

CITY COUNCIL MEETING AGENDA - VERSION 1
CITY COUNCIL CHAMBERS
NOVEMBER 12, 2019

7:15PM
Tax Levy Hearing

Pole Hearing – Colby Farm Lane

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. COMMENDATION FOR THE "PLOGGING OF NEWBURYPORT" TEAM**

CONSENT AGENDA

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

8. APPROVAL OF MINUTES

- October 28, 2019

(Approve)

9. TRANSFERS

- NONE

10. 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)

11. 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

12. MAYOR'S UPDATE

13. APPOINTMENTS

Second Reading

- APPT131_10_28_19 Victoria Finnigan 10 Boxford Rd #25, Rowley Asst Treasurer 11/1/2022

14. ORDERS

- ORDR154_11_12_19 Friends of NYS Gift Acceptance \$11,000
- ORDR155_11_12_19 Plum Island AED Gift Acceptance \$2,603.98
- ORDR156_11_12_19 Acceptance of Colby Farm Open Space
- ORDR157_11_12_19 Fire Boat Gift Acceptance
- ORDR158_11_12_19 Rescission of Marijuana Sales Tax

15. ORDINANCES

- ODNC040_08_19_19 Zoning Ordinance re: Kennel/Animal Boarding Use (Confirmatory 2nd Reading)
- ODNC043_11_12_19 Prohibition of Non-Medical Marijuana Retailers
- ODNC044_11_12_19 Zoning Amendment - Prohibition of Non-Medical Marijuana Establishments
- ODNC045_11_12_19 Zoning Amendment - Definition "Marijuana Retailers"

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)
- ORDR148_10_28_19 Parent Workshops Gift Acceptance from Anna Jaques \$5,000
- ORDR150_10_28_19 Opioid Addiction Treatment and Prevention Grant Acceptance \$600K
- ORDR152_10_28_19 FY2020 Tax Rate
- ORDR153_10_28_19 FY2020 Residential Factor

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

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**
- 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**
- **COMM199_10_28_19 Newburyport Armory Conveyance**
- 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
- 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
- **COMM195_10_15_19 Newburyport Youth Hockey Tag Day Fundraiser - 11/16/2019**
- 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

17. GOOD OF THE ORDER

18. ADJOURNMENT

RECEIVED
CITY CLERK'S OFFICE
NEWBURYPORT, MA

2019 OCT 30 PM 2:44

**CITY OF NEWBURYPORT
PUBLIC HEARING**

In accordance with section 1 of chapter 369 of the acts of 1982,
the City Council of the City of Newburyport will hold a
public hearing on the determination of the **Percentage of Tax
Levy** to be borne by each **Class of Real and Personal
Property for Fiscal Year 2020**. The hearing will be held in **the
Council Chambers at Newburyport City Hall at 7:15 P.M.,
Tuesday, November 12, 2019** at which time all interested
parties may be heard.

Councillor Barry Connell

A true copy attest:

Richard B. Jones, City Clerk

**CITY OF NEWBURYPORT
FISCAL YEAR 2020
CLASSIFICATION**



November 12, 2019

MINIMUM RESIDENTIAL FACTOR

- A Residential Factor of 1 and raising the levy by 2.50% would yield a single tax rate of \$12.84 per thousand of value.
- Tax Levy: \$59,556,464 / Value: \$4,634,824,144 = (0.01284) X 1000 = Single Tax Rate of \$12.84.
- Chapter 200 allows Newburyport to select a factor less than 1 thereby shifting more of the tax burden onto the CIP classes of properties.
- Since 1918 Newburyport has chosen to adopt a MRF of 1 except for Fiscal Year 1986 when a shift to 1.50 of the CIP class was adopted.

AVG TAX BILL FY 2019 – FY 2020

	FY2019	FY2020	Change
Avg. Single Family Value	\$595,000	\$617,500	+3.78%
Res Tax Rate	\$13.08	\$12.84	-\$0.24
Avg. Res Tax Bill	\$7,782.60	\$7,928.70	+\$146.10 or +1.88%
Avg. Commercial Value	\$1,269,982	\$1,376,600	+8.40%
CIP Tax Rate	\$13.08	\$12.84	-\$0.24
Avg. Commercial Tax Bill	\$16,611.36	\$17,675.54	+\$1,064.18 or +6.41%
Median Value	\$537,300	\$557,900	+20,600 or +3.83%
Median Tax Bill	\$7,027.88	\$7,163.44	+\$135.55 or +1.93%

TAX LEVY BY CLASS

CLASS	VALUE	Factor %	Total
Residential	4,046,191,299	87.2998	R & O %
Open Space	248,800	0.0054	87.3052
Commercial	340,263,401	7.3414	
Industrial	194,766,700	4.2022	C I P %
Personal Property	53,353,944	1.1512	12.6948
Total	4,634,824,144	100.0000	

Levy Limit	59,556,464
Single TaxRate	12.84

CIP Shift	Residential	Open Space	Comm.	Ind.	PP
1.00	12.84	12.84	12.84	12.84	12.84
1.05	12.75	12.75	13.48	13.48	13.48
1.10	12.65	12.65	14.12	14.12	14.12
1.15	12.56	12.56	14.77	14.77	14.77
1.20	12.47	12.47	15.41	15.41	15.41
1.25	12.37	12.37	16.05	16.05	16.05
1.30	12.28	12.28	16.69	16.69	16.69
1.35	12.19	12.19	17.33	17.33	17.33
1.40	12.09	12.09	17.98	17.98	17.98
1.45	12.00	12.00	18.62	18.62	18.62
1.50	11.91	11.91	19.26	19.26	19.26

Questions contact Gerard Vanderpool 508-935-1631

PETITION FOR JOINT OR IDENTICAL POLE LOCATIONS

North Andover, Massachusetts

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:

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

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

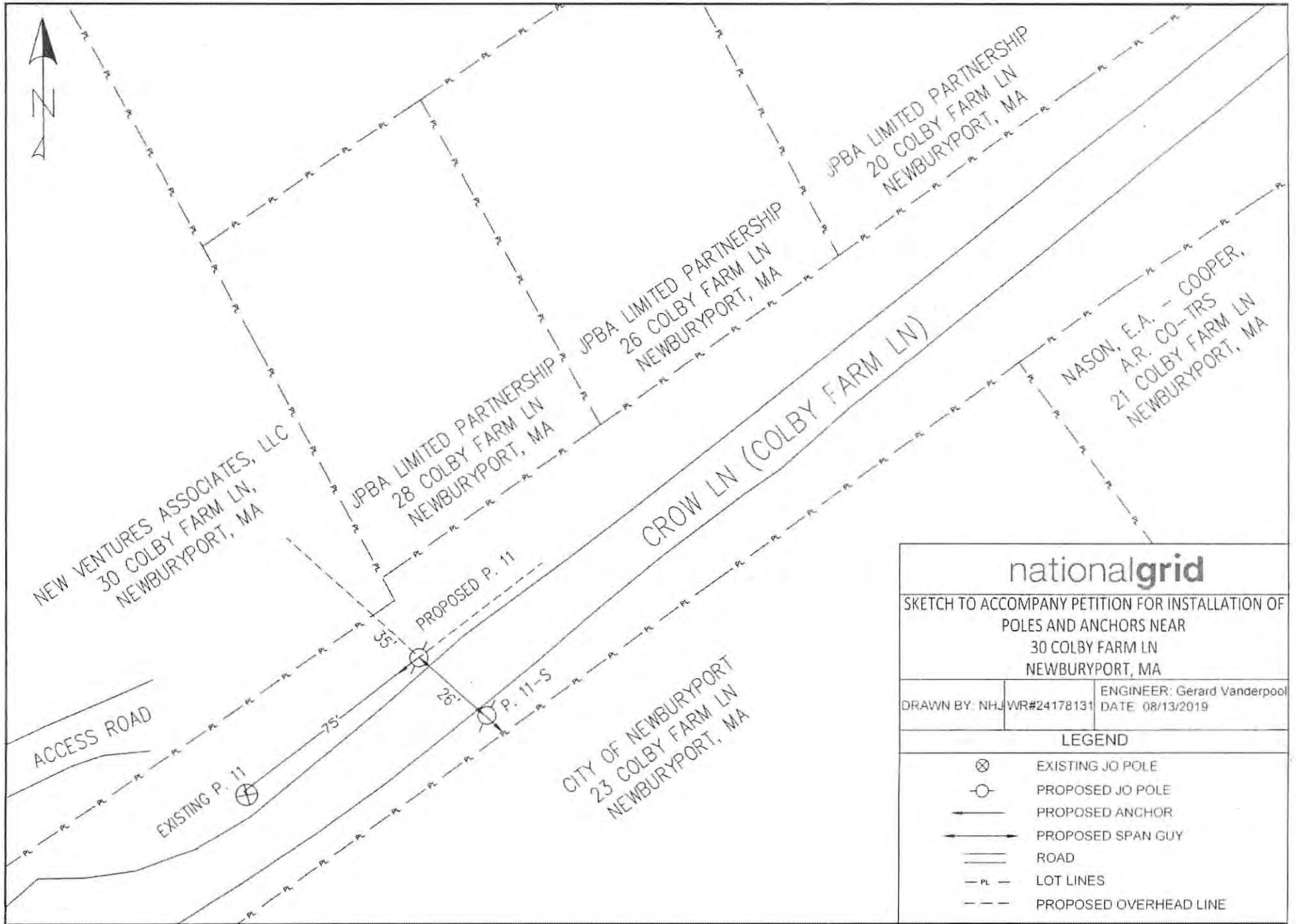
Also, for permission to lay and maintain underground laterals, cables, and wires in the above or intersecting public ways for the purpose of making connections with such poles and buildings as each of said petitioners may desire for distributing purposes.

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/lla
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	ENGINEER: Gerard Vanderpool
WR#24178131	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

Newburyport

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.

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

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

CONSENT AGENDA

CITY COUNCIL MEETING MINUTES
CITY COUNCIL CHAMBERS
OCTOBER 28, 2019

7:15PM

Pole Hearing – 14 Marlboro Street

John Butler from National Grid and Kathy Malynn spoke in favor. No one spoke in opposition. Hearing closed 7:17pm.

7:30PM

The City Council President, Barry Connell, called the meeting to order at 7:30pm, followed by the Pledge of Allegiance. A moment of silence was held for Ann Snell, former president of the Emma Andrews Library, and Stephen Serwon, son of retired Newburyport firefighter Frank Serwon. The City Council President then instructed the City Clerk to call the roll. The following Councillors answered present: Khan, McCauley, OBrien, Shand, Tontar, Vogel, Zeid, Devlin, Eigerman, Giunta, Connell. 11 present.

(Sound Check)

1. MOMENT OF SILENCE

2. PLEDGE OF ALLEGIANCE

3. CALL TO ORDER

4. LATE FILE ITEMS - ORDR151_10_28_19 Amendment to 2-Hour Resident Zones, ORDR152_10_28_19 FY2020 Tax Rate, ORDR153_10_28_19 FY2020 Residential Factor

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

5. PUBLIC COMMENT

1. Caleb Barlow	366 High St	Sidewalks & Roads
2. Scott Knight	3 Drew St	Sidewalks & Roads
3. Phil Cootey	22 Phillips Dr	Phillips Drive
4. Jane Snow	9 Coffin St	Sidewalks & Roads
5. Richard Goulet	25 Phillips Dr	Phillips Drive

6. MAYOR'S COMMENT

The Mayor gave and update pursuant to her written communication.

CONSENT AGENDA

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

7. APPROVAL OF MINUTES

- October 15, 2019

(Approve)

8. TRANSFERS

- NONE

9. COMMUNICATIONS

- COMM198_10_28_19 Ltr re: Middle Street Parking/Curb Cuts (PS)
- COMM199_10_28_19 Newburyport Armory Conveyance (P&D)
- COMM200_10_28_19 Pole Hearing - 30 Colby Farm Lane (PU)
- COMM201_10_28_19 Memo re: Proposed Zoning Change – WWOD (P&D)

10. APPOINTMENTS

First Reading

- APPT131_10_28_19 Victoria Finnigan 10 Boxford Rd #25, Rowley Asst Treasurer 11/1/2022

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

Planning & Development

- APPT129_09_30_19 Malcolm Carnwath 22 Strong St Historical Comm 9/30/2022

Public Safety

- ORDR145_09_30_19 Snow Emergency Parking – Greenleaf Street
- COMM195_10_15_19 Newburyport Youth Hockey Tag Day Fundraiser - 11/16/2019

Public Utilities

- COMM193_10_15_19 Pole Hearing - 14 Marlboro Street

END OF CONSENT AGENDA REGULAR AGENDA

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

11. MAYOR'S UPDATE

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

12. APPOINTMENTS

Second Reading

- APPT130_10_15_19 Susan Brown 40 Fair St Tree Commission 10/1/2022

Motion to approve Second Reading appointment by Councillor Zeid, seconded by Councillor Khan. Roll call vote, 11 yes. Motion passed.

13. COMMUNICATIONS

- COMM197_10_28_19 Ltr re: Phillips Drive Neighborhood Drainage
Councillor Giunta removed from the Consent Agenda. Motion to refer to Neighborhood & City Services and Committee of the Whole by Councillor Giunta, seconded by Councillor OBrien. So voted.

14. ORDERS

- ORDR148_10_28_19 Parent Workshops Gift Acceptance from Anna Jaques \$5,000
Motion to refer to Budget & Finance by Councillor Zeid, seconded by Councillor Tontar. So voted.
- ORDR149_10_28_19 Eliminate Two Hour Parking Upper Summer St
Motion to refer ORDR149_10_28_19 and ORDR151_10_28_19, collectively, to Public Safety by Councillor Zeid, seconded by Councillor Devlin. So voted.
- ORDR150_10_28_19 Opioid Addiction Treatment and Prevention Grant Acceptance \$600K
Motion to refer ORDR150_10_28_19, ORDR152_10_28_19, and ORDR153_10_28_19, collectively, to Budget & Finance by Councillor Zeid, seconded by Councillor Tontar. So voted.
- ORDR151_10_28_19 LATE FILE Amendment to 2-Hour Resident Zones
- ORDR152_10_28_19 LATE FILE FY2020 Tax Rate
- ORDR153_10_28_19 LATE FILE FY2020 Residential Factor

15. ORDINANCES

- ODNC040_08_19_19 Zoning Ordinance re: Kennel/Animal Boarding Use (2nd Reading)

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

- ODNC041_09_09_19 Zoning Map - Colby Farm Residential Overlay District (2nd Reading)
Motion to approve second reading by Councillor Giunta, seconded by Councillor Vogel. Roll call vote, 11 yes. Motion passed.

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
- **ORDR119_06_10_19 Bond Order - Streets and Sidewalks \$10M (COTW)**
Motion to remove from Budget & Finance by Councillor Tontar, seconded by Councillor Zeid. So voted. Motion to approve by Councillor Tontar, seconded by Councillor Vogel. Motion to amend, decrease from \$10 million to \$6 million, strike “throughout the city” and replace with “under the jurisdiction of the city, including, without limitation, to pave, set curbs, stripe, re-grade, and/or install drainage infrastructure within the public way”, strike “in five equal increments of two million dollars and no cents (\$2,000,000.00)” and replace with “over five (5) fiscal years, in increments not to exceed one million, two-hundred thousand dollars and no cents (\$1,200,000.00), and strike “consistent with Item Numbers HW009 and HW010 of the Capital Improvement Plan for Fiscal Years 2020-2024” and replace with “and with no less than fifty percent (50%) of any such yearly increment to be expended on public ways classified functionally as “local” under the then-current Road Inventory maintained by the Massachusetts Department of Transportation”, by Councillor Eigerman, seconded by Councillor Tontar. Roll call vote, 11 yes. Motion passed. Motion to change date from October 28, 2019 to June 10, 2019, when the order was introduced, by Councillor Eigerman, seconded by Councillor Vogel. So voted. Motion to approve as amended by Councillor Tontar, seconded by Councillor Vogel. Roll call vote, 11 yes. Motion passed.
- **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)**

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

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)

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 LATE FILE Ltr to Ward 2 Councillor from Eric Goodness
- 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 refer to Planning & Development by Councillor Eigerman, seconded by Councillor Giunta. So voted.

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)
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- ODNC035_05_28_19 Amendment to Health and Sanitation (COTW)
- **ORDR145_09_30_19 Snow Emergency Parking – Greenleaf Street**

Motion to refer ORDR145_09_30_19 and COMM195_10_15_19, collectively, to Public Safety by Councillor Devlin, seconded by Councillor Zeid. So voted.

- ORDR146_09_30_19 Restricted Parking – Merrimac Street at Ashland Street
- **COMM195_10_15_19 Newburyport Youth Hockey Tag Day Fundraiser - 11/16/2019**

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
- **COMM193_10_15_19 Pole Hearing - 14 Marlboro Street**

Motion to approve (comm vote 3-0) by Councillor Zeid, seconded by Councillor OBrien. Roll call vote, 11 yes. Motion passed.

Rules Committee

In Committee:

- ORDR057_08_27_18 Amendment to Council Rule 12A

17. EXECUTIVE SESSION to discuss litigation with respect to the 193 High Street Zoning Appeal
The Council President announced there would be no Executive Session.

18. GOOD OF THE ORDER

Councillor Zeid stated November 21, 2019 as a possible meeting date on High Street and Merrimac Street.

19. ADJOURNMENT

Motion to adjourn by Councillor OBrien, seconded by Councilor Vogel. So voted. 8:56pm.

COMMUNICATIONS

NEWBURYPORT SPECIAL EVENT APPLICATION

CITY CLERK'S OFFICE
NEWBURYPORT, MA
Tel. _____ Fax. _____

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

NAME OF EVENT: Newburyport Rotary Santa Parade

Date: Sunday, December 1, 2019 Time: from 3:00 PM to 5:00 PM

Rain Date: Same as above Time: from _____ to _____

2. Location*: NRA East Lot, up State Street, to Pleasant, to Green, to Merrimac, to Bullnose
*Please Note: If the location is a public park or the rail trail, please also contact the Parks Department

3. Description of Property: City streets and Bullnose Public Private _____

4. Name of Organizer: Newburyport Rotary Club City Sponsored Event: Yes _____ No

Contact Person Brian Sullivan, President, Newburyport Rotary

Address: 28 Green Street Newbury, MA Telephone: 781.910.4237 (cell)

E-Mail: briansullivan@dietzandlynch.com Cell Phone: above

Day of Event Contact & Phone: Brian Sullivan 781.910.4237

5. Number of Attendees Expected: 500 - 1000

6. MA Tax Number: _____

7. Is the Event Being Advertised? Yes Where? Facebook, Daily News, Chamber website

8. What Age Group is the Event Targeted to? All ages, but mainly children

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

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

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

B. Entertainment: (Subject to City's Noise Ordinance.) Live Music _____ DJ _____ Radio/CD _____
Performers _____ Dancing _____ Amplified Sound 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 _____ No

If yes:

- a) How many trash receptacles will you be providing? _____
- b) How many recycling receptacles will you be providing? _____
- 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 ? _____

If no:

- a) # of trash container(s) to be provided by DPS 10
- b) # of recycling container(s) to be provided by Recycling Office 5
- c) \$45.00/hr/DPS employee charge must be paid by the organizer to DPS in advance of the event (Fee for Special Events). The hours required for the event will be determined by DPS.

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

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

_____ Standard # _____ ADA accessible

Name of company providing the portable toilets: _____

FOR STREET CLOSURE OR ANY USE OF A PUBLIC WAY

PARADE X ROAD RACE _____ WALKATHON _____

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

Newburyport Rotary Club

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

Brian Sullivan
28 Green Street, Newbury, MA
781.910.4237

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

DPS

4. Date of Event: December 1, 2019 Expected Number of Participants: 500 - 1000

5. Start Time: 3:00 PM Expected End Time: 5:00 PM

6. Road Race, Parade or Walkathon Route: (List street names & **attach map of route**): Attached

NRA East Lot to Water St to State St to Pleasant St to Green St to Merrimac St to Bullnose

7. Locations of Water Stops (if any): n/a

8. Will Detours for Motor Vehicles Be Required? Yes If so, where? State, Pleasant, and Green

9. Formation Location & Time for Participants: NRA East Lot, 3:00 PM

10. Dismissal Location & Time for Participants: Bullnose, Market Square, 5:00 PM

11. Additional Parade Information:

- Number of Floats: NPD, NFD, NHS Marching Band, Triton Band, Santa on sleigh
- Locations of Viewing Stations: Bullnose plus sidewalks along parade route
- 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 [Signature] 4 Green St. FIRE CHIEF [Signature] 10 Greenleaf St.
 DEPUTY DIRECTOR [Signature] 16A Perry Way CITY CLERK [Signature] 60 Pleasant St.

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: <i>Fee for Special Events: \$45/hr/DPS employee for trash handling/staging etc. may apply</i>	
	Yes: \$ _____ due on _____	No Fee for Special Events applies
	Other requirements/instructions per DPS _____	
___	10. Parks Department: _____	
___	11. License Commission _____	

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

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

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

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

(c) *Definitions.*

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

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

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

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

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

(d) *Limitations.*

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

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

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

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

(4) *Electronic amplifier.* Electronic amplifiers, loudspeakers and bullhorn use shall be requested at time of application. Under no circumstances will they be used for public address announcements or music before 8:00 a.m., except for Sundays when electronic amplifiers, loud speakers or bullhorns will not be used for public address announcements or music before 9:00 a.m.

(5) *Road closure.* No ways, public or private, boat ramps or parking lots controlled or patrolled by the city shall be closed without authorization. Authorization shall be considered granted only if said closure(s) are contained in the approved permit. It is the sole responsibility of the race organizers to notify residents fourteen (14) days in advance that neighborhood roads will be closed if no alternate route is available to those residents. Notification shall be made by race organizers by informational packet drop-off at all residences that may be impacted, including, but not limited to, road closures, restricted driveway access, parking restrictions, or noise. In the case of multi-family residences with so-called security doors, notification will be sufficient at said security door. A copy of the notification shall be provided to the city clerk and, when possible, posted on the city website and distributed via email. Further,

a list of all streets notified shall be provided to the city clerk to be date stamped and appended to the application record. Press releases and other media type notifications are encouraged.

(6) *Insurance.* All events shall have an insurance policy or rider in effect for the event naming the "City of Newburyport" as an additional insured. The policy shall be no less than two million dollars (\$2,000,000.00).

(7) *Event termination.* If in the judgment of the city marshal, fire chief or department of public services (DPS) director or designees thereof determine that an event is unsafe due to existing conditions, that event may be stopped, terminated or suspended. In the case of a multidiscipline event such as a triathlon, the harbormaster or his/her designee may likewise stop, terminate or suspend the swimming portion for cause.

(8) *Event and traffic security.* The city marshal, fire chief, DPS director or in the case of a triathlon, the harbormaster can require special duty personnel to assist in the organizing and coordinating the safety and security of the event. All special duty assignments will be paid by the event organizers.

(9) *Clean-up.* The event organizers shall be responsible for post event trash collection, removal of signage, directional arrows, advertisements or other promotional material associated with the event.

10) *Parking.* The event organizers shall be responsible for including parking instructions in materials disseminated to event participants. If the event is happening within one-half mile of municipal parking, then participants shall be asked to park at such parking facilities.

(11) *Notification of previous event organizers.* To the extent reasonably possible, the city clerk shall notify all event organizers from events held from 2014—2016, inclusive, by a one-time phone, email, or letter of the new application timeline and other requirements.

(12) *Simplification.* Departments are encouraged to unify their respective applications into a singular application, managed and distributed by the city clerk's office.

(13) *Americans with Disabilities Act.* Event organizers are reminded of the importance of and expectation of adherence to the Americans with Disabilities Act of 1990 (42 U.S.C § 12101) and subsequent applicable amendments.

(e) *Enforcement.*

(1) *Regulations.* Consistent with this section, the city shall promulgate regulations to enforce and otherwise implement the provisions of this section upon passage by the city council. Any event previously approved by city council shall be deemed permitted.

(2) *Warning.* In the circumstance that this section is violated, the enforcement may consist of a warning. Any warnings issued for violation(s) will be reported to the city clerk and city council and may be used as a factor in future application approvals and denials.

(3) *Noncriminal disposition.* If the city determines that a violation has occurred in which a noncriminal violation is issued, the named event organizer shall be penalized by a non-criminal disposition as provided in Massachusetts General Law as adopted by the City of Newburyport as a general ordinance in section 1-17 of chapter 1 of the Code or Ordinances of the City of Newburyport in the amounts set herein in subsection (e)(4) below.

(4) *Violation.* The non-criminal violation shall be one hundred dollars (\$100.00) for the first offense and two hundred fifty dollars (\$250.00) for second and subsequent offenses. Any non-criminal citations issued for violation(s) will be reported to the city clerk and city council and shall be used as a factor in future application approvals and denials.

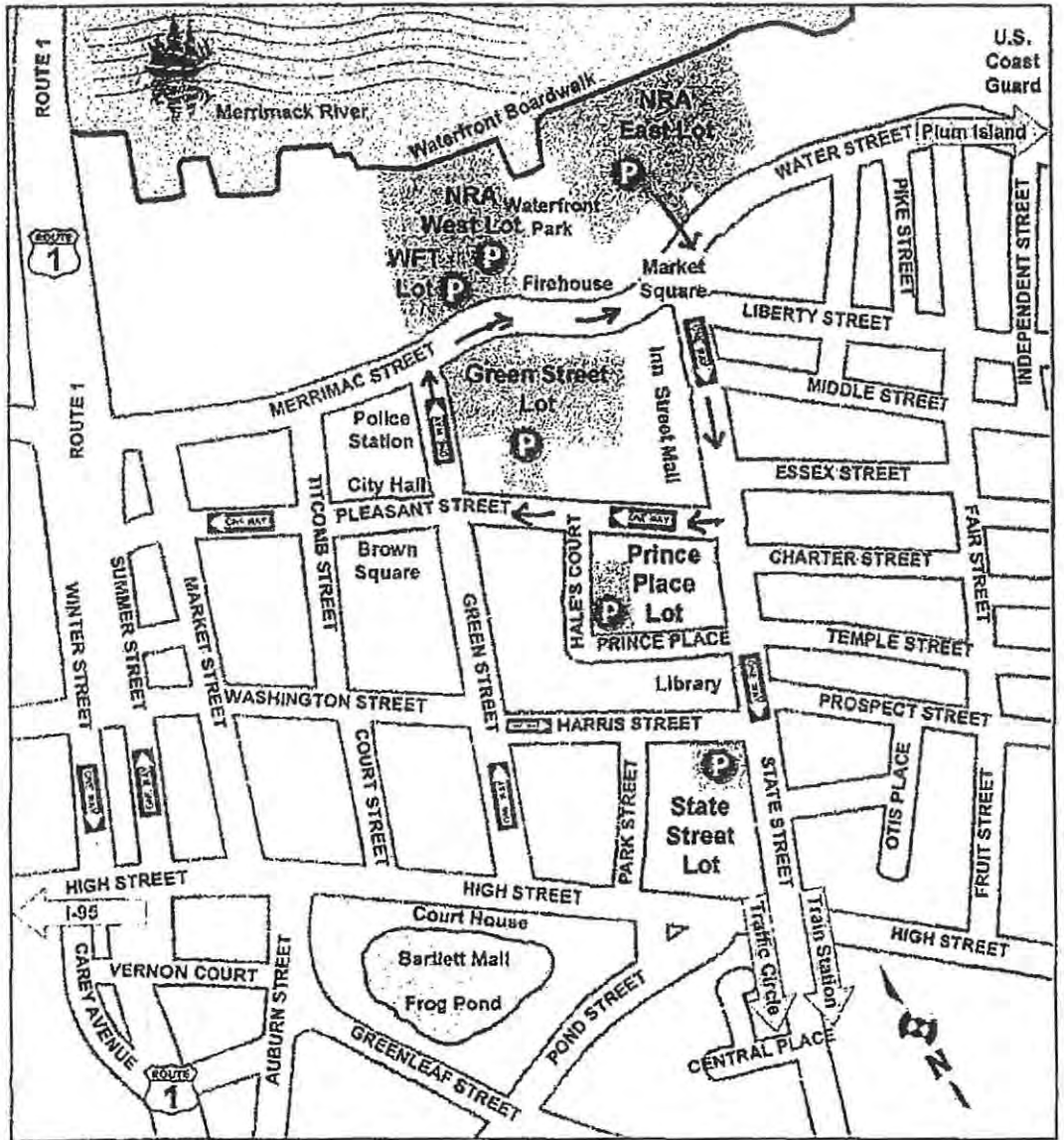
(5) *Failure to notify.* If the event fails to notify residents and provide documentation to the city clerk, pursuant to subsection (d)(5) above, shall render that organization ineligible to receive an event permit for a period of twelve (12) months unless special leave is granted by two-thirds supervote of the city council.

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

Signed: _____

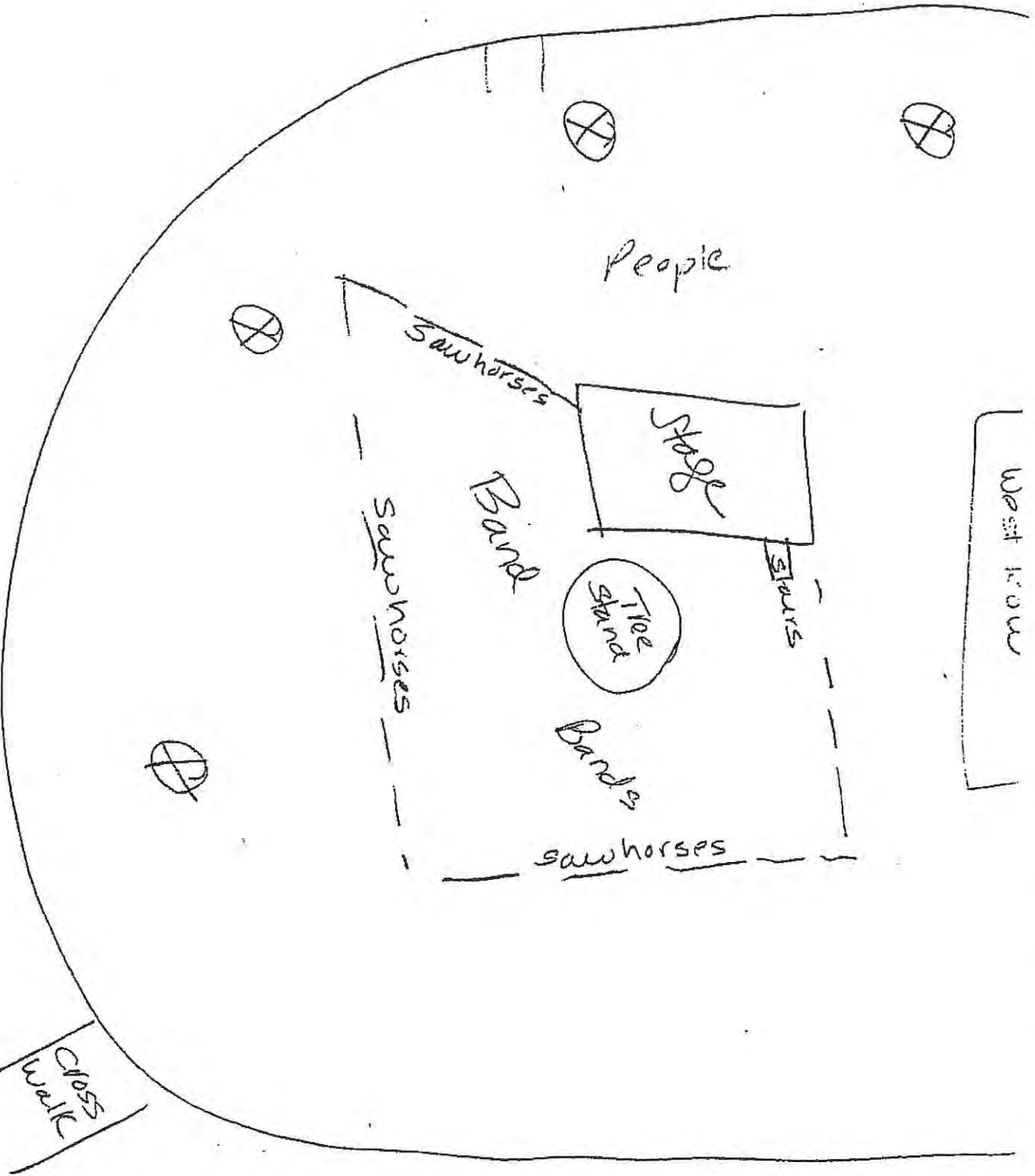
Date: _____

10/23/19



YOSSE
DARK

State St





CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)
10/23/2019

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

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


PRODUCER Arthur J. Gallagher Risk Management Services, Inc. 2850 Golf Road Rolling Meadows IL 60008	CONTACT NAME: Ali Sulita PHONE (A/C, No., Ext): 1-833-3ROTARY E-MAIL ADDRESS: rotary@ajg.com	FAX (A/C, No): 630-285-4062
	INSURER(S) AFFORDING COVERAGE	
	INSURER A : Lexington Insurance Company	NAIC # 19437
INSURED All Active US Rotary Clubs & Districts Rotary Club of Newburyport ATTN: Risk Management Dept. 1560 Sherman Ave. Evanston, IL 60201-3698	INSURER B :	
	INSURER C :	
	INSURER D :	
	INSURER E :	
	INSURER F :	

COVERAGES **CERTIFICATE NUMBER:** 899307648 **REVISION NUMBER:**

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

INSR LTR	TYPE OF INSURANCE	ADDL INSD	SUBR WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS	
A	<input checked="" type="checkbox"/> COMMERCIAL GENERAL LIABILITY <input type="checkbox"/> CLAIMS-MADE <input checked="" type="checkbox"/> OCCUR <input checked="" type="checkbox"/> Liquor Liability Included GEN'L AGGREGATE LIMIT APPLIES PER: <input checked="" type="checkbox"/> POLICY <input type="checkbox"/> PRO-JECT <input type="checkbox"/> LOC OTHER:		Y	015375594	7/1/2019	7/1/2020	EACH OCCURRENCE	\$2,000,000
							DAMAGE TO RENTED PREMISES (Ea occurrence)	\$500,000
							MED EXP (Any one person)	\$
							PERSONAL & ADV INJURY	\$2,000,000
							GENERAL AGGREGATE	\$4,000,000
							PRODUCTS - COMP/OP AGG	\$4,000,000
								\$
A	<input type="checkbox"/> ANY AUTO <input type="checkbox"/> OWNED AUTOS ONLY <input type="checkbox"/> SCHEDULED AUTOS <input checked="" type="checkbox"/> HIRED AUTOS ONLY <input checked="" type="checkbox"/> NON-OWNED AUTOS ONLY			015375594	7/1/2019	7/1/2020	COMBINED SINGLE LIMIT (Ea accident)	\$2,000,000
							BODILY INJURY (Per person)	\$
							BODILY INJURY (Per accident)	\$
							PROPERTY DAMAGE (Per accident)	\$
								\$
	<input type="checkbox"/> UMBRELLA LIAB <input type="checkbox"/> EXCESS LIAB DED RETENTION \$			NOT APPLICABLE			EACH OCCURRENCE	\$
							AGGREGATE	\$
								\$
	<input type="checkbox"/> WORKERS COMPENSATION AND EMPLOYERS' LIABILITY ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH) If yes, describe under DESCRIPTION OF OPERATIONS below		Y/N <input type="checkbox"/> N/A	NOT APPLICABLE			PER STATUTE	OTH-ER
							E.L. EACH ACCIDENT	\$
							E.L. DISEASE - EA EMPLOYEE	\$
							E.L. DISEASE - POLICY LIMIT	\$

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (ACORD 101, Additional Remarks Schedule, may be attached if more space is required)
The Certificate holder is included as additional insured where required by written contract or permit subject to the terms and conditions of the general liability policy, but only to the extent bodily injury or property damage is caused in whole or in part by the acts or omissions of the insured.

CERTIFICATE HOLDER City of Newburyport 60 Pleasant St. Newburyport, MA 01950	CANCELLATION SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS. AUTHORIZED REPRESENTATIVE 
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CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)
8/23/2019

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

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

PRODUCER Eastern Insurance Group LLC 233 West Central St Natick MA 01760	CONTACT NAME: Alex Campbell PHONE (A/C, No, Ext): (800) 333-7234 E-MAIL ADDRESS: acampbell@easterninsurance.com	FAX (A/C, No): 781-586-8244
	INSURER(S) AFFORDING COVERAGE	
INSURED Greater Newburyport Chamber of Commerce & Industry Inc DBA: Newburyport Chamber of Commerce 38 R Merrimac Street Newburyport MA 01950	INSURER A: Philadelphia Insurance Company INSURER B: NorGuard INSURER C: INSURER D: INSURER E: INSURER F:	NAIC # 18058 31470

COVERAGES **CERTIFICATE NUMBER:** 19 GL WC **REVISION NUMBER:**

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

INSR LTR	TYPE OF INSURANCE	ADDL INSD	SUBR WVP	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS
A	<input checked="" type="checkbox"/> COMMERCIAL GENERAL LIABILITY <input type="checkbox"/> CLAIMS-MADE <input checked="" type="checkbox"/> OCCUR GEN'L AGGREGATE LIMIT APPLIES PER: <input checked="" type="checkbox"/> POLICY <input type="checkbox"/> PRO-JECT <input type="checkbox"/> LOC OTHER:			PHPK1998920	8/5/2019	8/5/2020	EACH OCCURRENCE \$ 1,000,000 DAMAGE TO RENTED PREMISES (Ea occurrence) \$ 100,000 MED EXP (Any one person) \$ 5,000 PERSONAL & ADV INJURY \$ 1,000,000 GENERAL AGGREGATE \$ 2,000,000 PRODUCTS - COMP/OP AGG \$ 2,000,000
	AUTOMOBILE LIABILITY <input type="checkbox"/> ANY AUTO <input type="checkbox"/> ALL OWNED AUTOS <input type="checkbox"/> HIRED AUTOS <input type="checkbox"/> SCHEDULED AUTOS <input type="checkbox"/> NON-OWNED AUTOS						COMBINED SINGLE LIMIT (Ea accident) \$ BODILY INJURY (Per person) \$ BODILY INJURY (Per accident) \$ PROPERTY DAMAGE (Per accident) \$
	<input type="checkbox"/> UMBRELLA LIAB <input type="checkbox"/> EXCESS LIAB <input type="checkbox"/> DED <input type="checkbox"/> RETENTION \$						<input type="checkbox"/> OCCUR <input type="checkbox"/> CLAIMS-MADE EACH OCCURRENCE \$ AGGREGATE \$
B	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH) If yes, describe under DESCRIPTION OF OPERATIONS below		Y/N N/A	GRWC085162	4/23/2019	4/23/2020	<input checked="" type="checkbox"/> PER STATUTE <input type="checkbox"/> OTH-ER E.L. EACH ACCIDENT \$ 100,000 E.L. DISEASE - EA EMPLOYEE \$ 100,000 E.L. DISEASE - POLICY LIMIT \$ 500,000

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (ACORD 101, Additional Remarks Schedule, may be attached if more space is required)
NON-PROFIT ORGANIZATION
CITY OF NEWBURYPORT IS RECOGNIZED AS ADDITIONAL INSURED FOR GENERAL LIABILITY.

CERTIFICATE HOLDER CITY OF NEWBURYPORT 60 PLEASANT STREET NEWBURYPORT, MA 01950	CANCELLATION SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS. AUTHORIZED REPRESENTATIVE John Koegel/KH3
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THE COMMONWEALTH OF MASSACHUSETTS

_____ OF _____

RECEIVED
CITY CLERK'S OFFICE
NEWBURYPORT, MA

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 Jamdy L. Currie
(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 _____



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

Report of Renewal - Commercial

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

2019 OCT 31 5:10 PM
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 Fen
(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.

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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

Kimberly Hinds
Registrar

Mail
P.O. Box 199100
Boston, MA 02119-0100
www.ohio.gov/DMV

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

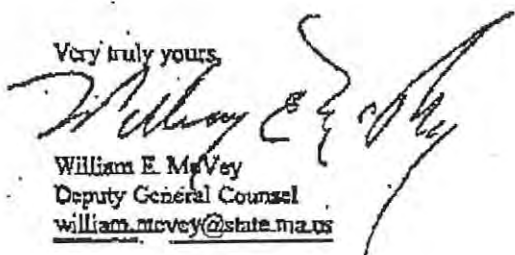
Dear Attorney Schaller:

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. Brufat
Paul T. Brufat, 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

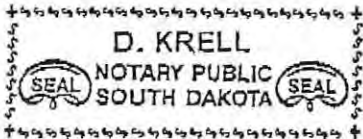
L. Nelson
Assistant Secretary

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, 2006

D. Krell
Notary Public



NEWBURYPORT SPECIAL EVENT APPLICATION

Tel.

Fax.

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

NAME OF EVENT: ^{8th annual} Ladies Night Out Run, wine + chocolate sk

Date: 12/7/19 Time: from 11:30AM to 4:30PM

(2pm race start)

Rain Date: Time: from _____ to _____

2. Location: Nicholson Hall

3. Description of Property: Church Hall Public Private _____

4. Name of Organizer: B+S Fitness Programs City Sponsored Event: Yes _____ No

Contact Person: Bradi Dion

Address: 10 Hemenway Rd. Telephone: 978 594 7050

E-Mail: event@b+sfitness.com Cell Phone: _____

Day of Event Contact & Phone: Ashley Steeves 978 594 7050

5. Number of Attendees Expected: 300+

6. MA Tax Number: NA

7. Is the Event Being Advertised? yes Where? online only

8. What Age Group is the Event Targeted to? 21+ Female

9. Have You Notified Neighborhood Groups or Abutters? Yes _____ No _____, Who? + 2 weeks before we notify all residents on Harris St. that the event will be happening.

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

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

B. Entertainment: (Subject to City's Noise Ordinance.) Live Music _____ DJ Radio/CD _____
Performers _____ Dancing _____ Amplified Sound _____ 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 No _____

(Signature)

If yes:

- a) How many trash receptacles will you be providing? Nicholsa Hall Trunk
- b) How many recycling receptacles will you be providing? // Recycling
- 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** NA **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 ? _____

If no:

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

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

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

_____ Standard # _____ ADA accessible

Name of company providing the portable toilets: NA

RD

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:

BTS Fitness Programs, Ladies Night out, Run, wine + chocolate
(8th annual event) SK

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

Brondi Dior, 10 Hemenway Rd, Salem MA 01970
978 594 7050 / events@bnsfitness.com

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

Brondi Dior, 10 Hemenway Rd, Salem MA 01970
978 594 7050 / events@bnsfitness.com

4. Date of Event: 12/7/19 Expected Number of Participants: 300+

5. Start Time: 3pm Expected End Time: 4:30pm

6. Road Race, Parade or Walkathon Route: (List street names & **attach map of route**):

See attached,

7. Locations of Water Stops (if any): 1 water stop (Sally Snyder Way in Customer Park)

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

9. Formation Location & Time for Participants: Front of Nicholson Hall (1:55pm, 2:00pm start)

10. Dismissal Location & Time for Participants: Nicholson Hall (4:30pm)

11. Additional Parade Information:

- Number of Floats: _____
- Locations of Viewing Stations: _____
- Are Weapons Being Carried: Yes _____ No _____
- Are Marshalls Being Assigned to Keep Parade Moving: Yes _____ No _____

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

CITY MARSHAL [Signature] 4 Green St. FIRE CHIEF [Signature] 11/4/19 0 Greenleaf St.
 DEPUTY DIRECTOR [Signature] 116A Perry Way CITY CLERK _____ 60 Pleasant St.

BR

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: <i>Fee for Special Events: \$45/hr/DPS employee for trash handling/staging etc. may apply</i>	
	<input type="checkbox"/> Yes: \$ _____ due on _____	<input type="checkbox"/> 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.

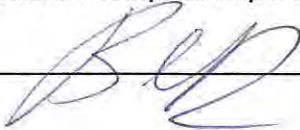
- (e) *"Road Closure"* No ways, public or private, boat ramps or parking lots controlled or patrolled by the city shall be closed without authorization. Authorization shall be considered granted only if said closure(s) are contained in the approved permit. It is the sole responsibility of the race organizers 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: _____



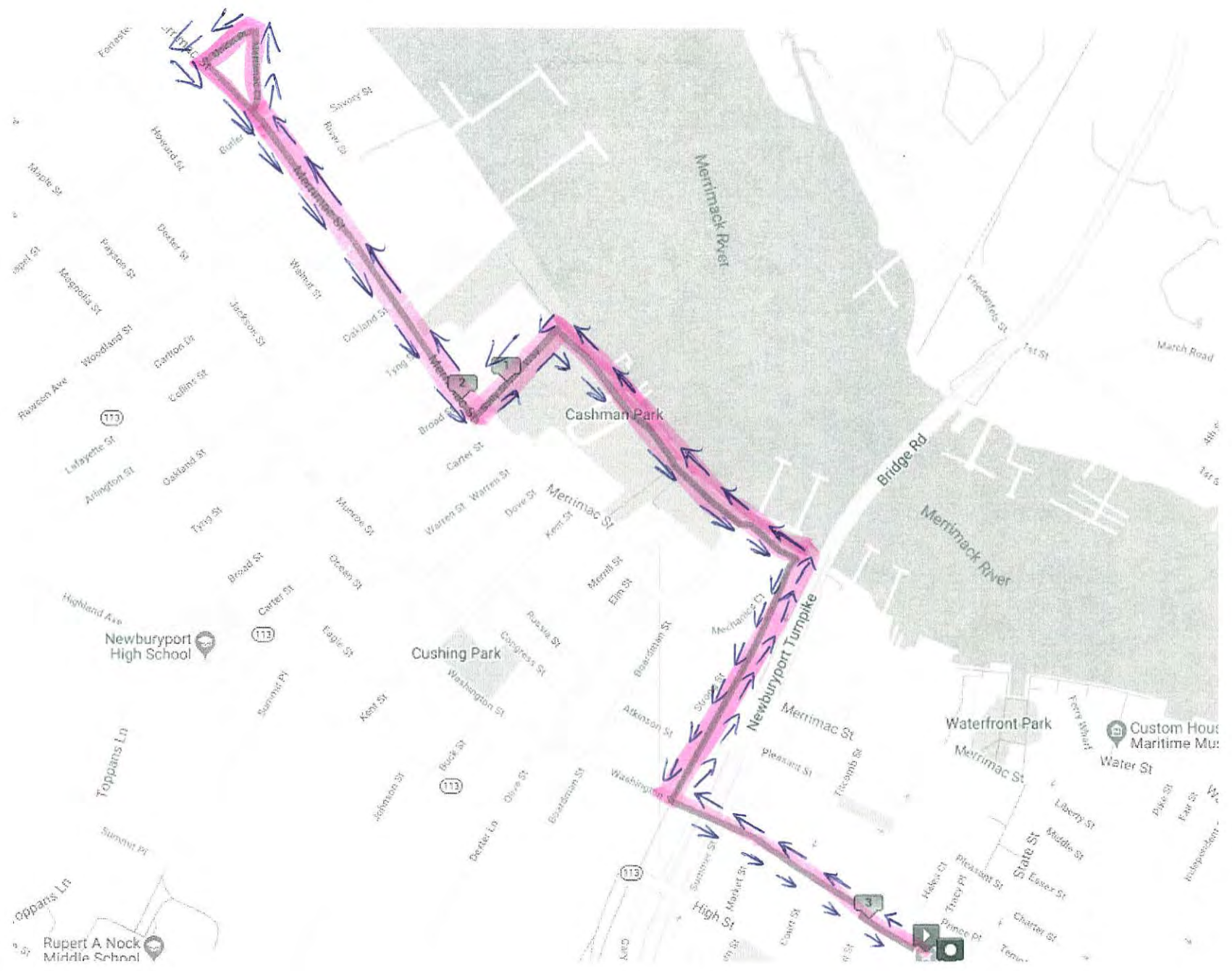
Date: _____

9/5/19

**Turn By Turn Directions for the
Annual Ladies Night Out Run, Wine & Chocolate 5K**

**Start at Nicholson Hall
Right on Green St.
Left on Washington St.
Cross Market St.
Cross Summer St.
Cross Winter St.
Right on to the Rail Trail
Left to follow along the water
Continue along Sally Snider Way
Right on to Merrimac St.
Right on to Merrimac Ct.
Left on to Union Place
Left on to Merrimac St.
Left on to Sally Snider Way
Continue on Rail Trail
Left on to Washington St.
Cross Winter St.
Cross Summer St.
Cross Market St.
Right on Washington St.
Left on Green St.
Finish at Nicholson Hall**







CERTIFICATE OF LIABILITY INSURANCE

DATE(MM/DD/YYYY)
9/9/2019

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

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

PRODUCER CURTIS J. VERNON INSURANCE AGENCY PO BOX 266 BOUNTIFUL, UT 84010	CONTACT NAME: PHONE (A/C No. Ext): (801)292-5529 FAX (A/C No.): (801)677-0077 E-MAIL ADDRESS: <hr/> <table style="width: 100%; border-collapse: collapse;"> <tr> <td style="text-align: center;">INSURER(S) AFFORDING COVERAGE</td> <td style="text-align: center;">NAIC#</td> </tr> <tr> <td>INSURER A: UNDERWRITERS AT LLOYD'S LONDON</td> <td></td> </tr> <tr> <td>INSURER B:</td> <td></td> </tr> <tr> <td>INSURER C:</td> <td></td> </tr> <tr> <td>INSURER D:</td> <td></td> </tr> <tr> <td>INSURER E:</td> <td></td> </tr> <tr> <td>INSURER F:</td> <td></td> </tr> </table>	INSURER(S) AFFORDING COVERAGE	NAIC#	INSURER A: UNDERWRITERS AT LLOYD'S LONDON		INSURER B:		INSURER C:		INSURER D:		INSURER E:		INSURER F:	
INSURER(S) AFFORDING COVERAGE	NAIC#														
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INSURER D:															
INSURER E:															
INSURER F:															
INSURED B&S FITNESS PROGRAMS LLC 45 CONGRESS STREET, DOCK 19-20 SALEM, MA 01970															

COVERAGES

CERTIFICATE NUMBER:

REVISION NUMBER:

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

INSR LTR	TYPE OF INSURANCE	ADDL INSD	SUBR WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS														
A	<input checked="" type="checkbox"/> COMMERCIAL GENERAL LIABILITY <input type="checkbox"/> CLAIMS-MADE <input checked="" type="checkbox"/> OCCUR <hr/> GEN'L AGGREGATE LIMIT APPLIES PER: <input checked="" type="checkbox"/> POLICY <input type="checkbox"/> PRO-JECT <input type="checkbox"/> LOC OTHER:	Y		MSH021112725	02/01/19	02/01/20	<table style="width: 100%; border-collapse: collapse;"> <tr><td>EACH OCCURRENCE</td><td style="text-align: right;">\$ 1,000,000</td></tr> <tr><td>DAMAGE TO RENTED PREMISES (Ea occurrence)</td><td style="text-align: right;">\$ 100,000</td></tr> <tr><td>MED EXP (Anyone person)</td><td style="text-align: right;">\$ 5,000</td></tr> <tr><td>PERSONAL & ADV INJURY</td><td style="text-align: right;">\$ 1,000,000</td></tr> <tr><td>GENERAL AGGREGATE</td><td style="text-align: right;">\$ 3,000,000</td></tr> <tr><td>PRODUCTS - COMP/OP AGG Professional Liability</td><td style="text-align: right;">\$ 2,000,000</td></tr> <tr><td></td><td style="text-align: right;">\$ 3,000,000</td></tr> </table>	EACH OCCURRENCE	\$ 1,000,000	DAMAGE TO RENTED PREMISES (Ea occurrence)	\$ 100,000	MED EXP (Anyone person)	\$ 5,000	PERSONAL & ADV INJURY	\$ 1,000,000	GENERAL AGGREGATE	\$ 3,000,000	PRODUCTS - COMP/OP AGG Professional Liability	\$ 2,000,000		\$ 3,000,000
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	\$ 3,000,000																				
	AUTOMOBILE LIABILITY <input type="checkbox"/> ANY AUTO ALL OWNED AUTOS <input type="checkbox"/> HIRED AUTOS <input type="checkbox"/> SCHEDULED AUTOS NON-OWNED AUTOS						<table style="width: 100%; border-collapse: collapse;"> <tr><td>COMBINED SINGLE LIMIT (Ea accident)</td><td style="text-align: right;">\$</td></tr> <tr><td>BODILY INJURY (Per person)</td><td style="text-align: right;">\$</td></tr> <tr><td>BODILY INJURY (Per accident)</td><td style="text-align: right;">\$</td></tr> <tr><td>PROPERTY DAMAGE (Per accident)</td><td style="text-align: right;">\$</td></tr> <tr><td></td><td style="text-align: right;">\$</td></tr> </table>	COMBINED SINGLE LIMIT (Ea accident)	\$	BODILY INJURY (Per person)	\$	BODILY INJURY (Per accident)	\$	PROPERTY DAMAGE (Per accident)	\$		\$				
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	<input type="checkbox"/> UMBRELLA LIAB <input type="checkbox"/> OCCUR <input type="checkbox"/> EXCESS LIAB <input type="checkbox"/> CLAIMS-MADE DED RETENTIONS						<table style="width: 100%; border-collapse: collapse;"> <tr><td>EACH OCCURRENCE</td><td style="text-align: right;">\$</td></tr> <tr><td>AGGREGATE</td><td style="text-align: right;">\$</td></tr> <tr><td></td><td style="text-align: right;">\$</td></tr> </table>	EACH OCCURRENCE	\$	AGGREGATE	\$		\$								
EACH OCCURRENCE	\$																				
AGGREGATE	\$																				
	\$																				
	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH) If yes, describe under DESCRIPTION OF OPERATIONS below	Y/N	N/A				<table style="width: 100%; border-collapse: collapse;"> <tr> <td style="text-align: center;">PER STATUTE</td> <td style="text-align: center;">OTH-ER</td> <td style="text-align: right;">\$</td> </tr> <tr><td>E.L. EACH ACCIDENT</td><td></td><td style="text-align: right;">\$</td></tr> <tr><td>E.L. DISEASE - EA EMPLOYEE</td><td></td><td style="text-align: right;">\$</td></tr> <tr><td>E.L. DISEASE - POLICY LIMIT</td><td></td><td style="text-align: right;">\$</td></tr> </table>	PER STATUTE	OTH-ER	\$	E.L. EACH ACCIDENT		\$	E.L. DISEASE - EA EMPLOYEE		\$	E.L. DISEASE - POLICY LIMIT		\$		
PER STATUTE	OTH-ER	\$																			
E.L. EACH ACCIDENT		\$																			
E.L. DISEASE - EA EMPLOYEE		\$																			
E.L. DISEASE - POLICY LIMIT		\$																			

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

Special event certificate
Event: Ladies Night Out Run, Wine & Chocolate 5k
Date: 12/7/19
Certificate holder is named as additional insured.

CERTIFICATE HOLDER <p style="text-align: center;">The City of Newburyport</p>	CANCELLATION <p>SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS.</p> <hr/> AUTHORIZED REPRESENTATIVE <div style="text-align: center;"></div>
--	--

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

**APPOINTMENTS
SECOND READING**

SECOND READING APPOINTMENTS

- APPT131_10_28_19 Victoria Finnigan 10 Boxford Rd #25, Rowley Asst Treasurer 11/1/2022

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

ORDERS

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@cityofnewburyport.com
www.newburyportyouthservices.com

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.

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.

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 32

FAST RESPONSE • MEDIVAC • EMERGENCY RESPONSE • AMBULANCE • RESCUE • FIRE

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 • RESCUE • FIRE

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

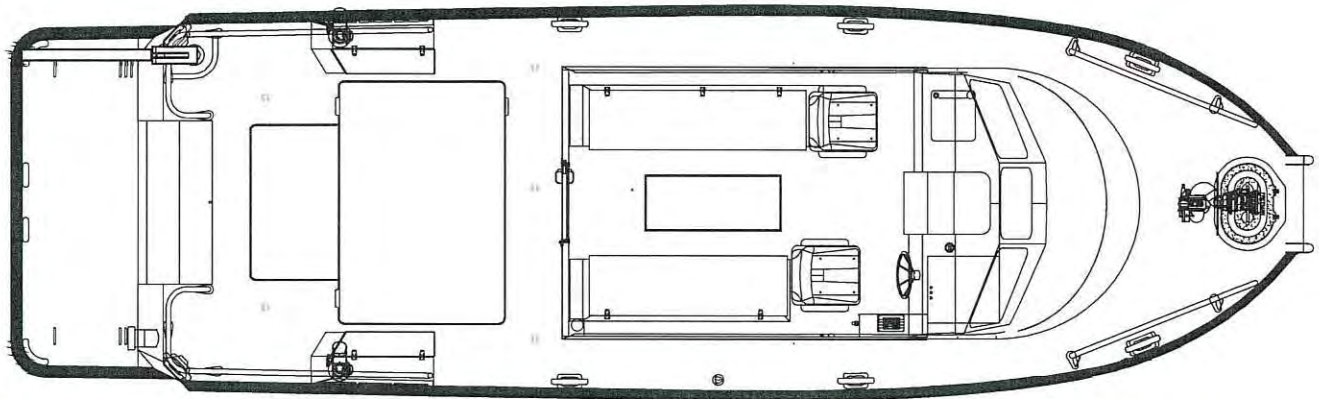
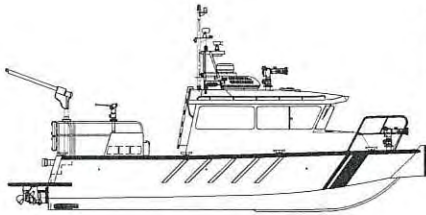
- VHF, Radar integrated w/GPS
- GPS, chart plotter w/depth
- Compass
- Loud hailer/fog horn
- Siren
- Emergency lights
- Many available options- FLIR etc.

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

CITY OF NEWBURYPORT



IN CITY COUNCIL

ORDERED:

November 12, 2019

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

THAT, pursuant to a referendum vote banning marijuana retail establishments within the City, the City of Newburyport, acting by and through its City Council, hereby rescinds its acceptance of the provisions of Massachusetts General Laws (MGL) Chapter 64N, Section 3.

Councillor Larry G. Giunta, Ward 5

Councillor Thomas F. OBrien, Ward 6

Councillor Barry N. Connell, At-Large

ORDINANCES

CITY OF NEWBURYPORT



IN CITY COUNCIL

ORDERED:

August 19, 2019

(Revised in Committee 10/2/2019)

AN ZONING ORDINANCE REGARDING KENNEL/ANIMAL BOARDING USE

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

THAT the Zoning Ordinance be amended pursuant to Section XII-B “Adoption and Amendment” by addition of the following provisions for Kennel and Animal Boarding uses:

Section V-D: Table of Use Regulations

4. Business

Use	NUM	C O N	HS R - A	HS R - B	R-1	R-2	R-3	B-1	B-2	B-3	I-1	I-1B	I-2	M	WMD	WMU
Kennel / Animal Boarding	424	N P	NP	NP	NP	NP	NP	NP	NP	NP	SP Planning Board	SP Planning Board	NP	NP	NP	NP

Section V-E: List of Allowable Uses

4. Business

Kennel/Animal Boarding

424

Any building, collection of buildings, and/or property in which dogs, cats, and/or other domesticated animals are housed temporarily. This use may include short term day time care and/or accommodations as well as overnight accommodations. This use does not preclude dog runs and other outdoor spaces for exercise and relief purposes. Grooming may occur as an accessory professional retail use.

Section VI: Dimensional Controls

VI-A - General regulations.

Table of Dimensional Requirements

Use	Num.	District	Lot Area	Street Frontage	Height	% Lot Coverage	Open Space	Yard Requirements		
								Front	Side	Rear
Kennel/Animal Boarding (n)	424	I1	20,000	90	40	50	N/A	20	20	20
		I1B	20,000	90	40	50	N/A	20	20	20

Footnote to Table of Dimensional Requirements:

(n) No Kennel/Animal Boarding use shall be located within two hundred and fifty feet (250') of a Residential District.

Section VII-B: Parking Requirements

4. Business

	Num.	Parking Requirement
Kennel/Animal Boarding	424	1 per full time employee during largest work shift, plus 4 visitor spaces

Councillor Joseph H. Devlin

Councillor Thomas F. OBrien

In City Council October 15, 2019:

Motion to remove from Planning & Development by Councillor Eigerman, seconded by Councillor Giunta. So voted. Motion to approve by Councillor Eigerman, seconded by Councillor Giunta. Motion to amend, change “five hundred” to “two hundred and fifty” in the Footnote to Table of Dimensional Requirements, by Councillor Eigerman, seconded by Councillor Khan. Roll call vote, 9 yes, 2 absent (Shand, Devlin). Motion passed. Councillor OBrien added as co-sponsor. Motion to amend, change SP to NP under I-2 in the Table of Use Regulations, by Councillor Eigerman, seconded by Councillor Zeid. Roll call vote, 9 yes, 2 absent (Shand, Devlin). Motion passed. Motion to approve as amended by Councillor Eigerman, seconded by Councillor Giunta. Roll call vote, 9 yes, 2 absent (Shand, Devlin). Motion passed.

In City Council October 28, 2019:

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

CITY OF NEWBURYPORT



IN CITY COUNCIL

ORDERED:

November 12, 2019

AN ORDINANCE TO AMEND THE ORDINANCES OF THE CITY OF NEWBURYPORT, MASSACHUSETTS RELATIVE TO RETAIL MARIJUANA ESTABLISHMENTS

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

Chapter 9: LICENSES, PERMITS AND BUSINESS REGULATIONS

That the following new Article shall be inserted:

General Ordinance: Chapter 9, Article X, Prohibition of Non-Medical Marijuana Retailers, Consistent with G.L. c. 94G, Section 3(a)(2), "Marijuana Retailers", as defined in G.L. c. 94G, Section 1, shall be prohibited within the City of Newburyport. This prohibition shall not apply to the sale, distribution manufacture or cultivation of marijuana for medical purposes.

Councillor Larry G. Giunta, Ward 5

Councillor Thomas F. OBrien, Ward 6

Councillor Barry N. Connell, At-Large

CITY OF NEWBURYPORT



ODNC044 11 12 19

IN CITY COUNCIL

ORDERED:

November 12, 2019

Formatted: Font: Not Bold, Not All caps

AN ORDINANCE TO AMEND THE ZONING ORDINANCE OF THE CITY OF NEWBURYPORT, MASSACHUSETTS RELATIVE TO RETAIL MARIJUANA ESTABLISHMENTS

Be it ordained by the City Council of the City of Newburyport that the following be changes are made to the Newburyport Zoning Code (NZO) (deletions are indicated by strikethrough):

SECTION V. - USE REGULATIONS
V-D - Table of use regulations.

8. MARIJUANA-RELATED USES															
USE	NUM	CON	HSR-A, HSR-B	R-1	R-2	R-3	B-1*	B-2	B-3	I-1	I-1B	I-2	M	WMD	WMU
Marijuana establishment (with retail sales)	801	NP ^(a)	NP ^(a)	NP ^(a)	NP ^(a)	NP ^(a)	SP ^(a)	NP ^(a)	NP ^(a)	NP ^(a)	NP ^(a)	NP ^(a)	NP ^(a)	NP ^(a)	NP ^(a)
Marijuana establishment (without retail sales)	802	NP	NP	NP	NP	NP	NP	NP	NP	NP ^(b)	NP ^(b)	NP	NP	NP	NP
Medical Marijuana treatment center or registered marijuana dispensary (with retail sales)	803	NP ^(c)	NP ^(c)	NP ^(c)	NP ^(c)	NP ^(c)	SP ^(b)	NP ^(c)	NP ^(c)	NP ^(c)	NP ^(c)	NP ^(c)	NP ^(c)	NP ^(c)	NP ^(c)

^aUse 801 is limited to the marijuana retailer subtype. For further limitations see section XXXI.

V-H - Reserved.

Editor's note— An ordinance adopted Oct. 29, 2018(1), repealed § V-H, which pertained to temporary moratorium on recreational marijuana establishments and derived from an ordinance adopted June 11, 2018.

SECTION XXXI. - LICENSED MARIJUANA BUSINESSES

XXXI-A - Purposes.

The purpose of this section is to provide for the establishment of both medical and recreational marijuana businesses in the City of Newburyport in as much as:

1. Medical marijuana treatment centers (MMTCs), also known as "registered marijuana dispensaries" (RMDs), are authorized in the Commonwealth of Massachusetts pursuant to Chapter 369 of the Acts of 2012 (entitled "An Act for the Humanitarian Medical Use of Marijuana"), M.G.L. Chapter 941 (entitled "Medical Use of Marijuana") and 105 CMR 725 (entitled "Implementation of an act for the humanitarian medical use of marijuana");
2. "Marijuana establishments" for the adult, non-medical use of marijuana, are authorized in the Commonwealth of Massachusetts pursuant to Chapter 334 of the Acts of 2016, as amended by Chapter 351 of the Acts of 2016 and Chapter 55 of the Acts of 2017, as further codified in General Laws Chapter 94G (entitled "Regulation of the Use and Distribution of Marijuana Not Medically Prescribed") and regulations promulgated by the Massachusetts Cannabis Control Commission (CCC) in 935 CMR 500 (entitled "Adult Use of Marijuana");
3. The city seeks to protect the public welfare, health and safety of the residents of Newburyport;
4. These zoning regulations provide for the placement of ~~all medical and recreational~~ certain marijuana-related businesses in suitable locations; and
5. The city seeks to minimize any potential adverse impacts of medical and recreational marijuana-related businesses on adjacent properties, residential neighborhoods, schools, playgrounds and other locations where minors congregate by regulating the siting, design, placement, security and removal of such marijuana businesses.

XXXI-B - Definitions.

Where not expressly defined in this section or elsewhere in the Newburyport Zoning Ordinance, terms used in this section (XXXI) shall be interpreted as defined in the statutes and regulations cited in section XXXI-A § 1 and 2 above.

Commission or *CCC* means the Massachusetts Cannabis Control Commission established by M.G.L.A. c. 10, § 76, or its designee.

Department of public health or *DPH* means the Massachusetts Department of Public Health.

License means the required certificate issued by the commonwealth for a marijuana business.

Licensee means a person or entity licensed by the commonwealth to operate a marijuana business.

Marijuana business means a medical marijuana treatment center, marijuana establishment, or any combination or part thereof.

Marijuana establishment means a marijuana cultivator, craft marijuana cooperative, marijuana product manufacturer, ~~marijuana retailer~~, independent testing laboratory, marijuana research facility, marijuana transporter, or any other type of licensed marijuana-related business, as set forth in M.G.L.A. c. 94G, § 1 and regulations promulgated thereunder.

Medical marijuana treatment center (MMTC), also known as a registered marijuana dispensary (RMD), means an entity registered under 105 CMR 725.100: Registration of registered marijuana

dispensaries, or licensed by the cannabis control commission pursuant to M.G.L.A. c. 94I, that acquires, cultivates, possesses, processes (including development of related products such as edible cannabis or marijuana products, tinctures, aerosols, oils, or ointments), transfers, transports, sells, distributes, dispenses, or administers marijuana, products containing cannabis or marijuana, related supplies, or educational materials to registered qualifying patients or their personal caregivers for medical use. Unless otherwise specified, RMD refers to the site(s) of dispensing, cultivation, and preparation of cannabis or marijuana for medical use.

XXXI-C - Special permit required.

Pursuant to M.G.L.A. c. 40A, as well as under the home-rule powers of the city pursuant to Sections 1 and 6 of Article II of the Articles of Amendment of the Constitution of the Commonwealth of Massachusetts, as amended by Article LXXXIX of said Articles of Amendment, and in order to mitigate potential secondary adverse impacts, a special permit is required for a marijuana business within the City of Newburyport.

XXXI-D - License requirements and conditions of use.

1. Marijuana businesses shall be properly licensed by the Commonwealth of Massachusetts Cannabis Control Commission (CCC) or Department of Public Health (DPH), as applicable, pursuant to regulations promulgated therefore.
2. No marijuana business shall be permitted for, or otherwise allow, on-premises social consumption.
3. No marijuana business shall be permitted to operate outside of an enclosed building or structure.
4. No marijuana business located within the Business and Industry Park zoning districts (I-1 and I-1B) shall be permitted to conduct in-person retail sales to consumers on premises. This restriction shall not be construed to prohibit the transfer or delivery of marijuana-related products to other locations where in-person retail sales of marijuana-related products are permitted.
5. The total cumulative square footage of all marijuana cultivators permitted within the Business and Industry Park zoning districts (I-1 and I-1B) shall be limited to one hundred thousand (100,000) square feet. The total number of marijuana cultivators in the Business and Industry Park zoning districts (I-1 and I-1B) shall not exceed two (2).
6. The total number of marijuana retailers permissible to be located in the city shall be limited to twenty (20) percent of the number of licenses issued within the city for the retail sale of alcoholic beverages not to be drunk on the premises where sold pursuant to M.G.L.A. c. 138 § 15. In the event that twenty (20) percent of said licenses is not a whole number, the limit shall be rounded up to the nearest whole number.

XXXI-E - Parking requirements.

Parking requirements for marijuana businesses, as those businesses are more particularly defined in M.G.L.A. c. 94G and the regulations promulgated thereunder, shall be as follows:

- "Craft marijuana cooperative": one (1) per employee plus one (1) per three hundred (300) square feet gross floor area
- "Independent testing laboratory": 0.75 per employee in maximum shift plus one (1) per company vehicle
- "Marijuana cultivator": 0.75 per employee in maximum shift plus one (1) per company vehicle

- "Marijuana establishment"; 0.75 per employee in maximum shift plus one (1) per company vehicle, unless otherwise noted
- "Marijuana product manufacturer"; 0.75 per employee in maximum shift plus one (1) per company vehicle
- "Marijuana retailer"; three (3) per one thousand (1,000) square feet of gross floor area (GFA)
- "Marijuana transporter"; 0.75 per employee in maximum shift plus one (1) per company vehicle
- "Medical marijuana treatment center"; one (1) per employee plus one (1) per three hundred (300) square feet gross floor area
- "Microbusiness"; 0.75 per employee in maximum shift plus one (1) per company vehicle
- "Research facility"; 0.75 per employee in maximum shift plus one (1) per company vehicle
- Any other marijuana business: 0.75 per employee in maximum shift plus one (1) per company vehicle

XXXI-F. - Required buffer zones and restrictions on use.

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

XXXI-G - Permitting procedure and criteria for approval.

Permit granting authority. The planning board shall act as the designated special permit granting authority (SPGA) in administering this section.

Special permit required. Marijuana businesses may be permitted only pursuant to a special permit hereunder. The planning board shall review and may deny, approve, or approve with conditions all applications hereunder in accordance with the procedures listed in section X-H.8. The SPGA shall approve a business if the SPGA determines that the proposed use meets all the requirements of this section and, in addition, the special permit criteria of section X-H.7. Application for a special permit shall be submitted to the SPGA pursuant to the submission requirements, and procedures contained in section X-H.7.

Documentation required to support an application. To support any special permit application under this section, the applicant shall provide as part of the application to the SPGA the following documentation:

1. A copy of its application, registration and/or certificate as a marijuana business from the CCC or DPH (as applicable);
2. A letter from the owner of the property on which the proposed marijuana business is to be located indicating approval of the proposed use and submission of the application to the SPGA.
3. A detailed floor plan of the premises of the proposed marijuana business that identifies the square footage available and describes the functional areas of the proposed use;
4. Detailed site plans that include the following information:
 - a. Compliance with the requirements for parking and loading spaces, for lot size, frontage, yards and heights and coverage of buildings, and all other provisions of this ordinance;
 - b. Convenience and safety of vehicular and pedestrian movement on the site and for the location of driveway openings in relation to street traffic;
 - c. Convenience and safety of vehicular and pedestrian movement off the site, if vehicular and pedestrian traffic off-site can reasonably be expected to be substantially affected by on-site changes;
 - d. Adequacy as to the arrangement and the number of parking and loading spaces in relation to the proposed use of the premises (and anticipated number of visitors), including designated parking for employees and home delivery vehicle(s), as applicable;
 - e. Design and appearance of proposed buildings, structures, freestanding signs, screening and landscaping; and
 - f. Adequacy of water and electrical supply, surface and subsurface drainage and site lighting.
5. A description of any proposed security measures for the marijuana business, including but not limited to security cameras and employee security policies;
6. A copy of proposed waste disposal procedures for the marijuana business;
7. A detailed description and rendering of the applicant's proposed signage to advertise the location of the marijuana business and/or services available at the proposed marijuana business.

8. A traffic impact analysis (traffic study) for the proposed use and site consistent with the requirements of section XV-E(b)(4) of this ordinance; and
9. Documentation regarding the projected use, and adequacy, of public and private utilities and infrastructure required for operation of the proposed marijuana business, including, but not limited to:
 - a. Water.
 - b. Wastewater.
 - c. Electricity.

These materials shall be in addition to those submission materials required in section X-H(7) "special permits."

Traffic and impact studies. To aid the SPGA in its review, the owner shall pay all costs for the SPGA to engage a properly licensed traffic engineer, consulting engineer or other professionals experienced in the review of traffic studies and/or community impact reports, deemed necessary in the opinion of the SPGA to ensure that the proposed marijuana business will not unduly burden the city's water and wastewater systems or result in undue traffic congestion or safety concerns in the immediate vicinity of the proposed facility and/or site. The portions of this section (and its regulations, if any) requiring the payment of consultant fees are promulgated under the concurrent authority of M.G.L.A. c. 44, § 53G.

Signage. All signage shall conform to the requirements of the Newburyport Zoning Ordinance. The SPGA may impose additional restrictions on signage as appropriate to mitigate any aesthetic impacts. Use of medical symbols, images of marijuana, related paraphernalia, and text or colloquial references to cannabis and marijuana on any signage is prohibited.

Departmental review. The SPGA shall refer copies of the application to the building department, fire department, police department, board of health, and the department of public works. These boards/departments shall review the application and shall submit their written recommendations to the SPGA. Failure to make recommendations within forty-five (45) days of referral of the application shall be deemed lack of opposition.

XXXI-H - Decision and conditions of approval.

Public hearing and decision. After notice and public hearing (in accordance with section X-H(7) and consideration of application materials, consultant reviews, public comments, and the recommendations of other city boards and departments, the SPGA may act upon such a permit.

Required findings. The SPGA may approve a marijuana business application only if it makes written findings based upon evidence in the record that the applicant has satisfied the requirements of this section and section X-H(7)(A).

Special permit conditions. The SPGA shall impose conditions upon the issuance of a marijuana business special permit reasonably appropriate to improve site design, traffic flow, public safety, protect water quality, air quality, and significant environmental resources, preserve the character of the surrounding area and otherwise serve the purpose of this section. In addition to any specific conditions applicable to the applicant's marijuana business, the SPGA shall include the following conditions in any special permit granted under this section:

- i. Hours of operation (if any).

- ii. The permit holder shall provide to the building inspector, director of planning and development, director of public health, fire chief and police marshal, the name, telephone number and electronic mail address of a contact person in the event that such person needs to be contacted after regular business hours to address an urgent issue. Such contact information shall be kept updated by the permit holder.
- iii. The special permit authorizing the establishment of a marijuana business shall be valid only for the specific registered person or entity to which the special permit was issued, and only for the site on which the marijuana business has been authorized by special permit. If any license for the marijuana business has been revoked or if the license is to be transferred to another controlling entity, or is to be relocated to a different site, a new special permit shall be required.
- iv. A marijuana business shall be located only in a permanent building and not within any mobile facility. All sales shall be conducted either within the building or by home deliveries to qualified clients pursuant to applicable state and local regulations. This provision shall not be construed to limit or prohibit the transport of marijuana and marijuana-related products in accordance with CCC regulations.
- v. A special permit shall only be valid for use by the applicant and will become null and void upon the sale or transfer of the license of a marijuana business or a change in the location of the business.
- vi. In the event that the commonwealth's licensing authority suspends the license or registration of a marijuana business, the special permit shall be so suspended by the city until the matter is resolved to the satisfaction of said licensing authority.
- vii. The special permit shall be considered null and void if meaningful construction has not begun on the project within two (2) years of obtaining said permit, or such additional time extension as may be granted at the discretion of the planning board.
- viii. The permit holder shall notify the building inspector, director of planning and development, director of public health, fire chief and police marshal and the spga in writing within forty-eight (48) hours of the cessation of operation of the marijuana business or the expiration or termination of the license holder's certificate or registration with the CCC and/or DPH.
- ix. The permit holder shall at all times comply with regulations regarding marijuana businesses promulgated by the board of health.
- x. The police department, fire department, building inspector, zoning enforcement officer, director of planning and development and director of public health shall have the right to inspect the subject premises to assure compliance with the special permit.
- xi. Prohibition against nuisances: No use or operation shall be allowed at any marijuana business which creates a nuisance to abutters or to the surrounding area, or which creates any hazard, including but not limited to, fire, explosion, fumes, gas, smoke, odors, obnoxious dust, vapors, offensive noise or vibration, flashes, glare, objectionable effluent or electrical interference, which may impair the normal use and peaceful enjoyment of any property, structure or dwelling in the area.

Respectfully Submitted,

Councillor Larry G. Giunta, Ward 5

Councillor Thomas F. O'Brien, Ward 6

Councillor Barry N. Connell, At-Large

Larry G. Giunta Jr. Ward 5 City Councilor

CITY OF NEWBURYPORT



IN CITY COUNCIL

ORDERED:

November 12, 2019

AN ORDINANCE TO AMEND THE ZONING ORDINANCE OF THE CITY OF NEWBURYPORT, MASSACHUSETTS RELATIVE TO RETAIL MARIJUANA ESTABLISHMENTS

Be it ordained by the City Council of the City of Newburyport that the following be inserted into the Newburyport Zoning Code (NZO):

Zoning Ordinance: Section V-I, Prohibition of Non-Medical Marijuana Retailers. Consistent with G.L. c. 94G, Section 3(a)(2), "Marijuana Retailers" as defined in G.L. c. 94G, Section 1, shall be prohibited within the City of Newburyport. This prohibition shall not apply to the sale, distribution, manufacture or cultivation of marijuana for medical purposes.

Councillor Larry G. Giunta, Ward 5

Councillor Thomas F. OBrien, Ward 6

Councillor Barry N. Connell, At-Large

COMMITTEE ITEMS

November 12, 2019

Committee Items Budget & Finance

Committee Items:

REGULAR:

- ORDR148_10_28_19 Parent Workshops Gift Acceptance from Anna Jaques \$5,000
- ORDR150_10_28_19 Opioid Addiction Treatment and Prevention Grant Acceptance \$600K
- ORDR152_10_28_19 FY2020 Tax Rate
- ORDR153_10_28_19 FY2020 Residential Factor

CITY OF NEWBURYPORT



IN CITY COUNCIL

ORDERED:

October 28, 2019

THAT, The CITY COUNCIL of the City of Newburyport accepts with gratitude a gift from Anna Jaques Hospital, in the amount of \$5,000.00 to be appropriated for the purpose of hosting parent workshops through the Essex County Asset Builder Network program. Said funds are accepted in accordance with M.G.L. Chapter 44, Section 53A.

Councillor Charles F. Tontar

MEMO

To: President and Members of the Newburyport City Council

From: Tina Los, Associate Director, Essex County Asset Builder Network

Date: October 16, 2019

Subject: Anna Jaques Sponsorship

The Essex County Asset Builder Network, of Newburyport Youth Services, received a sponsorship check in the amount of \$5,000 from Anna Jaques Hospital. These funds are for our regional Parent Workshop series being hosted three times this fiscal year. These workshops are intended for parents and guardians to work in small groups with local experienced clinicians to gain skills to help support the healthy development of their children. Topics include, learning what is developmentally appropriate, improving communication, creating boundaries and expectations and various other health topics, such as anxiety, depression, stress, substance use and social media. These funds will be primarily used to pay the clinicians to run the workshops.

If you have any further questions I would be happy to answer them for you

Tina Los

Associate Director,

Essex County Asset Builder Network

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 550
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 Sherriff'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.

CITY OF NEWBURYPORT



IN CITY COUNCIL

ORDERED:

October 28, 2019

THAT, the City of Newburyport **Tax Rate for Fiscal Year 2020** will be \$[] for all classes of property.

Councillor Charles F. Tontar



CITY OF NEWBURYPORT
OFFICE OF THE MAYOR
DONNA D. HOLADAY
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To: President and Members of the City Council
From: Donna D. Holaday, Mayor
Date: October 24, 2019
Subject: Fiscal Year 2020 Tax Rate

For Fiscal Year 2020, we recommend establishing a tax rate of **\$12.84 per \$1,000** based on a tax levy of \$59,556,464 and a city-wide valuation of \$4,634,824,144. This tax rate represents a 2.5% increase to the prior year levy limit. Due to increased values, this results in a decrease to the tax rate of \$0.24 per \$1,000 compared to the FY2019 tax rate of \$13.08.

Based on the FY2020 valuation, the average single-family home in Newburyport is now assessed at \$617,500, compared to \$595,000 in FY2019. This results in an average single-family tax bill of \$7,929, which represents a 1.9%, or \$146, increase over FY2019's average single-family tax bill.

The average single-family home value continues to be driven up by a strong local economy that continues to encourage new development and improvements or additions to existing homes. As a result, we have added \$732,787 in value from New Growth for FY2020; however, slightly below the estimate of \$750,000 that was used to build the FY2020 budget. As you may recall, new growth totaled \$985,930 in FY2019 and \$933,594 the year prior. The reduction in new growth aligns with a slowing economy with the U.S. Leading Index down 9.1% compared to this time last year; stressing the importance of conservative revenue estimates.

Given that our revenue estimate for FY2020 is built on a 2.5% increase to the levy limit, it is important that we establish the tax rate as such. For all but one of the past seven years, Newburyport has taxed below the levy limit, leaving excess levy capacity, by utilizing Free Cash to balance the tax rate. However, at this point, I feel that is not prudent to do so given the uncertainty of the economy combined with the capital needs that have been identified throughout the City; especially the need to make much greater investments in our streets and sidewalks.

Thank you for your consideration.

CITY OF NEWBURYPORT



IN CITY COUNCIL

ORDERED:

October 28, 2019

THAT, all property within the City of Newburyport be taxed equally and that the method to determine this percentage of the local tax levy to be assessed by each class of property is established by the adoption of a Residential Factor of [] for Fiscal Year 2020 in the City of Newburyport.

Councillor Charles F. Tontar

Committee Items - Planning & Development

In Committee:

Regular Agenda:

- COMM164_06_24_19 Ltr to Ward 2 Councillor from Eric Goodness
- APPT129_09_30_19 Malcolm Carnwath 22 Strong St Historical Comm 9/30/2022
- COMM199_10_28_19 Newburyport Armory Conveyance

Dear Jared,

I'm writing to you as the Chair of the Planning & Development committee of the City Council.

I am a Newburyport citizen residing at 189-191 High Street. I am concerned about two issues concerning process integrity and transparency within City Hall. My concerns are associated with matters in front of the ZBA and the MA Land Court relating to an Application for Special Permit by 193 High Street.

Ultimately, my experience dealing with resources within City Hall – namely the Planning & Development department and the ZBA - range from what appears to be simple cronyism to mismanagement to possibly illegal activities to negate a decision by the ZBA.

My immediate concern is that the City plans to ask the MA Land Court to remand a Decision back to the ZBA based on weak and/or manufactured grievances by the Applicant/Plaintiff's attorney which are not sufficient to warrant a request from the City to remand the Decision.

This letter separates my concerns into (2) sections:

1. The City's intent to request a remand of the Decision back to the ZBA.
2. Mismanagement, factual inaccuracies, and possible criminal activity is coming out of the Planning & Development department.

1. The City's intent to request a remand of the Decision back to the ZBA.

The issues begin with an application for a Special Permit for Non-Conformities filed by Hebbelinc Realty, LLC at 193 High Street. The Applicant's attorney is Lisa Mead.

I am a direct-abutter. I am also the president of the *189-191 High Street Condominium Trust*, and in total, I represent (4) directly abutting households in the ZBA public hearings.

In the first iteration of the Application for a Special Permit, Hebbelinc Realty, LLC (Applicant) sought to create a 50+ paved parking lot at the rear of the property as well as construct an oversized garage. The ZBA bifurcated the Application in late March, and the Board denied the request to create a paved parking area for the funeral business (over an existing, unpermitted and unprotected parking area). A suit was filed by the Applicant in Land Court to appeal the Decision on the parking lot. The Applicant submitted the appeal late, and the grievances within the complaint focus on improprieties with the ZBA process.

Multiple abutters have learned that the Decision is at-risk as the City plans to request that the Land Court remand the Decision back to the ZBA.

Attorney Mead's Land Court complaint offers (5) counts as the Cause for Action. I am not an attorney; however, I have provided my perspective and commentary for each count for the causes for action. As you will see, none of the counts are substantive in terms of conveying any negligence or malfeasance by the City towards the Applicant. The procedural lapses the Applicant decries in the complaint – executed or merely discussed - were for the benefit of the Applicant.

Cause of Action - Count I

Paragraph #48 - "General Laws c. 231A, § 1, authorizes "binding declarations of right, duty, status and other legal relations sought thereby ... in any case in which an actual controversy has arisen." An actual controversy exists between the plaintiff and the Board because the Board, without authority, 1) unilaterally bifurcated the Application for the Project and 2) issued the Decision while the public hearing was still open."

Ms. Mead is mistaken in her claim. My recollection and that of other attendees is that the Applicant's attorney gladly accepted the bifurcation of the Application. Such an approach was likely the only way for Ms. Mead to keep the application 'alive' for her client. Ms. Mead seemed visibly shaken and flustered by the Board's discovery of the illegal use of a gravel lot for the funeral business (which the Aois documented in the Application). If voted on as a single decision, the entirety of the Application would likely have been denied.

There are attendees, including multiple City councilors, at that ZBA meeting that witnessed Ms. Mead's acceptance of Mr. Ramsdell's proposal to bifurcate the Application. Certainly the Board must dispute this claim. The meeting minutes relate no protestations from the Applicant's attorney during the process of bifurcation.

The claim is also stated earlier in the Land Court complaint:

Paragraph #32 - "The Board voted to bifurcate the Application. The relate assent [sic] of the Applicant was neither sought nor given."

Rather than capitulate and annul the Decision, the City must aggressively dispute Ms. Mead's claim here as mistaken and factually incorrect. If Ms. Mead believes the Board did not possess the power to bifurcate the Application, then her reticence and inaction regarding the bifurcation is the source of harm to her client.

Ms. Mead's Land Court complaint also states:

Paragraph #31 - "Chair Edward Ramsdell expressed his discomfort with separating the Application and voting solely on the garage."

Based on my recollection, and the recollection of others, Ms. Mead's claims are mistaken. While Mr. Ciampetti made the motion to bifurcate the Application, Mr. Ramsdell was the first on the Board to present the procedural option. Mr. Ramsdell was pleased to pursue bifurcation and never argued against it. Mr. Ramsdell, like the other Board members, was uncomfortable voting on the garage because there was no real attention paid to it in the arguments by the Applicant or the abutters as the paved parking lot was a significant point of consternation across all attendees. The minutes of the meeting captured this incorrectly.

Mr. Ramsdell is the Chair of the Board, with significant tenure on the Board, and would not likely be dissuaded by the other Board members if he opposed the motion. Many abutters seemed angry with Mr. Ramsdell as he worked to salvage some form of a positive outcome on behalf of the Applicant and Ms. Mead when he offered bifurcation.

In Paragraph #37, Ms. Mead writes, *"The Board never voted to issue two separate decisions for the one Application before it."*

The bifurcation of the Application into (2) discrete applications made the intent to issue (2) decisions implicit. Ms. Mead suggests that the correct process after bifurcation is to 'bundle' separate decisions into a single decision once both decisions are final. This suggestion is not only illogical; it is unfair to whichever side a decision favors because it effectively lengthens the time for an appeal. Ms. Mead's recommended process, which lacks a reference to the NZO or MA General Law to support the assertion, extends her client's time to appeal from 20 days to over 100 days. That's because the second Application is still open for public hearings and the next ZBA meeting is on July 9th – with no guarantee there will not be additional continuances. July 9th is 106 days from the Board's Decision to deny the Applicant's request for a Special Permit to create a commercial parking lot.

Bottomline: *Ms. Mead agreed to the bifurcation of her client's Application. The claim is false and should not move the City to remand the Decision back to the ZBA.*

Moreover, Ms. Mead's claim does not cite the provenance of her argument that procedural lapses occurred or that the ZBA is not empowered to do such. The lack of any referenceable ordinance, law, or City documentation about the ZBA bifurcation should not cause the City to pursue a remand.

There appears to be sufficient case law showing that a lack of adherence to civil procedures is not enough to extend the period for appeal.

NB. At a Planning & Development committee meeting, Ms. Mead proactively suggested a bifurcated approach to a decision relating to 102-104 High Street LLC.

https://www.cityofnewburyport.com/sites/newburyportma/files/minutes/pb_04-04-18_1.pdf

Cause of Action - Count II

Paragraph #54 - *"The Board's denial of the special permit upon vocal opposition by the City Council member, notwithstanding his status as an abutter, constitutes bias, partiality, and/or prejudice in violation of Article 29 of the Declaration of Rights and deprived the Plaintiff of due process."*

In my opinion, the councilor's conversations, as an abutter, does not represent an appeal to any adjudicatory powers in the matters in front of the ZBA.

Ironically, we abutters can point to conferences with the Chair of the ZBA outside of a public hearing.

Bottomline: *The official(s) do not possess quasi-adjudicatory powers in ZBA business. This argument is a distraction as the initial letters of support from City officials were logical fallacies presented to support the Application. The letters offered were 'Appeals to False Authority' as the City officials are not experts on traffic analysis patterns or what qualities of a paved lot make a property 'safer.' Seemingly every property within the City would be made safer if the City outlawed backyard lawns in favor of paved lots for improved access by emergency vehicles.*

Cause of Action - Count III

Paragraph #56 – *“The Chair of the Board, Mr. Ramsdell, acknowledged that the Decision issued in error and that the Decision would be withdrawn.”*

Paragraph #57 - *“The Plaintiff, in reliance, did not appeal the April 2nd, 2019 Decision, believing that said Decision was a nullity.”*

Paragraph #58 – *“It is unjust and unreasonable for the Board to recognize and enforce a Decision that 1) never should have issued, and 2) was to be withdrawn. WHEREFORE this Honorable Court is requested to annul the Board's Decision on the basis that the Board is estopped from recognizing and enforcing a decision that issued in error, where the Plaintiff relied on the Chair of the Board's representation that the Decision would be withdrawn.”*

Also earlier in the complaint, Paragraph #41 it is stated: *“Mr. Ramsdell confirmed that counsel was correct, that the Decision had improperly issued, and that he would ensure that the Decision was withdrawn.”*

Mr. Ramsdell's ad hoc opinion that the Board's vote was 'improper' does not mean the vote or Decision is improper. Mr. Ramsdell has no right or power to have the Decision withdrawn outside of a public hearing. Ms. Mead, as a former mayor and as the area's pre-eminent land use attorney with considerable business in front of the City, likely understands that Mr. Ramsdell has no such power to withdraw the Decision without a public hearing. These appear to be crocodile tears.

Ms. Mead's complaint is late because she relied on Mr. Ramsdell in an ad hoc conversation, outside of a public hearing, and accepted his inappropriate assurances to withdraw the Decision. The injury to the Applicant is a belated appeal.

Bottom line: *The Applicant's dissatisfaction with Mr. Ramsdell's inability to circumvent City processes and the laws of the Commonwealth are not the predicate which compels the City to remand the Decision back to the ZBA. The abutters and the citizens of Newburyport are the injured parties to these backchannel communications and conferences.*

Cause of Action - Count IV

Paragraph #60. *“The Decision incorrectly identifies the Application as a petition for a Dimensional Variance, incorrectly cites G. L. c. 40A, § 10, relative to variances as the Board's authority for denying the Application, and incorrectly identifies the zoning district in which the property is located as the R2 district, when in fact the property is located in the HSR-B district. WHEREFORE, this Honorable Court is asked to annul the Board's Decision denying the Plaintiff a special permit to construct a formal paved parking lot on its property as the Decision is ambiguous and erroneous.”*

Bottom line:

A scrivener's error seems insufficient grounds for the Land Court to annul the Decision or for the City to seek a remand. Please note, the scrivener's error cited in the Applicant's complaint about identifying the

zoning district as 'R2' instead of 'HSR-B' was also made by Ms. Mead throughout numerous iterations of the Application for a Special Permit to the City.

NB. Ms. Mead identified a scrivener's error in a previously granted Special Permit relating to a mixed-use property at 114-118 Merrimac Street. There was no argument by Ms. Mead, or her opposition, to annul the Special Permit because of the error.

https://www.cityofnewburyport.com/sites/newburyportma/files/minutes/minutes-file/zba_minutes_02-23-16.pdf

Cause of Action – Count V

Paragraph #62 – *“The Board's denial of a special permit as to the parking lot provides as the sole basis therefor abutters' concerns regarding vehicular lights and the impact on abutting properties, despite the fact that the abutters produced no evidence reflecting the proposed conditions that they would be harmed by light pollution and failed to rebut Mr. Sawyer's evidence that the proposed 6-foot high solid panel fence would block vehicle headlights from shining onto abutting properties.”*

Paragraph #63 – *“The Decision provides that “evidence was presented” that the proposed parking lot was not in conformity with the neighborhood and that the change would be substantially more detrimental to the neighborhood, without any explanation whatsoever in the Decision as to what evidence the Board considered in making its finding.”*

Paragraph #64 – *“The Board's denial of a special permit for the construction of a formal paved parking lot and its ground(s) therefor are unreasonable, arbitrary and capricious, erroneous, unsupported by substantial evidence, and beyond its authority. WHEREFORE, this Honorable Court is asked to annul the Board's Decision denying the Plaintiff a special permit to construct a formal paved parking lot on its property and order that the Board approve the parking lot as proposed.”*

Bottom line: *These arguments do not present the entirety of the Board's Decision. The Board stated confidently (unanimously) in the public hearing that it found that a large paved commercial lot was injurious to the intent and guidance of the HSR-B district. The Board also cited, in the ZBA meetings and meeting minutes, that the existence of the **unpermitted** gravel lot used for parking for attendees of funeral services also did not allow them to support the paved commercial parking lot. Once the ZBA made this Decision, I requested zoning enforcement for the use of the lot for parking for the funeral business. The City found that the use is illegal.*

Closing - The Applicant's (5) causes for action lack the substance to cause the City to fear an adverse decision. There are no counts which compel the City to request that the Decision be remanded back to the ZBA.

My perception is that the City's stated goal to remand the Decision back to the ZBA is not a preventative action to avoid having the Land Court choose the same outcome. **I believe the Land Court, if allowed, would deny the appeal based on its late filing.**

I sent an email to my councilor Heather Shand and (2) At-Large councilors (Vogel and Khan) where I voice these concerns about the process and a potential remand of the Decision. Ms. Shand was

responsive (as she always is). Neither Vogel or Khan responded to my email. However, Councilor Vogel did send my email to the Mayor. The Mayor responded directly to me with:

"In regards to the High St. situation, I have played NO role in any decisions that have been. My understanding is they were procedural errors, problems with timelines and notice as well as errors inadvertently included in the ZBA decision. The City DID NOT reverse any decision. The attorney for the funeral home filed in land court and will state whatever arguments he/she believes are the strongest for their client. We have seen the land court remand cases back to the appropriate Board when there are these types of errors. Our city solicitor believed the land court would do so and moved forward to essentially get the procedure(s) correct by a remand to the ZBA."

I hope that KP Law can provide to you examples of such procedural errors resulting in a remand. I don't believe they have done so.

When I requested to see the copy of the KP Law opinion shared with the ZBA, Jennifer Blanchet told me that the KP Law opinion would not be shared with the public. I believe that the public has a right to access legal opinions issued to persons within municipal government and that these opinions would be filed with the Planning & Development department and/or the City Clerk's office.

The City may wish to protect against legal action from the Applicant relating to procedural lapses. That is an understandable concern but the City should not annul the Decision thinking that the annulment will obviate the threat of litigation. We abutters can prove real harm, which is documented in the Land Court claim. We can point to inappropriate communication, concerted efforts by City employees to misinform us about the Decision, and, the removal of the Decision from the office of the City Clerk (see Section 2 of this letter).

Requested action(s) to the Planning & Development committee - The City must abandon any pursuit to have the Decision remanded to the ZBA and request a motion to dismiss the Applicant's appeal based on the lateness of the submission.

2. Mismanagement, factual inaccuracies and possible criminal activity coming out of the Planning & Development department

I have visited the Planning and Development Department no fewer than (6) times since the first ZBA meeting for this Application (December 2018). I engaged the department to check on any additions to the master folder relating to the Application and to discuss a zoning enforcement request pertaining to the Applicant's illegal use of their backyard for parking for the business (the City decided in favor of my request for enforcement). The only way to describe my experience with the Planning & Development department is 'disenfranchising'.

Issue 1 - Paragraph #44 of the Land Court Complaint, Ms. Mead states *"On May 1st, 2019, counsel received an electronic mail message from Ms. Boisvert in which she acknowledged that she tried to pull the Decision, but was informed that she could not do so as it had already been stamped as received by the Clerk's Office."*

On April 25th, 2019, I visited the City Clerk to get a copy of the first Decision of the bifurcated Application. There was no Decision on file in the City Clerk's office. I was told if a Decision is not in the

Clerk's office, a Decision was likely never written or filed. I was advised by the City Clerk's office to visit the Planning department. When I asked for a copy of the ZBA decision in the Planning Department, I was told by Jen Blanchet and Diane Boisvert that the letter of Decision I received in the mail - received on April 2nd, 2019 - was sent to abutters in error. Ms. Blanchet and Ms. Boisvert told me that the Board never intended to issue (2) Decisions (one for each Application after the bifurcation). Later that day, disappointed and shocked, I sent an email to Ms. Boisvert (text in red are the actual emails):

From: cmsmailer@civicplus.com (mailto:cmsmailer@civicplus.com)
Sent: April 25, 2019 12:25 PM
To: Dianne Boisvert
Subject: [Newburyport MA] Notes from the ZBA meeting held on 3/26/2019 (Sent by Eric Goodness, ER.C.GOODNESS@Gmail.com)

Hi Diane,
Thanks for your time today.

The revelation that the ZBA has not filed a decision even after:

1. Splitting the Application for a special permit from 193 High Street
2. Voting on one of the split applications and then voting to continue the other newly split Application; and,
3. Receiving a letter from the City telling (some of) the abutters that the first Application was denied.

I'd have (2) requests:

1. I'd like to get a copy of the notes from the ZBA meeting held on 3/26/2019 relating to 193 High Street. This is for our review and for our attorney. If I need to come in to get copies I am happy to do so. Let me the process to get this information.
2. I'd like a copy of the document that provides the authority for, and governs, how the Board is able to split an application for a special permit and defer filing a decision after a Board vote and an announcement to abutters. If this source document is available online, please provide the special sections where I can find the relevant information.

Kind regards,
EFG

Eric F. Goodness
189 High Street
Newburyport, MA 01950
+1 978-289-0829

Ms. Boisvert responded:

Dianne Boisvert <DBoisvert@cityofnewburyport.com>

Apr 25, 2019, 3:06 PM
to ERIC.GOODNESS@Gmail.com

Hi Eric,

As I mentioned to you earlier, I mailed out the "notification of decision" prematurely to abutters as a matter of routine right after the meeting. The form letter indicated that a written decision was on file with the Clerk's office, which was misleading as the Board has not yet issued it yet. A written decision has not been filed, just the "notification of decision". It was to let the abutters know that that portion of the hearing would no longer be discussed at the continued public hearings. I apologize for the confusion this has caused. It's the Board's intention to issue one decision that encompasses both requests once the public hearing is closed.

I don't believe a document exists that provides the Board with authority to bifurcate an application, though I'm not sure a specific document is legally necessary or if it's just an ability of law.

Attached are the minutes from the hearing on 3/26. I will be out of the office until Monday morning if you have any questions.

Dianne Boisvert
Office Coordinator
Office of Planning and Development
60 Pleasant Street
Newburyport, MA 01950
978-465-4400

Based on the Land Court claim, it seems that Ms. Boisvert was not truthful to me in-person or in-writing. No citizen can expect to conduct proper due diligence to protect their interests if City resources are not trustworthy. The Applicant's Land Court complaint states that Ms. Boisvert attempted to pull the Decision but that she was unsuccessful. However, **someone was successful** because the physical copy of the certified Decision was missing from both the City Clerk's office and the Planning & Development department on April 25th. In the Mayor's response to me that I cited earlier, the following statement is made about the missing Decision:

"In regards to the original decision and scrivener's error, the employee was trying to correct the mistake but there are errors and concern regarding the employee's judgment and actions and the city is conducting a personnel investigation."

The attempted removal of a ZBA Decision is more than a personnel issue. Additionally, the successful removal of the Decision, by whomever, is likely a criminal act for which there has been no satisfactory explanation or communication to the abutters. There hasn't been an explanation about the false narrative from the Planning & Development department employees about the Decision, and, we've had no explanation of how the Decision was removed and who removed it. I reached out to Andy Port with an email seeking answers for our unanswered questions, and he has not responded to my inquiry.

After reading Paragraph #44 that relates Ms. Boisvert's attempt to pull the Decision, and because of the actual disappearance of the Decision from City Hall files, I believe that the abutters deserve to know:

- Who directed Ms. Boisvert to pull the Decision from the Clerk's office?
- Who did pull the Decision from the Clerk's office?
- Why was a story fabricated that the Decision letter sent to abutters was sent in error, and that the ZBA never intended to issue (2) Decisions for the bifurcated SP application?
- Who directed the story be told to abutters?

I hope your committee can investigate and find the answers to these questions.

Issue 2 - The Planning & Development department no longer feels like a trusted entity to steward the remaining Application through the ZBA process.

Paragraph #41 – *“Mr. Ramsdell informed counsel that he had been confused and that he should not have issued the Decision. Counsel pointed out that the Decision could not issue as the public hearing was still open and no vote had occurred to issue two separate decisions, and, further, that the Decision was wrong in regard to its references to a variance. Mr. Ramsdell confirmed that counsel was correct, that the Decision had improperly issued, and that he would ensure that the Decision was withdrawn.”*

I sent an email to Andy Port about Mr. Ramsdell's communications with Ms. Mead. Similarly, he never responded to those questions.

There have been other impediments dealing with the Planning & Development department. When another abutter and I went into the department to check on a request for zoning enforcement, Ms. Blanchet admonished us for 'wasting City resources' by pursuing zoning enforcement. Unless I'm mistaken, zoning enforcement requests is her *raison d'être* within the department. For the other abutter and me, such a comment created a hostile and biased environment. *If* Paragraph #41 is true, then there should be serious discussions within City Hall regarding the appropriateness of any communications with quasi-adjudicatory personnel with *any interested parties* outside of public hearings. Similarly, serious consideration of the actions of staff within the Planning & Development department with continued access to files for this Application.

A final word - I did not want to write this letter. However, circumstances have forced us to reach out to you and our representatives. I hope you agree that disturbing events have occurred within the Planning & Development department and the ZBA. I hope you and your committee can convey my concerns, and the interests of other abutters, to the Department and the broader City Council to seek answers and remedy the situation. **I also hope that you recognize that the Decision should not be remanded back to the ZBA.**

Thanks for your attention to these matters. I have also reached out to the other Planning & Development committee members.

Kind regards,
 Eric Goodness
 189 High Street
 +1 (978) 289-0329
 cc:
 Heather Shand
 Larry Giunta



CITY OF NEWBURYPORT

OFFICE OF THE MAYOR
DONNA D. HOLADAY, MAYOR

RECEIVED
CITY CLERK'S OFFICE
NEWBURYPORT, MA

60 PLEASANT STREET - P.O. BOX 32019
NEWBURYPORT, MA 01950
978-465-4413 PHONE
978-465-4402 FAX

2019 SEP 23 PM 2:51

To: President and Members of the
City Council

From: Donna D. Holaday, Mayor

Date: August 27, 2019

Subject: Re-Appointment

I hereby re-appoint, subject to your approval, the following
named individual as a member of the Historical
Commission. This term will expire on September 30, 2022.

Malcolm Carnwath
22 Strong Street
Newburyport, MA 01950



The Commonwealth of Massachusetts
 William Francis Galvin, Secretary of the Commonwealth
 Massachusetts Historical Commission

October 4, 2019

Warren Madden
 Project Manager
 Division of Capital Asset Management and Maintenance
 One Ashburton Place, 15th Floor
 Boston, MA 02108

RE: Newburyport Armory Conveyance, 57 Low Street, Newburyport, MA; MHC# RC.66955

Dear Mr. Madden:

Thank you for submitting a Project Notification Form (PNF) for the project referenced above, which was received at this office on September 9, 2019. The staff of the Massachusetts Historical Commission (MHC) have reviewed the information submitted and have the following comments.

The Division of Capital Asset Management and Maintenance (DCAMM) proposes to transfer the Newburyport Armory and Garage out of state ownership without a historic covenant.

The Newburyport Armory (NWB.2994) and Garage (NWB.2995) are included in MHC's *Inventory of Historic and Archaeological Assets of the Commonwealth*.

MHC previously concurred with the Massachusetts National Guard's opinion that the property meets the criteria of eligibility for listing in the National Register of Historic Places under Criteria A & C on the local and/or state level in a letter dated March 13, 2003.

Conveyance of the Newburyport Armory and Garage constitutes an "adverse effect" (950 CMR 71.05(e) and 950 CMR 71.07(2)(b)(3)) through the transfer or sale of a historic property without adequate conditions or restrictions regarding preservation, maintenance, or use of all or part of a historic property.

The MHC accepts the adverse effect and proposes the development of a Memorandum of Agreement (MOA) in order to resolve the adverse effects.

These comments are offered to assist in compliance with M.G.L. Chapter 9, sections 26-27C (950 CMR 71.00). Please do not hesitate to contact Elizabeth Sherva of my staff if you have any questions.

Sincerely,

A handwritten signature in cursive script that reads "Brona Simon".

Brona Simon
 State Historic Preservation Officer
 Executive Director
 Massachusetts Historical Commission

xc: Carol Meeker, DCAMM
 Newburyport Historical Commission

220 Morrissey Boulevard, Boston, Massachusetts 02125
 (617) 727-8470 • Fax: (617) 727-5128
www.sec.state.ma.us/mhc

Committee Items – Public Safety

November 12, 2019

In Committee:

Consent Agenda:

- COMM195_10_15_19 Newburyport Youth Hockey Tag Day Fundraiser

Cassandra G. Green

From: Richard Jones
Sent: Monday, September 30, 2019 4:22 PM
To: Cassandra G. Green; Patricia Barker
Subject: FW: [Ext]Newburyport Youth Hockey Request

For October 15th

From: Chris Howgate [<mailto:ch@digitalprospectors.com>]
Sent: Monday, September 30, 2019 2:14 PM
To: Richard Jones
Subject: [Ext]Newburyport Youth Hockey Request

external e-mail use caution opening

Hi Richard,

My name is Chris Howgate and I'm on the board of directors for the NYHL. We will be doing our annual Tag Day fundraiser on November 16th starting at 8am. All the kids in the Newburyport Youth Hockey leagues participate to help reduce ice time cost for the season. We are requesting the ability to stand in front of the Post Office and Library on the sidewalk for the event. We appreciate the approval last year and hope to use the city sidewalk in front of the Post Office and Library again this year. Please let me know if you have any questions.

Thank You,

Chris Howgate
Newburyport Youth Hockey League
781-983-2320

Chris Howgate | Chief Delivery Officer
W: 603.507.6192 | M: 781.983.2320
Digital Prospectors | www.digitjob.com