owner:


Notice is hereby given that a Public Hearing will be held on the petition of National Grid to construct a line of underground electric conduits, including the necessary sustaining and protection fixtures, for the following:

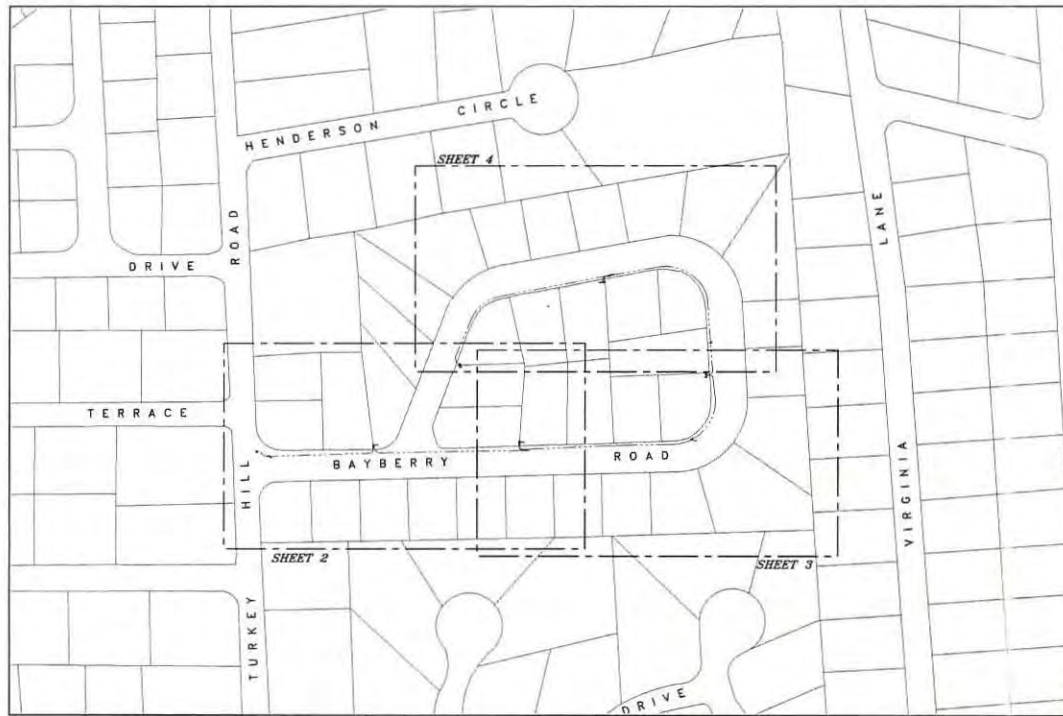
Bayberry Road-Newburyport, MA – National Grid will replace riser pole 15-1. Replace direct buried cable with cable and conduit system. Approximately +/-2120 feet of cable in conduit will be installed. And install 4 pull boxes within the grass median.

Said meeting will be held on Monday, December 9, 2019 at 7:15 PM in the City Council Chamber, City Hall, 60 Pleasant St., Newburyport, MA. At that time, all interested parties will have an opportunity to be heard.

Location approximately as shown on plan attached.

Sincerely,


Tricia E. Barker
Assistant City Clerk



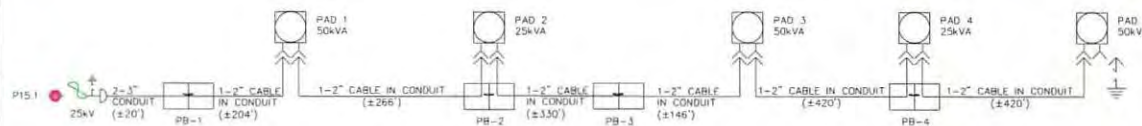
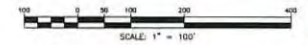
NOTES:
 1. SPECIFICATIONS FOR ELECTRICAL INSTALLATION FOR NATIONAL GRID REFERENCE ELECTRICAL SYSTEM BULLETIN NO. 759A.

LEGEND:

- CB CATCH BASIN
- CHH CABLE TV HAND HOLE / PULL BOX
- DWH DRAIN MANHOLE
- DHH ELECTRIC HAND HOLE / PULL BOX
- FP FLAG POLE
- GC GAS GATE
- HYD HYDRANT
- LP LIGHT POLE
- LS LANDSCAPE AREA
- MAG MAGNETIC SURVEY NAIL
- MB MAIL BOX
- SN SIGN
- SMH SEWER MANHOLE
- THH TELEPHONE HAND HOLE/PULL BOX
- TRANS TRANSFORMER
- PULLBOX PULLBOX
- (TYP.) TYPICAL
- UP UTILITY POLE
- UP UTILITY POLE WITH LIGHT

QUALITY LEVEL "C" INFORMATION ("QLC")

- C-QLC COMMUNICATIONS; CABLE TELEVISION, ALARM OR SIGNAL LINES
- D-QLC DRAIN
- E-QLC ELECTRIC; ELEC. POWER LINES, CABLES, CONDUIT & LIGHTING CABLES
- S-QLC (SOLID) GAS, OIL, STEAM, FLYWHEEL OR (SUSCEPTIBLE) INTERNALS
- S-QLC SEWER
- T-QLC COMMUNICATIONS; TELEPHONE
- W-QLC WATER; LOW PRESSURE, HIGH PRESSURE, FIRE SERVICE
- 1-2" CABLE IN CONDUIT



ONELINE

NO.	REVISIONS DESCRIPTION	BY	DATE

WORK # 28231546
 PROJ. #
 FREEDOM 28231546-1



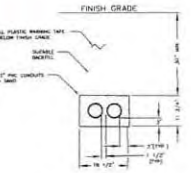
**BAYBERRY ROAD
 CONSTRUCTION LAYOUT**

NEWBURY PORT, MA.
 SCALE: 1"=100' DATE: 10.24.2019 BY: YKANG/BJD OF: YKANG



TURKEY HILL ROAD

BAYBERRY ROAD



SECTION - "A"
SCALE: NOT TO SCALE

NOTES:
1. FOR NOTES AND LEGEND SEE SHEET 1



NO.	REVISIONS DESCRIPTION	DATE	BY

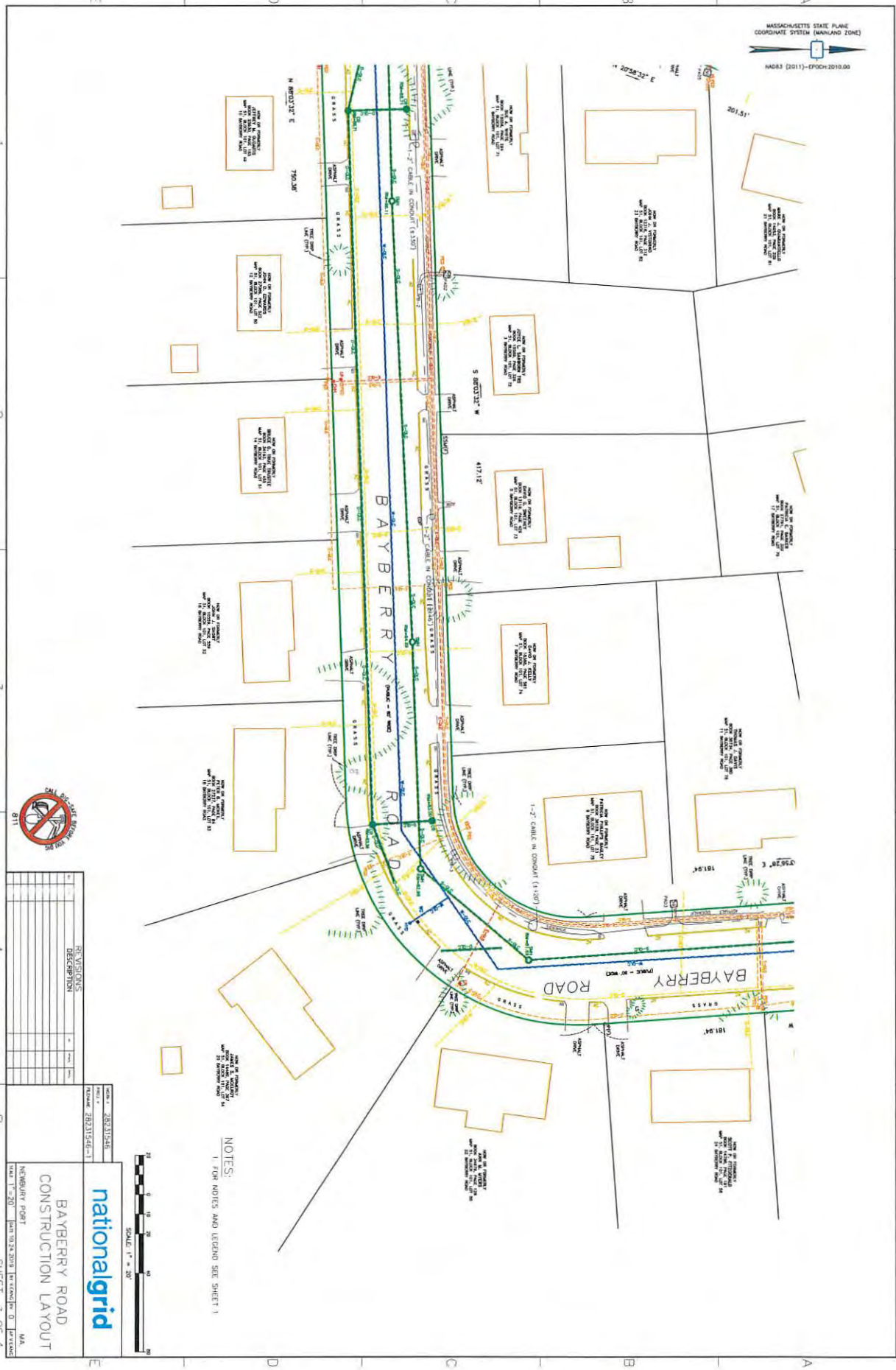
WORK # 28231546
PROJ. #
PRELIM # 28231546-1



BAYBERRY ROAD CONSTRUCTION LAYOUT

NEWBURY PORT M.A.
SCALE 1"=20' DATE 10.24.2019 BY YENCJ RV 0 JAV YKANG
SHEET 2 OF 4

MASSACHUSETTS STATE PLANE
 COORDINATE SYSTEM (HIGHLAND ZONE)
 NAD83 (2011)-EPOCH 2010.00



NOTES:
 1. FOR NOTES AND LEGEND SEE SHEET 1



NO.	REVISIONS	DESCRIPTION

nationalgrid
 BAYBERRY ROAD
 CONSTRUCTION LAYOUT
 NEWBURY PORT
 DATE: 11-2018
 SHEET 3 OF 4





NOTES:
1. FOR NOTES AND LEGEND SEE SHEET 1



NO.	REVISIONS DESCRIPTION	DATE	BY

DATE: 28231546
PROJECT:
FILENAME: 28231546-1

nationalgrid

**BAYBERRY ROAD
CONSTRUCTION LAYOUT**

NEWBURY PORT MA.
SCALE: 1"=20' DATE: 10.24.2019 BY: VEANG DW: 0 AP: VEANG

101/ 28/ 1/ /
PERRY JOHN M & FRANCES J TRUSTEES
PERRY NOMINEE TRUST
23 TURKEY HILL RD
NEWBURYPORT, MA 01950

101/ 49/ / /
GUDAITIS JEFFREY M
ANDREA D J/T
10 BAYBERRY RD
NEWBURYPORT, MA 01950

101/ 59/ / /
DYLINGOWSKI PAUL K
LORRAINE J T/E
30 BAYBERRY RD
NEWBURYPORT, MA 01950

101/ 28/ 2/ /
THALMANN TIMOTHY
DANIELLE T/E
2 HENDERSON CR
NEWBURYPORT, MA 01950

101/ 50/ / /
EDWARDS JOHN DAVIS
WALSH DANIELLE J/T
12 BAYBERRY RD
NEWBURYPORT, MA 01950

101/ 60/ / /
CAREY DAVID E
CATHERINE M T/E
32 BAYBERRY RD
NEWBURYPORT, MA 01950

101/ 28/ 3/ /
KELLEHER JOHN M
RENEE S T/E
4 HENDERSON CR
NEWBURYPORT, MA 01950

101/ 51/ / /
TRUE BRUCE D TRUSTEE
WENDY L TRUE TRUSTEE
14 BAYBERRY RD
NEWBURYPORT, MA 01950

101/ 61/ / /
DOYLE MICHAEL F
KELLI A T/E
34 BAYBERRY RD
NEWBURYPORT, MA 01950

101/ 28/ 4/ /
BURKHARDT MARC A TRS
MARC A BURKHARDT REVOCABLE TRU
6 HENDERSON CR
NEWBURYPORT, MA 01950

101/ 52/ / /
SHORT JOHN J.
ANN MARIE T/E
16 BAYBERRY RD
NEWBURYPORT, MA 01950

101/ 62/ / /
MACDOUGALL JOHN S
MICHELLE J T/E
36 BAYBERRY RD
NEWBURYPORT, MA 01950

101/ 29/ / /
MCELROY SEAN R & KRISTIE M T/E
25 TURKEY HILL RD
NEWBURYPORT, MA 01950

101/ 53/ / /
MCNEIL PETER B
ANNE T/E
18 BAYBERRY RD
NEWBURYPORT, MA 01950

101/ 63/ / /
ROUBA JASON J
SARAH T/E
38 BAYBERRY RD
NEWBURYPORT, MA 01950

101/ 30/A / /
BOSELLI STEVEN
MORGAN T/E
33 TURKEY HILL RD
NEWBURYPORT, MA 01950

101/ 54/ / /
MCELROY JAMES S
ROCHELLE M T/E
20 BAYBERRY RD
NEWBURYPORT, MA 01950

101/ 64/ / /
WEBB KAREN
40 BAYBERRY RD
NEWBURYPORT, MA 01950

101/ 45/ / /
BELL COLIN S
NANCY A T/E
2 BAYBERRY ROAD
NEWBURYPORT, MA 01950

101/ 55/ / /
MYERS ANN M
22 BAYBERRY RD
NEWBURYPORT, MA 01950

101/ 65/ / /
MARINO JOHN F JR
ROBIN C T/E
42 BAYBERRY RD
NEWBURYPORT, MA 01950

101/ 46/ / /
OBRIEN APRIL
ANTHONY PAGLIARULO J/T
4 BAYBERRY RD
NEWBURYPORT, MA 01950

101/ 56/ / /
FITZGERALD SCOTT P
EVA K
24 BAYBERRY RD
NEWBURYPORT, MA 01950

101/ 66/ / /
PANTELAKIS NICHOLAS
44 BAYBERRY RD
NEWBURYPORT, MA 01950

101/ 47/ / /
SPAULDING JOSEPH F
DALE ANNE T/E
6 BAYBERRY ROAD
NEWBURYPORT, MA 01950

101/ 57/ / /
EIGEN JOSHUA N
HEATHER D T/E
26 BAYBERRY RD
NEWBURYPORT, MA 01950

101/ 67/ / /
EL MIMOUNI KRISTEN
15 CURWEN RD
PEABODY, MA 01960

101/ 48/ / /
SHORT JEFFREY A
8 BAYBERRY RD
NEWBURYPORT, MA 01950

101/ 58/ / /
OCONNOR MICHAEL E
JANE M T/E
28 BAYBERRY RD
NEWBURYPORT, MA 01950

101/ 68/ / /
DERRIVAN GAIL E
48 BAYBERRY RD
NEWBURYPORT, MA 01950

101/ 69/ / /
MARTENS JOEL D & MARYBETH A T/E
50 BAYBERRY RD
NEWBURYPORT, MA 01950

101/ 79/ / /
BARKER PATRICIA E
17 BAYBERRY RD
NEWBURYPORT, MA 01950

101/ 99/ / /
GALLAGHER LORETTA L & BRIAN J TRS
L L GALLAGHER DECLARATION OF TRUS
36 VIRGINIA LN
NEWBURYPORT, MA 01950

101/ 70/ / /
NARDELLA ROBERT G
27 TURKEY HILL RD
NEWBURYPORT, MA 01950

101/ 80/ / /
FORZESE VINCENT T
MELISSA T/E
19 BAYBERRY RD
NEWBURYPORT, MA 01950

101/ 168/ / /
JOHNSON DAVID & LAURA TRS
JOHNSON FAMILY HOLDING TRUST
6 KNIGHTS LN
NEWBURYPORT, MA 01950

101/ 71/ / /
WHITE SUE A.
1 BAYBERRY ROAD
NEWBURYPORT, MA 01950

101/ 81/ / /
QUARANTIELLO MARK J
JENNIFER A T/E
21 BAYBERRY RD
NEWBURYPORT, MA 01950

101/ 169/ / /
QUARANTIELLO RICHARD M
ELIZABETH M T/E
5 KNIGHTS LANE
NEWBURYPORT, MA 01950

101/ 72/ / /
SANBORN JOYCE L TRS
BAYBERRY THREE REALTY TRUST
10 MEADOW POND ROAD
HAMPTON, NH 03842

101/ 82/ / /
VISTORINO JOHN J.
PAULA M. T/E
23 BAYBERRY ROAD
NEWBURYPORT, MA 01950

101/ 170/ / /
DESCH MARTIN D
SHANNA L T/E
3 KNIGHTS LN
NEWBURYPORT, MA 01950

101/ 73/ / /
SWEENEY DAVID G.
REBECCA M. T/E
5 BAYBERRY ROAD
NEWBURYPORT, MA 01950

101/ 93/ / /
GREIDER SCOTT M
DIANA H T/E
24 VIRGINIA LN
NEWBURYPORT, MA 01950

101/ 173/ / /
CAHALANE JOHN S
MARILYN R T/E
2 WANDOVER WAY
NEWBURYPORT, MA 01950

101/ 74/ / /
KELLY DAVID J
KIMBERLY A T/E
7 BAYBERRY RD
NEWBURYPORT, MA 01950

101/ 94/ / /
WILE CHRISTOPHER
LAUREN T/E
26 VIRGINIA LN
NEWBURYPORT, MA 01950

101/ 174/ / /
ARMANO DOMENIC K
ELIZABETH T/E
3 WANDOVER WAY
NEWBURYPORT, MA 01950

101/ 75/ / /
BAGLEY PATRICIA PHILLIPS
9 BAYBERRY RD
NEWBURYPORT, MA 01950

101/ 95/ / /
MAHAN WILLIAM F
LOIS P T/E
28 VIRGINIA LANE
NEWBURYPORT, MA 01950

101/ 175/ / /
HURST JAMES E
TRACEY G
1 WANDOVER WAY
NEWBURYPORT, MA 01950

101/ 76/ / /
DAVIS THOMAS J
DAVIS THERESA F T/E
11 BAYBERRY RD
NEWBURYPORT, MA 01950

101/ 96/ / /
LARSON JEAN TUCKER TRUSTEE
JEAN TUCKER LARSON 2016
30 VIRGINIA LN
NEWBURYPORT, MA 01950

102/ 5/B / /
DEGLORIA DONALD P JR
LISA R T/E
2 BOURBEAU TERR
NEWBURYPORT, MA 01950

101/ 77/ / /
FLAHERTY RYAN PATRICK
LARA MEAGHAN FLAHERTY T/E
13 BAYBERRY RD
NEWBURYPORT, MA 01950

101/ 97/ / /
MORRIS MICHAEL & CHERYL T/E
32 VIRGINIA LANE
NEWBURYPORT, MA 01950

101/ 78/ / /
MCKENNA IAN R
ANDRA LEE MCKENNA T/E
15 BAYBERRY RD
NEWBURYPORT, MA 01950

101/ 98/ / /
GREELEY SUSAN L & JOHN E TRS
GREELEY REALTY TRUST
34 VIRGINIA LN
NEWBURYPORT, MA 01950



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

November 14, 2019

TO: Richard Jones, City Clerk

FROM: Board of Assessors

**RE: BAYBERRY ROAD – Replace riser pole 15-1.
Replace direct buried cable with cable and conduit
system. Approximately +/- 2120 feet of cable in conduit
will be installed. Install 4 pullboxes within the grass
median.**

**The attached are the abutters to the above described
location:**

Jill Brennan

GCX_OID	OWNER1	OWNER2	PROP_ID	OWN_ADDR	OWNERCITY	MAP_PAR_ID
0	THALMANN TIMOTHY	DANIELLE T/E	101-28-2	2 HENDERSON CR	NEWBURYPORT, MA 01950	101-28-2
1	KELLEHER JOHN M	RENEE S T/E	101-28-3	4 HENDERSON CR	NEWBURYPORT, MA 01950	101-28-3
2	BURKHARDT MARC	CYNTHIA A T/E	101-28-4	6 HENDERSON CR	NEWBURYPORT, MA 01950	101-28-4
3	MCELROY JAMES S	ROCHELLE M T/E	101-54	20 BAYBERRY RD	NEWBURYPORT, MA 01950	101-54
4	MCELROY SEAN R & KRISTIE M T/E		101-29	25 TURKEY HILL RD	NEWBURYPORT, MA 01950	101-29
5	MARINO JOHN F JR	ROBIN C T/E	101-65	42 BAYBERRY RD	NEWBURYPORT, MA 01950	101-65
6	VISTORINO JOHN J.	PAULA M. T/E	101-82	23 BAYBERRY ROAD	NEWBURYPORT, MA 01950	101-82
7	SANBORN JOYCE L TRS	BAYBERRY THREE REALTY TRUST	101-72	3 BAYBERRY RD	NEWBURYPORT, MA 01950	101-72
8	SWEENEY DAVID G.	REBECCA M. T/E	101-73	5 BAYBERRY ROAD	NEWBURYPORT, MA 01950	101-73
9	LARSON JEAN TUCKER TRUSTEE	JEAN TUCKER LARSON 2016	101-96	30 VIRGINIA LN	NEWBURYPORT, MA 01950	101-96
10	WEBB KAREN		101-64	40 BAYBERRY RD	NEWBURYPORT, MA 01950	101-64
11	ROUBA JASON J	SARAH T/E	101-63	38 BAYBERRY RD	NEWBURYPORT, MA 01950	101-63
12	HSBC BANK USA	C/O OCWEN LOAN SERVICING LLC	101-67	1661 WORTHINGTON RD STE 100	WEST PALM BEACH, FL 33409	101-67
13	NARDELLA ROBERT G		101-70	27 TURKEY HILL RD	NEWBURYPORT, MA 01950	101-70
14	DERRIVAN GAIL E		101-68	48 BAYBERRY RD	NEWBURYPORT, MA 01950	101-68

15	FITZGERALD SCOTT P	EVA K	101-56	24 BAYBERRY RD	NEWBURYPORT, MA 01950	101-56
16	DOYLE MICHAEL F	KELLI A T/E	101-61	34 BAYBERRY RD	NEWBURYPORT, MA 01950	101-61
17	MARTENS JOEL D & MARYBETH A T/E		101-69	50 BAYBERRY RD	NEWBURYPORT, MA 01950	101-69
18	KELLY DAVID J	KIMBERLY A T/E	101-74	7 BAYBERRY RD	NEWBURYPORT, MA 01950	101-74
19	BAGLEY PATRICIA PHILLIPS		101-75	9 BAYBERRY RD	NEWBURYPORT, MA 01950	101-75
20	GALLAGHER LORETTA L & BRIAN J TRS	L L GALLAGHER DECLARATION OF TRUST	101-99	36 VIRGINIA LN	NEWBURYPORT, MA 01950	101-99
21	DYLINGOWSKI PAUL K	LORRAINE J T/E	101-59	30 BAYBERRY RD	NEWBURYPORT, MA 01950	101-59
22	OCONNOR MICHAEL E	JANE M T/E	101-58	28 BAYBERRY RD	NEWBURYPORT, MA 01950	101-58
23	PERRY JOHN M & FRANCES J TRUSTEES	PERRY NOMINEE TRUST	101-28-1	23 TURKEY HILL RD	NEWBURYPORT, MA 01950	101-28-1
24	GREIDER SCOTT M	DIANA H T/E	101-93	24 VIRGINIA LN	NEWBURYPORT, MA 01950	101-93
25	MACDOUGALL JOHN S	MICHELLE J T/E	101-62	36 BAYBERRY RD	NEWBURYPORT, MA 01950	101-62
26	BELL COLIN S	NANCY A T/E	101-45	2 BAYBERRY ROAD	NEWBURYPORT, MA 01950	101-45
27	BROMBY JEFFREY M	MELISSA B T/E	101-46	4 BAYBERRY RD	NEWBURYPORT, MA 01950	101-46
28	SPAULDING JOSEPH F	DALE ANNE T/E	101-47	6 BAYBERRY ROAD	NEWBURYPORT, MA 01950	101-47
29	SHORT JEFFREY A		101-48	8 BAYBERRY RD	NEWBURYPORT, MA 01950	101-48
30	GUDAITIS JEFFREY M	ANDREA D J/T	101-49	10 BAYBERRY RD	NEWBURYPORT, MA 01950	101-49

31	EDWARDS JOHN DAVIS	WALSH DANIELLE J/T	101-50	12 BAYBERRY RD	NEWBURYPORT, MA 01950	101-50
32	TRUE BRUCE D TRUSTEE	WENDY L TRUE TRUSTEE	101-51	14 BAYBERRY RD	NEWBURYPORT, MA 01950	101-51
33	SHORT JOHN J.	ANN MARIE T/E	101-52	16 BAYBERRY RD	NEWBURYPORT, MA 01950	101-52
34	BOSELLI STEVEN	MORGAN T/E	101-30- A	33 TURKEY HILL RD	NEWBURYPORT, MA 01950	101-30-A
35	HURST JAMES E	TRACEY G	101-175	1 WANDOVER WAY	NEWBURYPORT, MA 01950	101-175
36	ARMANO DOMENIC K	ELIZABETH T/E	101-174	3 WANDOVER WAY	NEWBURYPORT, MA 01950	101-174
37	CAHALANE JOHN S	MARILYN R T/E	101-173	2 WANDOVER WAY	NEWBURYPORT, MA 01950	101-173
38	DESCH MARTIN D	SHANNA L T/E	101-170	3 KNIGHTS LN	NEWBURYPORT, MA 01950	101-170
39	MORRIS MICHAEL & CHERYL T/E		101-97	32 VIRGINIA LANE	NEWBURYPORT, MA 01950	101-97
40	QUARANTIELLO RICHARD M	ELIZABETH M T/E	101-169	5 KNIGHTS LANE	NEWBURYPORT, MA 01950	101-169
41	JOHNSON DAVID K	LAURA A	101-168	6 KNIGHTS LANE	NEWBURYPORT, MA 01950	101-168
42	CALDWELL JOHN Q JR	SHERYL S T/E	101-57	26 BAYBERRY RD	NEWBURYPORT, MA 01950	101-57
43	FORZESE VINCENT T	MELISSA T/E	101-80	19 BAYBERRY RD	NEWBURYPORT, MA 01950	101-80
44	BARKER PATRICIA E		101-79	17 BAYBERRY RD	NEWBURYPORT, MA 01950	101-79
45	PANTELAKIS NICHOLAS		101-66	44 BAYBERRY RD	NEWBURYPORT, MA 01950	101-66
46	WILE CHRISTOPHER	LAUREN T/E	101-94	26 VIRGINIA LN	NEWBURYPORT, MA 01950	101-94
47	GREELEY SUSAN L & JOHN E TRS	GREELEY REALTY TRUST	101-98	34 VIRGINIA LN	NEWBURYPORT, MA 01950	101-98

48	WHITE SUE A.		101-71	1 BAYBERRY ROAD	NEWBURYPORT, MA 01950	101-71
49	MCNEIL PETER B	ANNE T/E	101-53	18 BAYBERRY RD	NEWBURYPORT, MA 01950	101-53
50	DAVIS THOMAS J	DAVIS THERESA F T/E	101-76	11 BAYBERRY RD	NEWBURYPORT, MA 01950	101-76
51	CAREY DAVID E	CATHERINE M T/E	101-60	32 BAYBERRY RD	NEWBURYPORT, MA 01950	101-60
52	DEGLORIA DONALD P JR	LISA R T/E	102-5-B	2 BOURBEAU TERR	NEWBURYPORT, MA 01950	102-5-B
53	MYERS ANN M		101-55	22 BAYBERRY RD	NEWBURYPORT, MA 01950	101-55
54	QUARANTIELLO MARK J	JENNIFER A T/E	101-81	21 BAYBERRY RD	NEWBURYPORT, MA 01950	101-81
55	MAHAN WILLIAM F	LOIS P T/E	101-95	28 VIRGINIA LANE	NEWBURYPORT, MA 01950	101-95
56	MCKENNA IAN R	ANDRA LEE MCKENNA T/E	101-78	15 BAYBERRY RD	NEWBURYPORT, MA 01950	101-78
57	SHACTMAN PETER G	LISA T/E	101-77	13 BAYBERRY RD	NEWBURYPORT, MA 01950	101-77

RECEIVED
CITY CLERK'S OFFICE
NEWBURYPORT, MA

2019 NOV -7 PM 2:52

*Newburyport Retirement Board
16 Unicorn Street
Newburyport, MA 01950*

Board Members*Joseph Spaulding, Chairman**Jeffrey Cutter, Vice-Chairman**Alexander Kravchuk, Board Appointee**Ethan Manning, City Auditor**John Moak, Mayor Appointee**Laurie Burton, Executive Director**LaurieBurton@NewburyportRetirement.org*Telephone*(978) 465-6619*FAX*(978) 462-4042*

November 6, 2019

To: President & Members of the City Council

From: Newburyport Retirement Board

Re: Retirement Board Supplemental Expense Budget

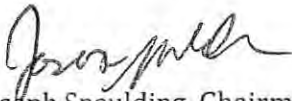
Section 36 of Chapter 306 of the Acts of 1996 states that the Retirement Board shall file with the legislative body of the governmental unit an annual budget (and any supplemental budgets) covering the operating expenses of the Retirement Board.

Due to unforeseen legal expenses an additional \$7,094 will be added to the 2019 budget.

We are filing this supplemental budget with you for informational purposes only and no action is needed by the City Council.

These additional expenses will be funded from the investment income of the Retirement System.

Regards,



Joseph Spaulding, Chairman
Newburyport Retirement Board

Amended Administrative Budget

January 1, 2019 - December 31, 2019

	Original	Amended
Administrative Office Expenses	10,300	10,300
Board Stipends	22,500	22,500
Conference & Travel	4,250	2,167
Contracts/Software	26,000	26,140
Education & Training	2,000	1,470
Fiduciary Insurance	4,212	4,226
Furniture & Equipment	5,224	4,074
Health Insurance Benefits	30,547	30,547
Legal	2,500	13,478
Rent	12,900	12,625
<u>Salaries</u>	<u>156,400</u>	<u>156,400</u>
Total Budget	276,833	283,927

Chap. 306

and inserting in place thereof, in each instance, the following word:- commission,- and by striking out, in lines 350, 354 and 355, 363, 367, 376, 1139 and 1140, the words "commissioner of public employee retirement" and inserting in place thereof, in each instance, the following words:- public employee retirement administration commission.

SECTION 36. Said section 22 of said chapter 32 is hereby further amended by inserting after the word "paid", in line 591, as so appearing, the following words:- ; provided, however, that each retirement board shall adopt an annual budget and supplemental budgets as deemed necessary by said board. Said budgets shall be funded solely from the investment income account of each system and without any further appropriation from the municipality, county or other governmental unit the current or former employees of which are served by said board. Notwithstanding the foregoing, at least thirty days prior to the adoption of said budgets, the boards shall file said budgets with the appropriate legislative body of the governmental unit the current or former employees of which are served by said board. Said governmental unit at its option may, but shall not be required to, appropriate additional monies for use by the retirement board in carrying out the purposes of section five B.

SECTION 37. Section 22D of said chapter 32 as so appearing is hereby amended by striking out, in lines 33, 49, 67, 69, the word "commissioner", each time it appears, and inserting in place thereof, in each instance, the following word:- commission.

SECTION 38. Section 23 of said chapter 32 as so appearing is hereby amended by striking out, in lines 41, 46, 248, 264 and 265, 269 and 468 and 469 the words "commissioner of public employee retirement", each time it appears, and inserting in place thereof, in each instance, the following words:- public employee retirement administration commission.

SECTION 38A. Said section 23 of said chapter 32, as so appearing, is hereby further amended by striking out, in lines 43, 49, 229, 272 and 273, 280, 307, 328, 334, 363, 365, 487 and 492 the word "commissioner" and inserting in place thereof, in each instance, the following word:- commission.

SECTION 38B. Said section 23 of said chapter 32, as so appearing, is hereby further amended by striking out, in lines 334 and 335, the words "commissioner of public employee retirement" and inserting in place thereof the following words:- a designee of the public employee retirement administration commission.

SECTION 39. Section 24 of said chapter 32, as so appearing, is hereby amended by striking out, in lines 1 and 2 and in lines 17 and 18, the words "commissioner of public employee retirement" and inserting in place thereof, in each instance, the following words:- public employee retirement administration commission.

SECTION 40. Section 25 of said chapter 32, as so appearing, is hereby amended by striking out, in line 125, the words "division of public employee retirement administration" and inserting in place thereof, in each instance, the following words:- public employee retirement administration commission,- and by striking out, in line 130, the word "division" and inserting in place thereof the following word:- commission.

SECTION 40A. Section 26 of said chapter 32, as so appearing, is hereby amended

THE COMMONWEALTH OF MASSACHUSETTS

OF

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

RECEIVED CITY CLERK'S OFFICE NEWBURYPORT, MA 2019 NOV 19 3:23 PM

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

1. What is the name of the concern? Plum Auto Works, Inc

Business address of concern. No. 71 Storey Ave St., Newburyport, MA 01950 City - Town.

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

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

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

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

President Nancy London 11 Warrenton Rd Haverhill, MA 01837

Secretary Nancy London "

Treasurer Nancy London "

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

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

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

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

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

80' x 100' frontage on Storey Ave
20' x 40' ft bldg w/ 2 offices

8. Are you a recognized agent of a motor vehicle manufacturer? _____

No

(Yes or No)

If so, state name of manufacturer _____

9. Have you a signed contract as required by Section 58, Class 1? _____

No

(Yes or No)

10. Have you ever applied for a license to deal in second hand motor vehicles or parts thereof? _____

Yes

(Yes or No)

If so, in what city — town _____

Newburyport

Did you receive a license? _____

Yes

(Yes or No)

For what year? 2006 - 2019

11. Has any license issued to you in Massachusetts or any other state to deal in motor vehicles or parts thereof

ever been suspended or revoked? _____

No

(Yes or No)

Sign your name in full _____

Nancy London

(Duly authorized to represent the concern herein mentioned)

Residence 11 Warrenton Rd. Haverhill, MA 01832

IMPORTANT

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

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

APPLICANT WILL NOT FILL THE FOLLOWING BLANKS

Application after investigation _____
(Approved or Disapproved)

License No. _____ granted _____ 20 _____ Fee \$ _____

Signed _____

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

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

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

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

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

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

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

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

APPLICANT WILL NOT FILL THE FOLLOWING BLANKS

Application No. _____

Class _____ License No. _____

Name _____

St. and No. _____

City — Town _____

Date Issued _____

Remarks _____

Issued Through:

A.A. Dority Company, Inc.

Boston

CONTINUATION CERTIFICATE

The **NGM Insurance Company**, hereinafter called the Company, hereby continues in force its **MA Used Car Dealer, Bond Number 148623**

in the sum of **Twenty-Five Thousand dollars (\$25,000.00)**

on behalf of

Plum Auto Works, Inc.

located at

71 Storey Ave
Newburyport, MA 01950

in favor of **City of Newburyport, MA**

for the term beginning **December 31, 2019** and ending on **December 31, 2020**, subject to all covenants and conditions of said bond.

This Continuation is executed upon the express condition that the Company's liability shall not be cumulative and shall be limited at all times by the amount of the penalty stated in the bond.

In witness whereof, the Company has caused this instrument to be signed by its duly authorized Attorney-in-Fact and its Corporate Seal to be hereto affixed this day, October 28, 2019

NGM Insurance Company

By: _____

Katie E. Connor

Attorney-in-Fact

Producer:

A.A. Dority Company, Inc.

262 Washington Street, 9th Floor

Boston, MA 02108

617-523-2935 Fax: 617-523-1707

RECEIVED
CITY CLERK'S OFFICE
NEWBURYPORT, MA

NEWBURYPORT SPECIAL EVENT APPLICATION

Tel. 978 270 7455

Fax.

2019 NOV 13 PM 2:47

(For Parades, Road Races and Walkathons Only - Please complete page 3 of this application)

NAME OF EVENT: 28th Annual Newburyport Rotary Frigid Fiver

Date: Sunday January 26th, 2020 Time: from 11:00 Am to 12:00 pm
 Rain Date: _____ Time: from _____ to _____

2. Location: Riverwalk Brewing , 40 Parker St

3. Description of Property: Mark Richey Building Public _____ Private X

4. Name of Organizer: Newburyport Rotary & Joppa Flats Running Club City Sponsored Event: Yes _____ No X
 Contact Person Bob Manning & Adam Palombo
 Address: PO Box 502, NBPT Telephone: 978 270 7455
 E-Mail: Robert.F.Manning@ge.com Cell same _____
 Day of Event Contact & Phone: same as above 978 270

5. Number of Attendees Expected: 400

6. MA Tax Number: Non Profit AG # is 053064. EIN: 45-3130319

7. Is the Event Being Advertised? yes Where? Local signs

8. What Age Group is the Event Targeted to? 15-70

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

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

A. Vending: Food X Beverages X Alcohol X Goods _____ Total # of Vendors 1

B. Entertainment: (Subject to City's Noise Ordinance.) Live Music X DJ _____ Radio/CD _____
 Performers _____ Dancing _____ Amplified Sound X Stage _____

C. Games /Rides: Adult Rides _____ Kiddie Rides _____ Games _____ Raffle _____
 Other _____ Total # _____
 Name of Carnival Operator: _____
 Address: _____
 Telephone: _____

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

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

If yes:

- a) How many trash receptacles will you be providing? 1 at H2O Stop
- b) How many recycling receptacles will you be providing? Many in Riverwalk Brewery
- c) Will you be contracting for disposal of : **Trash** Yes No **Recycling** Yes No
- i. If yes, size of dumpster(s): **Trash** _____ **Recycling** _____
- ii. Name of disposal company: **Trash** _____ **Recycling** _____
- iii. If no, will you remove trash & recycling with organizers' cars or trucks? Yes No
- iv. If no, where will the trash & recycling be disposed ? Riverwalk Brewery

If no:

- a) # of trash container(s) to be provided by DPS 0
- b) # of recycling container(s) to be provided by Recycling Office 0
- c) \$45.00/hr/DPS employee charge must be paid by the organizer to DPS in advance of the event (Fee for Special Events). The hours required for the event will be determined by DPS.

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

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

2 Standard # _____ ADA accessible

Name of company providing the portable toilets: United Site Services

FOR PARADE, ROAD RACE AND WALKATHON EVENTS ONLY

PARADE _____ ROAD RACE _____ X _____ WALKATHON _____

1. Name of the Group or Person Sponsoring the Road Race, Parade, Walkathon: Newburyport Rotary & Joppa Flats Running Club

2. Name, Address & Daytime Phone Number of Organizer: JFRC, PO Box 502, Newburyport Ma, 01950

3. Name, Address & 24/7 Telephone Number of Person Responsible for Clean Up: Robert Manning, 1 Lorum St, Newburyport, Ma 01950, 978 270 7455

4. Date of Event: Sunday January 26th, 2020 Expected Number of Participants: 350

5. Start Time: 11 Am Expected End Time: 12:00 pm

6. Road Race, Parade or Walkathon Route: (List street names & attach map of route): attached
The race will be run entirely on Mark Richey property, the Rail Trail and Cashman Park

7. Locations of Water Stops (if any): Cashman Park

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

9. Formation Location & Time for Participants: Riverwalk Brewing on Parker St

10. Dismissal Location & Time for Participants: Riverwalk Brewing on Parker St

11. Additional Parade Information: None

• Number of Floats: _____

• Locations of Viewing Stations: None

• Are Weapons Being Carried: Yes _____ No X

• Are Marshalls Being Assigned to Keep Parade Moving: Yes _____ No X

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

CITY MARSHAL _____ FIRE CHIEF Dep SHR 10/22/19 0 Greenleaf St.

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

10-23-19

Police Dept signature next page

FOR PARADE, ROAD RACE AND WALKATHON EVENTS ONLY

PARADE _____ ROAD RACE X WALKATHON _____

1 Name of the Group or Person Sponsoring the Road Race, Parade, Walkathon
Newburyport Rotary & Joppa Flats Running Club

2 Name, Address & Daytime Phone Number of Organizer _____
JFRC, PO Box 582, Newburyport Ma, 01950

3 Name, Address & 24/7 Telephone Number of Person Responsible for Clean Up _____
Robert Manning, 11 Lorain St, Newburyport, Ma 01950, 978 270 7455

4 Date of Event Sunday January 26th, 2020 Expected Number of Participants 350

5 Start Time 11 Am Expected End Time 12:00 pm

6 Road Race, Parade or Walkathon Route (List street names & attach map of route!) _____
attached
The race will be run entirely on Mark Richey property, the Rail Trail and Cushman Park

7 Locations of Water stops (if any) _____
Cushman Park

8 Will Detours for Motor Vehicles Be Required? No if so where? _____
Riverwalk Brewing on Parker St

9 Formation Location & Time for Participants _____

10 Dismissal Location & Time for Participants _____
Riverwalk Brewing on Parker St

11 Additional Parade Information _____
None

- Number of Floats _____
- Locations of Viewing Stations _____
None
- Are Weapons Being Carried Yes _____ No X
- Are Marshalls Being Assigned to Keep Parade Moving Yes _____ No X

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

CITY MANAGER [Signature] 4 Green St FIRE CHIEF _____ 2 Green St

DEPUTY DIRECTOR _____ 554 Perry Way CITY CLERK _____ 60 Pleasant St

Director and fire signature previous page

DEPARTMENT APPROVAL (for Committee Member use only):

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

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

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

Limitations

- (a) "Procedure" All road racing, walkathon, bicycle, or swimming events shall, through that event's organizer, board of directors, charity foundation or designee apply for authorization to hold the event through the Office of the City Clerk. The City Clerk upon review of the completed form will place the application on the regular City Council agenda. Upon following the procedures of the Council, as deemed appropriated in the sole judgment of the Council, the application will be considered approved if the Council votes favorably by majority. The event will name one person responsible on the application and shall provide contact information to include name, address and telephone number.
- (b) "Exemptions" Each event organizer or organization shall comply with this ordinance and no exemptions will be permitted.
- (c) "Course map", All applications shall be accompanied by a course map showing the event route, water stops, refreshment stops, and so-called "porta-potties". The course map shall also include any road closures, detours and parking areas. The course map shall be approved by Police, Fire, Department of Public Services, Parks Commission and Harbormasters Departments prior to submission to the City Clerk.
- (d) "Electronic Amplifier" Electronic amplifiers, loudspeakers and bullhorn use shall be requested at time of application. Under no circumstances will they be used for public address announcements or music before 8.00 A.M. except for Sundays when electronic amplifiers, loud speakers or bullhorns will be used for public address announcements or music before 9:00 AM. This shall be deemed a requirement for all permitted events regardless of type or location.

- (e) *"Road Closure"* No ways, public or private, boat ramps or parking lots controlled or patrolled by the city shall be closed without authorization. Authorization shall be considered granted only if said closure(s) are contained in the approved permit. It is the sole responsibility of the race organizers to notify residents ten (10) days in advance that neighborhood roads will be closed if no alternate route is available to those residents.
- (f) *"Insurance"* All events shall have an insurance policy or rider in effect for the event naming the "City of Newburyport" as an insured. The policy shall be no less than two million dollars (\$2,000,000.00).
- (g) *"Event termination"* If in the judgment of the City Marshal, Fire Chief or Department of Public Services (DPS) Director or designees thereof determine that an event is unsafe due to existing conditions, that event may be stopped, terminated or suspended. In the case of a multidiscipline event such as a triathlon, the Harbormaster or his/her designee may likewise stop, terminate or suspend the swimming portion for cause.
- (h) *"Event and traffic Security"* The City Marshal, Fire Chief, DPS Director or in the case of a triathlon, the Harbormaster can require special duty personnel to oversee the safety and security of the event. All special duty assignments will be paid by the event organizers.
- (i) *"Clean-up"* The event organizers shall be responsible for post event trash collection, removal of signage, directional arrows, advertisements or other promotional material associated with the event.

13-101 Enforcement

- (a) *"Regulations"* Consistent with this ordinance, the city shall promulgate regulations to enforce and otherwise implement the provisions of this ordinance upon passage by the City Council. Any event previously approved by City Council shall be deemed permitted.
- (b) *"Warning"* In the circumstance that this ordinance is violated, the enforcement may consist of a warning. Any warnings issued for violation(s) will be reported to the City Clerk and City Council and may be used as a factor in future application approvals and denials.
- (c) *"Noncriminal Disposition"* If the city determines that a violation has occurred in which a noncriminal violation is issued, the named event organizer shall be penalized by a non-criminal disposition as provided in Massachusetts General Law as adopted by the City of Newburyport as a general ordinance in Subsection 1-17 of Chapter 1 of the Code or Ordinances of the City of Newburyport in the amounts set herein in 13-101(d)
- (d) *"Violation"* The non-criminal violation shall be \$100.00 for the first offense and \$250.00 for second and subsequent offenses. Any non-criminal citations issued for violation(s) will be reported to the City Clerk and City Council and shall be used as a factor in future application approvals and denials.

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

Signed: Bob Manning Date: 10/17/19



CERTIFICATE OF LIABILITY

DATE (MM/DD/YYYY)
12/20/2017

To be updated for 2020 with insurance payment 12/15/19

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND DOES NOT CONFER RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR WAIVE THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE AN AGREEMENT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

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

PRODUCER		CONTACT NAME: Margaret Mayers	
STAR Insurance - Fort Wayne Office		PHONE (A/C No. Ext): (260) 467-5699	FAX (A/C No.): (260) 467-5691
2130 East Dupont Road		E-MAIL ADDRESS: margaret.mayers@starfinancial.com	
Port Wayne IN 46825		INSURER(S) AFFORDING COVERAGE	
		INSURER A: National Casualty Company 11991	
		INSURER B: Nationwide Life Insurance Co. 66869	
		INSURER C:	
		INSURER D:	
		INSURER E:	
		INSURER F:	

COVERAGES CERTIFICATE NUMBER: 2018 \$1M A.I. REVISION NUMBER:

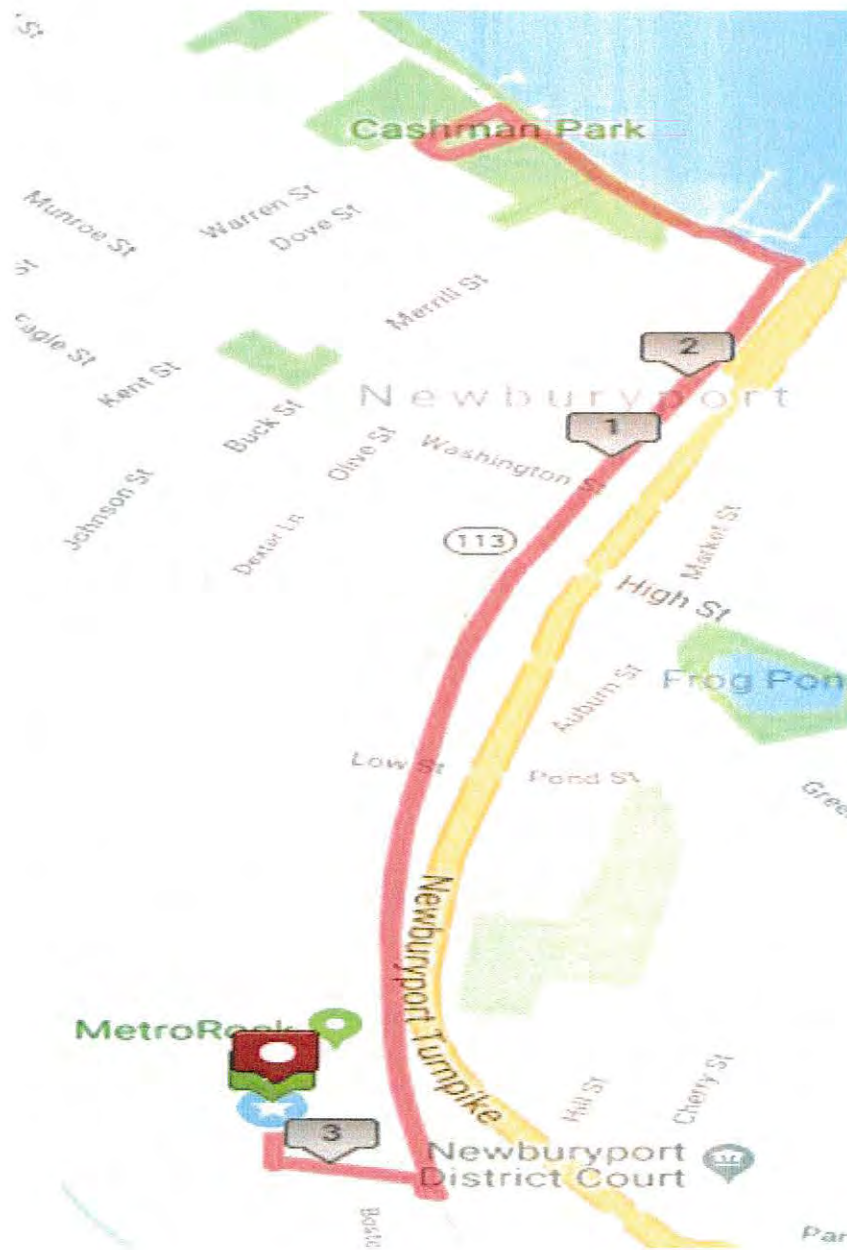
THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE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

INSR LTR	TYPE OF INSURANCE	ADOL MSD	SUBR WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS
A	<input checked="" type="checkbox"/> COMMERCIAL GENERAL LIABILITY			KRO000007170900	12/31/2017	12/31/2018	EACH OCCURRENCE \$ 1,000,000
	<input type="checkbox"/> CLAIMS-MADE <input checked="" type="checkbox"/> OCCUR						DAMAGE TO RENTED PREMISES (Per occurrence) \$ 500,000
	<input checked="" type="checkbox"/> Legal Liability to Participant \$1,000,000						MED EXP (Any one person) \$ 5,000
	GEN'L AGGREGATE LIMIT APPLIES PER:						PERSONAL & ADV INJURY \$ 1,000,000
<input checked="" type="checkbox"/> POLICY <input type="checkbox"/> PROJECT <input type="checkbox"/> LOC			Abuse & Molestation				GENERAL AGGREGATE \$ Unlimited
<input type="checkbox"/> OTHER			Aggregate \$5,000,000				PRODUCTS - COMP/OP AGG \$ 1,000,000
A	AUTOMOBILE LIABILITY			KRO000007170900	12/31/2017	12/31/2018	Abuse and Molestation \$ 500,000
	<input type="checkbox"/> ANY AUTO						COMBINED SINGLE LIMIT (Per accident) \$ 1,000,000
	<input type="checkbox"/> ALL OWNED AUTOS	<input type="checkbox"/> SCHEDULED AUTOS					BODILY INJURY (Per person) \$
	<input checked="" type="checkbox"/> HIRED AUTOS	<input checked="" type="checkbox"/> NON-OWNED AUTOS					BODILY INJURY (Per accident) \$
							PROPERTY DAMAGE (Per accident) \$
							\$
	UMBRELLA LIAB						EACH OCCURRENCE \$
	EXCESS LIAB						AGGREGATE \$
	DED						\$
	RETENTIONS						\$
	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY						PER STATUTE
	ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH)						OTH-ER
	If yes, describe under DESCRIPTION OF OPERATIONS below						E.L. EACH ACCIDENT \$
							E.L. DISEASE - EA EMPLOYEE \$
							E.L. DISEASE - POLICY LIMIT \$
B	Excess Medical & Accident (\$250 Deductible/Claim)			SPX000028554500	12/31/2017	12/31/2018	Excess Medical \$10,000
					12:01 AM	12:01 AM	AD & Specific Loss \$2,500

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

CERTIFICATE HOLDER IS NAMED AS AN ADDITIONAL INSURED AS RESPECTS TO THEIR INTEREST IN THE OPERATIONS OF THE NAMED INSURED. DATE OF EVENT(S): 01/28/18 Frigid River INSURED RRCA CLUB/EVENT MEMBER: Joppa Flats Running Club, Att'n: Bob Mannin, PO Box 60, Newburyport, MA 01950

CERTIFICATE HOLDER	CANCELLATION
01/28/18 City of Newburyport 60 Pleasant Street Newburyport, MA 01950	SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS.
	AUTHORIZED REPRESENTATIVE
	Terry Diller/MMA <i>Terry R. Diller, CPA</i>



Course

- Starts & finishes @ the Riverwalk Brewery, Parker St
- Turn Left in Mark Richey driveway run to the Rail Trail
- Turn Left onto the Rail Trail and run to Merrimac River
- Turn a Left on rail trail toward Cashman Park
- Circle Parking are near the Cashman Park boat ramp
- Reverse route back to the Riverwalk Brewery

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

ORDERS

CITY OF NEWBURYPORT



IN CITY COUNCIL

ORDERED:

November 25, 2019

Free Parking During 2019 Holiday Season

THAT THE CITY COUNCIL OF THE CITY OF NEWBURYPORT, in conjunction with the Office of the Mayor, hereby suspends the collection of parking fees in all parking lots and parking garage participating in the city's paid parking program from December 20, 2019 to December 25, 2019. A sign will be hung on the parking kiosks stating "Free Parking - Seasons Greetings from the Citizens of Newburyport".

Councillor Larry G. Giunta, Jr.

Councillor Barry N. Connell

CITY OF NEWBURYPORT



IN CITY COUNCIL

ORDERED:

November 25, 2019

Whereas, Robert K. (Bobby) Parker was the first Newburyport resident to die in the Vietnam War. Bobby died on November 30, 1969 in the jungles of Vietnam when a booby trap triggered by enemy forces blew up on a hillside in Binh Dinh Province, and

Whereas, Bobby was born on July 5, 1948 to Leslie and Helen Parker who lived on 25 Moseley Avenue in Newburyport, and

Whereas, Bobby graduated from Newburyport High School in 1966 and was recognized as an exceptional baseball player, and

Whereas, Bobby served in Vietnam for 19 months at the time of his death, he loved the Vietnamese people and felt strongly that he was doing something very worthwhile 'helping someone else'. Bobby lead an Army patrol into the jungle, dug up and captured a large weapons cache saving, no doubt, countless lives, and

Whereas, The City of Newburyport dedicated a Little League field located between Dawes Street and Jefferson Street in Newburyport and named it the Robert K. Parker Field. After a number of years, the park was demolished and replaced by the Parker Ridge Condominium Complex.

Now, Therefore, The Newburyport City Council in honor of the 50th anniversary of his death, hereby formally names November 30, 2019 as the Robert K. Parker Day and hereby authorizes a special plaque in honor of his service at the Veteran's Memorial Park in Newburyport.

Councillor Barry N. Connell

CITY OF NEWBURYPORT



IN CITY COUNCIL

ORDERED:

November 25, 2019

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

THAT the City Council of the City of Newburyport hereby approve and authorize the acceptance of a Preservation Restriction between the City, acting through the Newburyport Historical Commission, and the Newburyport Maritime Society, Inc. for the property located at 25 Water Street; and

Further, that the Mayor of the City of Newburyport, the City Council President and City Clerk are hereby authorized to sign the subject Preservation Restriction as may be required, to act on behalf of the City and enter into any and all instruments, including acceptance of said Preservation Restriction in accordance with Massachusetts General Laws Chapter 184, and to take any other actions necessary to execute this acceptance and the associated Preservation Restriction accordingly.

Councillor Jared J. Eigerman

PRESERVATION RESTRICTION AGREEMENT

between

NEWBURYPORT MARITIME SOCIETY, INC.

and the

CITY OF NEWBURYPORT, MASSACHUSETTS

BY AND THROUGH THE NEWBURYPORT HISTORICAL COMMISSION

THIS PRESERVATION RESTRICTION AGREEMENT is made this ____ day of _____, 2019 by and between NEWBURYPORT MARITIME SOCIETY, INC., a Massachusetts not for profit corporation having its offices at 25 Water Street, Newburyport, MA 01950 ("Grantor"), and the CITY OF NEWBURYPORT ("**Grantee**"), a municipality duly organized under the laws of the Commonwealth of Massachusetts and located in Essex County, Massachusetts, to be administered, managed and enforced by its agent, the NEWBURYPORT HISTORICAL COMMISSION, located at 60 Pleasant Street, Newburyport, Massachusetts, 01950 ("**Commission**"),

WHEREAS, the Grantor is the owner of certain real property with improvements thereon located at 25 Water Street, Newburyport, Massachusetts 01950 (the "Premises") comprising the building known as the United States Custom House (the "Building") and associated open space in which the Grantor operates a maritime history museum known as the Custom House Maritime Museum. The Premises are described in **Exhibit A** attached hereto and incorporated herein by reference; and

WHEREAS, the Building consists of a two-story Greek revival style building designed by Architect, Robert Mills, and constructed in 1835. The building is constructed of rough quarry face granite ashlar blocks over a brick masonry core. There are Greek Doric style pilasters in dressed granite at the building corners supporting a heavy entablature. The first and second floor interiors have diamond pattern marble flooring in the hallways and brick running bond pattern masonry flooring in the rooms, all dry set in a sand bed and supported on a system of fireproof brick groin vaults. A unique granite "hanging" stair connects the first and second floor. The ceiling of the second floor and the roof are timber framed with the exception of a brick groin vault above the Baker Gallery. The roof structure is divided into five bays with timber trusses that were reinforced with new steel beams and connections during the 1972 building restoration.

In 1872 the original metal roof was replaced with slate and the original iron windows were replaced with wood double-sash windows. The center of the primary façade on Water Street is marked by a one-story Greek Doric style porch, supported by two Greek Doric columns and pilasters. The Greek revival doors are original with tall panels and stepped flat mouldings with wood buttons. The observatory is supported between four offset chimneys that serve eight fireplaces within. The observatory has an original decorative wrought iron guardrail according to Mills design specifications and a flat seam copper roof with an aluminum/acrylic access hatch installed during 2013 restoration work;

WHEREAS, the Building is historically significant for its architecture, its role in Newburyport's maritime history, its design by Robert Mills (1781-1855), a nationally known architect, designing such notable buildings as the US Patent Office (1836-40), the US Treasury building (1836-42) (seen on the back of the US \$10 bill), and the Washington National Monument (1848-1852) among over 160 projects during his lifetime.

Mills' work included the design of (4) Custom Houses built in New England during his tenure as a draftsman at the General Land Office, a bureau of the Treasury Department from 1830–1836, under the administration of Andrew Jackson, then as Federal Architect serving until 1852..

The Building was listed in the State and National Registers of Historic Places on February 25, 1971 both individually and as a contributing resource to the Market Square Historic District, and on August 2, 1984 as a contributing resource to the Newburyport Historic District and therefore qualifies for a preservation restriction under M.G.L. Chapter 184, Section 32;

WHEREAS, the Building is the subject of two existing preservation restrictions, the first dated September 13, 2002 by and between the Grantor and the Commission and the second dated May 30, 2013 by and among the Grantor, the Newburyport Redevelopment Authority (the predecessor in title to the Premises) and the Massachusetts Historical Commission; (collectively, the "Prior Restrictions");

WHEREAS, Grantor and Grantee recognize the architectural, historic, and cultural values (hereinafter "preservation values") and significance of the Building and the Premises, and have the common purpose of preserving the aforesaid preservation values and significance of the Building and Premises;

WHEREAS, the preservation values of the Building is documented in a series of photographs and documents (hereinafter, "Baseline Documentation") attached hereto as **Exhibit B** and incorporated herein by reference, which Baseline Documentation the parties agree provides an-accurate representation of the Building as of the date of this grant;

WHEREAS, the Baseline Documentation, **Exhibit B**, consists of the following:

(a). A set of (9) exterior photographs of the Building taken (date) as follows;

1. 3/18/2009 View of south façade, Gregory Colling
2. 11/14/2009 View of east façade, uavlook.com
3. 7/27/2013 View of north façade, Gregory Colling
4. 3/14/2019 View of west façade, Gregory Colling
5. 3/16/2019 Water Street Entry Door Detail, Bill Finch
6. 7/24/2013 Observatory guardrail detail, Gregory Colling
7. 6/2//2009 Interior Hanging Stair/Marble Floor, Carl Tremblay
8. 6/2//2009 Interior Hanging Stair Detail, Carl Tremblay
9. 6/2//2009 Second floor groin vault (Baker Gallery), Carl Tremblay

(b). Newburyport Assessors' Parcel Map with Building footprint;

WHEREAS, the preservation of the Building is important to the public and citizens of Newburyport for the enjoyment and appreciation of its architectural and historical heritage and serves the public interest in a manner consistent with the purposes of Massachusetts General Laws, Chapter 184, Sections 31, 32 and 33 ("Act");

WHEREAS, the Commission is authorized to accept preservation restrictions in the name of the City of Newburyport and the Commission is a governmental body duly organized under the laws of the Commonwealth of Massachusetts, including the General Laws, Chapter 40C, authorized and directed by

the Grantee to manage the properties and buildings burdened by such restrictions, consistent with the provisions of the Act and to administer and enforce this preservation restriction;

NOW THEREFORE, for good and valuable consideration, the receipt of which is hereby acknowledged, the Grantor does hereby irrevocably grant and convey to the Grantee in gross in perpetuity this preservation restriction (the "Restriction") over the Building to be administered, managed and enforced by the Commission. The Grantor and Grantee, and the Massachusetts Historical Commission, by its approval of this Restriction, understand and agree that this Restriction, upon its execution and filing in the Essex South Registry District of the Land Court, shall entirely supersede the Prior Restrictions which shall thereupon have no further force or effect.

1. Purpose: It is the purpose of this Restriction to assure that, the architectural, historic, and cultural features of the of the Building will be retained and maintained forever substantially in its current condition or in a restored condition approved by the Commission for preservation purposes and to prevent any use or change of the Building that will significantly impair or interfere with the Building's preservation value or alter views of the exterior of the Building.

2. Preservation Restriction: The Grantor grants to the Grantee the right to forbid or limit:

a. any alteration to the appearance, materials, workmanship, condition or structural stability of the Building unless (i) clearly of minor nature and not affecting the characteristics which contribute to the architectural or historical integrity of the Building , or (ii) the Grantee, after reviewing plans and specifications submitted by the Grantor in accordance with the requirements of paragraph 7, has previously determined that such alteration will not impair such characteristics, which determination shall not be unreasonably withheld or delayed, or (iii) required by casualty or other emergency promptly reported to Grantee in accordance with the requirements of paragraph 9. For the purposes of this Agreement, interpretation of what constitutes alterations "of a minor nature" and "ordinary maintenance and repair is governed by the Restriction Guidelines, which are attached hereto as **Exhibit C** and incorporated herein by reference;

b. any other act or use that may be harmful to the historic preservation of the Building.

3. Restriction as to Expenditure of Funds: Subject to Paragraph 2 and the terms and conditions of this Restriction and such other terms and conditions as the Commission may reasonably impose to accomplish the Purposes of this Restriction, the Grantor shall expend any funds awarded pursuant to the Community Preservation Act for the purposes of such grant to maintain, rehabilitate or restore the Building.

4.a. Grantor's Covenants: Covenant to Maintain. Subject to Paragraph 2 and the terms and conditions of this Restriction and such other terms and conditions as the Commission may reasonably impose to accomplish the purpose of this Restriction, the Grantor covenants and agrees at all times to maintain the Building in the same structural condition and state of repair as that existing on the date of this Restriction. Grantor's obligation to maintain *shall* require replacement, *repair*, and reconstruction by Grantor whenever necessary to preserve the exterior of the Building. Subject to the casualty provisions of paragraphs 9 and 10, this obligation to maintain shall require replacement, rebuilding, repair, and reconstruction of the Building whenever necessary in accordance with the policies and procedures of the Commission and in accordance with The Secretary of the Interior's Standards for the Treatment of Historic Properties with Guidelines for Preserving, Rehabilitating, Restoring, and Reconstructing Historic Buildings (36 CFR 67 and 68), as these may be amended from time to time (hereinafter the "Secretary's Standards").

Grantor's covenant to maintain herein shall be limited to funds reasonably available therefor. Should the parties disagree as to the need of maintenance or the availability of funds the matter may be submitted by either party for arbitration pursuant to the Massachusetts arbitration statute then in effect.

4.b. Grantor's Covenants: Prohibited Activities. The following acts or uses are expressly forbidden except as otherwise conditioned in this paragraph:

- (i) the Building shall not be demolished, removed, or razed except as provided in Paragraphs 9 and 10;
- (ii) the dumping of ashes, trash, rubbish, or any other unsightly or offensive materials is prohibited on the Premises near the Building;
- (iii) no above-ground utility transmission lines, except those reasonably necessary for the existing Building, may be created on the Premises, subject to utility easements already recorded;
- (iv) no additions and/or outbuildings may be attached to the Building without prior approval of the Grantor; and
- (v) moving the Building to another location is prohibited without prior approval of the Commission.

5. Conditional Rights Requiring Grantee Approval: Subject to Paragraph 4 and the terms and conditions of this Restriction and such other terms and conditions as the Commission may reasonably impose to accomplish the purposes of this Restriction, the Grantor shall not alter the Building without prior express written approval of the Commission. Without said approval Grantor shall not make any changes to the the Building, including the alteration, partial removal, construction, remodeling, or other physical or structural change, including permanent signs, and any change in material or color or any change to the footprint, size, mass, ridge-line, and rooflines of the Building. Grantor shall similarly not make any alterations to the surrounding Premises that would obscure the current view of the Building, such as the installation of permanent signage or trees or very large shrubs without approval of the Commission.

6. Activities by Grantor to maintain the Building and the Premises which are intended to be performed in accordance with the provisions of paragraph 4.a, and which are of a minor nature, shall not require the prior approval of the Commission. Grantor's Reserved Rights Not Requiring Further Approval by the Grantee: Subject to the provisions of paragraphs 2 and 4, the following rights, uses, and activities of or by Grantor on, over, or under the Property are permitted by this Restriction without further approval by the Commission:

- a. the right to engage in all those acts and uses that:
 - (i) are permitted by governmental statute or regulation;
 - (ii) do not substantially impair the preservation values of the Building and Property; and
 - (iii) are not inconsistent with the Purpose of this Restriction;

- b. pursuant to the provisions of Paragraph 4., the right to maintain and repair the Building in strict accordance with the Secretary's Standards. As used in this sub-paragraph, the right to maintain and repair shall mean the use by the Grantor of in-kind materials and colors, applied with workmanship comparable to that which was used in the construction or application of those materials being repaired or maintained, for the purpose of retaining in good condition the appearance and construction of the Building. The right to maintain and repair as used in this sub-paragraph shall not include the right to make changes

in appearance, materials, workmanship from that existing prior to the maintenance and repair without the prior approval of the Commission in accordance with the provisions of Paragraph 5;

7. Review of Grantor's Requests for Approval: Grantor shall submit to the Commission for the Commission's approval of those conditional rights set out at Paragraphs 2 and 5 two copies of information (including plans, specifications, and designs where appropriate) identifying the proposed activity with reasonable specificity. In connection therewith, Grantor shall also submit to the Commission a timetable for the proposed activity sufficient to permit the Commission to monitor such activity. Within forty-five (45) days of the Commission's receipt of any plan or written request for approval hereunder, the Commission shall certify in writing that (a) it approves the plan or request, or (b) it disapproves the plan or request as submitted, in which case the Commission shall provide Grantor with written suggestions for modification or a written explanation for the Commission's disapproval. Any failure by the Commission to act within forty-five (45) days of receipt of Grantor's submission or resubmission of plans or requests shall be deemed approval by the Commission of the plan or request as submitted and to permit Grantor to undertake the proposed activity in accordance with the plan or request submitted, so long as the request sets forth the provisions of this section relating to deemed approval after the passage of time, provided that nothing herein shall be construed to permit Grantor to undertake any activities specifically prohibited hereunder.

8. Standards for Review: In exercising any authority created by this Restriction to inspect the Building; to review any construction, alteration, repair, or maintenance; or to review casualty damage or to reconstruct or approve reconstruction of the Building following casualty damage, the Commission shall apply the Secretary's Standards.

9. Casualty Damage or Destruction: In the event that Building shall be damaged or destroyed by fire, flood, windstorm, hurricane, earth movement or other casualty, Grantor shall notify the Commission in writing within fourteen (14) days of the damage or destruction, such notification including what, if any, emergency work has already been completed. No repairs or reconstruction of any type, other than temporary emergency work to prevent further damage to the Building and to protect public safety, shall be undertaken by Grantor without the Commission's prior written approval of the work. Within one hundred twenty (120) days of the date of damage or destruction, if required by the Commission, Grantor at its expense shall submit to the Commission a written report prepared by a qualified restoration architect and an engineer who are acceptable to the Grantor and the Commission, which report shall include the following:

- a. an assessment of the nature and extent of the damage;
- b. a determination of the feasibility of the restoration of the Building and/or reconstruction of damaged or destroyed portions of the Building; and
- c. a report of such restoration/reconstruction work necessary to return the Building to the condition existing at the date hereof or the condition subsequently approved by the Commission.

10. Review After Casualty Damage or Destruction:

- a. If, after reviewing the report provided in Paragraph 9 and assessing the availability of insurance proceeds after satisfaction of any mortgagee's/lender's claims under paragraph 11, Grantor and the Commission agree that the Purpose of the Restriction will be served by such restoration/reconstruction, Grantor and the Commission shall establish a schedule under which Grantor shall complete the restoration/reconstruction of the Building in accordance with plans and specifications consented to by the parties up to at least the total of the casualty insurance proceeds available to Grantor.

b. If, after reviewing the report and assessing the availability of insurance proceeds after satisfaction of any mortgagee's/lender's claims under paragraph 11, Grantor and the Commission agree that restoration/reconstruction of the Building is impractical or impossible, or agree that the Purpose of the Restriction would not be served by such restoration/reconstruction and Grantor may, with prior written consent of the Commission, alter, demolish, remove or raze the Building, and/or construct new improvements on the Property, Grantor and Grantee may agree to extinguish this Restriction in accordance with the laws of the Commonwealth of Massachusetts and paragraph 23 hereof.

c. If, after reviewing the report and assessing the availability of insurance proceeds after satisfaction of any mortgagee's/lender's claims under paragraph 11, Grantor and the Commission are unable to agree that the Purpose of the Restriction will or will not be served by such restoration/reconstruction, the matter may be referred by either party to binding arbitration and settled in accordance with the Commonwealth of Massachusetts arbitration statute then in effect, and all other applicable laws, rules, regulations, and ordinances. Arbitrator shall have experience in historic preservation matters.

11 Insurance: Grantor shall keep the Building insured by an insurance company rated "A" or better by Best's for the full replacement value against loss from the perils commonly insured under standard fire and extended coverage policies and comprehensive general liability insurance against claims for personal injury, death and property damage. Property damage insurance shall include change in condition and building ordinance coverage, in form and amount sufficient to replace fully the damaged Building without cost or expense to Grantor or contribution or coinsurance from Grantor. Grantor shall deliver to the Commission, within ten (10) business days of the Commission's written request thereof, certificates of such insurance coverage. Provided, however, that whenever the Property is encumbered with a mortgage or deed of trust nothing contained in this paragraph shall jeopardize the prior claim, if any, of the mortgagee/lender to the insurance proceeds.

12. Indemnification: Grantor hereby agrees to pay, protect, indemnify, hold harmless and defend, at its own cost and expense, Grantee, its boards, commissions, appointees, agents, directors, employees, or independent contractors from and against any and all claims, liabilities, expenses, costs, damages, losses and expenditures (including attorneys' fees and disbursements hereafter incurred) arising out of or in connection with injury to or death of any person as a result of the existence of this Restriction; physical damage to the Building; the presence or release in, on, or about the Premises, at any time, of any substance now or hereafter defined, listed, or otherwise classified pursuant to any law, ordinance or regulation as a hazardous, toxic, polluting or contaminating substance; or other injury or other damage occurring on or about the Building; unless such injury, death, or damage is caused by Grantee or its boards, commissions, appointees, agents, directors, employees, or independent contractors. In the event that Grantor is required to indemnify Grantee pursuant to the terms of this paragraph, the amount of such indemnity, until discharged, shall constitute a lien on the Property with the same effect and priority as a mechanic's lien.

13. Written Notice: Any notice which either Grantor or Grantee may desire or be required to give to the other party shall be in writing and addressed:

In the case of the Grantor to:

Newburyport Maritime Society, Inc

ATTN: Executive Director

25 Water Street

Newburyport, MA 01950

In the case of the Grantee to:
City of Newburyport
c/o Newburyport Historical Commission
City Hall
60 Pleasant Street
Newburyport, MA 01950

Each party may change its address set forth herein by a notice to such effect to the other party.

14. Evidence of Compliance: Upon request by Grantor, Grantee shall promptly furnish Grantor with certification that, to the best of Grantee's knowledge, Grantor is in compliance with the obligations of Grantor contained herein, or that otherwise evidence the status of this Restriction to the extent of Grantee's knowledge thereof.

15. Inspection: With the consent of Grantor, Grantee or its representatives shall be permitted at reasonable times to inspect the Building and the Premises on an annual basis. Grantor covenants not to withhold unreasonably its consent in determining dates and times for such inspections.

16. Grantee's Remedies: The Grantor, for itself, its assigns and successors, expressly acknowledges that a violation of this Preservation Restriction Agreement, including a failure to expend such grant funds for their intended purposes, may result in the Commission exercising its right to enforce the terms and conditions of the Restriction by seeking appropriate legal and equitable relief, including, but not limited to, restoration of the Building, repayment of the funds, and such other legal and equitable remedies as may be available to the Commission to effectuate the purposes of this Restriction and to enforce the Grantor's obligations hereunder.

In the event Grantor is found to have violated any of its obligations, Grantor shall reimburse Grantee for any costs or expenses incurred in connection with Grantee's enforcement of the terms of this Restriction, including all court costs, and attorneys', architectural, engineering, and expert-witness fees. Grantor shall, at its own expense and with approval of Commission, reverse any actions or activities which violated this restriction and altered the Building.

Nothing in this Restriction shall impose upon the Commission any duty to maintain or require that the Building be maintained in any particular state or condition, notwithstanding the Commission's acceptance hereof. Enforcement of the terms of this Restriction shall be at the discretion of the Commission. Any election by the Commission as to the manner and timing of the exercising of its right to enforce this Restriction or otherwise exercise its rights hereunder shall not be deemed or construed to be a waiver of such rights. By its acceptance of this Restriction, the Commission does not assume any liability or obligation relating to the condition of the Building or the Premises, including compliance with hazardous materials or other environmental laws and regulations.

17. Notice from Government Authorities: Grantor shall deliver to Grantee copies of any notice of violation or lien relating to the Building or Premises received by Grantor from any government authority within five (5) days of receipt by Grantor. Upon request by Grantee, Grantor shall promptly furnish Grantee with evidence of Grantor's compliance with such notice or lien where compliance is required by law.

18. Notice of Proposed Sale: Grantor shall promptly notify Grantee in writing of any proposed sale of the Building or Premises and provide the opportunity for Grantee to explain the terms of the Restriction to potential new Grantors prior to sale closing.

19. Binding Effect: Except as provided in Paragraphs 9 and 10, the restrictions, obligations and duties set forth in this Restriction shall run with the Premises and shall inure to the benefit of the Commission and all parties claiming by, through or under the Commission and shall bind the Grantor and all parties claiming by, through or under the Grantor. The rights hereby granted to the Commission constitute the perpetual right of the Commission to enforce this Preservation Restriction Agreement. The Grantor hereby covenants for itself to stand seized and hold title to the Premises subject to the terms of this Restriction. This Restriction shall extend to and be binding upon Grantor and Grantee, their respective successors in interest and all persons hereafter claiming under or through Grantor and Grantee, and the words "Grantor", "Grantee" when used herein shall include all such persons. Any right, title, or interest herein granted to Grantee also shall be deemed granted to each successor and assign of Grantee and each such following successor and assign thereof, and the word "Grantee" shall include all such successors and assigns.

Notwithstanding anything contained herein to the contrary, Grantor shall have no obligation pursuant to this instrument where such Grantor shall cease to have any ownership interest in the Premises by reason of a bona fide transfer. The restrictions, stipulations and covenants contained in this Restriction shall be inserted by Grantor, verbatim or by express reference, in any subsequent deed or other legal instrument by which Grantor divests itself of either the fee simple title to or any lesser estate in the Premises or any part thereof, including by way of example and not limitation, a lease of all or a portion of the Premises.

20. Assignment: Grantee may convey, assign, or transfer this Restriction to a unit of federal, state, or local government or to a local, state, or national charitable corporation or trust that qualifies under the Act, and whose purposes, inter alia, are to promote preservation of historical, cultural, or architectural resources, provided that any such conveyance, assignment or transfer requires that the Purpose for which the Restriction was granted will continue to be carried out. Grantor shall give prior written approval of such conveyance, assignment, or transfer by Grantee, such approval not to be unreasonably withheld.

21. Alternate Designee: Grantee may, at its discretion, remove and replace the Commission as its designee to administer, manage, and enforce this Restriction, provided that any new designee is qualified as such under the Act and other applicable law.

22. Recording and Effective Date: Grantee shall do and perform at its own cost all acts necessary to the prompt recording of this Restriction which shall become effective upon its being duly executed by the Grantor, the City of Newburyport, and the Newburyport Historical Commission, its being approved by the Massachusetts Historical Commission, and its being recorded with the South Essex Registry District of the Land Court..

23. Extinguishment: Grantor and Grantee hereby recognize that an unexpected change in the conditions surrounding the Premises may make impossible the continued ownership or use of the Premises for the Purpose of this Restriction and necessitate extinguishment of the Restriction. Such a change in conditions may include, but is not limited to, partial or total destruction of the Building resulting from casualty. Such an extinguishment must meet all the requirements of the Act for extinguishment, including public hearings by the City of Newburyport and the Massachusetts Historical Commission to determine that such extinguishment is in the public interest. In the event of a sale of the Property, net proceeds of sale shall be paid to Grantor.

24. Condemnation: If all or any part of the Premises is taken under the power of eminent domain by public, corporate, or other authority, or otherwise acquired by such authority through a purchase in lieu

of a taking, Grantor and Grantee shall join in appropriate proceedings at the time of such taking to recover the full value of those interests in the Premises that are subject to the taking and all incidental and direct damages resulting from the taking. All expenses reasonably incurred by Grantor and Grantee in connection with such taking shall be paid out of the recovered proceeds. Such recovered proceeds shall be paid to Grantor.

25. Interpretation: The following provisions shall govern the effectiveness, interpretation, and duration of the Restriction:

a. Any rule of strict construction designed to limit the breadth of restrictions on alienation or use of the Premises shall not apply in the construction or interpretation of this Restriction and this instrument shall be interpreted broadly to affect its Purpose and the transfer of rights and the restrictions on use contained herein.

b. This instrument may be executed in multiple counterparts, one of which is to be retained by Grantor and another, to be retained by Grantee. In the event of any disparity between the counterparts produced, the recorded counterpart shall in all cases govern. Except as provided in the preceding sentence, each counterpart shall constitute the entire Restriction of the parties.

c. This instrument is made pursuant to the Act, but the invalidity of such Act or any part thereof shall not affect the validity and enforceability of this Restriction according to its terms, it being the intent of the parties to agree and to bind themselves, their successors and their assigns in perpetuity to each term of this instrument whether this instrument be enforceable by reason of any statute, common law or private Restriction either in existence now or at any time subsequent hereto.

d. Nothing contained herein shall be interpreted to authorize or permit Grantor to violate any ordinance or regulation relating to building materials, construction methods or use. In the event of any conflict between any such ordinance or regulation and the terms hereof Grantor promptly shall notify Grantee of such conflict and shall cooperate with Grantee and the applicable governmental entity to accommodate the purposes of both this Restriction and such ordinance or regulation.

If any court or other tribunal determines that any provision of this instrument is invalid or unenforceable, such provision shall be deemed to have been incorporated herein automatically to conform to the requirements for validity and enforceability as determined by such court or tribunal. In the event any provision invalidated is of such a nature that it cannot be modified, the provision shall be deemed deleted from this Preservation Restriction Agreement as though it had never been included herein. In either case, the remaining provisions of this instrument shall remain in full force and effect.

26. Amendment: If circumstances arise under which an amendment to or modification of this Restriction would be appropriate, Grantor and Grantee may by mutual written agreement jointly amend this Restriction, provided that no amendment shall be made that will adversely affect the qualification of this Restriction or the status of Grantee under any applicable law. Any such amendment shall be consistent with the protection of the preservation values of the Property and the Purpose of this Restriction; shall not affect its perpetual duration; shall not permit any private increment to any person or entity; and shall not adversely impact the overall architectural and historic values protected by this Restriction. Any such amendment shall be effective when the requirements of the Act with respect to amendments have been met and the amendment is recorded in the Southern Essex County District Registry of Deeds. Nothing in this paragraph shall require Grantor or Grantee to agree to any amendment or to consult or negotiate regarding any amendment.

27. Release: This Preservation Restriction is intended to be a restriction in gross in perpetuity and may only be released, in whole or in part, by the Grantee pursuant to the procedures for release established by

the Act and otherwise by law, including approvals following public hearings by the City of Newburyport and the Massachusetts Historical Commission to determine that such a release is in the public interest.

28. Archaeological Activities: The conduct of archaeological activities on the Premises, including without limitation survey, excavation, and artifact retrieval, may occur only following the submission of an archaeological field investigation plan prepared by the Grantor and approved in writing by the Grantee and the State Archaeologist of the Massachusetts Historical Commission (M.G.L. C. 9, Sec. 27C, 950 C.M.R. 70.00).

[Signatures appear on following pages]

IN WITNESS WHEREOF, the Grantor has caused this instrument to be executed under seal by its officers, hereunto duly authorized, this _____ day of _____, 2019

Newburyport Maritime Society, Inc.

By: _____
Its President

By: _____
Its Treasurer

COMMONWEALTH OF MASSACHUSETTS

Essex, ss _____, 2019

On this _____ day of _____, 2019, before me, the undersigned notary public, personally appear Douglas A. Muir, proved to me through satisfactory evidence of identification, which was my personal knowledge of the identity of the principal a current driver's license, to be the person whose name is signed on the preceding document, and acknowledged to me that he signed it voluntarily for its stated purposes as President of Newburyport Maritime Society, Inc., a corporation.

Notary Public
My Commission Expires

COMMONWEALTH OF MASSACHUSETTS

Essex, ss _____, 2019

On this _____ day of _____, 2019, before me, the undersigned notary public, personally appear Michael Laureno, proved to me through satisfactory evidence of identification, which was my personal knowledge of the identity of the principal a current driver's license, to be the person whose name is signed on the preceding document, and acknowledged to me that he signed it voluntarily for its stated purposes as Treasurer of Newburyport Maritime Society, Inc., a corporation.

Notary Public
My Commission Expires

ACCEPTANCE BY THE NEWBURYPORT HISTORICAL COMMISSION

The Newburyport Historical Commission hereby accepts the foregoing Preservation Restriction.

By: _____

Glenn Richards, its Chairman
Hereunto duly authorized

COMMONWEALTH OF MASSACHUSETTS

Essex, ss _____, 2019

On this _____ day of _____, 2019, before me, the undersigned notary public, personally appear Glenn Richards, proved to me through satisfactory evidence of identification, which was my personal knowledge of the identity of the principal a current driver's license, to be the person whose name is signed on the preceding document, and acknowledged to me that he signed it voluntarily for its stated purposes as Chairman of Newburyport Historical Commission.

Notary Public
My Commission Expires

ACCEPTANCE AND APPROVAL BY THE CITY OF NEWBURYPORT

I, the undersigned City Clerk of the City of Newburyport, Massachusetts hereby certify that at a meeting duly held on _____, 2019 the Newburyport City Council voted to approve and accept the foregoing Preservation Restriction Agreement for the protection of historic resources of said City and being in the public interest pursuant to Massachusetts General Laws Chapter 184, Section 32.

By: _____
Richard B. Jones, Clerk

The undersigned Mayor of the City of Newburyport hereby certifies that the foregoing Preservation Restriction Agreement has been approved and accepted by the City of Newburyport.

By: _____
Donna D. Holaday, Mayor

COMMONWEALTH OF MASSACHUSETTS

Essex, ss _____, 2019

On this _____ day of _____, 2019, before me, the undersigned notary public, personally appeared Richard B. Jones, proved to me through satisfactory evidence of identification, which was my personal knowledge of the identity of the principal a current driver's license, to be the person whose name is signed on the preceding document, and acknowledged to me that he signed it voluntarily for its stated purposes as Clerk of the City of Newburyport.

Notary Public
My Commission Expires

COMMONWEALTH OF MASSACHUSETTS

Essex, ss _____, 2019

On this _____ day of _____, 2019, before me, the undersigned notary public, personally appeared Donna D. Holaday, proved to me through satisfactory evidence of identification, which was my personal knowledge of the identity of the principal a current driver's license, to be the person whose name is signed on the preceding document, and acknowledged to me that she signed it voluntarily for its stated purposes as Mayor of the City of Newburyport.

Notary Public
My Commission Expires

APPROVAL BY THE MASSACHUSETTS HISTORICAL COMMISSION
COMMONWEALTH OF MASSACHUSETTS

The undersigned Executive Director and Clerk of the Massachusetts Historical Commission hereby certifies that the foregoing Preservation Restriction Agreement has been approved pursuant to Massachusetts General Laws, Chapter 184, Section 32.

Brona Simon
Executive Director and Clerk

COMMONWEALTH OF MASSACHUSETTS

Essex, ss _____, 2019

On this _____ day of _____, 2019, before me, the undersigned notary public, personally appeared Brona Simon, proved to me through satisfactory evidence of identification, which was my personal knowledge of the identity of the principal a current driver's license, to be the person whose name is signed on the preceding document, and acknowledged to me that he signed it voluntarily for its stated purposes as Executive Director and Clerk of the Massachusetts Historical Commission.

Notary Public
My Commission Expires

EXHIBIT A

LEGAL DESCRIPTION OF PREMISES

All those certain parcels of land with the buildings thereon situated located in Newburyport, Essex County, Massachusetts, bounded and described as follows:

First Parcel:

SOUTHWESTERLY by Water Street forty four (44) feet;
NORTHWESTERLY by the Southeasterly line of a "Public Way", as shown on plan hereinafter mention one hundred forty five (145) feet;
NORTHEASTERLY by lot E as shown on said plan, forty eight and 42/100 (48.42) feet;
SOUTHEASTERLY by the Northwesterly line of another "Public Way" as shown on said plan, one hundred forty five (145) feet

All of said boundaries are determined by the Court to be located as shown upon plan numbered 4588-C, drawn by John T. Desmond, Civil Engineer, dated October 28, 1922, as modified and approved by the Court, filed in the Land Registration Office, a copy of a portion of which is filed with Certificate of Title 4249 in said Registry, and the above described land is shown as lot D, on last mentioned plan.

Second Parcel:

NORTHWESTERLY by the Southeasterly line of a Public Way, as shown on above mentioned plan, fifty nine and 03/10-0 (659.03) feet;
NORTHEASTERLY by lot B, as shown on said plan, fifty and 66/100 (50.66) feet;
SOUTHEASTERLY by the Northwesterly line of another Public Way, as shown on said plan, sixty four and 68/100 (64.68) feet; and
SOUTHWESTERLY by Lot D, as shown on said plan, forty eight and 42/100 (48.42) feet.

Being shown as Lot E, on said plan. Said Lot E together with the benefit of and is subject to rights of way and easements appurtenant thereto.

The above described land is subject to and with the benefit of Taking Document 126719, as recited in Order of Court Document No. 17181.

Third Parcel:

SOUTHWESTERLY by Lot A, as shown on plan hereinafter mentioned, fifty and 66/100 (50.66) feet;
NORTHWESTERLY by land now or formerly of the Newburyport City Railroad, thirty two and 43/100 (32.43) feet;
NORTHEASTERLY by Lot C, as shown on said plan, fifty two and 21/100 (52.21) feet; and
SOUTHEASTERLY by other land of the said Newburyport City Railroad, thirty five and 80/100 (35.80) feet.

All of said boundaries are determined by the Court to be located as shown upon plan numbered 4588-B, drawn by C. B. Humphrey, Surveyor for Court, dated June 16, 1914, as modified and approved by the Court, filed in the Land Registration Office, a copy of which is filed with Certificate of Title 1581 in said Registry, and the above described land is shown as lot B on last mentioned plan.

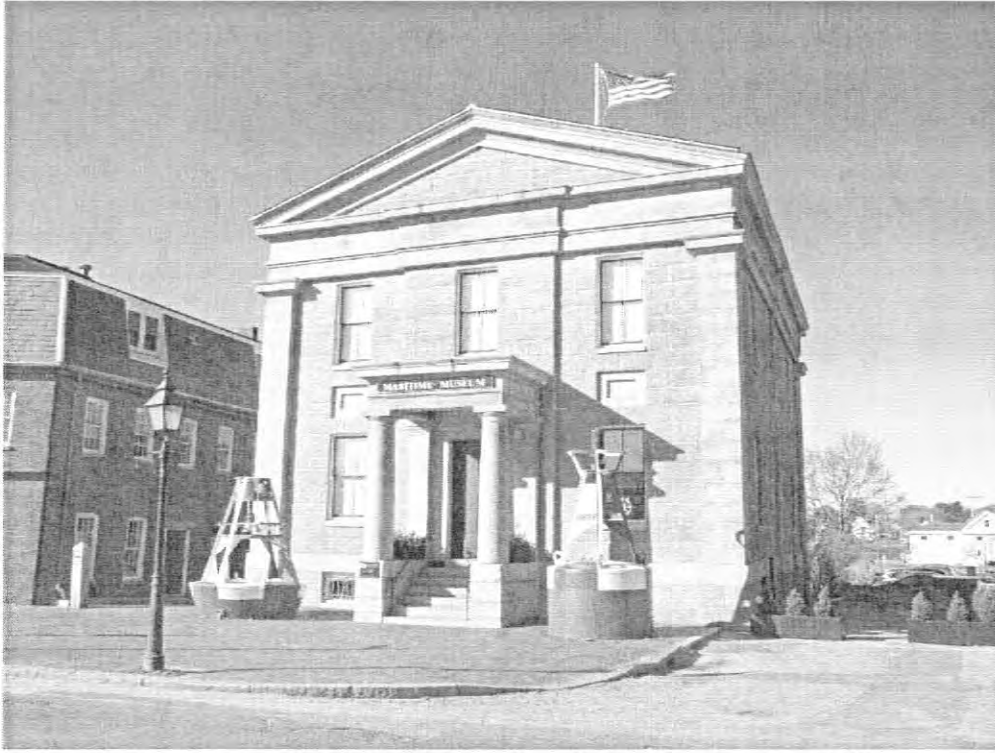
The above described land is subject to a right in favor of said lot C as described in deed from William E. Chase et al to Boston and Maine Railroad, dated August 6, 1914, ad filed as Document 3116 in said Registry.

Together with an easement for access and maintenance to the lawn area on Lot C on Land Court Plan No. 4588-C as shown on the sketch plan attached to and made a part of the Grantor's title deed.

Reserving for the benefit of the City Of Newburyport (hereinafter referred to as the "City") the right to maintain, repair and replace the existing encroachments on the northeast corner of Lot B as shown on the sketch plan attached to and made a part of the Grantor's title deed.

For the Grantor's title, see deed of the Newburyport Redevelopment Authority dated December 13, 2018, filed and registered in the South Essex Registry District of the Land Court as Document No. 598271.

EXHIBIT B Baseline Documentation



1. 3/18/2019 View of south façade, Gregory Colling



2. 11/14/2019 View of east façade, uavlook.com

EXHIBIT B Baseline Documentation



3. 7/27/2013 View of north façade, Gregory Colling

EXHIBIT B Baseline Documentation



4. 3/14/2019 View of west façade, Gregory Colling

EXHIBIT B Baseline Documentation



5. 3/16/2019 Water Street Entry Door Detail, Bill Finch

EXHIBIT B Baseline Documentation



6. 7/24/2013 Observatory guardrail detail, Gregory Colling

EXHIBIT B Baseline Documentation



7. 6/2//2009 Interior Hanging Stair/Marble Floor, Carl Tremblay



8. 6/2//2009 Interior Hanging Stair Detail, Carl Tremblay

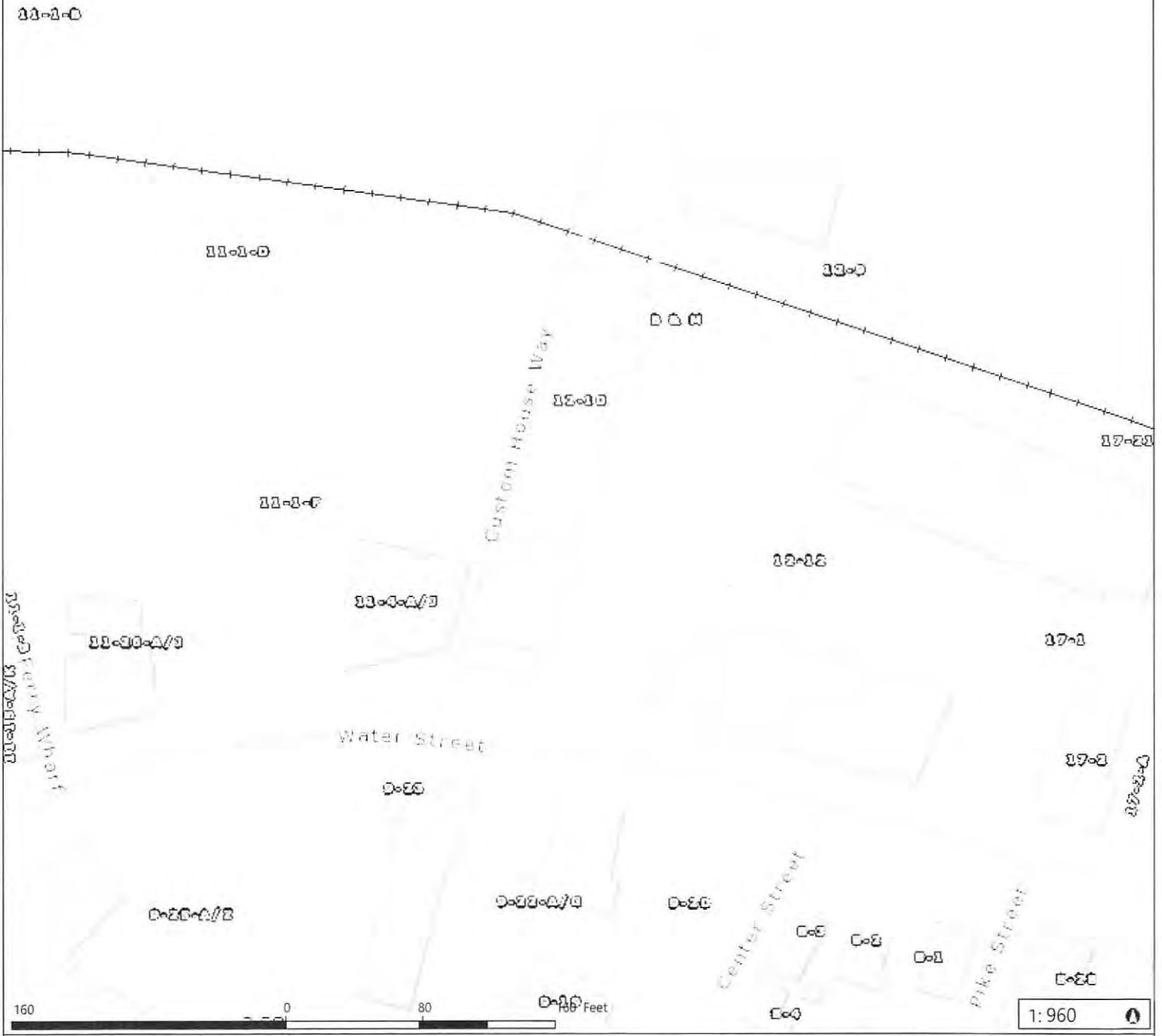
EXHIBIT B Baseline Documentation



9. 6/2//2009 Second floor groin vault (Baker Gallery), Carl Tremblay

City of Newburyport

11/15/2019



Data Sources: Produced by Merrimack Valley Planning Commission (MVPC) using data provided by the City of Newburyport & MassGIS. MVPC AND THE CITY OF NEWBURYPORT MAKES NO WARRANTIES, EXPRESSED OR IMPLIED, CONCERNING THE ACCURACY, COMPLETENESS, RELIABILITY, OR SUITABILITY OF THESE DATA. THE CITY OF NEWBURYPORT AND MVPC DOES NOT ASSUME ANY LIABILITY ASSOCIATED WITH THE USE OR MISUSE OF THIS INFORMATION.



Municipal Boundary
Roads
- Interstate
- Major Road
- Local Road
- Railroad

Legend

1:960

EXHIBIT C

RESTRICTION GUIDELINES

The purpose of the Restriction Guidelines is to clarify or interpret Paragraph 2 of the Preservation Restriction Agreement, which addresses alterations to the building. Under this Paragraph permission from the Newburyport Historical Commission is required for any major alteration. Alterations of a minor nature, which are part of ordinary maintenance and repair, do not require Commission review.

In an effort to explain what constitutes a minor alteration and what constitutes a major change, which must be reviewed by the Commission, the following list has been developed. By no means is this list comprehensive: it is only a sampling of some of the more common alterations, which may be contemplated by the property owner.

PAINT

Minor - Exterior hand scraping and repainting of non-decorative and non-significant surfaces as part of periodic maintenance.

Major - Painting or fully stripping decorative surfaces or distinctive stylistic features including ornamental woodwork, stone, or masonry.

WINDOWS AND DOORS

Minor - Regular maintenance including caulking, painting and necessary re-glazing and repair or in-kind replacement of existing individual decayed window parts.

Major - Wholesale replacement of units; change in fenestration or materials; alteration of profile or setback of windows. The addition of storm windows is also considered a major change; however, with notification it is commonly acceptable.

EXTERIOR

Minor - Spot repair of existing cladding and roofing including in-kind replacement of clapboards, shingles, slates, etc.

Major - Large-scale repair or replacement of cladding or roofing. Change involving inappropriate removal or addition of materials or building elements (i.e. removal of chimneys or cornice detailing; installation of architectural detail which does not have a historical basis); altering or demolishing building additions; masonry repointing. Structural stabilization of the property is also considered a major alteration.

INTERIOR

Minor - Stabilizing deteriorated or damaged interior plaster walls and ceiling finishes. Painting interior plaster finish walls and ceilings dating from the 1972 restoration. Replacing interior plaster finishes in order to preserve the interior appearance, structural integrity of the exterior masonry walls, and control air and moisture movement, and thermal transfer.

Major – Changing interior spaces and spatial characteristics including the size, configuration, proportion and relationship of rooms and corridors. Altering special finishes including brick and marble pattern floors, the hanging stair and the exposed masonry groin vault room (Baker Gallery) on the second floor.

LANDSCAPE/OUTBUILDINGS

Minor - Routine maintenance of outbuildings and landscape including lawn mowing, pruning, planting, painting, and repair.

Major - Moving or subdividing Building or Premises; altering of property; altering or removing significant landscape features such as gardens, vistas, walks, plantings, walls, fences; ground disturbance affecting archaeological resources.

HEATING/AIR CONDITIONING/ELECTRICAL/PLUMBING SYSTEMS

Minor - Repair of existing systems.

Major - Installing or upgrading systems which will result in major exterior appearance changes (i.e. exterior ducts, piping, ventilators, HVAC units); the removal of substantial quantities of original materials in the course of construction.

Changes classified as major alterations are not necessarily unacceptable Under the preservation restriction such changes must be reviewed by the Commission and their impact on the historic integrity of the premise assessed.

It is the responsibility of the property owner to notify the Commission in writing when any major alterations are contemplated. Substantial alterations may necessitate review of plans and specifications.

The intent of the preservation restriction is to enable the Commission to review proposed alterations and assess their impact on the integrity of the structure, not to preclude future change. Commission will attempt to work with property owner to develop mutually satisfactory solutions, which are in the best interests of the Property.

COMMITTEE ITEMS

Budget & Finance

- COMM192_09_30_19 10-Year Financial Projection (COTW)
- ORDR150_10_28_19 Opioid Addiction Treatment and Prevention Grant Acceptance \$600K
- ORDR154_11_12_19 Friends of NYS Gift Acceptance \$11,000
- ORDR155_11_12_19 Plum Island AED Gift Acceptance \$2,603.98
- ORDR157_11_12_19 Fire Boat Gift Acceptance

BET
COTW



CITY OF NEWBURYPORT
FINANCE DEPARTMENT
60 PLEASANT STREET • P.O. BOX 550
NEWBURYPORT, MA 01950
(978) 465-4404 • (978) 462-3257 (FAX)
WWW.CITYOFNEWBURYPORT.COM

DONNA D. HOLADAY
MAYOR

ETHAN R. MANNING
FINANCE DIRECTOR/CITY AUDITOR

To: President and Members of the Newburyport City Council
From: Ethan R. Manning, Finance Director/City Auditor
Date: September 30, 2019
Subject: 10-Year Financial Projection

The Committee on Budget & Finance requested that I submit the attached to the City Council to assist in your discussion of ORDR119_06_10_19, a \$10 million loan order for street and sidewalk improvements. The black line labeled "baseline growth" is the difference between projected revenues and expenditures over the next ten years based on current estimates.

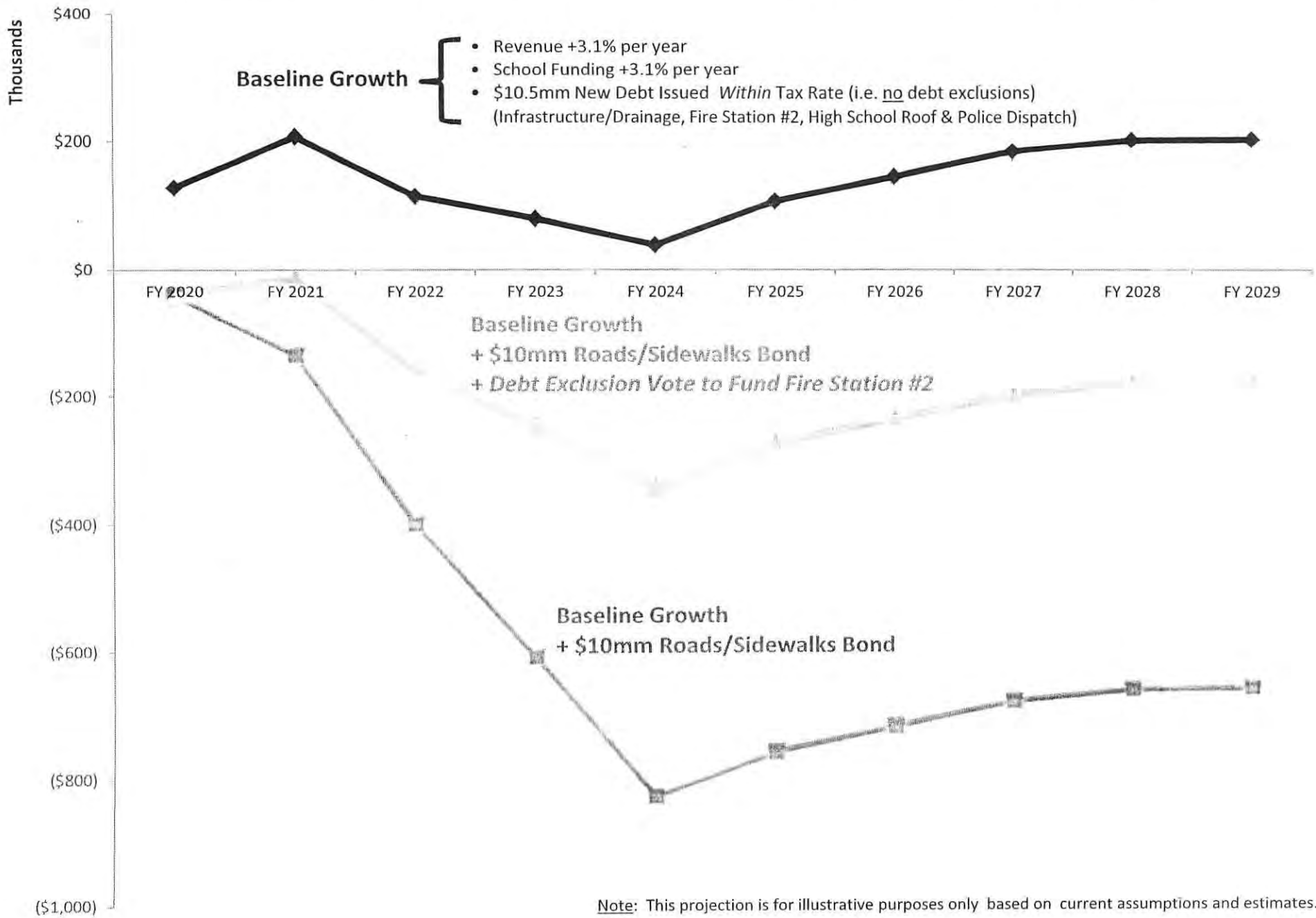
As noted on the chart, these estimates include revenue increasing at a rate of 3.1%, school funding increasing in line with revenue, and an additional \$10.5 million in new debt issued *within* the tax rate to fund infrastructure/drainage improvements, fire station #2 construction, high school roof replacement, and a renovation of police dispatch. Note that I excluded the Youth Services center from the analysis, given the ongoing feasibility study and further discussions needed on that particular project.

Based on these projections, I am concerned about the City's ability to afford a \$10 million bond for the purpose of improving streets and sidewalks. Even if fire station #2 were funded as a debt exclusion (i.e. above and beyond the normal tax rate), the projection still shows annual shortfalls when paying off the \$10 million bond. Part of the reason for the higher annual debt service is the maximum borrowing term of 15 years for roadway and sidewalk work (MGL ch 44, sec. 7, clause 1), whereas most other borrowing purposes can be repaid over 25-30 years.

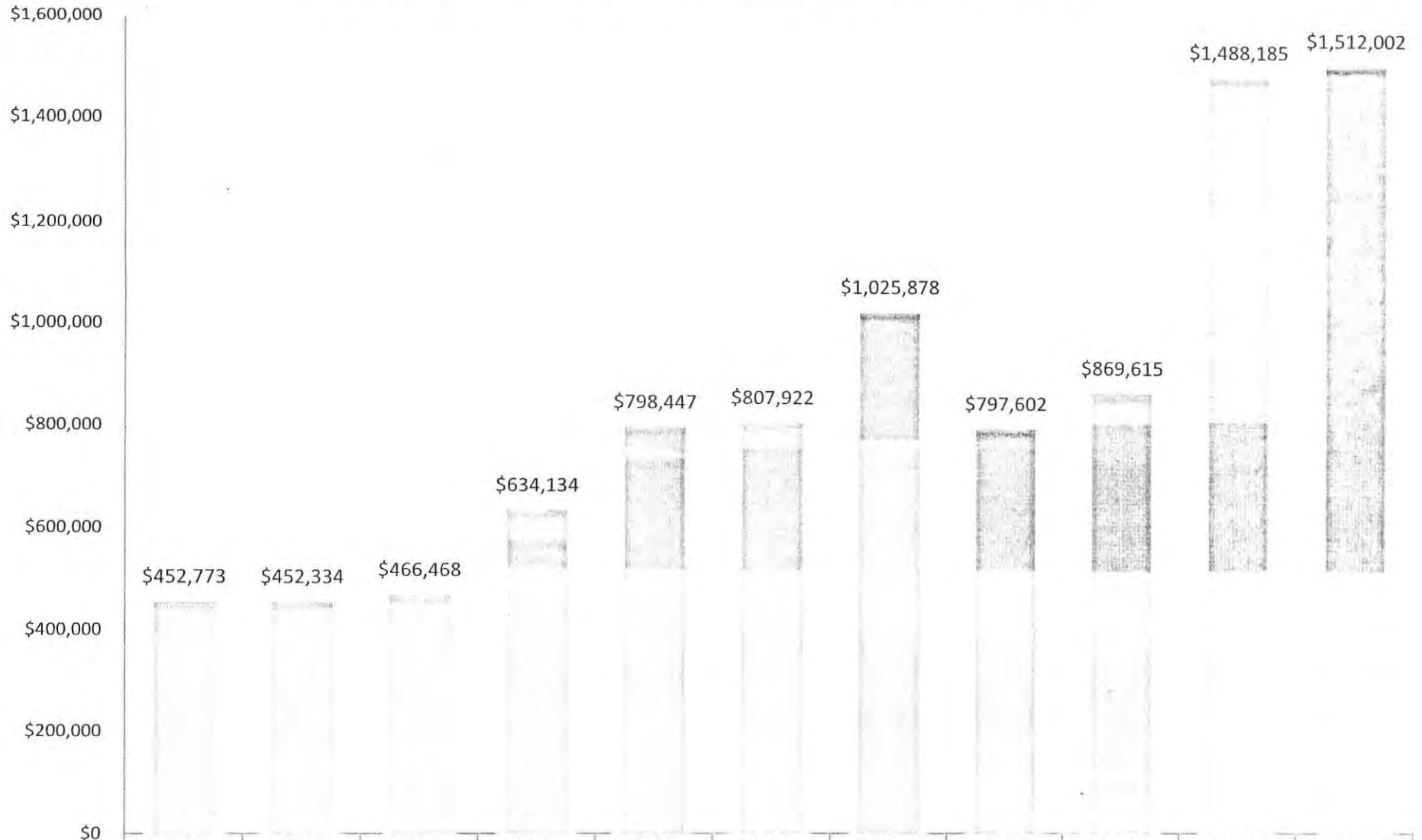
I feel that the pavement management study that is being finalized by BETA Group will be a useful tool in developing a more robust capital planning strategy with respect to our streets and sidewalks. I look forward to continuing these discussions with the City Council in the coming weeks and months ahead.

Thank you for your review.

10-Year Financial Projection: Annual Surplus/(Shortfall)



Roads/Sidewalks Funding FY2009-FY2019



	2009	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019
Other Sources	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$681,181
General Fund	\$60,000	\$60,000	\$60,000	\$60,000	\$60,000	\$50,000	\$0	\$0	\$60,000	\$675,000	\$0
Meals Tax	\$0	\$0	\$0	\$52,047	\$218,749	\$240,562	\$249,616	\$280,740	\$293,286	\$295,646	\$313,764
Ch. 90	\$392,773	\$392,334	\$406,468	\$522,087	\$519,698	\$517,360	\$776,262	\$516,862	\$516,329	\$517,539	\$517,057
Total	\$452,773	\$452,334	\$466,468	\$634,134	\$798,447	\$807,922	\$1,025,878	\$797,602	\$869,615	\$1,488,185	\$1,512,002

CITY OF NEWBURYPORT



IN CITY COUNCIL

ORDERED:


October 28, 2019

THAT, The CITY COUNCIL of the City of Newburyport accepts a grant from the Office of Justice Programs at the United States Department of Justice, in the amount of \$600,000.00 to be appropriated for the purpose of establishing the Essex County Outreach Program. Said funds are accepted in accordance with M.G.L. Chapter 44, Section 53A.

Councillor Charles F. Tontar



CITY OF NEWBURYPORT
OFFICE OF THE MAYOR
DONNA D. HOLADAY
60 PLEASANT STREET • P.O. BOX 350
NEWBURYPORT, MA 01950
(978) 465-4413 • (978) 465-4402 (FAX)
WWW.CITYOFNEWBURYPORT.COM

To: President and Members of the City Council
From: Donna D. Holaday, Mayor 
Date: October 22, 2019
Subject: Opioid Addiction Treatment and Prevention Grant

As announced at the last meeting of the City Council, I am pleased to present for acceptance a \$600,000 grant from the Office of Justice Programs at the United States Department of Justice to be used in developing an Essex County Outreach Program to address opioid addiction, treatment and prevention throughout Essex County. I would like to thank the Police Department and Inspector Dani Sinclair for their important work in this area, as well as, our grant writer Nancy London who pulled together and submitted this complex grant application.

The Essex County Outreach Program will establish and maintain outreach teams made up of contiguous communities within Essex County to include counselors, treatment professionals, recovery coaches, and at least one police officer with legal jurisdiction over cases of overdoses. Participation includes a commitment from participating police departments (all 36 cities and towns in Essex County) to implement the established overdose intervention program, submit reporting information to a county-wide database and assign at least one officer to part of the Outreach Follow-Up Team.

The program also includes a commitment from treatment and recovery professional organizations and medical facilities to be part of the Follow-Up Teams, to be placed on the "on-call" list for placing prospective clients seeking in-patient treatment and to attend quarterly meetings. In addition, the Essex County Sheriff's Office will participate by committing to notify police departments when a county inmate diagnosed with Opioid Use Disorder is being released into the community, and provide support to the Outreach Teams through its various opioid use programs.

This project serves all of Essex County. The City of Newburyport is the lead agency, and Inspector Dani Sinclair is the officer assigned to oversee and be Newburyport's representative to the consortium.

Thank you for your consideration.

BT

CITY OF NEWBURYPORT



IN CITY COUNCIL

ORDERED:

November 12, 2019

THAT, The CITY COUNCIL of the City of Newburyport accepts with gratitude a gift from the Friends of Newburyport Youth Services, in the amount of \$11,000.00 to be appropriated for the purpose of supporting scholarships and the Rec Center program. Said funds are accepted in accordance with M.G.L. Chapter 44, Section 53A.

Councillor Charles F. Tontar



June 17, 2019

Dear Friends of Newburyport Youth Services,

This year we have provided scholarships (both partial and full) of \$1,611 for spring and \$7,645.00 for summer. This is a total of \$9,256. We have received \$2,319 in donations from families during the registration process to help cover nearly a third of the expense. We have also been able to use funds for families at Kelleher Gardens through our Learning Enrichment Center totally \$2,000.

This leaves us with a cost of \$5,000 of uncovered scholarships. We would be so grateful for any amount of scholarship that you can help us to cover!

In addition, we would like to ask the Friends of NYS to consider helping fund a position at the Rec Center this coming school year. The position of a Rec Leader works about 17.5 hours a week and is paid approximately \$15/hr. We have calculated (based on 180 days of school) that one of these positions costs the department \$9,450.

Our hope is to be able to keep the cost of the Rec Center at \$100/year. Supporting this program would relieve a significant burden from our operating budget this year.

Please let me know if you need more information.

Thank you for all of your work this year and your continued support of Youth Services!

The NYS Staff

Newburyport Youth Service
40 Milk Street
Newburyport, MA 01950
978.465.4434 youthservices@citvofnewburyport.com
www.newburyportyouthservices.com

DOT

CITY OF NEWBURYPORT



IN CITY COUNCIL

ORDERED:

November 12, 2019

THAT, The CITY COUNCIL of the City of Newburyport accepts with gratitude a gift from the Plum Island Foundation, in the form of a Zoll Medical automated external defibrillator (AED) and related components, valued at \$2,603.98, to be placed within the City of Newburyport section of Plum Island. Said gift is accepted in accordance with M.G.L. Chapter 44, Section 53A1/2.

Councillor Charles F. Tontar

RECEIVED
CITY CLERK'S OFFICE
NEWBURYPORT, MA

2019 OCT 31 PM 4: 23



PO Box 226
Newburyport, MA, 01950
October 30, 2019

To Mayor Donna Holaday and the Newburyport City Council,

The Plum Island Foundation, as fiscal agent for the public access AED project organized by Peggy Poppe, Megan St. John, and Lynn Mather, would like to donate to the City of Newburyport the equipment listed below. Funds for these items were generously contributed by individuals and local businesses a year ago to help Newburyport improve the health and safety of Plum Island. We are pleased that the public safety officials have agreed to accept and maintain the equipment. The equipment donated thus far consists of:

AED package from ZOLL	\$954.00
Emergency outdoor phone	\$496.04
Locked, outdoor case for AED	\$1025.76
Trak-4 GPS device to attach to AED	\$ 48.80
One year Monitoring package for Tracking device	<u>\$79.38</u>
	\$ 2603.98

Peggy, Megan and Lynn have organized a kick-off and AED overview for Plum Island residents at PITA Hall Monday, November 4 at 5:30. You are all cordially invited.

Sincerely,

Stephen DeSalvo
Treasurer

Cc: Fire Chief Le Claire and Marshall Murray

In accordance with Federal tax law, Plum Island Foundation Inc. affirms it has not provided any goods or services in consideration, in whole or in part, for this contribution. Plum Island Foundation Inc. is a not-for-profit organization, which is exempt from income taxes under Section 501 (c) (3) of the Internal Revenue Code. Federal Tax I.D. # 26-2016160.

CF

CITY OF NEWBURYPORT



IN CITY COUNCIL

ORDERED:

November 12, 2019

THAT, The City Council of the City of Newburyport accepts a gift of a 2006 Metalcraft 32 FireStorm fire and rescue vessel offered to the City of Newburyport by the State of New Hampshire through the New Hampshire Office of Emergency Management to be used by the Newburyport Fire Department in accordance with M.G.L. Chapter 44, Section 53A1/2.

Councillor Charles F. Tontar

Newburyport Fire Department

Office of the Fire Chief

To: Mayor Holaday & Members of the City Council

From: Chief LeClaire

Date: November 5, 2019

Re: Fire Boat Replacement

As the council is aware, a few years ago the fire department acquired a surplus Coast Guard 41' boat through the Massachusetts Department of Conservation and Recreation, Bureau of Forestry and Fire Control. This boat was built as a fire boat for the US Coast Guard in 1977 and has served the fire department well in the three years we have had it on rescues and fires. However, this boat is quite large and will soon require an expensive overhaul.

The fire department has acquired, through the New Hampshire Office of Emergency Management (Grants Management Office), a 2006 Metalcraft 32 FireStorm fire and rescue vessel at no cost to the city. This fire boat is 34' in length, 10' 6" wide (beam) and has a draft of only 18" as it is driven by water jets, not propellers. This low draft allows the vessel to go in any waterway that we may respond to, and allows the vessel to get in tight to shorelines and pier structures. This high-speed vessel is equipped with a fire pump capable of flowing 2,000 gallons per minute. The pump and the vessel are powered by twin 380 hp Cummins diesel engines.

I am intimately familiar with the specifications and history of this vessel as I applied for and received the grant that brought the vessel to Portsmouth when it was new. This boat was \$350,000 delivered and a replacement today would cost just under a million dollars.

As this vessel was purchased with Homeland Security Grant funds, it remains available for mutual aid calls to the area, including to the seacoast of New Hampshire.

I am requesting that the City Council vote to accept the donation of the 2006 Metalcraft 32 FireStorm fire boat from the State of New Hampshire. This boat will replace the 41' boat we presently have.

As always, I am available to answer any questions or concerns you might have.

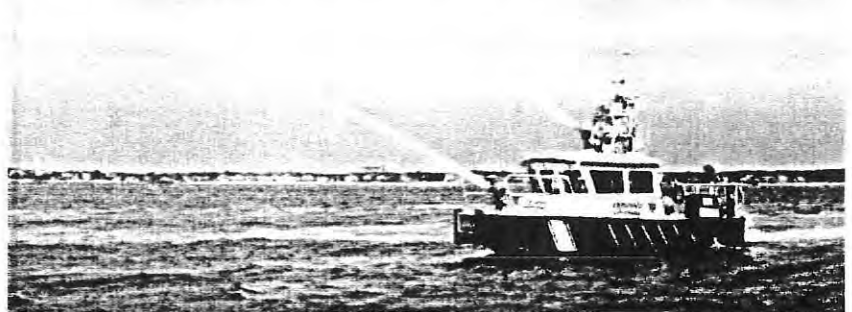
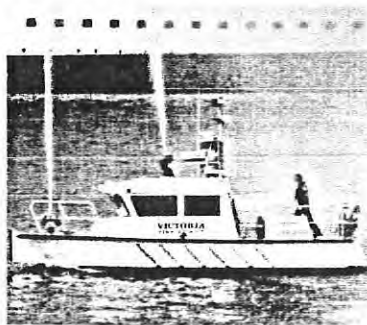
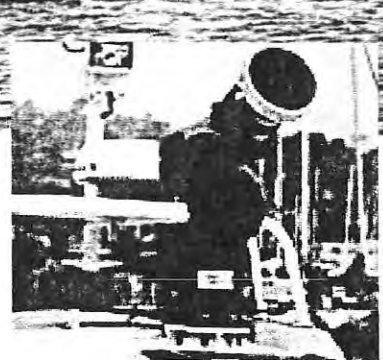
FireStorm

FAST RESPONSE • MEDIVAC • EMERGENCY RESPONSE • AMBULANCE • FIRE FIGHTING

THE MOST CAPABLE FIREBOAT OF ITS SIZE & BESTSELLING FIREBOAT IN AMERICA

The FireStorm 32's shallow draft, maneuverability and firefighting capability make it the first choice for operation in shallow waters close to concentrated shoreline populations, around busy recreational traffic and commercial shipping routes. Most emergency situations occur in shallow or inaccessible water outside of marked navigation channels or close to shore. The diesel water-jet configuration is able to operate in very shallow waters without risk to damaging the drive unit from hitting submerged objects. The simplicity of the propulsion and firefighting systems ensure ease of maintenance and service. The FireStorm 32 is the highest pumping fireboat for its size and can be configured to meet a broad range of performance requirements, regional service availability and budgets. Even during firefighting missions the boat can be safely operated with only two crew members. With a single 1750 GPM rated firefighting pump the FireStorm 32 can produce flow meter results of 2,000 GPM at 150 PSI and 2,400 GPM at 60 PSI for LDH shore hydrant supply. A remote operated monitor mounted on the cabin roof provides the primary firefighting capability from a dedicated console within the cabin and an optional secondary monitor can be mounted on the bow. Two 2.5" discharges and a 5" Storz are fitted on the aft deck. Twin diesel inboard engines matched to water-jet propulsion units can propel the boat to speeds of 42 knots and allow the boat to perform emergency stops and change direction within two boat lengths. Aft working deck space is maximized with well-defined steps that allow clear access to the oversized dive platform/recovery deck which provides water level working space for deployment and recovery.

L.O.A.	34'
B.O.A.	10'6"
Draft	18"
Pump	1750 GPM
Discharges	2 monitors; 2 discharges; 1 LDH
Engine	Twin diesel
Propulsion	Water-jet



MetalCraft Marine

www.metalcraftmarine.com

FireStorm 32

FAST RESPONSE • MEDIVAC • EMERGENCY RESPONSE • AMBULANCE

FIRE FIGHTING SYSTEMS

- Single 1750 fire pump
- Roof mounted, remote operated 2000 GPM monitor
- LDH 5" Storz connection for supply to land units
- 2x2½" capped discharges
- All fire controls and gauges at dedicated console

EMS SUPPORT

- Heated patient care area with primary patient care berth and 1 secondary patient area
- Dedicated EMS equipment storage with AC outlets for battery chargers
- SCBA storage panel

ELECTRICAL SYSTEM

- Shore power 2x30 amp
- DC (12V) breakers - 16
- AC (110V) breakers - 12
- DC outlets - 3
- AC outlets - 3
- Corrosion Meter
- Cabin, scene & spot lights
- NAV & RAM lights
- Battery charger

ELECTRONICS

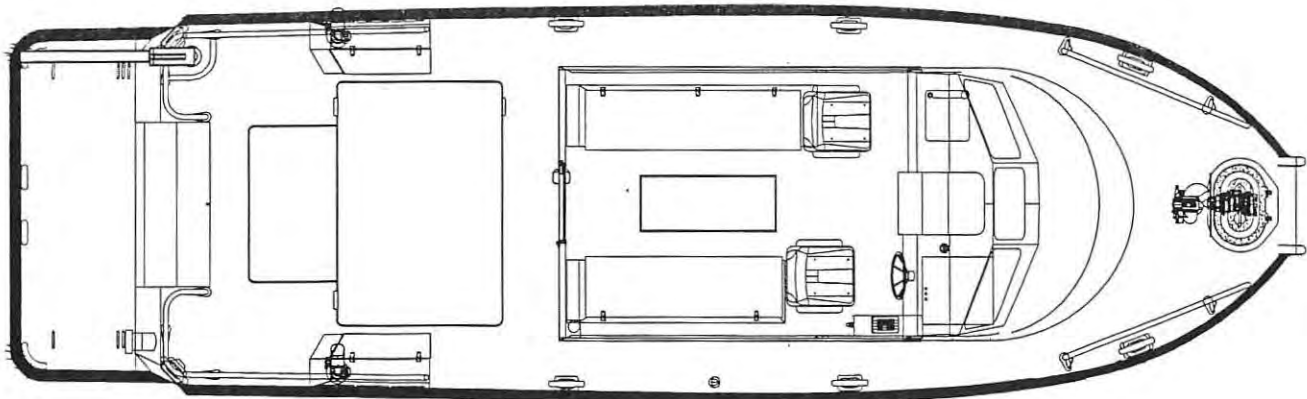
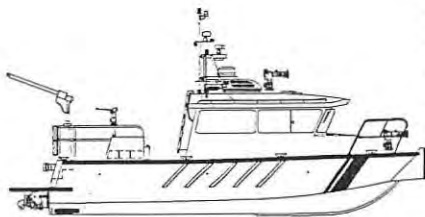
- VHF, Radar integrated w/GPS
- GPS, chart plotter w/depth
- Compass
- Loud hailer/fog horn
- Siren
- Emergency lights
- Many available options- FLIR etc.

STANDARDS

- Meets NFPA 1925 pumping
- Meets OSHA Db rating
- USCG CFR 46
- USCG interior flame retardant rating
- American Boat & Yacht Council
- American Bureau of Shipping Welding standards

OTHER FEATURES AND OPTIONS

- Chart table
- Suspension helm seat
- Non skid 24" side decks
- Safety railings
- Anchor locker with collision bulkhead
- 3 watertight compartments
- Rubber sound matting
- 3"D rubber fendering
- Fully finished pilot house interior
- High security engine hatch locks
- High security battery switches & start sequence
- 5 gallon & 50 gallon foam canister storage
- Tinted side windows, clear windshields
- Raked forward windshields to reduce glare and improve water clearing
- 2 speed wipers w/washers
- 40,000 BTU cabin heater w/defrost
- Hinged mast w/radar arch
- Floatable dive/roof ladder
- Push knee with collision zone
- Ice clearing roof design
- Access to all piping and valves



MetalCraft Marine

www.metalcraftmarine.com

License & Permit

- COMM203_11_12_19 2020 Class II Vehicle License - RL Currie Corp.
- COMM204_11_12_19 2020 Class II Vehicle License - LCA Motors

THE COMMONWEALTH OF MASSACHUSETTS

_____ OF _____

RECEIVED
CITY CLERK'S OFFICE
NEWBURYPORT, MA

lsp

2019 OCT 31 AM 11:00

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

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

1. What is the name of the concern? R L CURRIE CORP

Business address of concern. No. 6 New Pasture Road St.,
Newburyport City — Town.

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

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

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

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

President RANDY L Currie 111 Georgetown Rd West Newbury MA
Secretary " "
Treasurer " "

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

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

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

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

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

5 ACRES +/- w PAVED PARKING AND A 10,000 SQ FT
CONCRETE BLOCK BLDG HOUSING OFFICES, REPAIR
FACILITIES AS WELL AS A STATE INSPECTION STATION

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

If so, state name of manufacturer _____

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

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

If so, in what city — town NEWBURYPORT

Did you receive a license? YES For what year? 2005-2019
(Yes or No) APPROX

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

Sign your name in full Jandy L. Piumi
(Duly authorized to represent the concern herein mentioned)

Residence 111 GEORGETOWN RD
WEST NEWBURY MA
01985

IMPORTANT

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

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

APPLICANT WILL NOT FILL THE FOLLOWING BLANKS

Application after investigation _____
(Approved or Disapproved)

License No. _____ granted _____ 20 _____ Fee \$ _____

Signed _____

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

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

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

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

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

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

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

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

APPLICANT WILL NOT FILL THE FOLLOWING BLANKS

Application No. _____

Class _____ License No. _____

Name _____

St. and No. _____

City — Town _____

Date Issued _____

Remarks _____

Report of Renewal - Commercial



Boston
20 Riverside Road
Mail Stop 03AN
Weston, Massachusetts 02493-2281
+1 (800) 647-1113 Fax: +1 (866) 547-4882

Registered: September 10, 2019
Product Line: LSF Commercial
Producer Name: Unknown Producer
Agency Code: 012049

Principal:
RL Currie Corp
6 New Pasture Road
Newburyport, Massachusetts 01950

Account:

Agency:
HUB International New England LLC
300 Ballardvale St
PO Box 696
Wilmington, Massachusetts 01887

Invoiced To:
RL Currie Corp
6 New Pasture Road
Newburyport, Massachusetts 01950

Obligee:
CITY OF NEWBURYPORT
60 PLEASANT STREET
NEWBURYPORT, Massachusetts 01950

Additional Obligee:

LMS Bond Number:	LSF006317	Cross Reference:	5010479
Bond Period:	10/25/2019 to 10/25/2020	Transaction Eff. Date:	10/25/2019
Days Notice:	60 Days	Premium Period:	10/25/2019 to 10/25/2020
Company:	The Ohio Casualty Insurance Company	Renewal Type:	Continuous Until Canceled
Bond Amount:	25,000 USD	Class Code:	929
LMS Bonded Amount:	25,000 USD	Co-surety:	

Bond Description:
Used Dealers and Salesmen

Agency Comments:

Bond Premium: 250.00 USD
Net Premium: 250.00 USD

User: User, System

Printed: 10/27/2019



Boston
20 Riverside Road
Mail Stop 03AN
Weston, Massachusetts 02493-2281
+1 (800) 647-1113 Fax: +1 (866) 547-4882

Continuation Certificate

To be attached to and form a part of surety bond number LSF006317 (the "Bond"), cross reference bond number 5010479 for Used Dealers and Salesmen dated the 25th day of October, 2007, in the penal sum of 25,000 USD issued by The Ohio Casualty Insurance Company as surety (the "Surety"), on behalf of RL Currie Corp as principal (the "Principal"), in favor of CITY OF NEWBURYPORT, as obligee (the "Obligee").

The Surety hereby certifies that this Bond is continued in full force and effect until the 25th day of October, 2020, subject to all covenants and conditions of said Bond.

Said Bond has been continued in force upon the express condition that the full extent of the Surety's liability under said Bond, and this and all continuations thereof, for any loss or series of losses occurring during the entire time the Surety remains on said Bond, shall in no event, either individually or in the aggregate, exceed the penal sum of the Bond.

IN WITNESS WHEREOF, the Surety has set its hand and seal this 10th day of September, 2019.

The Ohio Casualty Insurance Company

(Surety)

By: Timothy A. Mikolajewski
Timothy A. Mikolajewski, Assistant Secretary



THE COMMONWEALTH OF MASSACHUSETTS

RECEIVED City OF Newburyport
CITY CLERK'S OFFICE
NEWBURYPORT, MA

12/1

2013 OCT 21 PM 10:10
APPLICATION FOR A LICENSE TO BUY, SELL, EXCHANGE
OR ASSEMBLE SECOND HAND MOTOR VEHICLES
OR PARTS THEREOF

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

1. What is the name of the concern? LCA Motors

Business address of concern, No. 4 Lt. Leary Drive St.,
Newburyport City — Town.

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

3. If an individual, state full name and residential address.
Charles Ciovacco 4 Lt. Leary Drive
Newburyport

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

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

6. Are you engaged principally in the business of buying, selling or exchanging motor vehicles? yes
If so, is your principal business the sale of new motor vehicles? No
Is your principal business the buying and selling of second hand motor vehicles? yes
Is your principal business that of a motor vehicle junk dealer? No

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

Sale of used vehicles over the internet.

Business is based in my residence. No vehicles are kept at the location.

8. Are you a recognized agent of a motor vehicle manufacturer? No

(Yes or No)

If so, state name of manufacturer _____

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

(Yes or No)

10. Have you ever applied for a license to deal in second hand motor vehicles or parts thereof? YES

(Yes or No)

If so, in what city — town Newburyport

Did you receive a license? yes

(Yes or No)

For what year? 2005 to present

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

(Yes or No)

Sign your name in full *Oliver Pen*
(Duly authorized to represent the concern herein mentioned)

Residence 4 Lt. Leary Drive, Newburyport

IMPORTANT

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

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

APPLICANT WILL NOT FILL THE FOLLOWING BLANKS

Application after investigation _____
(Approved or Disapproved)

License No. _____ granted _____ 20 _____ Fee \$ _____

Signed _____

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

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

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

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

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

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

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

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

APPLICANT WILL NOT FILL THE FOLLOWING BLANKS

Application No. _____

Class _____ License No. _____

Name _____

St. and No.: _____

City — Town _____

Date Issued _____

Remarks _____

CNA SURETY

CNA Plaza, Chicago IL 60685-0001

Jennifer B. Schaller

Counsel

Telephone 312-822-7049

Facsimile 312-755-3737

Re: Second Hand Motor Vehicle Dealer Bond Certificate of
Continuance for Western Surety Bonds

Western Surety is an underwriting company of CNA Surety and we are contacting your office because several of our bond principals received correspondence indicating the need for a Certificate of Continuance for their Second Hand Motor Vehicle Dealer Bonds issued by Western Surety.

Western Surety's standard bond form expressly states: "This bond shall be continuous and may be cancelled by the Surety by giving (30) days' written notice of cancellation to the municipal licensing authority at (address) by First Class Mail." (emphasis added)." Since, Western Surety's bond form is continuous, it would be inappropriate for Western Surety to issue a Continuation Certificate.

The Commonwealth of Massachusetts, Registry of Motor Vehicles has reviewed Western Surety's bond form and has clearly stated that municipalities do not need to require additional evidence that the bond is in effect. (See attached letter from Attorney William McVey dated November 19, 2004).

If you have any questions, or we can be of any further assistance, please feel free to contact me at (312) 822-7049.

Sincerely,

Jennifer B. Schaller

Jennifer B. Schaller



The Commonwealth of Massachusetts

Registry of Motor Vehicles

One Copley Place, Boston 02116

Katherine Hinden
Registrar

Mail
P.O. Box 199103
Boston, MA 02119-0103
www.state.ma.gov

November 19, 2004

Jennifer B. Schaller, Esq.
Law Department
CNA Surety, 13th Floor
CNA Plaza 13 South
Chicago, IL 60685

Re: Western Surety Company Bond for Massachusetts

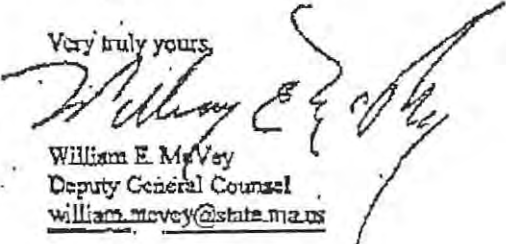
Dear Attorney Schaller:

1. This is in response to your inquiry concerning the bond required by Class 2 motor vehicle dealers in Massachusetts. You have indicated that licensing authorities in some municipalities have insisted that dealers attempting to renew a "Class 2 Dealer's License" must provide proof that the dealer's existing bond is still valid and will remain so throughout the renewal term of one calendar year (January 1, to December 31).
2. Chapter 422 of the Acts of 2002 does state that:
A municipal licensing authority shall not issue or renew a Class 2 license unless it is satisfied that a bond or equivalent proof of financial responsibility meeting the requirements of this section is in effect during the term under which the license shall be issued or renewed....
3. I have reviewed a copy of a bond you have provided which is issued by Western Surety Company (apparently a related company to CNA). The Form Number of the Western Surety Second Hand Motor Vehicle Dealer Bond is F6333-7-2003 and you have provided oral assurance that this is the only bond form used in Massachusetts by Western Surety Company for Class 2 dealers.
4. The last paragraph of the Western Surety Second Hand Motor Vehicle Dealer Bond states:
This bond shall be continuous and may be cancelled by the Surety by giving thirty (30) days written notice of cancellation to the municipal licensing authority at _____ by First Class U.S. Mail.

5. Based upon the wording contained in the Bond as stated in paragraph # 4, the Registrar is satisfied that the above identified Western Surety Second Hand Motor Vehicle Dealer Bond (F6333-7-2003) provides continuous coverage under the law (unless the municipality is notified of cancellation). As such, a municipality in Massachusetts that is processing a renewal for a Class 2 Dealer License from a dealer who has a Western Surety Second Hand Motor Vehicle Dealer Bond (F6333-7-2003) on file with the municipality, should not require additional evidence that the bond is still valid.

6. I trust this is responsive to your inquiry.

Very truly yours,



William E. McVey
Deputy General Counsel
william.mcvey@state.ma.us

Massachusetts

Western Surety Company

SECOND HAND MOTOR VEHICLE DEALER BOND

(Mass. Gen. Laws Ann. 140, § 58(c))

Bond No. 69923000

KNOW ALL PERSONS BY THESE PRESENTS:

Effective Date: June 9, 2005

That we, Charles Ciovacco dba LCA Motors, as Principal, and WESTERN SURETY COMPANY, a corporation authorized to do surety business in the Commonwealth of Massachusetts, as Surety, are held and firmly bound unto persons who purchase a vehicle from the Principal and who suffer loss on account of a breach of the condition of this bond described below, in the sum of not to exceed TWENTY-FIVE THOUSAND AND NO/100 DOLLARS (\$25,000.00), for the payment of which well and truly to be made, we bind ourselves and our legal representatives, firmly by these presents.

WHEREAS, the Principal is a second hand motor vehicle dealer and is required to furnish a bond or equivalent proof of financial responsibility pursuant to Mass. Gen. Laws Ann. 140, § 58(c)(1).

NOW, THEREFORE, the condition of this obligation is such that if the Principal shall pay the amount of actual damages, not to exceed the amount of this bond, to any person who purchases a vehicle from the Principal and who suffers loss on account of (a) the Principal's default or nonpayment of valid bank drafts, including checks drawn by the Principal for the purchase of motor vehicles; (b) the Principal's failure to deliver, in conjunction with the sale of a motor vehicle, a valid motor vehicle title certificate free and clear of any prior owner's interests and all liens, except a lien created by or expressly assumed in writing by the buyer of the vehicle; (c) the fact that the motor vehicle purchased from the Principal was a stolen vehicle; (d) the Principal's failure to disclose the vehicle's actual mileage at the time of sale; (e) the Principal's unfair and deceptive acts or practices, misrepresentations, failure to disclose material facts or failure to honor a warranty claim or arbitration order in a retail transaction; or (f) the Principal's failure to pay off a lien on a vehicle traded in as part of a transaction to purchase a vehicle when the Principal had assumed the obligation to pay off the lien, then this obligation to be void; otherwise to remain in full force and effect.

PROVIDED, that recovery against this bond may be made only by a person who obtains a final judgment in a court of competent jurisdiction against the Principal for an act or omission on which this bond is conditioned, if the act or omission occurred during the term of this bond. No suit may be maintained to enforce any liability on this bond unless brought within one (1) year after the event giving rise to the cause of action. This bond shall cover only those acts and omissions described above. The Surety shall not be liable for total claims in excess of the bond amount, regardless of the number of claims made against this bond or the number of years this bond remains in force.

This bond shall be continuous and may be cancelled by the Surety by giving thirty (30) days' written notice of cancellation to the municipal licensing authority at City Hall, 60 Pleasant St., Newburyport, MA 01950

by First Class U.S. Mail.

Address

Dated this 9th day of June, 2005.



Charles Ciovacco dba LCA
Motors, Principal

By: _____
WESTERN SURETY COMPANY, Surety

By: Paul T. Bruflat
Paul T. Bruflat, Senior Vice President

Western Surety Company

POWER OF ATTORNEY

KNOW ALL MEN BY THESE PRESENTS:

That WESTERN SURETY COMPANY, a corporation organized and existing under the laws of the State of South Dakota, and authorized and licensed to do business in the States of Alabama, Alaska, Arizona, Arkansas, California, Colorado, Connecticut, Delaware, District of Columbia, Florida, Georgia, Hawaii, Idaho, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Montana, Nebraska, Nevada, New Hampshire, New Jersey, New Mexico, New York, North Carolina, North Dakota, Ohio, Oklahoma, Oregon, Pennsylvania, Rhode Island, South Carolina, South Dakota, Tennessee, Texas, Utah, Vermont, Virginia, Washington, West Virginia, Wisconsin, Wyoming, and the United States of America, does hereby make, constitute and appoint

Paul T. Bruflat of Sioux Falls,
State of South Dakota, its regularly elected Senior Vice President
as Attorney-in-Fact, with full power and authority hereby conferred upon him to sign, execute, acknowledge and deliver for and on its behalf as Surety and as its act and deed, all of the following classes of documents to-wit:

Indemnity, Surety and Undertakings that may be desired by contract, or may be given in any action or proceeding in any court of law or equity, policies indemnifying employers against loss or damage caused by the misconduct of their employees; official, bail, and surety and fidelity bonds; indemnity in all cases where indemnity may be lawfully given; and with full power and authority to execute consents and waivers to modify or change or extend any bond or document executed for this Company, and to compromise and settle any and all claims or demands made or existing against said Company.

Western Surety Company further certifies that the following is a true and exact copy of Section 7 of the by-laws of Western Surety Company duly adopted and now in force, to-wit:

Section 7. All bonds, policies, undertakings, Powers of Attorney, or other obligations of the corporation shall be executed in the corporate name of the Company by the President, Secretary, any Assistant Secretary, Treasurer, or any Vice President, or by such other officers as the Board of Directors may authorize. The President, any Vice President, Secretary, any Assistant Secretary, or the Treasurer may appoint Attorneys-in-Fact or agents who shall have authority to issue bonds, policies, or undertakings in the name of the Company. The corporate seal is not necessary for the validity of any bonds, policies, undertakings, Powers of Attorney or other obligations of the corporation. The signature of any such officer and the corporate seal may be printed by facsimile.

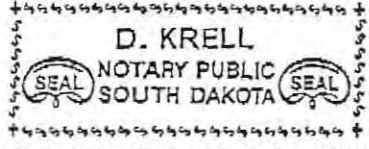
In Witness Whereof, the said WESTERN SURETY COMPANY has caused these presents to be executed by its Senior Vice President with the corporate seal affixed this 9th day of June, 2005.

ATTEST
L. Nelson
Assistant Secretary

WESTERN SURETY COMPANY
By Paul T. Bruflat
Paul T. Bruflat, Senior Vice President

STATE OF SOUTH DAKOTA }
COUNTY OF MINNEHAHA } ss

On this 9th day of June, 2005, before me, a Notary Public, personally appeared Paul T. Bruflat and L. Nelson who, being by me duly sworn, acknowledged that they signed the above Power of Attorney as Senior Vice President and Assistant Secretary, respectively, of the said WESTERN SURETY COMPANY, and acknowledged said instrument to be the voluntary act and deed of said Corporation.



My Commission Expires November 30, 2008

D. Krell
Notary Public



Neighborhoods & City Services

- ODNC042_09_30_19 Parking at Public Parks and Playgrounds

CITY OF NEWBURYPORT



IN CITY COUNCIL

ORDERED:

September 30, 2019

**AN ORDINANCE TO AMEND THE NEWBURYPORT CODE OF ORDINANCES REGARDING
PARKS AND PLAYGROUNDS**

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

THAT the Code of Ordinances, City of Newburyport, Massachusetts, is hereby amended to read as follows,

Chapter 11 – PARKS AND RECREATION

ARTICLE 1. – IN GENERAL

SECTION 11 – 3 LIMITED PARKING AT CERTAIN PUBLIC PARKS AND PLAYGROUNDS

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

(b) No person shall park any vehicle or trailer in the playground area of the Bartlet Mall, located at the corner of Auburn Street and High Street, ~~except upon declaration of a snow emergency. In the case of such declared snow emergency, vehicles, but excepting trailers, may remain for the duration of the snow emergency and for no more than twenty-four (24) hours after the declaration of the end of the snow emergency.~~

Councillor Heather L. Shand

Planning & Development

- ORDR086_01_28_19 CPC FY2019 Amended Recommendation for Affordable Housing Trust Funds
- ORDR156_11_12_19 Acceptance of Colby Farm Open Space

*Rebo
p#0
CT/56*

CITY OF NEWBURYPORT



IN CITY COUNCIL

ORDERED:

January 28, 2019

That the City Council approves a minor amendment to the scope of work previously associated with FY'19 CPA funds awarded to the Newburyport Affordable Housing Trust (NAHT) in relation to the Brown School. Accordingly, the original scope of work is modified and expanded to include the use of up to \$30,000 – from the original \$100,000 appropriation – to engage consultants to assist with a housing feasibility study specific to the Brown School property in advance of future disposition of said property by the Mayor and City Council.

Further, that the Council removes the one-year time constraint originally imposed on use of said CPA funds to allow adequate time for, among other things: (a) coordination between the NAHT, designated consultant, Mayor, Council, and other City and State officials related to prerequisite relocation of the Newburyport Youth Services (NYS) department; (b) preparation of a new Request for Proposals (RFP) for adaptive reuse of the Brown School; (c) review and selection of a developer or non-profit affordable housing partner; and (d) establishment of detailed agreements regarding the commitment of CPA and NAHT funds towards any affordable housing developed, and subsidized for affordability, at the former Brown School.

All other terms of the original appropriation and award for this project remain unchanged.

Councillor Charles F. Tontar

Councillor Jared J. Eigerman

Newburyport Community Preservation Committee

Recommendation for Minor Amendment to FY19 CPA Grant Appropriation Awarded to the Newburyport Affordable Housing Trust

Background

The Newburyport Community Preservation Committee (CPC) previously recommended, and the City Council previously approved an award of \$150,000 in FY'19 CPA funds to the Newburyport Affordable Housing Trust (NAHT) for the project entitled "Supporting the Development & Preservation of Affordable Housing," which included the following purposes:

1. \$100,000 for the Brown School (*funding for a financial contribution to the redevelopment of the Brown School to encourage more affordable housing units*); and
2. \$50,000 for the small grants program

The project scope for #1 above originally included the following activities related to disposition of the former Brown School building:

- A. to assist [*an affordable housing*] developer with carrying costs of the current structure during the permitting process;
- B. to supply a local match of funds, which is required with state funding programs, and/or
- C. to incentivize affordability, i.e. provide funds to the developer to include more affordable units than the minimum number required and/or offer units at deeper affordability than the traditional 80% of Area Median Income (AMI).

In addition, the Council placed the following time condition on use of these funds:

"In the event that the \$100,000 grant for affordable housing at the Brown School is not utilized within twelve (12) months of this award [i.e. August 30, 2018], the Affordable Housing Trust shall remand these funds to the CPA Community Housing Reserve Fund for future appropriation;"

Update / Recommendation

On Tuesday, January 22, 2019, the CPC met with the Chair of the NAHT to discuss their request for a minor modification to the scope of work originally approved for the Brown School project. The Committee unanimously agreed to recommend that the Council approve a minor amendment to that scope of work as follows:

That the original scope of work should be modified and expanded to include the use of up to \$30,000 from the original \$100,000 appropriation to engage a consultant to assist with a housing feasibility study specific to the Brown School property in advance of disposition of said property. The findings of such studies will inform City leaders in determining the financial feasibility of various housing scenarios, which may include:

- I. 100% affordable units
- II. Various mixes of affordable and market rate units
- III. Funding sources for affordable housing development
- IV. Including potential sources if the development is not 100% affordable
- V. Offering affordable units with deeper affordability, i.e. < 80% AMI.

In addition, in light of the extended and uncertain timeline for relocation of the Newburyport Youth Services (NYS) program, preparation of a Request for Proposals (RFP), and Council disposition of the Brown School building, the Committee

ORDR086_01_28_19
LATE FILE

recommends that the original 1-year time condition be eliminated. It is likely that the subject funds will be needed over a two (or more) year period since the NAHT and their consultant will need to adapt to longer unknown timelines.

Respectfully submitted by:

Community Preservation Committee
Michael Dissette, Chair

CITY OF NEWBURYPORT



 IN CITY COUNCIL

November 12, 2019

ORDERED:

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

THAT the City Council of the City of Newburyport hereby approve and authorize the acceptance of land by deed to the City on the so-called "Colby Farm" property located at the intersection of Low Street and Colby Farm Lane, identified as all or portions of Lots 1, 6 and 7 on a plan recorded with the Essex South Registry of Deeds as Plan 50 of Plan Book 445. Said parcels also being further identified as follows; and

<u>Street Name</u>	<u>Assessors Reference</u>	<u>Approx. Acreage</u>
9 Colby Farm Lane	Tax Map 97, Parcel 17	9.550 acres +/-
181 Low Street	Tax Map 97, Parcel 16-X	1.574 acres +/-
183 Low Street	Tax Map 97, Parcel 15-D	0.708 acres +/-

Further, that said land accepted by the City shall be kept free of permanent structures and open to the public as permanent open space subject to the protections afforded by Article 97 of the Amendments to the Massachusetts Constitution, for the purposes of conservation and/or continued agricultural operations (*as may be determined by the City at a future date by lease or license agreement through the Office of the Mayor*); and

Further, that the Mayor of the City of Newburyport is hereby authorized to act on behalf of the City and enter into any and all instruments, including acceptance of a deed to the property encumbered by a permanent Conservation Restriction, or grant of such a Conservation Restriction to a designated third party after acceptance of the property deed, in accordance with Massachusetts General Laws Chapter 184, and to take any other actions necessary to execute this acceptance and the associated Conservation Restriction accordingly.

 Councillor Larry Giunta, Jr.

Public Safety

- ORDR145_09_30_19 Snow Emergency Parking – Greenleaf Street
- ORDR146_09_30_19 Restricted Parking – Merrimac Street at Ashland Street
- ORDR149_10_28_19 Eliminate Two Hour Parking Upper Summer St

CITY OF NEWBURYPORT



IN CITY COUNCIL

ORDERED:

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

Date: September 30, 2019

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 2 Administration
- Section 13-29 Snow emergencies

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

Upon the declaration of a snow emergency by the superintendent of the department of public works, no parking shall be allowed on any street or way in the city except of the following street(s):

1. Greenleaf Street on the northerly side running from Pond Street to a point 285 feet from Auburn Street

The superintendent, upon such declaration, shall cause notice of the snow emergency to be given by radio broadcast or other suitable media. Upon the declaration of the end of the snow emergency by the superintendent, parking shall be allowed on any street or way in the city. Provided, however, that this section shall not be construed to permit parking where it is specifically prohibited by the provisions of this chapter.

Councillor Heather L. Shand

CITY OF NEWBURYPORT



IN CITY COUNCIL

ORDERED:

September 30, 2019

AN ORDER TO RESTRICT PARKING AT DESIGNATED POINT ALONG MERRIMAC STREET

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

Chapter 13	Traffic and Motor Vehicles
Article 4	Specific Street Schedules
Division 6	Stopping, Standing and Parking
Section 13-168	Parking restricted on certain streets.

Add the following new row to the table of streets or portions of streets upon which no person shall park any vehicle, as follows, with additions italicized and double-underlined:

<u>Merrimac Street</u>	<u><i>On the southerly side, starting at the intersection of Ashland Street and running in a westerly direction for a distance of 60 ft</i></u>
------------------------	---

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 28, 2019

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:

No person shall park a vehicle for longer than two (2) hours between the hours of 9:00 a.m. and 6:00 p.m. of any day except Sundays and holidays in the following described streets or parts thereof:

<u>Street</u>	<u>Extent</u>
Summer Street	On the easterly side starting at High Street and running northerly to the property known as 31 Summer Street

Councillor Heather L. Shand

Public Utilities

- COMM200_10_28_19 Pole Hearing - 30 Colby Farm Lane

Questions contact Gerard Vanderpool 508-935-1631

PETITION FOR JOINT OR IDENTICAL POLE LOCATIONS

North Andover, Massachusetts

RECEIVED
CITY CLERK'S OFFICE
NEWBURYPORT, MA
2019 OCT 11 AM 9:40

To the 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:

Colby Farm Ln. (Crow Ln.) - National Grid to install (1) JO pole on Colby Farm Ln. (Crow Ln.) and relocate (1) JO pole on Colby Farm Ln. (Crow Ln.) beginning at a point approximately 1400 feet southwest of the centerline of the intersection of Colby Farm Ln. (Crow Ln.) and Low St. Relocating pole 11 approximately 75 feet northeast of existing location, in line. Install stub pole 11-S across Colby Farm Ln. (Crow Ln.) from relocated pole 11. Poles will be located in front of 30 Colby Farm Ln. (Crow Ln.).

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 – Colby Farm Ln. (Crow Ln.) - Newburyport, Massachusetts.

24178131

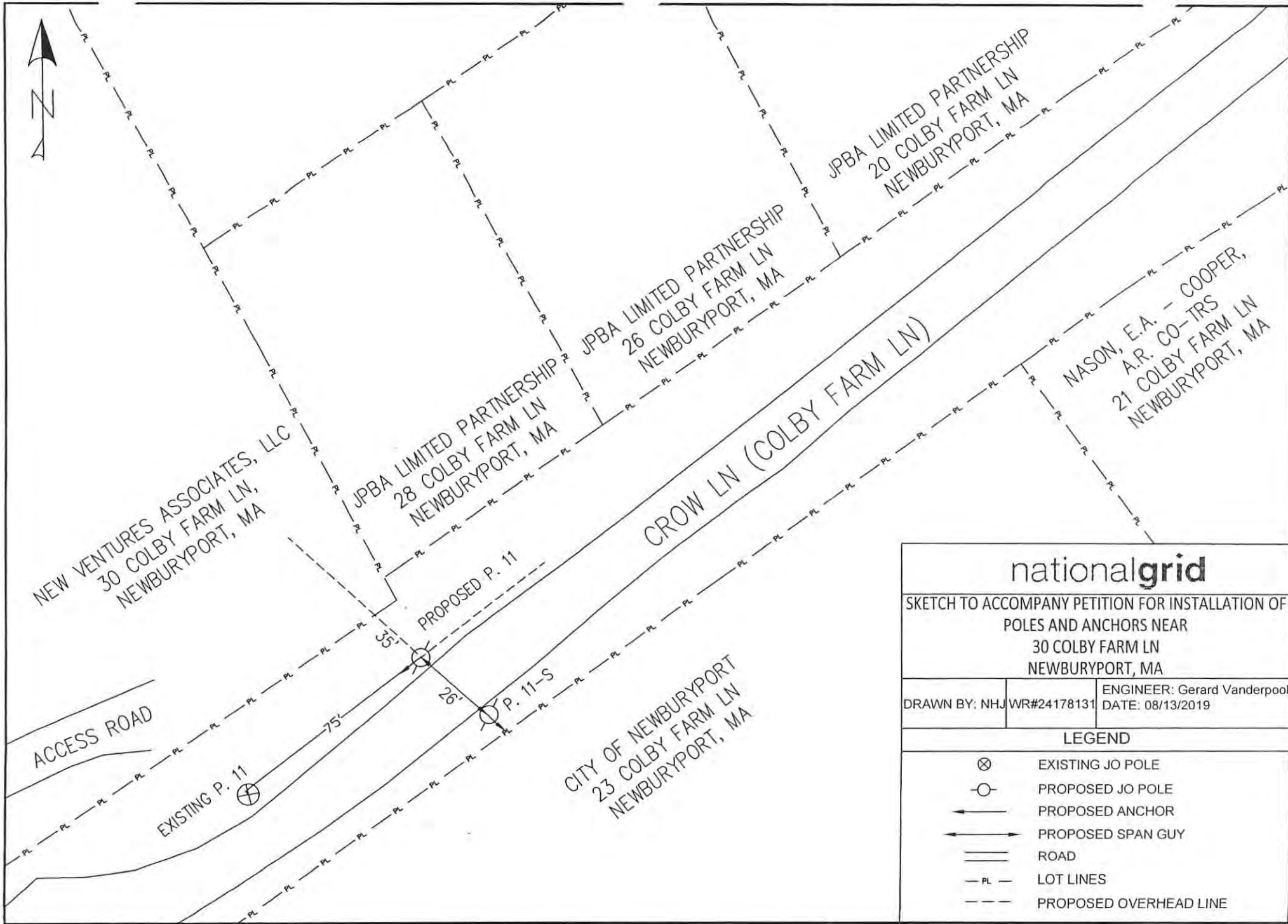
Also, for permission to lay and maintain underground laterals, cables, and wires in the above or intersecting public ways for the purpose of making connections with such poles and buildings as each of said petitioners may desire for distributing purposes.

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 Dave Johnson/lls
Engineering Department

VERIZON NEW ENGLAND, INC.
BY _____
Manager / Right of Way

August 26, 2019



nationalgrid		
SKETCH TO ACCOMPANY PETITION FOR INSTALLATION OF POLES AND ANCHORS NEAR 30 COLBY FARM LN NEWBURYPORT, MA		
DRAWN BY: NHJ	WR#24178131	ENGINEER: Gerard Vanderpool DATE: 08/13/2019
LEGEND		
⊗	EXISTING JO POLE	
○	PROPOSED JO POLE	
←	PROPOSED ANCHOR	
⇔	PROPOSED SPAN GUY	
══	ROAD	
- PL -	LOT LINES	
- - -	PROPOSED OVERHEAD LINE	

nationalgrid

October 7, 2019

City Council of Newburyport, Massachusetts

To Whom It May Concern:

Enclosed please find a petition of NATIONAL GRID and VERIZON, covering joint NATIONAL GRID-VERIZON pole location(s) | |

If you have any questions regarding this permit, please contact:

Gerard Vanderpool 508-935-1631

Please notify National Grid's Lisa Ayres of the hearing date / time.

If this petition meets with your approval, please return an executed copy to each of the above-named Companies.

National Grid: Lisa Ayres, 1101 Turnpike Street; North Andover, MA 01845
978-725-1418

Very truly yours,

Dave Johnson/lla

Dave Johnson
Supervisor, Distribution Design

Enclosures

Questions contact – Gerard Vanderpool 508-935-1631

ORDER FOR JOINT OR IDENTICAL POLE LOCATIONS

To the City Council - 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 26th day of August 2019.

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 – Colby Farm Ln. (Crow Ln.) - Newburyport, Massachusetts.

24178131 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:

Colby Farm Ln. (Crow Ln.) - National Grid to install (1) JO pole on Colby Farm Ln. (Crow Ln.) and relocate (1) JO pole on Colby Farm Ln. (Crow Ln.) beginning at a point approximately 1400 feet southwest of the centerline of the intersection of Colby Farm Ln. (Crow Ln.) and Low St. Relocating pole 11 approximately 75 feet northeast of existing location, in line. Install stub pole 11-S across Colby Farm Ln. (Crow Ln.) from relocated pole 11. Poles will be located in front of 30 Colby Farm Ln. (Crow Ln.).

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:
City/Town Clerk



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, 2019

Dear Property Owner:

Notice is hereby given that a public hearing will be held on the petition of National Grid and Verizon New England Inc., request to locate poles, wires, and fixtures, including the necessary sustaining and protecting fixtures, along and across the following public way:

Colby Farm Road.

To install (1) JO Pole & relocate (1) JO pole beginning at a point approximately 1400 feet southwest of the centerline of the intersection of Colby Farm Lane and Low Street.

Relocate pole 11 approximately 75 feet northeast of existing location. Install stub pole 11-S across Colby Farm Lane from relocated pole 11. Poles will be located in from of 30 Colby Farm Lane.

Location approximately as shown on the plan attached.

Said hearing will be held on Tuesday, November 12, 2019 at 7:15 pm, in the City Council Chamber, City Hall, Newburyport, MA. At that time, all interested parties will have an opportunity to be heard.

Sincerely,

Tricia E. Barker
Assistant City Clerk



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 15, 2019

TO: Richard Jones, City Clerk

FROM: Board of Assessors

RE: Colby Farm Lane – Install (1) JO pole & relocate (1) JO pole beginning at a point approximately 1400 feet southwest of the centerline of the intersection of Colby Farm Lane and Low Street. Relocate pole 11 approximately 75 feet northeast of existing location. Install stub pole 11-S across Colby Farm Lane from relocated pole 11. Poles will be located in front of 30 Colby Farm Lane.

The attached are the abutters to the above described location:

Jill Brennan

96/ 1/ / /
CITY OF NEWBURYPORT
COMPOST FACILITY
23 COLBY FARM LN
NEWBURYPORT, MA 01950

98/ 1/ / /
JPBA LIMITED PARTNERSHIP
JOHN P MURPHY
PO BOX 1510
NEWBURYPORT, MA 01950

98/ 3/A / /
NEW VENTURES ASSOCIATES LLC
85 BOSTON ST
EVERETT, MA 02149