

CITY COUNCIL MEETING AGENDA - VERSION 1
CITY COUNCIL CHAMBERS
JANUARY 27, 2020

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**

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

- January 13, 2020 (Approve)

8. TRANSFERS

- TRAN067_01_27_2020 Legal Settlements \$11K to Fence Repairs \$11K (B&F)
-

9. COMMUNICATIONS

- COMM220_01_27_2020 Proposed City Council Rule 9F (Rules)
- COMM221_01_27_2020 Letter Re Sign, 43 Pine Hill Rd (PS)
- COMM222_01_27_2020 FY 2020 Mid-Year Budget Report (B&F)
- COMM223_01_27_2020 Nbpt Spring Half Marathon, 4/26/2020 (PS)
- COMM224_01_27_2020 North Shore Tour de Cure, 5/17/20 (PS)
- COMM225_01_27_2020 1st Lt. Derek Hines Flag Day 5K, 6/13/20 (PS)
-

10. APPOINTMENT

First Reading

- APPT141_01_27_2020 Jean Costello 522 Merrimac St Human Rights Comm 1/1/2023

To be Referred to Planning & Development

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

To be Referred to General Government

- APPT143_01_27_2020 KP Law 101 Arch St, Boston Legal 2/1/2021

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

Budget & Finance

- TRAN066_01_13_2020 NHS Exterior Woodwork Phase III \$110,903, CIP Nock/Molin Parking Lot \$8,997.87 to CIP Sidewalk Repairs \$119,900.87
- ORDR164_01_13_2020 Connors Scholarship Gift Acceptance \$5,000
- APPT138_01_13_2020 Ethan Manning 31 Howard St Dir of Finance 2/1/2023

Neighborhoods & City Services

- 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)
- COMM219_01_13_2020 Snow & Ice Plan 2019-2020
- APPT139_01_13_2020 Anthony Furnari 10 Olsen Rd, Dir of Public
Peabody Works 2/1/2023

License & Permits

- COMM217_01_13_2020 2020 Class II Vehicle License - State Automotive Repair LLC

**END OF CONSENT AGENDA
REGULAR AGENDA**

11. MAYOR’S UPDATE

12. TRANSFERS

- TRAN068_01_27_2020 Free Cash 50K to Fire Station #2 Design/Feasibility Study

13. APPOINTMENTS

Second Reading

- APPT132_01_13_2020 George Sass, Jr. 37 Jefferson St Harbor Commission (Alt) 1/13/2022
- APPT133_01_13_2020 Janet Morris 288 Merrimac St Tree Commission 1/13/2023

Re-Appointments

- APPT134_01_13_2020 Karen B. Wiener 7 Lincoln St Aff Hsng Trst 11/30/2022
- APPT135_01_13_2020 Paul Cardaci 135 Beach Rd C5, Slsbry Constable, City 12/1/2022
- APPT136_01_13_2020 Gary Gorski 18 Magnolia St Lib Brd of Dir 1/1/2027
- APPT137_01_13_2020 Sarah T. Spalding 280 High St Lib Brd of Dir 1/1/2027

14. ORDERS

-

15. ORDINANCES

- ODNC046_1_27_20 Zoning Amendment - Short Term Rental Units Definition
- ODNC047_1_27_20 General Ordinance - Short Term Rental Units Rules
-

16. COMMITTEE ITEMS

NOTE: UNDERLINED COMMITTEE ITEMS WILL BE CONSIDERED AT THIS MEETING

Budget & Finance

In Committee:

- ORDR132_07_15_19 CPC FY2020 Recommended Appropriations (COTW)
Project No. 9 held in committee.
- ORDR136_08_19_19 Fuller Track Phase II Loan Order
- COMM189_09_09_19 CPC Revised Recommendation for FY2020 Appropriations
- TRAN066_01_13_2020 NHS Exterior Woodwork Phase III \$110,903, CIP Nock/Molin Parking Lot \$8,997.87 to CIP Sidewalk Repairs \$119,900.87
- ORDR164_01_13_2020 Connors Scholarship Gift Acceptance \$5,000
- APPT138_01_13_2020 Ethan Manning 31 Howard St Dir of Finance 2/1/2023

Education

In Committee:

-

General Government

In Committee:

-

License & Permits

In Committee:

- COMM217_01_13_2020 2020 Class II Vehicle License - State Automotive Repair LLC

Neighborhoods & City Services

In Committee:

- 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)
- COMM219_01_13_2020 Snow & Ice Plan 2019-2020
- APPT139_01_13_2020 Anthony Furnari 10 Olsen Rd, Peabody Dir of Public Works 2/1/2023

Planning & Development

In Committee:

- COMM214_01_13_2020 Ltr from Central Cong Church re: CPA Funding, Historic Pres
- COMM215_01_13_2020 Ltr re: Colby Farm Open Space Beautification

Public Safety

In Committee:

- COMM198_10_28_19 Ltr re: Middle Street Parking/Curb Cuts
- COMM216_01_13_2020 Ltr re: Ban the Use of Glyphosate
- COMM218_01_13_2020 Town & Country Half Marathon - 6/14/2020
- APPT140_01_13_2020 Dr. Robert E. Slocum 38 Jefferson St Board of Health 1/13/2023

Public Utilities

In Committee:

- COMM206_11_25_19 Pole Hearing - Bayberry Road
- ORDR165_01_13_2020 Greener Group, LLC - Licensed Contractor

Rules

In Committee:

17. GOOD OF THE ORDER

18. ADJOURNMENT

CONSENT AGENDA

CITY COUNCIL MEETING MINUTES
CITY COUNCIL CHAMBERS
JANUARY 13, 2020

7:30PM

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

(Sound Check)

1. **MOMENT OF SILENCE**
2. **PLEDGE OF ALLEGIANCE**
3. **CALL TO ORDER**
4. **LATE FILE ITEMS** – on Councillors’ desks: Version 2 Inauguration Minutes
5. **PUBLIC COMMENT**

- | | | |
|------------------|-----------------|-------------|
| 1. Andrew Casson | 240 Merrimac St | Harbor Comm |
| 2. George Sass | 37 Jefferson St | Harbor Comm |
| 3. Janet Morris | 288 Merrimac St | Tree Comm |
| 4. Julie Masis | 2 Wildwood Dr | Glyphosate |

6. **MAYOR’S COMMENT**

The Mayor gave an update pursuant to her written communication.

CONSENT AGENDA

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

7. **APPROVAL OF MINUTES**

- December 16, 2019 (Approve)
- January 6, 2020 (version 2) (Approve)

8. **TRANSFERS**

- TRAN066_01_13_2020 NHS Exterior Woodwork Phase III \$110,903, CIP Nock/Molin Parking Lot \$8,997.87 to CIP Sidewalk Repairs \$119,900.87 (B&F)

9. **COMMUNICATIONS**

- COMM213_01_13_2020 City Council Committee Assignments 2020 (R&F)
- COMM214_01_13_2020 Ltr from Central Cong Church re: CPA Funding, Historic Pres (P&D)
- COMM215_01_13_2020 Ltr re: Colby Farm Open Space Beautification (P&D)
- COMM216_01_13_2020 Ltr re: Ban the Use of Glyphosate (PS)
- COMM217_01_13_2020 2020 Class II Vehicle License - State Automotive Repair LLC (L&P)
- COMM218_01_13_2020 Town & Country Half Marathon - 6/14/2020 (PS)

10. **APPOINTMENT**

First Reading

- APPT132_01_13_2020 George Sass, Jr. 37 Jefferson St Harbor Commission (Alt) 1/13/2022
- APPT133_01_13_2020 Janet Morris 288 Merrimac St Tree Commission 1/13/2023

Re-Appointments

- APPT134_01_13_2020 Karen B. Wiener 7 Lincoln St Aff Hsng Trst 11/30/2022
- APPT135_01_13_2020 Paul Cardaci 135 Beach Rd C5, Slsbry Constable, City 12/1/2022
- APPT136_01_13_2020 Gary Gorski 18 Magnolia St Lib Brd of Dir 1/1/2027
- APPT137_01_13_2020 Sarah T. Spalding 280 High St Lib Brd of Dir 1/1/2027

To be Referred to Budget & Finance

- APPT138_01_13_2020 Ethan Manning 31 Howard St Dir of Finance 2/1/2023

To be Referred to Neighborhood & City Services

- APPT139_01_13_2020 Anthony Furnari 10 Olsen Rd, Peabody Dir of Public Works 2/1/2023

To be Referred to Public Safety

- APPT140_01_13_2020 Dr. Robert E. Slocum 38 Jefferson St Board of Health 1/13/2023

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

END OF CONSENT AGENDA REGULAR AGENDA

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

11. MAYOR'S UPDATE

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

12. COMMUNICATIONS

- COMM211_01_13_2020 City Council Rules 2020
Motion to approve by Councillor Vogel, seconded by Councillor Zeid. So voted.
- COMM212_01_13_2020 City Council Schedule 2020
Motion to approve by Councillor Zeid, seconded by Councillor Khan. So voted.
- COMM219_01_13_2020 LATE FILE Snow & Ice Plan 2019-2020
Motion to waive the rules, to allow as late file, by Councillor Khan, seconded by Councillor Connell. So voted. Motion to refer to Neighborhood & City Services by Councillor Khan, seconded by Councillor Connell. So voted.

13. APPOINTMENTS

Second Reading - NONE

14. ORDERS

- ORDR164_01_13_2020 Connors Scholarship Gift Acceptance \$5,000
Motion to refer to Budget & Finance by Councillor Tontar, seconded by Councillor Vogel. So voted.
- ORDR165_01_13_2020 Greener Group, LLC - Licensed Contractor
Motion to refer to Public Utilities by Councillor Zeid, seconded by Councillor Devlin. So voted.

15. ORDINANCES

•

16. COMMITTEE ITEMS

NOTE: UNDERLINED COMMITTEE ITEMS WILL BE CONSIDERED AT THIS MEETING

Budget & Finance

In Committee:

- ORDR132_07_15_19 CPC FY2020 Recommended Appropriations (COTW) Project No. 9 held in committee.
- ORDR136_08_19_19 Fuller Track Phase II Loan Order
- COMM189_09_09_19 CPC Revised Recommendation for FY2020 Appropriations

Education

In Committee:

-

General Government

In Committee:

-

License & Permits

In Committee:

-

Neighborhoods & City Services

In Committee:

- 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:

-

Public Safety

In Committee:

- COMM198_10_28_19 Ltr re: Middle Street Parking/Curb Cuts

Public Utilities

In Committee:

- COMM206_11_25_19 Pole Hearing - Bayberry Road

Rules

In Committee:

-

17. GOOD OF THE ORDER

Council President Eigerman asked the councillors for input on the Council retreat scheduled for Saturday, January 18th, at the Senior/Community Center. Councillor Khan suggested 8:00am or 9:00am. Following a show of hands, the Council President said the retreat would be 9:00-11:00am.

Councillor Connell asked that copies of committee items carried over be digitally sent to all councillors.

18. ADJOURNMENT

Motion to adjourn by Councillor Zeid, seconded by Councillor Khan. So voted. 8:07pm.

TRANSFERS



City of Newburyport

FY 2020

BUDGET TRANSFER REQUEST

RECEIVED
CITY CLERK'S OFFICE
NEWBURYPORT, MA
2020 JAN 21 PM 3:55

Department: Mayor's Office
Submitted by: Donna D. Holaday, Mayor **Date Submitted:** 1/21/2020

Transfer From:

Account Name	Rsv Appr - Legal Settlements	YTD Bal:	\$ 86,823.16
Account Number:	2745-59600	Trans In:	\$ -
Amount:	\$11,000.00	Trans Out:	\$ -
Why are Funds Available:	<i>Proceeds from legal settlements are placed into a receipts reserved for appropriation account to be used for any legal municipal purpose at the recommendation of the Mayor and approval by the City Council. The City received \$40,000 as a result of a zoning violation on Lime Street, which was placed into this fund in FY2017.</i>		

Transfer To:

Account Name	PRK Fence Repairs/Installation	YTD Bal:	\$ -
Account Number:	New Account	Trans In:	\$ -
Amount:	\$11,000.00	Trans Out:	\$ -
Why are Funds Needed:	<i>Multiple sections of fence bordering the Brown School are in need of replacement and/or repair. The first section is comprised of 144' of 6' high cedar board panels; the second section is comprised of 48' of 8' high cedar board panels.</i>		

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

Date: 1/21/20
 Date: 1/21/2020

BROWN SCHOOL FENCE KEY

Fence sections indicated below correspond to photos and work descriptions on following pages



FENCE SECTION 1

Abutting 48 Milk Street (John Pear, Owner)



ABOVE LEFT FOREGROUND: 1" x4" panels and rails are rotting.

ABOVE LEFT BACKGROUND: Existing tongue & groove panels will be re-used.

All panels will be replaced. All old posts will be replaced. New posts installed recently by DPS will be re-used but post caps will be installed to lengthen lifespan.



ABOVE RIGHT: New, pressure-treated post installed by DPS. Many joints are rotted and do not connect fence panels to posts.

FENCE SECTIONS 2 & 3

Abutting 48 Milk Street (John Pear, Owner) & 52 Milk Street (Owner, William Doherty)



ABOVE LEFT SIDE OF PHOTO: Section 2 - All fence panels and posts along John Pear's property are failing and will be replaced.

ABOVE RIGHT HALF OF PHOTO: Section 3 - All fence panels behind playground are new and will be re-used, but all posts are old and failing and will be replaced.

FENCE SECTION 4

Abutting 103 Prospect Street (Owners, Henry & Marjorie Martin)



All panels are new and will be re-used, but posts may need to be replaced. Condition of posts yet to be assessed in the field during before determining need to replace.

FENCE SECTION 5

Abutting 103 Prospect Street (Owners, Henry & Marjorie Martin)



All 1"x4" fence panels and rails are rotting and will be replaced. Old posts will be replaced. New, pressure-treated posts will be re-used, but post caps will be installed to lengthen lifespan.

COMMUNICATIONS

NEWBURYPORT CITY COUNCIL RULES (2020)

Rule 9F. A motion to postpone indefinitely shall require a two-thirds super-majority vote for passage. Such motion is not in order while another speaker has the floor, it is not amendable, but it is debatable, and such debate may go fully into the merits of the main motion.

Councillor Jared J. Eigerman

RECEIVED
CITY CLERK'S OFFICE
NEWBURYPORT, MA

January 15, 2020

43 Pine Hill Rd.

2020 JAN 22 PM 1: 15

Newburyport, MA 01950

Mr. Byron Lane
Newburyport City Hall
60 Pleasant St.
Newburyport, MA 01950

Dear Mr. Lane,

We are residents at 43 Pine Hill Rd, which as you may know is a very busy road. Our family currently has two school aged children, one in 6th grade and one in 5th grade. Our 6th grade student has disabilities and she is very concerned with the speed of which the cars drive while passing our home.

Our request to City Hall, Ward 6, is to obtain from the city two signs that state: "**SLOW DOWN CHILDREN AT PLAY**", or what the city deems appropriate.

During the school day our 6th grade daughter tells her teacher multiple times that she is worried about how fast the cars are driving. This can be quite a distraction for her learning. To quote her, "These cars drive too fast by my house."

Thank you for reading our letter at the January 27th Board Meeting. It is greatly appreciated.

Sincerely,

Sue, Eliyana Latham and Ben Scherz



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

RECEIVED
 CITY CLERK'S OFFICE
 NEWBURYPORT, MA
 2020 JAN 21 PM 3:55

DONNA D. HOLADAY
 MAYOR

ETHAN R. MANNING
 FINANCE DIRECTOR/CITY AUDITOR

To: Mayor Donna D. Holaday
 President and Members of the Newburyport City Council

From: Ethan R. Manning, Finance Director/City Auditor

Date: January 21, 2020

Subject: FY2020 Mid-Year Budget Report

Attached is the FY2020 Mid-Year Budget Report that includes a summary of budget expenditures for the period of July 1, 2019 through December 31, 2019. The report covers expenditures within the General Fund and the Water, Sewer, and Harbormaster Enterprise Funds. Also included is an update on the City's revenue collections.

FY2020 Mid-Year Expenditures

Mid-year expenditures were at 47.8% of budget for the General Fund, 50.7% for the Water Enterprise Fund, 41.5% for the Sewer Enterprise Fund and 57.8% for the Harbormaster Enterprise Fund. It is typical that expenditure levels are not exactly 50% at mid-year as major expenditures occur during various times of the year depending on the department or cost center. Below is a summary of the mid-year expenditures by fund, which is broken out in greater detail in the reports that follow.

	REVISED BUDGET	YTD EXPENDED	REMAINING BUDGET	% USED
001 GENERAL FUND	\$70,433,729	\$33,662,200	\$36,771,529	47.8%
060 WATER ENTERPRISE FUND	\$5,381,089	\$2,725,895	\$2,655,194	50.7%
061 SEWER ENTERPRISE FUND	\$7,596,606	\$3,153,361	\$4,443,245	41.5%
6520 HARBORMASTER ENTERPRISE FUND	\$514,868	\$297,425	\$217,443	57.8%
TOTAL BUDGETARY FUNDS	\$83,926,292	\$39,838,881	\$44,087,411	47.5%

While most department/cost centers show expenses below or near 50% of appropriations, those that were higher than 60% included:

- **Human Resources (64.5%)**: A large component of this cost center is workers' compensation insurance premiums, which are paid at the start of the fiscal year.

- **Board of Registrar's (66.6%):** Elections work during the first half of the fiscal year was higher due to a preliminary and regular municipal election.
- **Conservation Commission (83.3%):** Funding for minute takers is drawn first from the General Fund budget and then from the revolving fund.
- **Planning Board (100.0%):** Funding for minute takers is drawn first from the General Fund budget and then from the revolving fund.
- **Essex North Shore Technical School (94.8%):** Tuition and transportation is paid in the first half of the fiscal year.
- **Whittier Regional Vocational Technical School (85.0%):** A larger portion of the assessment is paid during the first half of the fiscal year.
- **Historical Commission (75.0%):** Funding for minute takers is drawn first from the General Fund budget and then from the revolving fund.
- **Retirement Board (100.0%):** The City's appropriation to the Newburyport Retirement System is paid on July 1st.

Additional funding may be required in some accounts, such as snow and ice and overtime, due to the unpredictability of those line items. In accordance with state law, the City is allowed to exceed the budgetary appropriation for snow and ice removal as it is a matter of public safety. However, any deficit must be removed prior to year-end through the use of reserves or other available funds. If the deficit is not removed prior to year-end, then the shortage must be made-up in the next fiscal year's tax rate. In past years, Free Cash has been the primary source of funding to cover snow and ice, as well as, overtime deficits.

FY2020 Mid-Year Revenue

Mid-year revenue was at 48.3% of the FY20 estimate for the General Fund, 53.9% for the Water Enterprise Fund, 52.3% for the Sewer Enterprise Fund and 51.0% for the Harbormaster Enterprise Fund. Below is a summary of the mid-year revenue by fund, which is broken out in greater detail in the reports that follow.

	ESTIMATE	ACTUAL	REMAINING	% COLL
001 GENERAL FUND	\$69,334,189	\$33,515,840	\$35,818,349	48.3%
060 WATER ENTERPRISE FUND	\$5,381,089	\$2,897,729	\$2,483,359	53.9%
061 SEWER ENTERPRISE FUND	\$7,596,606	\$3,974,332	\$3,622,274	52.3%
6520 HARBORMASTER ENTERPRISE FUND	\$514,868	\$262,402	\$252,466	51.0%
TOTAL BUDGETARY FUNDS	\$82,826,752	\$40,650,303	\$42,176,449	49.1%

A full copy of this report is available in the Financial Reports Center, located at:

<https://www.cityofnewburyport.com/financials>

Please feel free to contact me if you have any questions.



City of Newburyport FY2020 Mid-Year Report Overview

Expenditures:

- Mid-year expenditures were at 47.8% of budget for the General Fund, 50.7% for the Water Ent. Fund, 41.5% for the Sewer Ent. Fund, 57.8% for the Harbormaster Ent. Fund.
- We anticipate the potential for operating budget transfers in the following line items by year-end:

Line Item	Potential Transfer	Reason
Fire Overtime	\$210,000	Due to sick leave and other absences that have required minimum manning coverage
Snow & Ice	\$150,000	Variable – \$55,547 remaining as of 1/21/20
Purchase Fuel/Oil	\$80,000	From RRFA Fuel Fund
DPS Building-Maint.	\$70,000	Repair of oil separator tank per DEP; From RRFA Fuel Fund, Water/Sewer Enterprise Funds
Legal	\$55,000	Increased legal activity (Waterfront West Agreement; home rule petition; 193 High Street)
Library Building-Maint.	\$20,000	Unanticipated building expenses
Parks Maint.	\$10,000	Fence replacements
Human Resources	\$8,500	To meet staffing needs
Total	\$603,500	

Revenue:

- Mid-year revenue was at 48.3% of the FY20 estimate for the General Fund, 53.9% for the Water Ent. Fund, 52.3% for the Sewer Ent. Fund and 51.0% for the Harbormaster Ent. Fund.
- Motor Vehicle Excise Tax collections were up 30.2% YoY due to more vehicle purchases at higher prices compared to this time last year.
- Room Occupancy Excise Tax collections were up 27.1% YoY due to the taxation of short-term rentals as of July 1st; Meals Excise Tax collections were up 3.0% compared to this time last year.
- Fees revenue was up 19.1% due higher tax title collections (First half revenue for the past three years: FY18 \$125,237, FY19 \$55,556, FY20 \$86,617).
- Licenses & Permits were up 0.6%; building permits were down (\$32,020), however that YoY decrease was offset by increases in: road opening permits +\$20,558, health permits +\$11,106 and fire permits +\$9,978.
- Investment Income was up 12.8% YoY due to higher cash balances and improved returns.
- The Water Fund was down 3.1% YoY, while the Sewer Fund was up 3.1% YoY and the Harbormaster Fund was up 11.6%.
- Water consumption is down 3.4% due to low flow fixtures/devices, rainfall during growing season and consumer water conservation.
- The sewer rate increased 2.7% at the start of the fiscal year, while the water rate only increased 1.0%. The lower rate increase for water is the primary driver of the YoY revenue decrease.



City of Newburyport FY2020 Mid-Year Expenditure Summary

	ORIGINAL APPROP.	TRANSFERS/ ADJUST.	REVISED BUDGET	YTD EXPENDED	REMAINING BUDGET	% USED
001 GENERAL FUND						
111 CITY COUNCIL	72,651	0	72,651	34,625	38,026	47.7%
121 MAYOR'S DEPARTMENT	316,377	0	316,377	141,006	175,371	44.6%
129 GENERAL ADMINISTRATION	491,674	25,500	517,174	256,261	260,913	49.6%
135 AUDITOR'S DEPARTMENT	364,697	0	364,697	193,341	171,355	53.0%
141 ASSESSORS DEPARTMENT	239,318	0	239,318	127,545	111,773	53.3%
145 TREASURER'S DEPARTMENT	310,014	0	310,014	150,094	159,920	48.4%
151 INFO TECHNOLOGY DEPT	321,096	0	321,096	188,406	132,689	58.7%
152 HUMAN RESOURCES	326,125	0	326,125	210,191	115,933	64.5%
161 CITY CLERK'S DEPARTMENT	277,680	0	277,680	138,074	139,606	49.7%
163 BOARD OF REGISTRARS	49,333	0	49,333	32,873	16,460	66.6%
165 LICENSE COMMISSION	8,500	0	8,500	3,999	4,501	47.0%
171 CONSERVATION COMMISSION	1,800	0	1,800	1,500	300	83.3%
175 PLANNING BOARD	1,800	0	1,800	1,800	0	100.0%
176 ZONING BOARD	1,800	13,621	15,421	1,350	14,071	8.8%
182 PLANNING & DEVELOPMENT	389,874	0	389,874	174,286	215,588	44.7%
191 LEGAL DEPARTMENT	100,000	0	100,000	28,073	71,927	28.1%
210 POLICE DEPARTMENT	4,230,657	0	4,230,657	2,219,043	2,011,614	52.5%
220 FIRE DEPARTMENT	3,795,001	0	3,795,001	2,098,249	1,696,752	55.3%
241 BUILDING DEPARTMENT	188,558	0	188,558	94,302	94,256	50.0%
291 EMERGENCY MANAGEMENT	29,100	0	29,100	15,308	13,792	52.6%
292 ANIMAL CONTROL	67,234	1,000	68,234	34,295	33,939	50.3%
293 PARKING CLERK DEPARTMENT	668,135	0	668,135	271,815	396,320	40.7%
300 SCHOOL DEPARTMENT	30,875,762	59,480	30,935,242	12,751,412	18,183,830	41.2%
398 ESSEX NORTH SHORE TECH SCHOOL	92,500	0	92,500	87,728	4,772	94.8%
399 WHITTIER VO TECH SCHOOL	697,312	0	697,312	592,715	104,597	85.0%
421 PUBLIC SERVICES DEPARTMENT	3,273,035	75,000	3,348,035	1,355,638	1,992,396	40.5%
423 SNOW & ICE	225,000	0	225,000	112,988	112,012	50.2%
510 HEALTH DEPARTMENT	254,154	0	254,154	111,331	142,823	43.8%
519 SUSTAINABILITY	1,644,824	0	1,644,824	698,765	946,058	42.5%
541 COUNCIL ON AGING	308,742	0	308,742	154,204	154,538	49.9%
542 YOUTH SERVICES	304,850	0	304,850	156,356	148,494	51.3%
543 VETERANS' DEPARTMENT	288,279	0	288,279	121,094	167,184	42.0%
610 LIBRARY DEPARTMENT	1,416,032	0	1,416,032	751,766	664,266	53.1%
630 PARKS COMMISSION	371,814	0	371,814	197,995	173,820	53.3%
691 HISTORICAL COMMISSION	1,800	0	1,800	1,350	450	75.0%
710 DEBT EXCLUSION	3,165,464	0	3,165,464	1,314,770	1,850,695	41.5%
720 ORDINARY DEBT SERVICE	880,000	0	880,000	385,752	494,248	43.8%
911 RETIREMENT BOARD	4,340,558	0	4,340,558	4,340,019	539	100.0%
914 INSURANCE GROUP	9,864,940	0	9,864,940	4,110,534	5,754,406	41.7%
921 COMMISSION ON DISABILITY	2,640	0	2,640	1,346	1,294	51.0%
001 GENERAL FUND Total	70,259,128	174,601	70,433,729	33,662,200	36,771,529	47.8%
060 WATER ENTERPRISE FUND Total	5,371,089	10,000	5,381,089	2,725,895	2,655,194	50.7%
061 SEWER ENTERPRISE FUND Total	7,586,606	10,000	7,596,606	3,153,361	4,443,245	41.5%
6520 HARBORMASTER ENTERPRISE FUND Total	514,868	0	514,868	297,425	217,443	57.8%
Grand Total	83,731,691	194,601	83,926,292	39,838,881	44,087,411	47.5%



**City of Newburyport
FY2020 Mid-Year Expenditures by Category**

	ORIGINAL APPROP.	TRANSFERS/ ADJUST.	REVISED BUDGET	YTD EXPENDED	REMAINING BUDGET	% USED
001 GENERAL FUND						
111 CITY COUNCIL						
001 PERSONNEL SERVICES	61,151	0	61,151	30,941	30,210	50.6%
002 PURCHASE OF SERVICES	11,500	0	11,500	3,684	7,816	32.0%
111 CITY COUNCIL Total	72,651	0	72,651	34,625	38,026	47.7%
121 MAYOR'S DEPARTMENT						
001 PERSONNEL SERVICES	260,377	0	260,377	115,736	144,641	44.4%
002 PURCHASE OF SERVICES	40,000	0	40,000	20,431	19,569	51.1%
007 OTHER CHARGES & EXPENSES	16,000	0	16,000	4,839	11,161	30.2%
121 MAYOR'S DEPARTMENT Total	316,377	0	316,377	141,006	175,371	44.6%
129 GENERAL ADMINISTRATION						
001 PERSONNEL SERVICES	13,250	0	13,250	10,525	2,725	79.4%
002 PURCHASE OF SERVICES	129,500	25,500	155,000	72,165	82,835	46.6%
004 SUPPLIES	8,000	0	8,000	1,575	6,425	19.7%
007 OTHER CHARGES & EXPENSES	340,924	0	340,924	171,996	168,928	50.5%
129 GENERAL ADMINISTRATION Total	491,674	25,500	517,174	256,261	260,913	49.6%
135 AUDITOR'S DEPARTMENT						
001 PERSONNEL SERVICES	316,242	0	316,242	158,726	157,516	50.2%
002 PURCHASE OF SERVICES	46,500	0	46,500	33,386	13,114	71.8%
004 SUPPLIES	1,500	0	1,500	774	726	51.6%
007 OTHER CHARGES & EXPENSES	455	0	455	455	0	100.0%
135 AUDITOR'S DEPARTMENT Total	364,697	0	364,697	193,341	171,355	53.0%
141 ASSESSORS DEPARTMENT						
001 PERSONNEL SERVICES	209,556	0	209,556	103,180	106,377	49.2%
002 PURCHASE OF SERVICES	26,257	0	26,257	22,577	3,680	86.0%
004 SUPPLIES	3,000	0	3,000	1,298	1,702	43.3%
007 OTHER CHARGES & EXPENSES	505	0	505	490	15	97.0%
141 ASSESSORS DEPARTMENT Total	239,318	0	239,318	127,545	111,773	53.3%
145 TREASURER'S DEPARTMENT						
001 PERSONNEL SERVICES	265,414	0	265,414	133,485	131,929	50.3%
002 PURCHASE OF SERVICES	39,000	0	39,000	14,140	24,860	36.3%
004 SUPPLIES	3,800	0	3,800	868	2,932	22.9%
007 OTHER CHARGES & EXPENSES	1,800	0	1,800	1,600	200	88.9%
145 TREASURER'S DEPARTMENT Total	310,014	0	310,014	150,094	159,920	48.4%
151 INFO TECHNOLOGY DEPT						
001 PERSONNEL SERVICES	104,418	0	104,418	51,830	52,588	49.6%
002 PURCHASE OF SERVICES	214,677	0	214,677	135,056	79,622	62.9%
004 SUPPLIES	2,000	0	2,000	1,521	479	76.0%
151 INFO TECHNOLOGY DEPT Total	321,096	0	321,096	188,406	132,689	58.7%



**City of Newburyport
FY2020 Mid-Year Expenditures by Category**

	ORIGINAL APPROP.	TRANSFERS/ ADJUST.	REVISED BUDGET	YTD EXPENDED	REMAINING BUDGET	% USED
152 HUMAN RESOURCES						
001 PERSONNEL SERVICES	177,156	0	177,156	91,143	86,012	51.4%
002 PURCHASE OF SERVICES	147,269	0	147,269	118,403	28,866	80.4%
004 SUPPLIES	1,500	0	1,500	645	855	43.0%
007 OTHER CHARGES & EXPENSES	200	0	200	0	200	0.0%
152 HUMAN RESOURCES Total	326,125	0	326,125	210,191	115,933	64.5%
161 CITY CLERK'S DEPARTMENT						
001 PERSONNEL SERVICES	264,180	0	264,180	131,277	132,903	49.7%
002 PURCHASE OF SERVICES	13,500	0	13,500	6,796	6,704	50.3%
161 CITY CLERK'S DEPARTMENT Total	277,680	0	277,680	138,074	139,606	49.7%
163 BOARD OF REGISTRARS						
001 PERSONNEL SERVICES	4,333	0	4,333	2,139	2,194	49.4%
007 OTHER CHARGES & EXPENSES	45,000	0	45,000	30,734	14,266	68.3%
163 BOARD OF REGISTRARS Total	49,333	0	49,333	32,873	16,460	66.6%
165 LICENSE COMMISSION						
001 PERSONNEL SERVICES	7,500	0	7,500	3,750	3,750	50.0%
007 OTHER CHARGES & EXPENSES	1,000	0	1,000	249	751	24.9%
165 LICENSE COMMISSION Total	8,500	0	8,500	3,999	4,501	47.0%
171 CONSERVATION COMMISSION						
001 PERSONNEL SERVICES	1,800	0	1,800	1,500	300	83.3%
171 CONSERVATION COMMISSION Total	1,800	0	1,800	1,500	300	83.3%
175 PLANNING BOARD						
001 PERSONNEL SERVICES	1,800	0	1,800	1,800	0	100.0%
175 PLANNING BOARD Total	1,800	0	1,800	1,800	0	100.0%
176 ZONING BOARD						
001 PERSONNEL SERVICES	1,800	13,621	15,421	1,350	14,071	8.8%
176 ZONING BOARD Total	1,800	13,621	15,421	1,350	14,071	8.8%
182 PLANNING & DEVELOPMENT						
001 PERSONNEL SERVICES	342,824	0	342,824	170,847	171,977	49.8%
002 PURCHASE OF SERVICES	42,000	0	42,000	1,000	41,000	2.4%
004 SUPPLIES	5,050	0	5,050	2,438	2,612	48.3%
182 PLANNING & DEVELOPMENT Total	389,874	0	389,874	174,286	215,588	44.7%
191 LEGAL DEPARTMENT						
002 PURCHASE OF SERVICES	100,000	0	100,000	28,073	71,927	28.1%
191 LEGAL DEPARTMENT Total	100,000	0	100,000	28,073	71,927	28.1%



City of Newburyport
FY2020 Mid-Year Expenditures by Category

	ORIGINAL APPROP.	TRANSFERS/ ADJUST.	REVISED BUDGET	YTD EXPENDED	REMAINING BUDGET	% USED
210 POLICE DEPARTMENT						
001 PERSONNEL SERVICES	3,885,993	0	3,885,993	2,026,862	1,859,131	52.2%
002 PURCHASE OF SERVICES	172,609	0	172,609	95,566	77,043	55.4%
004 SUPPLIES	80,100	0	80,100	24,748	55,352	30.9%
007 OTHER CHARGES & EXPENSES	20,955	0	20,955	18,263	2,692	87.2%
008 CAPITAL OUTLAY	71,000	0	71,000	53,603	17,397	75.5%
210 POLICE DEPARTMENT Total	4,230,657	0	4,230,657	2,219,043	2,011,614	52.5%
220 FIRE DEPARTMENT						
001 PERSONNEL SERVICES	3,555,551	0	3,555,551	1,967,732	1,587,819	55.3%
002 PURCHASE OF SERVICES	176,000	0	176,000	104,143	71,857	59.2%
004 SUPPLIES	58,000	0	58,000	23,374	34,626	40.3%
007 OTHER CHARGES & EXPENSES	5,450	0	5,450	3,000	2,450	55.0%
220 FIRE DEPARTMENT Total	3,795,001	0	3,795,001	2,098,249	1,696,752	55.3%
241 BUILDING DEPARTMENT						
001 PERSONNEL SERVICES	187,558	0	187,558	93,658	93,900	49.9%
002 PURCHASE OF SERVICES	1,000	0	1,000	644	356	64.4%
241 BUILDING DEPARTMENT Total	188,558	0	188,558	94,302	94,256	50.0%
291 EMERGENCY MANAGEMENT						
001 PERSONNEL SERVICES	16,000	0	16,000	8,000	8,000	50.0%
002 PURCHASE OF SERVICES	10,000	0	10,000	6,474	3,526	64.7%
004 SUPPLIES	1,100	0	1,100	834	266	75.8%
007 OTHER CHARGES & EXPENSES	2,000	0	2,000	0	2,000	0.0%
291 EMERGENCY MANAGEMENT Total	29,100	0	29,100	15,308	13,792	52.6%
292 ANIMAL CONTROL						
001 PERSONNEL SERVICES	58,254	1,000	59,254	32,714	26,540	55.2%
002 PURCHASE OF SERVICES	6,340	0	6,340	336	6,004	5.3%
004 SUPPLIES	2,290	0	2,290	895	1,395	39.1%
007 OTHER CHARGES & EXPENSES	350	0	350	350	0	100.0%
292 ANIMAL CONTROL Total	67,234	1,000	68,234	34,295	33,939	50.3%
293 PARKING CLERK DEPARTMENT						
001 PERSONNEL SERVICES	253,435	0	253,435	124,270	129,165	49.0%
002 PURCHASE OF SERVICES	318,900	0	318,900	101,445	217,455	31.8%
004 SUPPLIES	95,800	0	95,800	46,100	49,700	48.1%
293 PARKING CLERK DEPARTMENT Total	668,135	0	668,135	271,815	396,320	40.7%
300 SCHOOL DEPARTMENT						
002 PURCHASE OF SERVICES	30,875,762	59,480	30,935,242	12,751,412	18,183,830	41.2%
300 SCHOOL DEPARTMENT Total	30,875,762	59,480	30,935,242	12,751,412	18,183,830	41.2%
398 ESSEX NORTH SHORE TECH SCHOOL						
002 PURCHASE OF SERVICES	92,500	0	92,500	87,728	4,772	94.8%
398 ESSEX NORTH SHORE TECH SCHOOL Total	92,500	0	92,500	87,728	4,772	94.8%



City of Newburyport
FY2020 Mid-Year Expenditures by Category

	ORIGINAL APPROP.	TRANSFERS/ ADJUST.	REVISED BUDGET	YTD EXPENDED	REMAINING BUDGET	% USED
399 WHITTIER VO TECH SCHOOL						
002 PURCHASE OF SERVICES	697,312	0	697,312	592,715	104,597	85.0%
399 WHITTIER VO TECH SCHOOL Total	697,312	0	697,312	592,715	104,597	85.0%
421 PUBLIC SERVICES DEPARTMENT						
001 PERSONNEL SERVICES	2,112,809	10,000	2,122,809	968,049	1,154,759	45.6%
002 PURCHASE OF SERVICES	584,487	0	584,487	226,680	357,807	38.8%
004 SUPPLIES	254,475	5,000	259,475	153,822	105,653	59.3%
008 CAPITAL OUTLAY	321,264	60,000	381,264	7,086	374,178	1.9%
421 PUBLIC SERVICES DEPARTMENT Total	3,273,035	75,000	3,348,035	1,355,638	1,992,396	40.5%
423 SNOW & ICE						
001 PERSONNEL SERVICES	105,000	0	105,000	54,354	50,646	51.8%
002 PURCHASE OF SERVICES	120,000	0	120,000	58,634	61,366	48.9%
423 SNOW & ICE Total	225,000	0	225,000	112,988	112,012	50.2%
510 HEALTH DEPARTMENT						
001 PERSONNEL SERVICES	213,340	0	213,340	102,668	110,672	48.1%
002 PURCHASE OF SERVICES	35,314	0	35,314	6,657	28,657	18.9%
004 SUPPLIES	4,500	0	4,500	1,776	2,724	39.5%
007 OTHER CHARGES & EXPENSES	1,000	0	1,000	230	770	23.0%
510 HEALTH DEPARTMENT Total	254,154	0	254,154	111,331	142,823	43.8%
519 SUSTAINABILITY						
001 PERSONNEL SERVICES	118,074	0	118,074	50,097	67,976	42.4%
002 PURCHASE OF SERVICES	1,525,500	0	1,525,500	648,297	877,203	42.5%
004 SUPPLIES	1,250	0	1,250	371	879	29.7%
519 SUSTAINABILITY Total	1,644,824	0	1,644,824	698,765	946,058	42.5%
541 COUNCIL ON AGING						
001 PERSONNEL SERVICES	269,242	0	269,242	138,995	130,246	51.6%
002 PURCHASE OF SERVICES	25,500	0	25,500	9,033	16,467	35.4%
004 SUPPLIES	14,000	0	14,000	6,175	7,825	44.1%
541 COUNCIL ON AGING Total	308,742	0	308,742	154,204	154,538	49.9%
542 YOUTH SERVICES						
001 PERSONNEL SERVICES	223,050	0	223,050	125,657	97,393	56.3%
002 PURCHASE OF SERVICES	25,300	0	25,300	17,397	7,903	68.8%
007 OTHER CHARGES & EXPENSES	56,500	0	56,500	13,302	43,198	23.5%
542 YOUTH SERVICES Total	304,850	0	304,850	156,356	148,494	51.3%
543 VETERANS' DEPARTMENT						
001 PERSONNEL SERVICES	131,139	0	131,139	65,455	65,684	49.9%
002 PURCHASE OF SERVICES	6,720	0	6,720	1,312	5,408	19.5%
007 OTHER CHARGES & EXPENSES	150,420	0	150,420	54,327	96,093	36.1%
543 VETERANS' DEPARTMENT Total	288,279	0	288,279	121,094	167,184	42.0%



**City of Newburyport
FY2020 Mid-Year Expenditures by Category**

	ORIGINAL APPROP.	TRANSFERS/ ADJUST.	REVISED BUDGET	YTD EXPENDED	REMAINING BUDGET	% USED
610 LIBRARY DEPARTMENT						
001 PERSONNEL SERVICES	1,070,050	0	1,070,050	526,735	543,315	49.2%
002 PURCHASE OF SERVICES	345,982	0	345,982	225,031	120,951	65.0%
610 LIBRARY DEPARTMENT Total	1,416,032	0	1,416,032	751,766	664,266	53.1%
630 PARKS COMMISSION						
001 PERSONNEL SERVICES	288,664	0	288,664	140,657	148,007	48.7%
002 PURCHASE OF SERVICES	14,400	0	14,400	11,342	3,058	78.8%
004 SUPPLIES	44,300	0	44,300	35,107	9,193	79.2%
007 OTHER CHARGES & EXPENSES	450	0	450	330	120	73.3%
008 CAPITAL OUTLAY	24,000	0	24,000	10,558	13,442	44.0%
630 PARKS COMMISSION Total	371,814	0	371,814	197,995	173,820	53.3%
691 HISTORICAL COMMISSION						
001 PERSONNEL SERVICES	1,800	0	1,800	1,350	450	75.0%
691 HISTORICAL COMMISSION Total	1,800	0	1,800	1,350	450	75.0%
710 DEBT EXCLUSION						
009 DEBT SERVICE	3,165,464	0	3,165,464	1,314,770	1,850,695	41.5%
710 DEBT EXCLUSION Total	3,165,464	0	3,165,464	1,314,770	1,850,695	41.5%
720 ORDINARY DEBT SERVICE						
009 DEBT SERVICE	880,000	0	880,000	385,752	494,248	43.8%
720 ORDINARY DEBT SERVICE Total	880,000	0	880,000	385,752	494,248	43.8%
911 RETIREMENT BOARD						
001 PERSONNEL SERVICES	4,340,558	0	4,340,558	4,340,019	539	100.0%
911 RETIREMENT BOARD Total	4,340,558	0	4,340,558	4,340,019	539	100.0%
914 INSURANCE GROUP						
001 PERSONNEL SERVICES	9,864,940	0	9,864,940	4,110,534	5,754,406	41.7%
914 INSURANCE GROUP Total	9,864,940	0	9,864,940	4,110,534	5,754,406	41.7%
921 COMMISSION ON DISABILITY						
001 PERSONNEL SERVICES	2,640	0	2,640	1,346	1,294	51.0%
921 COMMISSION ON DISABILITY Total	2,640	0	2,640	1,346	1,294	51.0%
001 GENERAL FUND Total	<u>70,259,128</u>	<u>174,601</u>	<u>70,433,729</u>	<u>33,662,200</u>	<u>36,771,529</u>	<u>47.8%</u>



**City of Newburyport
FY2020 Mid-Year Expenditures by Category**

	ORIGINAL APPROP.	TRANSFERS/ ADJUST.	REVISED BUDGET	YTD EXPENDED	REMAINING BUDGET	% USED
<u>060 WATER ENTERPRISE FUND</u>						
450 WATER DEPARTMENT						
001 PERSONNEL SERVICES	2,228,325	0	2,228,325	1,158,079	1,070,246	52.0%
002 PURCHASE OF SERVICES	913,090	10,000	923,090	334,972	588,118	36.3%
004 SUPPLIES	187,220	0	187,220	65,937	121,283	35.2%
007 OTHER CHARGES & EXPENSES	109,344	0	109,344	90,425	18,920	82.7%
008 CAPITAL OUTLAY	115,000	0	115,000	7,304	107,696	6.4%
009 DEBT SERVICE	1,818,110	0	1,818,110	1,069,179	748,931	58.8%
450 WATER DEPARTMENT Total	5,371,089	10,000	5,381,089	2,725,895	2,655,194	50.7%
060 WATER ENTERPRISE FUND Total	5,371,089	10,000	5,381,089	2,725,895	2,655,194	50.7%
<u>061 SEWER ENTERPRISE FUND</u>						
440 SEWER DEPARTMENT						
001 PERSONNEL SERVICES	2,436,193	0	2,436,193	1,296,333	1,139,860	53.2%
002 PURCHASE OF SERVICES	1,280,648	10,000	1,290,648	342,332	948,315	26.5%
004 SUPPLIES	473,198	0	473,198	196,911	276,287	41.6%
007 OTHER CHARGES & EXPENSES	94,929	0	94,929	77,012	17,918	81.1%
008 CAPITAL OUTLAY	271,000	0	271,000	50,660	220,340	18.7%
009 DEBT SERVICE	3,030,638	0	3,030,638	1,190,113	1,840,525	39.3%
440 SEWER DEPARTMENT Total	7,586,606	10,000	7,596,606	3,153,361	4,443,245	41.5%
061 SEWER ENTERPRISE FUND Total	7,586,606	10,000	7,596,606	3,153,361	4,443,245	41.5%
<u>6520 HARBORMASTER ENTERPRISE FUND</u>						
295 HARBORMASTER DEPARTMENT						
001 PERSONNEL SERVICES	303,845	0	303,845	195,002	108,843	64.2%
002 PURCHASE OF SERVICES	50,250	0	50,250	20,570	29,680	40.9%
004 SUPPLIES	18,700	0	18,700	9,873	8,827	52.8%
007 OTHER CHARGES & EXPENSES	11,500	0	11,500	8,186	3,314	71.2%
008 CAPITAL OUTLAY	50,000	0	50,000	745	49,255	1.5%
009 DEBT SERVICE	80,573	0	80,573	63,049	17,524	78.3%
295 HARBORMASTER DEPARTMENT Total	514,868	0	514,868	297,425	217,443	57.8%
6520 HARBORMASTER ENTERPRISE FUND Total	514,868	0	514,868	297,425	217,443	57.8%
Grand Total	83,731,691	194,601	83,926,292	39,838,881	44,087,411	47.5%



**City of Newburyport
FY2020 Mid-Year Revenue Summary**

CATEGORY	FY2019 Mid-Year Revenue			FY2020 Mid-Year Revenue			FY19 vs. FY20 +/-			
	ESTIMATE	6MO ACTUAL	REMAINING	% COLL	ESTIMATE	6MO ACTUAL	REMAINING	% COLL	\$	%
Tax Revenue										
Real Estate Tax	56,146,562	26,731,012	29,415,550	47.6%	58,434,222	28,458,288	29,975,933	48.7%	1,727,277	6.5%
Personal Property Tax	657,872	320,177	337,695	48.7%	685,065	325,176	359,889	47.5%	4,999	1.6%
Total Tax Revenue	56,804,435	27,051,189	29,753,246	47.6%	59,119,286	28,783,464	30,335,822	48.7%	1,732,276	6.4%
Local Receipts										
(1) Motor Vehicle Excise	2,600,000	393,618	2,206,382	15.1%	2,625,000	512,487	2,112,513	19.5%	118,869	30.2%
Room Occupancy Excise	225,000	155,178	69,822	69.0%	220,000	197,162	22,838	89.6%	41,984	27.1%
Meals Excise	625,000	369,648	255,352	59.1%	620,000	380,856	239,144	61.4%	11,208	3.0%
Other Excise	110,000	53	109,947	0.0%	110,000	0	110,000	0.0%	(53)	0.0%
Pen & Int on Tax & Exc	300,000	162,071	137,929	54.0%	315,000	173,196	141,804	55.0%	11,126	6.9%
Payments in Lieu of Taxes	60,000	0	60,000	0.0%	60,000	0	60,000	0.0%	0	0.0%
Fees	352,500	170,599	181,901	48.4%	320,000	203,213	116,787	63.5%	32,614	19.1%
Other Dept. Revenue	60,000	32,906	27,094	54.8%	60,000	29,499	30,501	49.2%	(3,406)	-10.4%
Licenses and Permits	897,500	718,269	179,231	80.0%	900,000	722,305	177,695	80.3%	4,036	0.6%
Fines & Forfeits	10,000	5,320	4,680	53.2%	12,000	4,645	7,355	38.7%	(675)	-12.7%
Investment Income	50,000	84,287	(34,287)	168.6%	100,000	95,061	4,939	95.1%	10,775	12.8%
Medicaid Reimbursement	100,000	21,276	78,724	21.3%	110,000	14,978	95,022	13.6%	(6,298)	-29.6%
Miscellaneous Recurring	175,000	44,312	130,688	25.3%	179,500	60,811	118,689	33.9%	16,500	37.2%
Miscellaneous Non-Recurring	0	63,510	(63,510)	100.0%	0	79,742	(79,742)	100.0%	16,231	25.6%
Total Local Receipts	5,565,000	2,221,046	3,343,954	39.9%	5,631,500	2,473,956	3,157,544	43.9%	252,910	11.4%
Local Receipts Excluding MV Excise	2,965,000	1,827,428	1,137,572	61.6%	3,006,500	1,961,468	1,045,032	65.2%	134,041	7.3%
Net State Aid	4,341,771	2,273,522	2,068,249	52.4%	4,583,403	2,258,420	2,324,983	49.3%	(15,102)	-0.7%
Total General Fund Revenue	66,711,206	31,545,757	35,165,449	47.3%	69,334,189	33,515,840	35,818,349	48.3%	1,970,083	6.2%
Enterprise Funds										
Water Fund Revenue	5,360,014	2,989,116	2,370,898	55.8%	5,381,089	2,897,729	2,483,359	53.9%	(91,386)	-3.1%
Sewer Fund Revenue	7,018,893	3,855,631	3,163,262	54.9%	7,596,606	3,974,332	3,622,274	52.3%	118,701	3.1%
Harbormaster Fund Revenue	482,829	235,130	247,699	48.7%	514,868	262,402	252,466	51.0%	27,272	11.6%
Total Budgetary Funds	79,572,941	38,625,634	40,947,307	48.5%	82,826,752	40,650,303	42,176,449	49.1%	2,024,669	5.2%

(1) Motor vehicle excise tax bills mailed out by end of February.

(2) Urban redevelopment excise tax (MGL Ch. 121A); distributed by state at year-end.

(3) Payments in lieu of taxes paid in March; category includes any roll back taxes as well.

(4) Municipal liens, off duty fees, registry fees, tax title, fire alarm box fees.

(5) Copies/recordings, zoning/ordinances, business certificates.

(6) Police incident/accident, cell tower lease payments, Animal Control (\$24K), Veterans' Services (\$97K), FWS refuge revenue sharing.

RECEIVED
CITY CLERK'S OFFICE
NEWBURYPORT, MA

NEWBURYPORT SPECIAL EVENT APPLICATION

Tel. _____ Fax. 2020 JAN 22 PM 1:24

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

NAME OF EVENT: Newburyport Spring Half Marathon

Date: 04/26/2020 Time: from 6:00 AM to 2:00 PM

Rain Date: 04/26/2020 Time: from 6:00 AM to 2:00 PM

2. Location: Cashman Park 9 AM Race Start (LTS)

3. Description of Property: City owned park Public Private _____

4. Name of Organizer: Edward O'Connor City Sponsored Event: Yes _____ No

Contact Person _____

Address: 177 Endicott St #5, Boston, MA 02113 Telephone: (617) 398-0611

E-Mail: ed@c5ksports.com Cell Phone: (978) 235-3397

Day of Event Contact & Phone: Ed O'Connor, (978) 235-3397

5. Number of Attendees Expected: 2,000

6. MA Tax Number: 45-1965229

7. Is the Event Being Advertised? Yes Where? www.runningintheusa.com, social media

8. What Age Group is the Event Targeted to? 25 - 55 y/o.

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 8-10

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: N/A

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? 20
- b) How many recycling receptacles will you be providing? 10
- c) Will you be contracting for disposal of : **Trash** Yes No **Recycling** Yes No
- i. If yes, size of dumpster(s): **Trash** 1 **Recycling** 1
- ii. Name of disposal company: **Trash** Macedo Services **Recycling** Macedo Services
- 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)

22 Standard # 2 ADA accessible

Name of company providing the portable toilets: United Site Services

FOR PARADE, ROAD RACE AND WALKATHON EVENTS ONLY

PARADE _____ ROAD RACE X WALKATHON _____

1. Name of the Group or Person Sponsoring the Road Race, Parade, Walkathon: C5K Sports + Sub 5 Racing on behalf of Newburyport YWCA.

2. Name, Address & Daytime Phone Number of Organizer: _____
Ed O'Connor, 177 Endicott St #5, Boston, MA 02113, (617) 398-0611
Chris Bernier, 14 Skyview Drive, Rindge, NH 03461, (603) 899-3210

3. Name, Address & 24/7 Telephone Number of Person Responsible for Clean Up _____
Ed O'Connor, 177 Endicott St #5, Boston, MA 02113, (617) 398-0611
Chris Bernier, 14 Skyview Drive, Rindge, NH 03461, (603) 899-3210

4. Date of Event: Sunday, April 26, 2020 Expected Number of Participants: 2,000

5. Start Time: 8:00 AM / 9am Race Start Expected End Time: 11:00 AM

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

7. Locations of Water Stops (if any): TBD

8. Will Detours for Motor Vehicles Be Required? TBD If so, where? _____

9. Formation Location & Time for Participants: Cashman Park

10. Dismissal Location & Time for Participants: Cashman Park

11. Additional Parade Information:
- Number of Floats: N/A
 - Locations of Viewing Stations: N/A
 - Are Weapons Being Carried: Yes _____ No X
 - Are Marshalls Being Assigned to Keep Parade Moving: Yes _____ No N/A

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

CITY MARSHAL [Signature] 4 Green St. FIRE CHIEF _____ 0 Greenleaf St.

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

* 9am Race Start
Lt Siemaszko

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:

C5K Sports + Sub 5 Racing on behalf of Newburyport YWCA.

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

Ed O'Connor, 177 Endicott St #5, Boston, MA 02113, (617) 398-0611

Chris Bernier, 14 Skyview Drive, Rindge, NH 03461, (603) 899-3210

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

Ed O'Connor, 177 Endicott St #5, Boston, MA 02113, (617) 398-0611

Chris Bernier, 14 Skyview Drive, Rindge, NH 03461, (603) 899-3210

4. Date of Event: Sunday, April 26, 2020 Expected Number of Participants: 2,000

5. Start Time: 8:00 AM Expected End Time: 11:00 AM

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

See attached.

7. Locations of Water Stops (if any): TBD

8. Will Detours for Motor Vehicles Be Required? TBD If so, where? _____

9. Formation Location & Time for Participants: Cashman Park

10. Dismissal Location & Time for Participants: Cashman Park

11. Additional Parade Information:


• Number of Floats: N/A

• Locations of Viewing Stations: N/A

• Are Weapons Being Carried: Yes _____ No X

• Are Marshalls Being Assigned to Keep Parade Moving: Yes _____ No N/A

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

CITY MARSHAL _____ 4 Green St. FIRE CHIEF  0 Greenleaf St.

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

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:

C5K Sports + Sub 5 Racing on behalf of Newburyport YWCA.

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

Ed O'Connor, 177 Endicott St #5, Boston, MA 02113, (617) 398-0611

Chris Bernier, 14 Skyview Drive, Rindge, NH 03461, (603) 899-3210

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

Ed O'Connor, 177 Endicott St #5, Boston, MA 02113, (617) 398-0611

Chris Bernier, 14 Skyview Drive, Rindge, NH 03461, (603) 899-3210

4. Date of Event: Sunday, April 26, 2020 Expected Number of Participants: 2,000

5. Start Time: 8:00 AM Expected End Time: 11:00 AM

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

See attached.

7. Locations of Water Stops (if any): TBD

8. Will Detours for Motor Vehicles Be Required? TBD If so, where? _____

9. Formation Location & Time for Participants: Cashman Park

10. Dismissal Location & Time for Participants: Cashman Park

11. Additional Parade Information:

• Number of Floats: N/A

• Locations of Viewing Stations: N/A

• Are Weapons Being Carried: Yes _____ No X

• Are Marshalls Being Assigned to Keep Parade Moving: Yes _____ No N/A

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

CITY MARSHAL _____ 4 Green St.

FIRE CHIEF

0 Greenleaf St.

DEPUTY DIRECTOR _____ 16A Perry Way

CITY CLERK

60 Pleasant St.

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:
C5K Sports + Sub 5 Racing on behalf of Newburyport YWCA.

2. Name, Address & Daytime Phone Number of Organizer: _____
Ed O'Connor, 177 Endicott St #5, Boston, MA 02113, (617) 398-0611
Chris Bernier, 14 Skyview Drive, Rindge, NH 03461, (603) 899-3210

3. Name, Address & 24/7 Telephone Number of Person Responsible for Clean Up _____
Ed O'Connor, 177 Endicott St #5, Boston, MA 02113, (617) 398-0611
Chris Bernier, 14 Skyview Drive, Rindge, NH 03461, (603) 899-3210

4. Date of Event: Sunday, April 26, 2020 Expected Number of Participants: 2,000

5. Start Time: 8:00 AM Expected End Time: 11:00 AM

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

7. Locations of Water Stops (if any): TBD

8. Will Detours for Motor Vehicles Be Required? TBD If so, where? _____

9. Formation Location & Time for Participants: Cashman Park

10. Dismissal Location & Time for Participants: Cashman Park

11. Additional Parade Information:

• Number of Floats: N/A

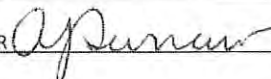
• Locations of Viewing Stations: N/A

• Are Weapons Being Carried: Yes _____ No X

• Are Marshalls Being Assigned to Keep Parade Moving: Yes _____ No N/A

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

CITY MARSHAL _____ 4 Green St. FIRE CHIEF _____ 0 Greenleaf St.

DEPUTY DIRECTOR  16A Perry Way CITY CLERK _____ 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. 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: Edward O'Connor Date: January 10, 2020

CERTIFICATE OF INSURANCE

PRINT DATE: 1/22/2020

CERTIFICATE NUMBER: 20200122756966

AGENCY:

Edgewood Partners Insurance Center
2727 Paces Ferry Road, Building Two, Suite 1500
Atlanta, GA 30339
678-324-3300 (Phone), 678-324-3303 (Fax)

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW.

NAMED INSURED:

USA Track & Field, Inc. C5K Sports
130 East Washington Street, Suite 800
Indianapolis IN 46204

INSURERS AFFORDING COVERAGE:

INSURER A: Philadelphia Indemnity Ins. Co. NAIC #: 18058
INSURER B: Philadelphia Indemnity Ins. Co. NAIC #: 18058

EVENT INFORMATION:

Newburyport Spring Half Marathon (4/26/2020 - 4/27/2020)

POLICY/COVERAGE INFORMATION:

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. AGGREGATE LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INS	TYPE OF INSURANCE:	POLICY NUMBER(S):	EFFECTIVE:	EXPIRES:	LIMITS:
A	GENERAL LIABILITY				
	X Occurrence	PHPK2050515	11/1/2019 12:01 AM	11/1/2020 12:01 AM	GENERAL AGGREGATE (Applies Per Event) \$3,000,000
	X Participant Legal Liability				EACH OCCURRENCE \$1,000,000
					DAMAGE TO RENTED PREMISES (Each Occ.) \$1,000,000
					MEDICAL EXPENSE (Any one person) EXCLUDED
					PERSONAL & ADV INJURY \$1,000,000
					PRODUCTS-COMP/OP AGG \$3,000,000
B	UMBRELLA/EXCESS LIABILITY				
	X Occurrence	PHUB697455	11/1/2019 12:01 AM	11/1/2020 12:01 AM	EACH OCCURRENCE \$10,000,000
					AGGREGATE \$10,000,000

DESCRIPTION OF OPERATIONS/LOCATIONS/VEHICLES/EXCLUSIONS ADDED BY ENDORSEMENT/SPECIAL PROVISIONS:

Coverage applies to USA Track & Field sanctioned events and registered practices, including any directly related activities, such as event set-up and tear-down, participant check-in and award ceremonies.

The certificate holder is an additional insured per the following endorsement: Additional Insured - Certificate Holders (Form PI-AM-002)

The General Liability policy is primary and non-contributory with respect to the negligence of the Named Insureds (Form CG 00 01)

The General Liability policy contains a blanket Waiver of Subrogation as required by contract per Waiver of Transfer of Rights of Recovery Against Others (Form CG 24 04).

Excess policy follows form of underlying General Liability.

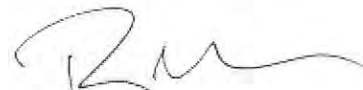
CERTIFICATE HOLDER:

City of Newburyport
60 Pleasant Street
Newburyport MA 01950

NOTICE OF 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:



NEWBURYPORT SPECIAL EVENT APPLICATION

Tel.

Fax.

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

RECEIVED
CITY CLERK'S OFFICE
NEWBURYPORT, MA
2020 JAN 13 PM 12:01

NAME OF EVENT: North Shore Tour de Cure

Date: 5/17/2020 Time: from 9:00am to 1:00pm

Rain Date: _____ Time: from _____ to _____

2. Location*: Please see attached route map.

*Please Note: If the location is a public park or the rail trail, please also contact the Parks Department

3. Description of Property: Hale Street and Rte 113 Public Private _____

4. Name of Organizer: American Diabetes Association City Sponsored Event: Yes _____ No

Contact Person

Address: 260 Cochituate Road Framingham, MA 01701 Telephone: 401-457-8806

E-Mail: mnetto@diabetes.org Cell Phone: _____

Day of Event Contact & Phone: 401-457-8806

5. Number of Attendees Expected: 300

6. MA Tax Number: _____

7. Is the Event Being Advertised? Yes Where? Websites

8. What Age Group is the Event Targeted to? ALL AGES

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 Cycling Total # 300

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 _____
- 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: _____

FOR STREET CLOSURE OR ANY USE OF A PUBLIC WAY

PARADE _____

ROAD RACE X _____

WALKATHON _____

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

2. Name, Address & Daytime Phone Number of Organizer: Matthew Netto
260 Cochituate Road Framingham, MA 01701 401-457-8806

3. Name, Address & 24/7 Telephone Number of Person Responsible for Clean Up _____
Matthew Netto 260 Cochituate Road Framingham, MA 01701 401-457-8806

4. Date of Event: 5/17/2020 Expected Number of Participants: 300

5. Start Time: 7:00am Expected End Time: 1:00pm

6. Road Race, Parade or Walkathon Route: (List street names & attach map of route): _____
Hale Street and Rte 113 South. See attached map

7. Locations of Water Stops (if any): None in Newburyport

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

9. Formation Location & Time for Participants: _____

10. Dismissal Location & Time for Participants: _____

11. Additional Parade Information:

- Number of Floats: _____
- Locations of Viewing Stations: _____
- 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 _____ 4 Green St. FIRE CHIEF Christy Blair 0 Greenleaf St.

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

FOR STREET CLOSURE OR ANY USE OF A PUBLIC WAY

PARADE _____

ROAD RACE _____

WALKATHON _____

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

American Diabetes Association

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

260 Cochituate Road Framingham, MA 01701 401-457-8806

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

Matthew Netto

260 Cochituate Road Framingham, MA 01701

401-457-8806

4. Date of Event: 5/17/2020 Expected Number of Participants: 300

5. Start Time: 7:00am Expected End Time: 1:00pm

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

Hale Street and Rte 113 South. See attached map

7. Locations of Water Stops (if any): None in Newburyport

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

9. Formation Location & Time for Participants: _____

10. Dismissal Location & Time for Participants: _____

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 _____ 4 Green St. FIRE CHIEF _____ 0 Greenleaf St.

DEPUTY DIRECTOR _____ 16A Perry Way CITY CLERK _____ 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.

<i>Approval Required</i>	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 harbormasters 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: _____

DocuSigned by:
Charlotte M. Carter

Date: _____

2020 January 9

American Diabetes Association
260 Cochituate Road, Suite 200
Framingham, MA 01701
800-DIABETES / www.diabetes.org



November 16, 2019

People of Newburyport Massachusetts,

The North Shore Tour de Cure is a cycling, walking and running fundraising event benefiting the American Diabetes Association. This year's event is scheduled for May 17th, beginning and ending at Topsfield Fairgrounds. We have cycling routes of 100, 62, 30 and 15 miles, and a 5k walk and run. The first group of cyclists will depart the fairground at 7am, with additional groups departing at 8:30am, 10am, and 11am. We expect a total of about 300 riders to pass through Newburyport.

With your permission we would like to pass through Newburyport between the hours of 9:00am and 1:00pm. Please refer to the route maps and links on the following page.

The American Diabetes Association leads the fight against the deadly consequences of diabetes and fights for those affected by diabetes. We fund research to prevent, cure and manage diabetes, deliver services to hundreds of communities, provide objective and credible information, and give voice to those denied their rights because of diabetes. To learn more about diabetes and diabetes prevention, please visit us at, www.diabetes.org.

Thank you for your help. Please let me know if you have any questions.

Matthew Netto

American Diabetes Association
Director, Event Production
Phone: 401-457-8806
Email: mnetto@diabetes.org

North Shore Tour de Cure Routes: Passing through Newburyport



100 mile Route

Online Map links

100 mile: <https://ridewithgps.com/routes/16976819>

FOR STREET CLOSURE OR ANY USE OF A PUBLIC WAY

RECEIVED RECEIVED
CITY CLERK'S OFFICE CITY CLERK'S OFFICE
NEWBURYPORT, MA NEWBURYPORT, MA

PARADE _____

ROAD RACE

2020 JAN 15 PM 2:08 WALKATHON 15 PM 4:08

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

1st Lt. Derek Hines Soldiers Fund

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

Steven Hines
54 Ferry Rd.
Newburyport, MA

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

Steven Hines Cell 617 799-6980

4. Date of Event: 6/13/20 Expected Number of Participants: 2000

5. Start Time: 1 PM Expected End Time: 8 PM

6. Road Race, Parade or Walkathon Route: (List street names & **attach map of route**): Merrimac,
Jefferson, Kent, Washington to Rail Trail
back to Cashman

7. Locations of Water Stops (if any): Jefferson + Washington

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

9. Formation Location & Time for Participants: Cashman Park 3 PM

10. Dismissal Location & Time for Participants: _____

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] 0 Greenleaf St.

DEPUTY DIRECTOR [Signature] 16A Perry Way

CITY CLERK [Signature] 60 Pleasant St.

NEWBURYPORT SPECIAL EVENT APPLICATION

Tel.

Fax.

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

NAME OF EVENT: Flag Day 5K

Date: June 13 Time: from 2 PM to 8 PM

Rain Date: None Time: from _____ to _____

2. Location*: Cashman Park Soccer Field

*Please Note: If the location is a public park or the rail trail, please also contact the Parks Department

3. Description of Property: Soccer Field Public Private _____

4. Name of Organizer: 1st Lt. Derek Hines Fund City Sponsored Event: Yes _____ No

Contact Person Steven Hines

Address: 54 Ferry Rd. Telephone: 617 799-6980

E-Mail: hin57@comcast.net Cell Phone: _____

Day of Event Contact & Phone: Same

5. Number of Attendees Expected: 2000

6. MA Tax Number: 26-0752782

7. Is the Event Being Advertised? Yes Where? Social media

8. What Age Group is the Event Targeted to? All ages

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 1

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? 12
- b) How many recycling receptacles will you be providing? 12
- c) Will you be contracting for disposal of : **Trash** Yes No **Recycling** Yes No
- i. If yes, size of dumpster(s): **Trash** 15 yd **Recycling** 15 yd
- 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 _____
- 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)

12 Standard # 1 ADA accessible

Name of company providing the portable toilets: Wilkinson

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.

<i>Approval Required</i>	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

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.

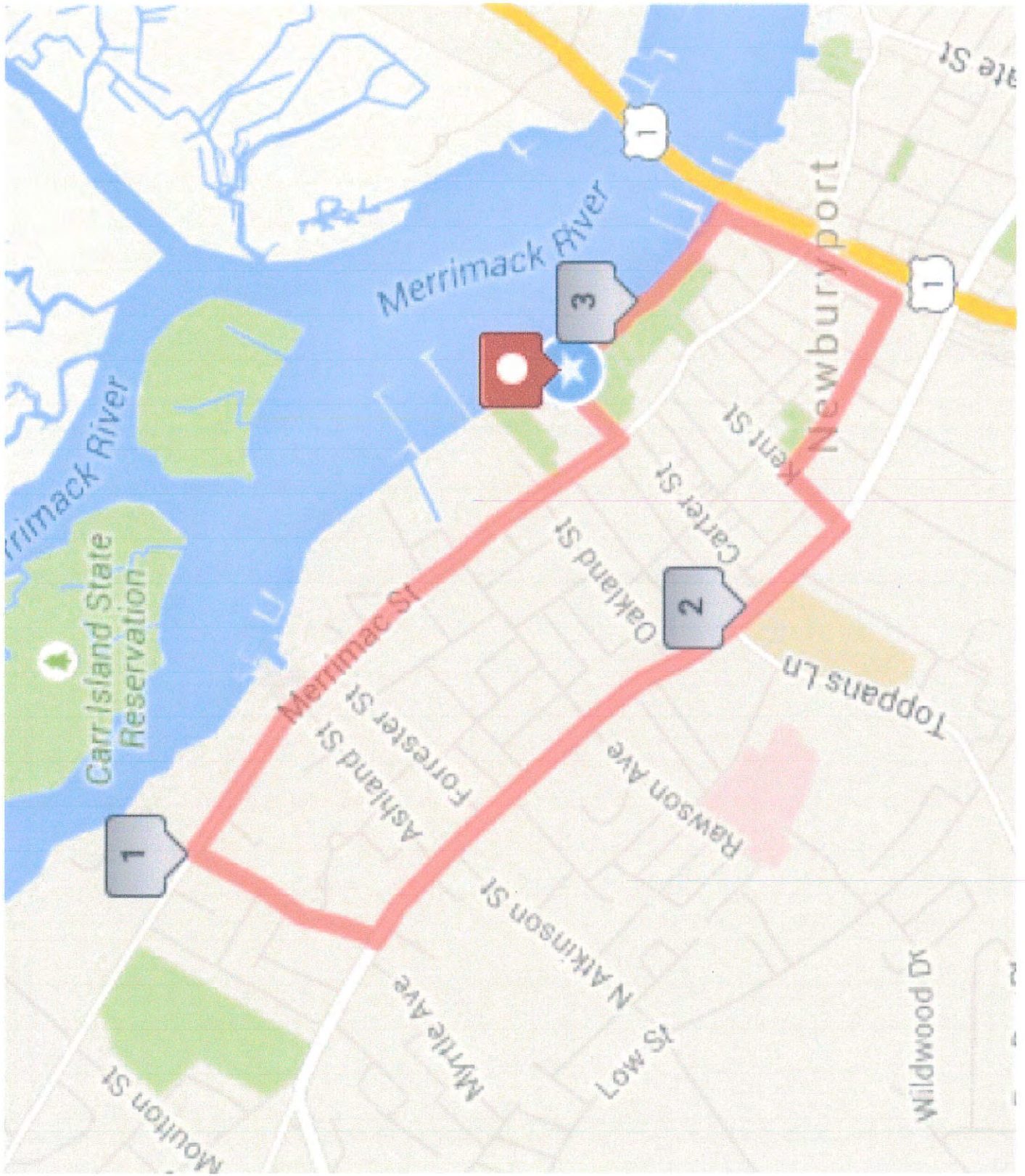
I fully understand and agree to all the terms set forth in this application. The information that I have provided is truthful and accurate. I accept all responsibility related to this event.

Signed: _____

Steve Amis

Date: _____

1/15/2020



**APPOINTMENTS
FIRST READING**



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

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

RECEIVED
CLERK'S OFFICE
NEWBURYPORT, MA
2020 JAN 21 PM 2:51

Donna D. Holaday

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

I hereby appoint, subject to your confirmation, the following named individual as a member of the Human Rights Commission. This term will expire on January 1, 2023.

Jean Costello
522 Merrimac Street
Newburyport, MA 01950

JEAN M. COSTELLO
522 Merrimac Street • Newburyport, MA 01950
617-633-6913 • EarnestCitizen1776@gmail.com

November 15, 2019

Greetings HRC members,

I'd like to hold the rope and walk with you, in whatever capacity works best.

There's much I could say about my interest in the work you do. The most salient might be that even though I've been a lifelong resident of Massachusetts in the majority demographic, I've experienced the mysteries of inclusion and exclusion, of privilege and want.

Prior to moving here, I owned a home in West Boylston for 24 years. And I never really landed. My persistent efforts to volunteer were generally rejected, sometimes overtly and often subvertly. My relationships were mostly superficial. There seemed to be an unspoken message: "You're not one of us"—probably because I am a single woman without children or a religious affiliation. My experience was the same upon moving to Amesbury in August 2017. I immediately began "putting myself out there" and nothing stuck or took root.

I've experienced the same exclusion professionally as a woman in computing technology. Despite consistent, often exceptional contributions to my employer, I am invisible. It would be a gift if someone said "I don't like what you did" to explain my exclusion. Instead I often hear "yeah, you're great" and yet I am utterly marginalized: not seen or heard, regardless of what I have to offer.

Fortunately, this is not the whole of my experience. I have also thrived in unlikely circumstances. About 15 years ago, I interrupted my career to attend Mount Holyoke College full time. My roots are from a low-income family where half my relatives had not graduated high school. How scary it was in my first biology lab to sit behind a microscope as a 42 year-old student alongside 18 year-olds whose parents were doctors and college professors and who were just coming off AP courses and internships! My, my. And still I thrived; academically, socially, emotionally and spiritually. My experience at Mount Holyoke changed my life, and still does.

I'm also thriving in Newburyport. I have been welcomed in so many contexts and so many people have fostered connections for me. My relationships are numerous and become more deeply textured with each passing week.

In reflecting on my experience just now, it strikes me that West Boylston and Amesbury have many of the same natural advantages as Newburyport. My employer, the Massachusetts Medical Society, has abundant prestige and resources, more than Mount Holyoke College. Interestingly, I have withered in some environments and thrived in others.

I believe what distinguishes Newburyport and Mount Holyoke is that both have enough people who believe we're all fully endowed members of the Community, and that everything starts and ends there. Simple as that.

I want to join with the Human Rights Commission to offer the simple things I've come to appreciate make a world of difference.

Sincerely,

A handwritten signature in cursive script that reads "Ellen Costello".

Enclosed: CV

JEAN M. COSTELLO
522 Merrimac Street • Newburyport, MA 01950
617-633-6913 • EarnestCitizen1776@gmail.com

PROFESSIONAL EXPERIENCE

SYSTEMS ANALYST/ADMINISTRATOR 2007 – present
Massachusetts Medical Society, Waltham, MA

Established in 1781, the Massachusetts Medical Society is the oldest medical society in the United States. The Society owns and publishes the *New England Journal of Medicine*, the most widely read, cited and influential medical journal in the world.

My role is to engage people, data systems and suppliers to figure out ways to get work done. It involves lots of communication, teamwork, trial and error.

EDUCATION

MOUNT HOLYOKE COLLEGE 2002 – 2005
South Hadley, MA

Earned a B.A. in Science and Technology Studies – a self-designed, interdisciplinary major that examined science as a social practice. For this special major, I integrated classes in Feminist Science Studies, History of Science and Medical Anthropology into the standard Biology curriculum.

CIVIC EXPERIENCE

Anti-Racism Affinity Group, Newburyport 2018 – present
Book Groups, Film/Discussion Series, various events on North Shore

Women's Huddle, Newburyport 2018 – present
Monthly Meetings, Conversation Cafés, Rail Trail Planting

Indivisible-Rise, Newburyport 2018 – present
Core Team (2018), Legislative Watch Team (2019), Website/Email Design

Consultant to Town Administrator, West Boylston 2016 – 2017
Volunteer consultant for Communications and Operations

Interfaith Spiritual Center, Mount Holyoke College 2003 – 2005

Donna Musumeci

From: Matthew Coogan
Sent: Monday, January 6, 2020 8:40 AM
To: Donna Musumeci
Cc: Donna Holaday
Subject: FW: [Ext]HRC - new commissioners
Attachments: MukhayoPortmann_Resume_102019.docx; Application of Jean Costello_HRC_Nov2019.pdf

FYI -vacancies and potential replacements for Human Rights Commission. For your records.

From: Ahmer Ibrahim [ahmeribrahim@yahoo.com]
Sent: Sunday, January 05, 2020 5:49 PM
To: Donna Holaday
Cc: Matthew Coogan; Lois Honegger
Subject: [Ext]HRC - new commissioners

external e-mail use caution opening

Happy New Year Mayor Holaday and Matt!

We currently have one vacancy for the HRC and other spot that will open up in Feb when Kat has to step down. We have had a good amount of interest and have two great candidates we would like to have you meet with and if you concur, appoint to the HRC.

For the current vacancy the group would like to ask you to consider appointing Muhayo Portmann. She was born and raised in Kyrgyzstan when it was part of the former Soviet Union. Her family came from a Muslim background as well. She is fluent in many languages and has an impressive resume of social justice work on many continents. She has two young girls who are in the NBT school system and is married to Kirk Portmann. She brings to the commission a great perspective as an individual born and raised outside the US. Her resume is attached.

For the upcoming vacancy, we met with another great woman. Jean Costello lived in western Mass for a number of years. She then lived in Amesbury the last few years and now lives in Newburyport. She is involved in the Anti Racism Affinity group in NBT as well as with the Women's Huddle. She earned her BA in IT later in life after working for a number of years from Mount Holyoke College at the age of 42. She also has a keen interest in social justice issues and in her short time in Newburyport has become very active in many of the local groups. Her resume and cover letter are also attached.

I have met with both candidates they would be great assets to the HRC. Both have attended at least two meetings as well and have seem the commission in action. Let me know if you have any concerns, otherwise I would love to see both these women join the HRC

See you both at the Inauguration tomorrow evening!

Ahmer



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

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

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

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

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

Matthew D. Pieniazek
39 Marlboro Street
Newburyport, MA 01950

MEMORANDUM

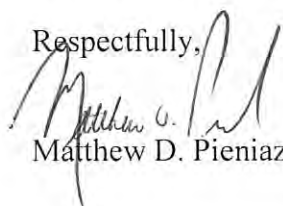
TO: Mayor Donna Holiday & Newburyport City Council
FROM: Matthew D. Pieniazek
DATE: January 15, 2020
SUBJECT: Reappointment to Newburyport Waterfront Trust

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

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

It would be my honor to serve for another term.

Respectfully,



Matthew D. Pieniazek

Attachment: Personal Resume

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

PROFESSIONAL EXPERIENCE

Darling Consulting Group - Newburyport, MA
Bank Consulting Firm

1990 – Present

President

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

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

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

Management Consultant

1985-1988

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

Various Positions through Audit Manager

1979-1983

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

EDUCATION:

University of Chicago

1983-1985

MBA (Finance & Marketing concentrations)

University of Notre Dame

1975-1979

Bachelor's in Business Administration - Accounting

MISCELLANEOUS:

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

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

Active supporter of numerous Newburyport area charitable organizations



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

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

To: President and Members of the City Council
From: Donna D. Holaday, Mayor
Date: January 21, 2020
Subject: Appointment

A handwritten signature in cursive script, reading 'Donna D. Holaday', written over the 'From' and 'Date' lines of the memo.

I hereby appoint, subject to your approval, the following
named firm to serve in the office of City Solicitor. This
term will expire February 1, 2021.

KP Law
101 Arch Street, 12th Floor
Boston, MA 02110

RECEIVED
CITY CLERK'S OFFICE
NEWBURYPORT, MA
2020 JAN 21 PM 3:40



The Leader in Public Sector Law

101 Arch Street, Boston, MA 02110
Tel: 617.556.0007 | Fax: 617.654.1735
www.k-plaw.com

January 21, 2020

Mark R. Reich
mreich@k-plaw.com

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

Re: City Solicitor Services

Dear Mayor Holaday:

It is my pleasure to write to you regarding the appointment of the City Solicitor for the City of Newburyport. KP Law has served as City Solicitor for the City for approximately sixteen years, and has come to know the City, its legal issues, and its specific concerns quite well during this time. It has been a privilege to serve the City in this capacity, and we look forward to continuing to provide legal services to the City.

KP Law has assisted the City with in a large variety of matters. We provide general advice regarding application of state law and interpretations of the City's Charter and ordinances. We draft, review, and approve contracts and other agreements with private vendors and other public entities. We have advised extensively on environmental issues, including the enforcement of health requirements at the Crow Lane Landfill. We have assisted in City projects including the recently constructed parking garage. We have worked with the City's recreation department on a variety of program issues. We have assisted the City Council in addressing the regulation of adult use marijuana. These are merely a few examples of the broad range of issues for which we have been able to provide assistance, and we greatly appreciate the City's confidence in our services.

On matters of land use, we advise and issue written opinions to the Zoning Board of Appeals, Planning Board, Planning Director, Zoning Administrator, and City Council concerning application of the zoning ordinances to proposed and anticipated development. As City Solicitor, we advise and assist the Planning Director and City Council on drafting proposed zoning ordinance amendments. We advise and assist the Mayor and staff with respect to real estate acquisitions and dispositions. We also represent the City in all manner of zoning litigation, including appearances in court and before administrative agencies.

Over the course of our years of service to the City, we have continued to advise the City on many labor, employment, employee benefits, and personnel issues. In addition to advising on daily and weekly issues that arise, we also assist the City during ongoing negotiations for new successor collective bargaining agreements with the City unions. This includes recommending and evaluating proposals and responses, developing and planning strategy, and responding to questions and challenges that arise during the collective bargaining process. We also assist the City on issues of

Hon. Donna D. Holaday
Mayor of Newburyport
January 21, 2020
Page 2

employee discipline and have appeared at several hearings and meetings held before the Mayor to determine whether employee discipline is warranted. In addition to assisting with drafting letters of discipline when warranted, we have also assisted the City in negotiating resignation agreements and other similar settlement agreements, as well as representing the City in appeals of actions to the Civil Service Commission. Finally, we periodically review and revise various employment and personnel policies for the City to ensure compliance with Massachusetts and Federal Law.

We pride ourselves on providing the City with expert legal services. To that end, we have maintained a team of attorneys to serve the City's specific needs. As you are aware, I serve as the City's primary attorney, working with you and your department heads to address the City's legal representation and provide accurate and timely legal advice. Attorney Darren R. Klein will continue to advise the City on labor and employment matters. Attorney Klein will also serve as my back-up attorney for those times when I am not immediately available to you. Attorney Jonathan D. Eichman will be available to provide advice regarding matters of land use and development, as well as attending to the City's real estate needs.

Each of these attorneys is a shareholder of the Firm having extensive experience working with the City and so can provide timely and efficient advice on a full range of matters. As part of our service as City Solicitor, I will be available to meet with you and the City Council in executive session to review pending litigation. Also, the Firm will provide no-cost seminars and training in areas of legal significance, such as the Open Meeting Law, Public Records Law, Conflict of Interest Law, or other topics of particular concern, in addition to no-cost legal memoranda regarding developments in municipal law.

I remain dedicated to providing the level of service required by the City in a timely manner, and strive to remain accessible to you and City officials as you deal with the difficult process of managing the City. It remains a privilege to serve as City Solicitor for the City of Newburyport.

If you have any questions on this or any other matter, please do not hesitate to contact me.

Very truly yours,



Mark R. Reich

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

TRANSFERS



City of Newburyport

FY 2020

BUDGET TRANSFER REQUEST

RECEIVED
CITY CLERK'S OFFICE
NEWBURYPORT, MA

JAN 21 PM 3:55

Department: Mayor's Office

Submitted by: Donna D. Holaday, Mayor

Date Submitted: 1/21/2020

Transfer From:

Account Name	<u>General Fund - Free Cash</u>	YTD Bal:	<u>\$ 1,857,171.00</u>
Account Number:	<u>01-35910</u>	Trans In:	<u>\$ -</u>
Amount:	<u>\$50,000.00</u>	Trans Out:	<u>\$ 15,500.00</u>
Why are Funds Available:	<u>The Massachusetts Department of Revenue certified Free Cash for FY2020 at \$1,872,671. These funds are available for any legal expenditure with the approval of the Mayor and a vote of the City Council.</u>		

Transfer To:

Account Name	<u>Fire Station #2 Design/Feasibility Study</u>	YTD Bal:	<u>\$ 16,772.24</u>
Account Number:	<u>3807-49700</u>	Trans In:	<u>\$ -</u>
Amount:	<u>\$50,000.00</u>	Trans Out:	<u>\$ -</u>
Why are Funds Needed:	<u>To study the feasibility of relocating Station #2 to an alternative site on Storey Avenue. The original appropriation for design/feasibility was \$75,000. See explanatory memo attached.</u>		

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


Donna D. Holaday
Ethan R. Manning

Date: 1/21/20
Date: 1/21/2020



CITY OF NEWBURYPORT
OFFICE OF PLANNING AND DEVELOPMENT
60 PLEASANT STREET • P.O. BOX 550
NEWBURYPORT, MA 01950
(978) 465-4400 • (978) 465-4452 (FAX)

DONNA D. HOLADAY
MAYOR

MEMORANDUM

TO: NEWBURYPORT CITY COUNCIL
FROM: CHRIS LECLAIRE, FIRE CHIEF; GEORDIE VINING, SENIOR PROJECT MANAGER
SUBJECT: EXPANDED FEASIBILITY STUDY FOR NEW WEST END FIRE STATION AT 95 STOREY AVE. SITE
DATE: 1/22/20

This memorandum provides additional information regarding the request for a transfer of \$50,000 to support an expanded feasibility study for the new West End fire station. In 2019, the City worked with a consultant to explore the preliminary feasibility of constructing a new fire station facility on the existing site at 153 Storey Avenue. The City's leadership consequently expressed concern about the cost associated with building on this site, and indicated interest in an alternative municipally-owned site at 95 Storey Avenue. A new and expanded fire station is necessary to address both the present and the future (50-year horizon) needs for the City.

In addition to a survey and a cost estimate for revising the intersection's traffic controls, the expanded feasibility study will develop schematic-level plans for several scenarios in order to provide a more comprehensive comparative review of alternatives. The City can then make an informed decision on a preferred option and the consultant will develop an additional level of detail and generate a detailed itemized cost estimate with a professional cost estimator, which will provide a basis for discussion of funding for full design and construction.

In regard to the need for a new fire station, Winter Street Architects reviewed the existing West End John F. Cutter Fire Station facility in 2019 and concluded that it is inadequate in nearly every respect. There is no separation between the living quarters and the carcinogens of the Apparatus Room and equipment area. The facility has no insulation, no cooling system, no fire protection sprinkler system, no handicapped accessibility, no accommodation for a multi-gendered fire service staff, no storage space, and almost no parking. The Apparatus Bays are too narrow, and the number (two) limits current and future deployment of additional vehicles. Renovation and reuse of the existing facility is not economically feasible or desirable. Construction of a new facility on the existing 0.23 acre site is possible, but there are several constraints that would add cost, such as the small size requiring a second level with an elevator and stairs, the necessity of providing temporary off-site housing for the apparatus and firefighters during construction, etc.

Alternative sites were reviewed based on the parameters of: a) location that would allow for acceptable emergency response times for the West End district, b) ownership status as municipally-owned and legally available land, c) larger size, and d) extent of competing priorities for use. On balance, the property at 95 Storey Avenue across from the Park-and-Ride facility near the northbound exit of I-95 appears to be the best potential alternative. The site would allow immediate access to the City's primary transportation corridor and

would have a minimal impact on emergency response times. The site is at the northern end of property that was transferred to the City in 1995 by the Commonwealth. Approximately 18 acres of this 55-acre property is restricted as an open space buffer and drainage area adjacent to the highway, but the rest of the property (Parcel LS-1) is not legally restricted or designated as open space including the site near Storey Avenue. The City leased a portion of the LS-1 parcel for a wireless radio and cellular telephone communications monopole which was installed approximately a decade ago. The proposed fire station site is located to the north of the cell tower, and the access road to the monopole and beyond to the Little River Nature Trail (which consists of the old asphalt of the abandoned highway plus parallel footpaths) can be maintained without obstruction. Construction of a new fire station on the site should not preclude or discourage public access to the trail and the rest of the property. For some trail users, the project's potential addition of paved parking, lighting, a bathroom, vending machine, and available staff at the trailhead could improve public access. The City's gateway sign can be retained in a slightly relocated spot adjacent to Storey Avenue. There are no state mapped wetlands on the proposed site, and there is sufficient space to build the facility well away from the small wet area at the bottom of the basin to the south which appears to be associated with highway drainage.

The expanded feasibility study will provide a broader comparative context of the capital needs for the Greenleaf fire station in addition to the West End fire station, allowing the City to make informed decisions about the scope of the current project and the potential to avoid future costs as the cost of renovations, additions, and new construction of fire station is escalating significantly every year. The feasibility study will explore the schematic design and costs of constructing a new 3-bay station as well as the future project of modernizing the Greenleaf station and constructing an addition to provide space for an emergency operations/training room and additional administrative office space. The feasibility study will also compare the schematic design and costs of constructing a new 4-bay station on the 95 Storey Avenue site to serve as a new headquarters including administrative space and an emergency operations/training room, along with a smaller scope of renovations for the Greenleaf fire station as a future project.

Please see attached for supporting documents, including:

- Feasibility study budget;
- Consultant scope of services;
- Photographs;
- Property deed and plan.

Thank you for your consideration.

John F. Cutter, Jr. Fire Station Project - Feasibility Study
City of Newburyport
 (1/22/2020)

FUNDING

Account #3903-58200

Revenues

\$69,821.24

PROJECT COSTS

153 Storey Avenue (current site) survey	\$2,000.00	Winter GEC, LLC
Existing facility review & new construction feasibility study	\$64,000.00	Winter Street Architects
95 Storey Avenue site survey	\$3,750.00	Winter GEC, LLC
95 Storey Ave intersection signalization study	\$2,550.00	Vanasse & Assoc. Inc.
New construction feasibility analysis & cost estimates	\$44,049.00	Winter Street Architects
7.5% contingency	\$3,303.68	

Total: \$119,652.68

Revenue gap: \$49,831.44

***Funding request:* \$50,000.00**

January 21, 2020

Andrew R. Port, AICP

Director of Planning & Development
Office of Planning & Development
City of Newburyport; 60 Pleasant Street; Newburyport, MA 01950

Via Email: aport@cityofnewburyport.com
Copy Geordie Vining: GVining@CityofNewburyport.com

RE: Design Services for the Newburyport Fire Department Facilities Study

Dear Mr. Port: Geordie Vining and Fire Chief LeClaire asked for a proposal to comparatively study a variety of scenarios for improvements to the Newburyport Fire Department that will illuminate their space and functional needs and provide a general cost comparison of potential solutions. I propose that Winter Street Architects, working with the Building Committee, schematically generate four (4) scenarios for improvements and using known Unit Costs for fire stations compare the relative costs of each scenario. Upon selection by the City of a direction, or preferred scheme, we can develop the building schematically and have a professional cost estimate provided for development of a project budget for funding.

Architectural Proposal for Fire Department Study

Work by Others, coordinated with WSA design efforts:

- Existing Conditions Land Survey 95 Storey Ave.
- Traffic Control Review and Study 95 Storey Ave.

Comparative Study Tasks

Item	Firm - Discipline	Task Fee
Task 1: DESIGN A NEW 3-BAY SUBSTATION, 95 Storey Ave.	Winter Street Architects, Inc. - Architects	\$11,800

- A. Using a surveyed site plan provided by the City and programmatic information gained from the previous Fire Station Study, WSA will provide a layout for a new single-story Fire Department Substation on the proposed parcel locating the building close to Storey Avenue and maintaining trees and a vegetated buffer for the Russell Terrace neighborhood to the east. We will maintain an entry to the *Little River Trails* and vehicular access to the cell tower and retain trees partially screening the cell tower. Presumably we will locate parking to rear of facility and out of sight.
- B. Plans will include a combined Training/Emergency Operations Center (EOC) and be itemized in the construction cost estimate for inclusion in the construction or to be added in the future.
- C. Plans will include area(s) on the roof for the location of photovoltaic panels either to be included in the construction or added in the future.
- D. Plans will include a site layout to include outdoor areas, parking and indicate any trees or vegetation to be removed or maintained; site plan will include relocation, if needed, the existing "Welcome to Newburyport" sign and *Little River Trails* signage.
- E. Site plan will indicate areas of existing and intended vegetative screening and any parking required for the nature trail
- F. Upon approval of floor and site plans for the new fire station WSA will investigate and present the 3-dimensional generic form of the building
- G. Based on Unit Costs from the previous Fire Station 2 Study we will provide a relative cost of the project for comparison to the other developed scenarios and include a reduced size (2-Bay) version of this design to simulate replacement of the existing substation

Deliverables:

- Site Plan, Floor Plans, Roof Plan of 3 and 2 bay versions
- Building Elevations and 3-Dimensional Views of each version,
- Anticipated Construction and Project Costs based on established Unit Costs for Fire Station for comparative purposes

Meetings:

- Initial Meeting with the Building Committee
- Presentation to the Fire Station Building Committee

Item	Firm - Discipline	Task Fee
Task 2: DESIGN NEW HEADQUARTERS, 95 Storey Avenue	Winter Street Architects, Inc.	\$13,460

- A. Using a surveyed site plan provided by the City and programmatic information developed with the Fire Department, WSA will provide a layout for a new Fire Department Headquarter on the proposed parcel, locating the building close to Storey Avenue and maintaining trees and a vegetated buffer for the Russell Terrace neighborhood to the east. We will maintain an entry to the *Little River Trails* and vehicular access to the cell tower and retain trees partially screening the cell tower. Presumably we will locate parking to rear of facility and out of sight.
- B. Plans will include FOUR (4) Apparatus Bays and required associated support spaces with Living Quarters and Administrative Areas and a Combined Training/Emergency Operations Center (EOC).
- C. Plans will include area(s) on the roof for the location of photovoltaic panels either to be included in the construction or added in the future.
- D. Plans will include a site layout to include outdoor areas, parking and indicate any trees or vegetation to be removed or maintained; site plan will include relocation, if needed, the existing "Welcome to Newburyport" sign and *Little River Trails* signage.
- E. Upon approval of a floor and site plan for the new fire station WSA will investigate and present the 3-dimensional generic form of the fire station with fenestrations
- F. Based on Unit Costs from the previous Fire Station 2 Study we will provide a relative cost of the project for comparison to the other developed scenarios.

Deliverables:

- Site Plan, Floor Plans, Roof Plan
- Building Elevations and 3-Dimensional Views,
- Anticipated Construction and Project Costs based on established Unit Costs for Fire Station for comparative purposes

Meetings:

- Programming
- Building Design Progress Review
- Presentation of Schemes with Comparative Cost Analysis

Item	Firm - Discipline	Task Fee
Task 3: RENOVATION OF ZERO GREENLEAF AS A SUBSTATION	Winter Street Architects, Inc.	\$ 11,460

- A. Assuming a New Fire Department Headquarters is to be constructed at 95 Storey Avenue the existing station at Zero Greenleaf will be renovated to meet modern fire station requirements to serve as a fire department substation
- B. The work will include accessibility improvements, fire separation as required, appropriate separation of apparatus & decontamination areas from living and administrative areas, living facilities to accommodate a multi-gendered staff and other improvements for a modernized fire station facility.

Deliverables:

- Site Plan, Floor Plans, Roof Plan
- Building Elevations and 3-Dimensional Views,
- Anticipated Construction and Project Costs based on established Unit Costs for Fire Station for comparative purposes

Meetings:

- Building Design Progress Review
- Presentation of Schemes with Comparative Cost Analysis

Item	Firm - Discipline	Task Fee
Task 4: ZERO GREENLEAF AS MODERNIZED HQ w/EOC	Winter Street Architects, Inc.	\$ 6,560

- A. Assuming a New Fire Department Substation is to be constructed at 95 Storey Avenue the existing station at Zero Greenleaf will be renovated and added to, as needed, to meet modern fire station requirements to serve as a fire department headquarters with training and emergency operations center.
- B. The work will include accessibility improvements, fire separation as required, appropriate separation of apparatus & decontamination areas from living and administrative areas, living facilities to accommodate a multi-gendered staff and other improvements for a modernized fire station facility.
- C. It is anticipated that new construction as an addition to the existing building will be required to facilitate the inclusion of a shared emergency operations center/training room as well as additional offices and other spaces.

Deliverables:

- Site Plan, Floor Plans, Roof Plan
- Building Elevations and 3-Dimensional Views,
- Anticipated Construction and Project Costs based on established Unit Costs for Fire Station for comparative purposes

Meetings:

- Programming

- Building Design Progress Review
- Presentation of Schemes with Comparative Cost Analysis

Item	Firm - Discipline	Task Fee
Task 5: OPTION: SCHEMATIC DEVELOPMENT OF A SELECTED SCHEME	Winter Street Architects, Inc. Rider Levett Bucknall Cost Est.	\$ 13,640

- A. Should it be decided by the City that one of the above scenarios is preferred and should be developed further to obtain a professional construction cost estimate in order to develop a project budget for funding of the project.

Deliverables:

-Schematic Level:

Site Plan, Floor Plans, Roof Plan

Interior Finishes Selected

Building Elevations w/ Finish Materials Selected and 3-Dimensional Views

- Professional Cost Estimate

- Project Cost Estimate

Meetings:

-Final Presentation of Design and Project Costs

DESIGN FEE RECAP

Task 1: Design New 3 Bay Fire Station @ 95 Storey Ave.	\$11,880
Task 2: Design New Headquarters @ 95 Storey Ave.	\$13,460
Task 3: Renovate 0 Greenleaf as Substation	\$11,460
Task 4: Modernization w/Addition 0 Greenleaf as HQ	\$ 6,560
Task 5: Selected Scheme Development and Cost Estimate	\$13,640
TOTAL	\$57,000

Design Fee not used and Re-programmed From Study #1: (\$12,951)

TOTAL AMENDMENT \$44,049

Submitted,
Paul R. Durand, AIA

Winter Street Architects, Inc.

**APPOINTMENTS
SECOND READING**

SECOND READING APPOINTMENTS

- APPT132_01_13_2020 George Sass, Jr. 37 Jefferson St Harbor Commission (Alt) 1/13/2022
- APPT133_01_13_2020 Janet Morris 288 Merrimac St Tree Commission 1/13/2023

Re-Appointments

- APPT134_01_13_2020 Karen B. Wiener 7 Lincoln St Aff Hsng Trst 11/30/2022
- APPT135_01_13_2020 Paul Cardaci 135 Beach Rd C5, Slsbry Constable, City 12/1/2022
- APPT136_01_13_2020 Gary Gorski 18 Magnolia St Lib Brd of Dir 1/1/2027
- APPT137_01_13_2020 Sarah T. Spalding 280 High St Lib Brd of Dir 1/1/2027

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

ORDERS

ORDINANCES

CITY OF NEWBURYPORT



IN CITY COUNCIL

January 27, 2020

ORDERED:

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

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

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

Section V-D: Table of Use Regulations

Add the following new residential use to the Table of Use Regulations, along with the additional footnote associated therewith:

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
Short Term Rental Unit ^(j)	111	SP	P	P	P	P	NP	P ^k	P ^k	NP	NP	NP	NP	SP	P

- (j) See Section XXXIII for additional requirements and restrictions applicable to Short Term Rental Units.
- (k) In order to maintain "active frontage" commercial space to along public ways, Short Term Rental Units shall not be permitted on the first floor of any structure facing a public way within the B-2 and B-3 Districts.

Section XXXIII: Short Term Rental Units (STRUs)

Insert a new Section XXXIII, entitled "Short Term Rental Units (STRUs)" as follows:

XXXIII-A Purposes.

The purpose of this Section is to:

1. Provide a clear and consistent process through which certain dwelling units may be registered within the City of Newburyport for use as so-called Short Term Rental Units (STRUs) subject to compliance with requirements as specified herein; and

2. To responsibly incorporate the growth of the so-called home-share industry into Newburyport's existing neighborhoods by striking a fair balance between the preservation of long-term year-round housing, including affordable and moderately priced housing (*with or without deed restrictions*) and the flexibility required for residents to benefit from this new industry.
3. To ensure that neighborhood concerns with STRUs, including, but not limited to trash, noise and parking, are addressed so as to avoid adverse impact on overall neighborhood character or property values.

XXXIII-B Definitions.

Unless specified herein, all terms used in this Section XXXIII shall be as defined in Massachusetts General Laws (MGL) Chapter 94G Section 1, entitled "Definitions."

Residential Unit: A Residential Unit is a dwelling unit within a dwelling classification as a residential use, as those terms are defined in the Zoning Ordinance, but excluding: a congregated living complex; elderly housing; a group residence, limited: a homeless shelter; orphanage; temporary dwelling structure; and transitional housing. The term "Residential Unit" shall not include a hotel, motel, executive suite, or other non-residential use.

Short-Term Rental Unit (STRU): The use of a Residential Unit for residential occupancy by a person or persons for a period of fewer than thirty (30) consecutive days for a fee. A Short Term Rental Unit may or may not be facilitated through a Booking Agent.

XXXIII-C Short Term Residential Units (STRUs) within the City.

No Residential Unit within the City of Newburyport shall be offered as a Short Term Rental Unit (STRU) except in compliance with the provisions of this Section XXXIII, and in accordance with any License issued for said STRU by the Newburyport Licensing Commission pursuant to the Newburyport Code of Ordinances Chapter 9 (Licenses, Permits and Business Regulations) Article X (License Required for Short Term Rental Units).

XXXIII-D Effective Date

The provisions of this Ordinance, Section XXXIII, shall take effect on June 1, 2020.

XXXIII-E Severability

The provisions of this section are severable and, in the event that any provision of this section is determined to be invalid for any reason, the remaining provisions shall remain in full force and effect.

Councilor James J. McCauley
Councilor Charles F. Tontar

CITY OF NEWBURYPORT



IN CITY COUNCIL

January 27, 2020

ORDERED:

AN ORDINANCE TO AMEND THE CODE OF ORDINANCES OF THE CITY OF NEWBURYPORT

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

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

Chapter 9: Licenses, Permits and Business Regulations

Article X: License Required for Short Term Rental Units

Insert a new Section, Article X, entitled "License Required for Short Term Rental Units" as follows:

Sec. 9-300 Purposes.

The purpose of this Section is to:

1. Provide a clear and consistent process through which certain dwelling units may be registered within the City of Newburyport for use as Short Term Rental Units (STRUs) subject to compliance with requirements as specified herein; and
2. To responsibly incorporate the growth of the home-share industry into Newburyport's existing neighborhoods by striking a fair balance between the preservation of long-term year-round housing, including affordable and moderately priced housing (*with or without deed restrictions*) and the flexibility required for residents to benefit from this new industry.
3. To ensure that neighborhood concerns with STRUs, including, but not limited to trash, noise and parking, are addressed so as to avoid adverse impact on overall neighborhood character or property values.

Sec. 9-301 Definitions.

Unless specified herein, all terms used in this Section XXXIII shall be as defined in Massachusetts General Laws (MGL) Chapter 94G Section 1, entitled "Definitions."

Booking Agent: Any Person or entity that facilitates reservations or collects payments for a Short-Term Rental on behalf of or for an Operator.

Code: City of Newburyport Zoning Code

Commissioner: Chairman of the Newburyport Licensing Commission

Operator: A natural person who is the owner of the Residential Unit that he or she seeks to offer as a Short-Term Rental. Only one owner may be registered as an Operator on the Short-Term Rental Registry for a Residential Unit, and it shall be unlawful for any other person, even if that person is a co-owner and meets the qualifications of Primary Resident, to offer a Residential Unit for Short-Term Residential Rental.

Home Share Unit: A Residential Unit offered as a Short-Term Rental that is the Operator's Primary Residence. Short Term Rental Unit Occupancy shall be limited to four (4) unrelated guests (whichever is less) in a Home Share Unit. An owner may offer the Home Share Unit as a short-term rental for thirty (30) days or less, provided that the total number of booked days during which the owner is not present shall not exceed one hundred twenty (120) consecutive or nonconsecutive days per year.

Limited Share Unit: A Residential Unit that is the Operator's Primary Residence, a portion of which is offered as a Short-Term Rental while the operator is present. Occupancy shall be limited to three bedrooms or four (4) unrelated guests (whichever is less) in a Limited Share Unit. One bedroom must be reserved for the Operator.

Owner Adjacent Unit: A Residential Unit offered as a Short-Term Rental that is not the Owner's Primary Residence but that is located within the same dwelling as the Primary Residence of, and is owned by, said Owner; provided that, Owner-Adjacent Units used as Short-Term Rentals shall only be allowed in two-family or three-family dwellings where all units are owned by the same unique owner-occupant who serves as the Operator; provided that further that, for the purposes of owner occupied three-family residential dwellings, in addition to the unit in which they reside and use as a Home Share or Limited Share Unit, an Operator of an Owner-Adjacent Unit may only register and use one Owner Adjacent Unit as a Short-Term Rental. A permitted Accessory Dwelling Unit (use #109) shall be allowed as an Owner Adjacent Unit.

Primary Residence: The Residential Unit in which the Operator resides for at least nine (9) months out of a twelve (12) month period. Primary residence is demonstrated by showing that as of the date of registration of the Residential Unit on the Short-Term Registry, the Operator has resided in the Residential Unit for nine of the past twelve months or that the Operator intends to reside in the Residential Unit for nine of the next twelve months, as demonstrated by at least 2 of the following: Voter registration, motor vehicle registration, drivers' license or state-issued identification.

Registration Number: A unique identification number generated for a single Residential Unit registered as a Short-Term Rental. Registration numbers shall be valid for one (1) year from the date that a license is issued, and shall be associated with both a single Residential Unit and a single Operator. The registration number must be included on any listing or advertisement offering a unit as a Short-Term Rental.

Residential Unit: A residential Unit is a dwelling unit within a dwelling classification as a residential use, as those terms are defined in the Code, but excluding: a congregated living complex; elderly housing; a group residence, limited; a homeless shelter; orphanage; temporary dwelling structure; and transitional housing. The term "Residential Unit" shall not include a hotel, motel, executive suite, or other non-residential use.

Short Term Rental Unit or Short-Term Rental: The use of a Residential Unit for residential occupancy by a person or persons for a period of fewer than thirty (30) consecutive days for a fee. A Short Term Rental Unit may or may not be facilitated through a Booking Agent.

Short-Term Registry: The database maintained by the City of Newburyport License Commission in conjunction with MA State DOR. The location of Short-Term Rentals may be made public.

Sec. 9-302 Short Term Residential Units (STRUs) within the City.

No Residential Unit within the City of Newburyport shall be offered as a Short Term Rental Unit (STRU) except in compliance with the provisions of this Section, and in accordance with any License issued for said STRU by the Newburyport Licensing Commission pursuant thereto.

Sec. 9-303 Ineligible Residential Units.

The following Units are not eligible to be offered as Short-Term Rentals:

1. Residential Units designated as below market or income restricted, that are subject to affordability covenants, or that are otherwise subject to housing or rental assistance under local, state or federal law;
2. Residential Units subject to any requirement of local, state or federal law that prohibits the leasing or sub-leasing of the unit or use of the unit as a Short-Term Rental; and
3. Residential Units that are the subject of 3 or more findings of violations of this section within a six-month period, or 3 or more violations of any municipal ordinance or state law or code relating to excessive noise, improper disposal of trash, disorderly conduct or other similar conduct within a six month period.
4. Campers, trailers, or any other similar temporary space that does not possess or otherwise qualify for an Occupancy Permit.

Sec. 9-304 Residential Units not Subject to Certain Provisions of this Section

The following provisions and/or exemptions apply to the specified types of residential units under this Section XXXIII.

1. **Currently Licensed Lodging Houses:** A Residential Unit offered as a Short-Term Rental that is located in a dwelling holding a current and valid Certificate of Occupancy as a lodging house as of the effective date of this section shall be subject to the registration requirements contained herein, but shall not be subject to the limitation contained in sections 9-305 (2), (3) or (4).

2. **Existing Bed and Breakfasts:** A residential Unit offered as a Short-Term Rental that holds a current and valid Certificate of Occupancy as a Bed and Breakfast as of the effective date of this section shall be subject to the registration requirements contained herein, but shall not be subject to the limitation contained in sections 9-305 (2), (3) or (4).
3. **Residential Units Contracted for Hospital Stays.** The use of a dwelling unit or portion thereof which a contract exists between the owner of the dwelling unit and a health-care facility or government entity of non-profit organization registered as a charitable organization with the Secretary of the Commonwealth of Massachusetts or classified by the Internal Revenue Services as a public charity or private foundation that provides for the temporary housing in such unit of individuals who are being treated for trauma, injury, or disease, or their family members, shall not be considered a Short-Term Rental.
4. **Residential Units Used for Furnished Institutional or Business Stays:** The use of a Residential Unit for which a contract or an agreement exists between the building owner, a corporate housing operator, and an institution or business for the temporary housing of employees or individuals affiliated with such institutions or business, where the minimum stay is at least ten days, shall not be considered a short-term rental.
5. **House Boats.** A houseboat which is licensed by the City, may offer itself as a Home Share Unit provided it hold a current and valid Certificate of occupancy as a houseboat as of the effective date of this section, and shall be subject to the registration requirements contained herein. A houseboat will be governed as a Home Share Unit with the exception of the primary residence requirement of Section 9-305(3), and the restriction of a single unit. An operator may not have more than 3 houseboat units.
6. **Plum Island.** An Operator who's primary residence is in Newburyport, and who owns a secondary unit on Plum Island may list both units within the Short-Term Registry under the following conditions:
 - a) The Secondary Unit listed as a Home share for not more than 120 days/year; and
 - b) Primary Unit cannot be used as a Home Share during this period, but may be offered as a Limited Share. Operator may not have a Secondary and Primary Unit as Home Share at the same time.

Sec. 9-305 Requirements & Restrictions for all Short Term Rental Units (STRUs)

With the exception of Short Term Rental Units on Plum Island, an Operator may only offer one (1) whole unit listing at any given time subject to compliance with the following provisions:

1. Registration pursuant to Section 9-306.
2. Short-Term Rental of a Limited Share Unit: An Operator may offer his/her Limited Share Unit as a Short-Term Rental for 365 days a year.

3. Short-Term Rental of a Home Share Unit: AN Operator may offer his/her Home Share Unit as a Short-Term Rental for up to 365 days a year, but the total number of booked days during which the owner is not present shall not exceed one hundred twenty (120) consecutive or nonconsecutive days per year.
4. Short-Term Rental of an Owner-Adjacent Unit. An Operator may offer his/her Owner-Adjacent Unit as a Short-Term Rental for 365 days a year.
5. Maximum Number of Occupants: No more than five (5) unrelated persons may utilize any portion of a unit as a Short Term Rental Unit (STRU), or four (4) unrelated guests in the case of a Home Share Unit.
6. Permission of Owner. An Operator must certify at the time of registration that he/she has the following permission to offer his/her Residential Unit as a Short-Term Rental:
 - a) Operator is the owner of the Residential Unit offered as a Short-Term Rental
 - b) That offering the Residential Unit as a Short-Term Rental complies with applicable condominium documents, bylaws or other governing documents.
7. Local Contact. When registering, an Operator must provide his/her name and contact information, and, in the event the Operator is not present during the Short-Term Rental, the name and contact information of an individual who is able to respond in person to any issues or emergencies that arise during the Short-Term Rental within two (2) hours of being notified, Contact Information must include a telephone number that is active 24 hours per day to tenants, Short-Term rental occupants and public safety agencies. This phone number shall be included in the registration of the Short-Term Rental at the time of registration.
8. No Outstanding Violations. The residential unit offered as a Short-Term rental shall not be subject to any outstanding building, sanitary, zoning, or fire code violations, orders of abatement, or stop work orders, or other requirements, laws or regulations that prohibit the Operator from offering the Residential Unit as a Short-Term Rental. If violation or other order is issued after the Residential Unit has been listed on the Short-Term Rental Registry, the Licensing Commission or its designee shall suspend the Residential Units registration on the Short-Term Rental Registry until the violation has been cured or otherwise resolved. The person/department issuing said violation notice shall notify the Licensing Commission of the violation and its resolution within five (5) business days of issuance and/or resolution of said violation.
9. Compliance and Interaction with other Laws. Operators shall comply with all applicable federal, state and local laws and codes, including but not limited to the Fair Housing Act, G.L.c.151B and local equivalents and regulations related thereto fire codes, health codes, and all other regulations applicable to residential dwellings. The Residential Unit shall be in compliance with all applicable ordinances and regulations.

10. Retention of Records. The Operator shall retain and make available to the Newburyport Licensing Commission, or its designee, upon written request, records to demonstrate compliance with this section, including but not limited to: records demonstrating number of months that Operator has resided or will reside in Residential Unit; records showing that Operator is the owner of Residential Unit offered as Short-Term Rental; and records demonstrating number of days per year that Residential Unit is offered as a Short-Term Rental. The Operator shall retain such records for a period of 3 years from the date the Residential Unit is registered with the City.
11. Special Conditions. The License Commission may require, as a condition of any License issued hereunder, that specific improvements be implemented within the structure, or on the premises, as identified in the plans submitted pursuant to Section 9-306(2) or as further requested by the Building Commissioner, Fire Prevention Officer and/or Zoning Administrator.
12. Notifications:
 - a) The Operator shall include the registration number issued by the City on any listings offering Residential Unit as a Short-Term Rental and shall post a sign inside the Unit providing information on the location of all fire extinguishers in the unit, and, if applicable, the location of all fire extinguishers, fire exits and pull fire alarms in the dwelling.
 - b) The Booking agent shall permit an Operator to include the registration number issued by the City on any listings offering the Residential Unit as a Short-Term Rental.
 - c) The Operator shall, within 30 days of approved registration, provide notice to abutters of a Residential Unit that the Residential Unit has been registered as a Short-Term Residential Rental. For the purposes of this section an abutter shall be identified as any residential dwelling located within 300 feet of said Residential Unit.

Sec. 9-306 Short-Term Rental Registration Process, Certifications, Fee.

1. Registration Process. An Operator who wishes to offer his/her Residential Unit as a Short-Term Rental shall file an application therefor with the Newburyport Licensing Commission to be listed on the Short-Term Registry. A License for operation of said Short-Term Rental shall be valid for a one-year term, from the date of issuance. An Operator shall provide information to be listed on the Registry, including: Operator name, address of the Residential Unit, Operator's relationship to the unit, whether Residential Unit is being offered as a Limited Share, Home Share or Owner-adjacent Unit, MA DOR ID and other information as require by the City. The Operator shall also certify that he/she and the Residential Unit complies with the requirements of this section. An Operator who successfully obtains a License for his/her Residential Unit as a Short-Term Rental shall be issued a registration number.

Upon submission of License applications, and routinely as deemed necessary by the Licensing Commission or its designee, registration information shall be compared to information managed and maintained by the City, in order to effectively verify compliance with the provisions of this ordinance. The Licensing Commission shall make additions to the Short-Term Registry, or data contained within such additions, available electronically via the City website within 30 days.

2. Application. An owner who wishes to offer his/her/their residential unit as a short-term rental shall submit an application to be listed on the Short-Term Rental Registry to the Newburyport Licensing Commission.

Said application shall include the following information:

- a) Name of owner
- b) Address of residential unit
- c) Applicable zoning districts for the subject property
- d) Rental unit category (Limited Share, Home Share, or Plum Island Unit)
- e) MA Dept of Revenue ID number
- f) Lot layout and/or surveyed plot plan that includes:
 1. Existing structure(s) on the property;
 2. Location of short-term rental unit (if unit is only a portion of the property); and
 3. On-site parking area(s) to accommodate the short-term rental unit and portions of the structure that are not to be used as the short-term rental, if applicable, in accordance with the underlying zoning district, and without displacing the applicable parking requirements for any other uses located on the premises;
- g) Interior layout plan(s) highlighting:
 1. The bedroom(s) to be used in the short-term rental unit; and
 2. Proper fire detection for the short-term rental unit, including, but not limited to, access/egress points, location of fire detectors and extinguishers, evacuation route(s), designated location(s) within the unit for the posting of the evacuation route(s) and *[other information deemed necessary by the Building Commissioner and/or Fire Prevention Officer]*.

3. Fees. Units shall be annually recorded in the Short-Term Registry pursuant to the following:

- a) The annual registration fee for a Limited Share Unit shall be \$90.
- b) The annual registration fee for Home Share Units shall be \$200.
- c) The annual registration fee for Owner-Adjacent Units shall be \$200.

4. Re-registration Upon Unit Turnover. A registration shall be tied to both the Residential Unit and the Operator and will not automatically transfer upon the sale of the unit. New Operators are responsible for ensuring that they re-register with the City to obtain a new registration number if they wish to continue to list the Residential Unit in the Short-Term Registry.

5. Amending Registration Upon Change in Primary Residence. If an Operator offering a Residential Unit ceases to be a Primary Resident of the unit, the Operator shall immediately notify City to remove the unit from the Short-Term Rental Registry.

6. Bulk Registration by Booking Agent. Nothing herein shall prohibit a Booking Agent from entering into an agreement with the City to provide registration services for Short-Term Rental Operators.

Sec. 9-307 Room Occupancy Excise.

A Residential Unit subject to the provisions of this ordinance that is also subject to the Room Occupancy Excise under M.G.L.c.64G or any other excise or surcharge pertaining to Short-Term Rentals shall comply with the provisions of said statutes. Notwithstanding any provision or requirement to the contrary, an Operator may use a Booking Agent for the purposes of collecting and remitting the applicable room occupancy excise to the Commonwealth, and said Booking Agent shall enter into an agreement with the City for the collection and remittance of such tax. If an Operator does not use a Booking Agent to collect payment for a Short-Term Rental, the Operator shall be responsible for collecting and remitting the application room occupancy excise tax to the Commonwealth.

Sec. 9-308 Complaint Process; Violations

1. Complaint. A complaint alleging that a Residential Unit is in violation of this section or any applicable law, code or regulation may be filed with License Commission. The complaint must be written and contain the applicable Residential Unit's address, unit number, date and nature of alleged violation(s), and name and contact information of the complainant.
2. Review of Complaint. Within 30 days after receipt of a complaint, the Commissioner or a designee shall investigate the complaint and shall determine whether there may be a violation., If the alleged violation is under the jurisdiction of another city/state/federal agency, the Commissioner shall refer the complaint to such agency for further action. Upon a finding of a potential violation, the Commissioner shall serve notice of the violation upon the Operator of the Residential Unit at issue as listed in the Short-term Rental Registry. The commissioner shall keep records of all complaints received and determinations made.
3. Right to a Hearing. A person upon whom a notice of violation has been served may request a hearing from City by filing a written petition requesting a hearing on the matter with City within 14 days after the day the notice of violation was served. Upon receipt of a petition for hearing, City shall notify the complainant of the place, date and time of the hearing. The hearing shall occur no later than 2 weeks after the date City receives the petition for hearing. The time period in which violations must be remedied shall be stayed upon receipt of the petition for a hearing until such time as the hearing is held and the Commissioner has issued a decision.
4. Decision. Within 7 days after the conclusion of the hearing, the Commissioner or designee, shall sustain, modify, or withdraw the notice of violation and shall inform the person upon whom notice of violation has been served, in writing, of its decision and the reasons therefor. If City sustains or modifies the notice of violation, said violation shall be remedied within the time period allotted as issued or in the modification. No Short-Term rentals may occur until violations remedied. If a written petition for a hearing is not filed with City within 14 days after the notice of violation has been served, of if, after a hearing, the notice of violation has been sustained in any part, each day's failure to comply with the notice of violation within the time allotted as issued shall constitute a separate violation.

5. Judicial Appeal. Any person aggrieved by a final decision of City with respect to a notice of violation or any other order issued under this section may seek relief therefrom un any court of competent jurisdiction as provided by the laws of the Commonwealth.

Sec. 9-309 Penalties

1. Offering an Ineligible Unit as a Short-Term Rental. Any person who offers a unit as a Short-Term Rental, or any Booking Agent who accepts a fee for booking a unit, where such unit is not an eligible Residential Unit, shall be fined \$300 per violation per day. Each day's failure to comply with a notice of violation or any other order shall constitute a separate violation. The commissioner or designee may also seek an injunction from a court of competent jurisdiction prohibiting the offering of the unit as a Short-term Rental.
2. Failure to Register. Any person who offers an eligible Residential Unit as a Short-Term Rental without registering with City, or any person who offers an eligible Residential Unit as a Short-Term Rental while the unit's registration is suspended shall be fined \$100 per violation per day. Each day's failure to comply with a notice of violation or any other order shall constitute a separate violation.
3. Failure to Comply with Notice of Violation. Any person who fails to comply with any notice of violation or other order issued pursuant to this section by the Commission or a designee shall be fined one hundred dollars (\$100) per violation per day. Each day's failure to comply with a notice of violation or any other order shall constitute a separate violation.

Sec. 9-310 Enforcement

1. Enforcement by the City. The provisions of this section may be enforced in accordance with the noncriminal disposition process of M.G.L.40.c.21D, and if applicable, by seeking to restrain a violation by injunction.
2. Enforcement by Booking Agent. The commissioner shall enter into agreements with Booking Agents for assistance in enforcing the provisions of this section, including but not limited to an agreement whereby the Booking Agent agrees to remove a listing from its platform for exceeding the maximum number of days a Residential Unit may be offered as a Short-Term Rental, whereby Booking Agent agrees to remove a listing from its platform that is deemed ineligible for use as a Short-Term Rental under the provisions of this Ordinance, and whereby the Booking Agent agrees to prohibit a host from listing any listings without a valid registration number from the City. Any Booking Agent that fails to enter into such agreements to actively prevent, remove or de-list any ineligible listings shall be prohibited from conducting business in the City.

Sec. 9-311 Data Sharing

A Booking Agent shall provide to the City, on a Quarterly basis, an electronic report of the listings maintained, authorized, facilitated, or advertised by the Booking Agent with the City of Newburyport for the applicable reporting period. The report shall include a breakdown of Unit Address, Registration number, Type of Rental and the number of nights each unit was reported as occupied during this period.

Sec. 9-312 Effective Date

The provisions of this Ordinance, Section XXXIII, shall take effect on June 1, 2020 with full enforcement and applicable fines for non-compliance to be effective beginning on January 1, 2021.

XXXIII-N Severability

The provisions of this section are severable and, in the event that any provision of this section is determined to be invalid for any reason, the remaining provisions shall remain in full force and effect.

Councilor James J. McCauley
Councilor Charles F. Tontar

COMMITTEE ITEMS

Committee Items-January 27, 2020

Budget & Finance

Consent:

Budget & Finance

In Committee:

TRAN066_01_13_2020	NHS Woodwork \$110,903 CIP Nock pkng \$8997.87 to Sidewalk repair
ORDR164_01_13_2020	Connors Scholarship Gift Acceptance \$5,000
APPT138_01_13_2020	Ethan Manning Director of Finance 02/01/2023

Removal from Committee Form

Instructions: Remit to rjones@cityofnewburyport.com; pbarker@cityofnewburyport.com; cgreen@cityofnewburyport.com by Wednesday, 5 PM preceding Council meeting

Committee Name: Budget and Finance

Committee Chair: Tontar

	Measure Identifier	Measure Title	Amended in Committee? (if yes, attach final version)	Consent Agenda or Regular Agenda?
1.	TRAN066_01_13_2020	NHS exterior Woodwork Phase III \$110,903, CIP Nock/Molin Parking Lot \$8,997.87 to CIP Sidewalk Repairs \$119,900.87.	No	Consent
2.	ORDR164_01_13_2020	Connors Scholarship Gift Acceptance \$5,000.	No	Consent
3.	APPT138_01_13_2020	Ethan Manning, Director of Finance.	No	Consent
4.				
5.				
6.				
7.				
8.				
9.				
10.				
11.				
12.				
13.				



City of Newburyport

FY 2020

RECEIVED
CITY CLERK'S OFFICE
NEWBURYPORT, MA

BTF

BUDGET TRANSFER REQUEST

Department: Mayor's Office

Submitted by: Donna D. Holaday, Mayor

Date Submitted: 1/13/2020

Transfer From:

Account Name	<u>NHS Exterior Woodwork Phase III</u>	YTD Bal:	\$ 213,839.45
Account Number:	<u>7070013-58200</u>	Trans In:	\$ -
Amount:	<u>\$110,903.00</u>	Trans Out:	\$ -
Why are Funds Available:	<u>Funding was approved to complete Phase III of the NHS Exterior Woodwork Project out of Community Preservation Act funds. Therefore, the amount that was originally appropriated from the CIP Nock/Molin Parking Lot Project can be reappropriated.</u>		

Transfer From:

Account Name	<u>CIP Nock/Molin Parking Lot</u>	YTD Bal:	\$ 8,997.87
Account Number:	<u>3815-59600</u>	Trans In:	\$ -
Amount:	<u>\$8,997.87</u>	Trans Out:	\$ -
Why are Funds Available:	<u>The CIP Nock/Molin Parking Lot Project is complete.</u>		

Transfer To:

Account Name	<u>CIP Sidewalk Repairs</u>	YTD Bal:	\$ 86,195.28
Account Number:	<u>3002-49700</u>	Trans In:	\$ -
Amount:	<u>\$119,900.87</u>	Trans Out:	\$ -
Why are Funds Needed:	<u>The sidewalk in front of the Nock/Molin School is deteriorated and needs to repaired. Funding will allow for the sidewalk to be re-done during the 2020 construction season. The estimated cost is \$120,000.</u>		

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

Donna D. Holaday
Ethan R. Manning

Date: 1/16/2020
Date: 1/16/2020

BT

CITY OF NEWBURYPORT



IN CITY COUNCIL

ORDERED:

January 13, 2020

THAT, The CITY COUNCIL of the City of Newburyport accepts with gratitude the following gift:

Donor: Josephine & Nora Connors Scholarship Trust
Amount: \$5,000.00
Purpose: Scholarships for graduating Newburyport High School students

This gift is accepted in accordance with M.G.L. Chapter 44, Section 53A.

Councillor Charles F. Tontar

BoF



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

RECEIVED
CITY CLERK'S OFFICE
NEWBURYPORT, MA

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

2020 JAN -7 PM 4: 03

To: President and Members of the City Council
From: Donna D. Holaday, Mayor
Date: January 13, 2020
Subject: Re-Appointment

I hereby re-appoint, subject to your approval, the following named individual as a Director of Finance. This term will expire on February 1, 2023.

Ethan Manning
31 Howard Street
Newburyport, MA 01950

ETHAN R. MANNING

31 Howard Street, Newburyport, MA 01950
(617) 620-2510 | ermanning@gmail.com | LinkedIn: [EthanManning](#)

PROFESSIONAL EXPERIENCE

CITY OF NEWBURYPORT, Newburyport, MA

Oct. 2011 – Present

FINANCE DIRECTOR/CITY AUDITOR (7/14-Present)

- Managing the City's finances, including a balance sheet with assets of over \$230mm, and an annual operating budget of over \$80 million.
- Developing and analyzing long-range revenue and expenditure projections.
- Executing and developing a five-year capital improvements plan.
- Implementing recommendations from the annual audit, such as the creation of an irrevocable trust fund for other post-employment benefits (OPEB) and improved tracking of time and attendance.
- Ensuring compliance with federal and state laws, including Mass. General Law, Generally Accepted Accounting Principles (GAAP) and Uniform Municipal Accounting Standards.
- Management of debt issuance and investing strategies.
- Led the renewal process of Newburyport's ten-year Comcast Cable License.
- Oversight of staff in accounting, assessing, treasury/collections and procurement.
- Serve as ex-officio member on the Newburyport Retirement Board.

ASSISTANT CITY AUDITOR (9/13-7/14)

- Maintained all financial books and records for the City of Newburyport.
- Developed a fully transparent online budget document for the City of Newburyport, receiving the *Distinguished Budget Presentation Award* by the Governmental Finance Officers Association (GFOA) in the City's first submission to the awards program.
- Created the five-year capital improvements plan for the City in FY2012, which was first incorporated into the FY2013 budget, becoming a Charter requirement in January 2014.
- Developed the Financial Policies and Objectives manual for the City, receiving recognition from Standard & Poor's credit rating agency during their upgrade of the City's long-term debt rating in 2015.

BUSINESS MANAGER, DEPARTMENT OF PUBLIC SERVICES (10/11-9/13)

- Supervised a staff of administrative assistants, including oversight of the meter reading program.
- Implemented quarterly billing cycles allowing for high flows to be identified sooner, easier budgeting for residents and businesses and improved cash flow for the City.
- Optimized meter reading routes to allow readings to be taken faster and more frequently.
- Forecasted and analyzed water/sewer revenues and costs to ensure long-term stability of rates.
- Streamlined payment processing time from 4 to 1 business days.
- Created a Home Rule Petition, approved in July 2013, allowing the City of Newburyport to impose liens on delinquent properties in the Town of Newbury (Ch. 48, [Acts of 2013](#)).
- Managed the rollout of the net metering credit (NMC) program with True North Energy and put in place a process for managing Solar Renewable Energy Credits generated at City facilities.

BAIN CAPITAL, Boston, MA & London, United Kingdom

June 2006-Oct. 2011

ANALYST, Sankaty Advisors, LLC (11/09-10/11)

- Monitored fundamental drivers of value and performance on a continuous basis.
- Analyzed and benchmarked performance and portfolio construction of 9 multi-strategy fixed income funds and 10 collateralized loan obligation vehicles, totaling over \$8.4bn in assets.
- Communicated with portfolio management team on trading decisions and macro fund positioning.
- Maintained complex Excel-based models using inputs from corporate balance sheets, income statements and associated market/economic data.
- Led the effort in developing a complex database to monitor and report Sankaty's defaults and recoveries track record, going back to the firm's inception in 1999.

ETHAN R. MANNING – PAGE TWO

31 Howard Street, Newburyport, MA 01950
(617) 620-2510 | ermanning@gmail.com | LinkedIn: [EthanManning](#)

PROFESSIONAL EXPERIENCE (CONTINUED)

LONDON OPERATIONS AND TRADING ASSOCIATE, Sankaty Advisors, Ltd. (10/07-11/09)

- Successfully launched a trading operations desk in the London office, transitioning it to permanent staff, prior to returning to the United States.
- Supported all aspects of European primary and secondary loan trading and settlements.
- Liaised with Boston office on all areas of finance and operations.
- Managed and developed relationships with various London operations contacts through participation in market activities and networking events hosted by local asset managers and banks.
- Reviewed legal documentation, including transfer certificates, accession deeds, trade confirms and pricing letters to ensure compliance with internal policies and procedures.
- Educated analysts and staff on operational procedures and understanding of complex investments, such as leveraged loans, distressed debt, mezzanine and structured products.

SENIOR PORTFOLIO OPERATIONS ASSOCIATE, Sankaty Advisors, LLC (6/06-9/07)

- Reconciled market value and cash flow portfolios daily with custodians and prime brokers to ensure complete accuracy in cash movement.
- Reported positions regularly to senior management, including the creation of a summarized exceptions report to constantly analyze trends and progress.
- Managed and responded to inquiries on portfolio positions from all parts of the firm, including Managing Directors, Analysts and Traders in a timely, accurate and thorough manner.

LIBERTY MUTUAL INSURANCE GROUP, Dover, NH May 2004-Aug. 2005
SUMMER ANALYST, Corporate Treasury (5/05-8/05) Commercial Markets (5/04-8/04)

EDUCATION

BENTLEY UNIVERSITY, Waltham, MA
Bachelor of Science in Finance (2006), *Magna Cum Laude* (GPA 3.8/4.0)
Minors in Government and Management
Bentley Honor Society, Beta Gamma Sigma Honor Society, Student Body President (Elected)

CERTIFICATIONS/PROFESSIONAL AFFILIATIONS

Certified Governmental Accountant (CGA)
Certified Massachusetts Public Procurement Officer (MCPPO)
Governmental Finance Officers Association (GFOA) – GFOA Budget Reviewer (July 2014-Present)
Massachusetts Government Finance Officers Association
New England States Government Finance Officers Association
Massachusetts Municipal Auditors' & Accountants' Association (MMAAA)

TECHNICAL SKILLS

Munis Financial Software (Advanced User), Microsoft Office (Advanced Microsoft Excel), Bloomberg, Massachusetts Department of Local Services (DLS) Gateway, Harper's Payroll, Zobrio Cashbook

Committee Items-January 27, 2020
License & Permits

COMM217_01_13_2020 2020 Class II Vehicle License - State Automotive Repair
LLC

THE COMMONWEALTH OF MASSACHUSETTS

RECEIVED
CITY CLERK'S OFFICE
NEWBURYPORT, MA

City OF Newburyport

LTV

2019 DEC -5 PM 5:00

**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 2 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? State Automotive Repair LLC

Business address of concern. No. 196 Route One St.,
Newburyport MA 01950 City - Town.

2. Is the above concern an individual, co-partnership, an association or a corporation? LLC (single member)

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

LLC Manager: Andrew J. de Bernardo
16 Hickory Lane, Topsfield MA 01983

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 _____

Secretary _____

Treasurer _____

6. Are you engaged principally in the business of buying, selling or exchanging motor vehicles? No

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? No

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.

196 Route One, Newburyport is located just south of the Route One traffic circle. State Automotive Repair LLC occupies approximately 1/2 of a shared building with a retail vendor. Auto repair bays contain lifts, tools, and equipment consistent with any typical auto repair shop. Parking is in front, to the side, and to the rear of the building.

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? N/A
(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 MA

Did you receive a license? Yes For what year? 2016-2019
(Yes or No)

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 Andrew F. [Signature]
(Duly authorized to represent the concern herein mentioned)

Residence 16 Hickory Lane, Topsfield MA

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

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

APPLICANT WILL NOT FILL THE FOLLOWING BLANKS

Application No. _____

Class _____ License No. _____

Name _____

St. and No. _____

City — Town _____

Date Issued _____

Remarks _____

CNA SURETY

CNA Plaza, Chicago IL 60685-0001

Jennifer B. Schaller
Counsel
Telephone 312-822-7049
Facsimile 312-755-3737

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

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

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

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

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

Sincerely,



Jennifer B. Schaller



The Commonwealth of Massachusetts
Registry of Motor Vehicles

One Copley Place, Boston 02116

Kimberly Hinden
Registrar

Mail:
P.O. Box 199100
Boston, MA 02119-0100
www.ma.gov/rmv

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.

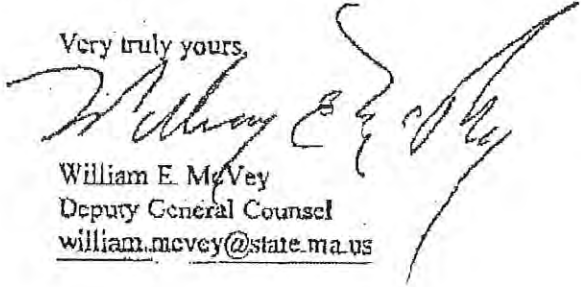
4. The last paragraph of the Western Surety Second Hand Motor Vehicle Dealer Bond states:

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



CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)

12/05/2019

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 Bernard M. Sullivan Insurance Agency 12 Market St. P.O. Box 568 Ipswich MA 01938		CONTACT NAME: Jeremiah Lewis PHONE (A/C, No, Ext): (978) 356-5511 E-MAIL ADDRESS: jtlewis@sullivaninsurance.com FAX (A/C, No): (978) 356-0214	
INSURED State Automotive Repair, LLC. 196 Route One Newburyport MA 01950		INSURER(S) AFFORDING COVERAGE INSURER A: C N A Surety INSURER B: INSURER C: INSURER D: INSURER E: INSURER F:	
		NAIC # CNAS01	

COVERAGES **CERTIFICATE NUMBER:** CL1912505942 **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
	COMMERCIAL GENERAL LIABILITY <input type="checkbox"/> CLAIMS-MADE <input type="checkbox"/> OCCUR GEN'L AGGREGATE LIMIT APPLIES PER: <input type="checkbox"/> POLICY <input type="checkbox"/> PRO-JECT <input type="checkbox"/> LOC OTHER:						EACH OCCURRENCE \$ DAMAGE TO RENTED PREMISES (Ea occurrence) \$ MED EXP (Any one person) \$ PERSONAL & ADV INJURY \$ GENERAL AGGREGATE \$ PRODUCTS - COM/OP AGG \$ \$
	AUTOMOBILE LIABILITY <input type="checkbox"/> ANY AUTO <input type="checkbox"/> OWNED AUTOS ONLY <input type="checkbox"/> SCHEDULED AUTOS <input type="checkbox"/> HIRED AUTOS ONLY <input type="checkbox"/> NON-OWNED AUTOS ONLY						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"/> OCCUR <input type="checkbox"/> EXCESS LIAB <input type="checkbox"/> CLAIMS-MADE DED RETENTION \$						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				<input type="checkbox"/> PER STATUTE <input type="checkbox"/> OTH-ER E.L. EACH ACCIDENT \$ E.L. DISEASE - EA EMPLOYEE \$ E.L. DISEASE - POLICY LIMIT \$
A	Used Auto Dealer Bond			62659263	02/01/2019	02/01/2020	Bond Penalty \$25,000

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

CERTIFICATE HOLDER**CANCELLATION**

City of Newburyport
 60 Pleasant St.

Newburyport

MA

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

Jeremiah Lewis

© 1988-2015 ACORD CORPORATION. All rights reserved.

Massachusetts



Western Surety Company

SECOND HAND MOTOR VEHICLE DEALER BOND

(Mass. Gen. Laws Ann. 140, § 58(c))

Bond No. 62659263

KNOW ALL PERSONS BY THESE PRESENTS:

Effective Date: February 1st, 2016

That we, State Automotive Repair, LLC., 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 60 Pleasant St, Newburyport, MA 01950

by First Class U.S. Mail.

Address

Dated this 1st day of February, 2016.



State Automotive Repair, LLC., Principal

By: _____

WESTERN SURETY COMPANY, Surety

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

Western Surety Company

POWER OF ATTORNEY

KNOW ALL MEN BY THESE PRESENTS:

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

Paul T. Bruflat of Sioux Falls,
State of South Dakota, its regularly elected 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, the following bond:

One Second Hand Motor Vehicle Dealer

bond with bond number 62659263

for State Automotive Repair, LLC.

as Principal in the penalty amount not to exceed: \$ 25,000.00

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 Vice President with the corporate seal affixed this 1st day of February, 2016.

ATTEST

L. Nelson

L. Nelson, Assistant Secretary

WESTERN SURETY COMPANY

By *Paul T. Bruflat*

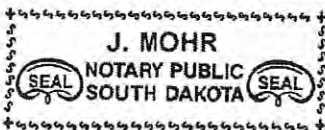
Paul T. Bruflat, Vice President



STATE OF SOUTH DAKOTA }
COUNTY OF MINNEHAHA } ss

On this 1st day of February, 2016, 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 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 June 23, 2021

J. Mohr

Notary Public

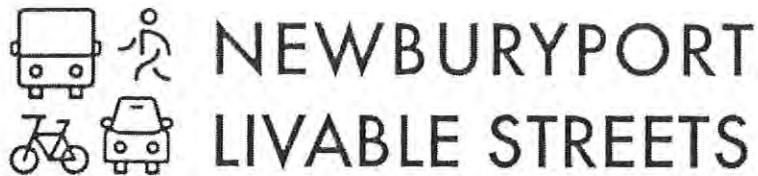
To validate bond authenticity, go to www.cnasurety.com > Owner/Obligee Services > Validate Bond Coverage.



Committee Items- January 27, 2020

Neighborhood & City Services

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
APPT139_01_13_2020	Anthony Furnari, Director of Public Services 02/01/2023
COMM219_01_13_2020 LATE FILE	Snow and Ice Plan 2019-2020 Season -Department of Public Services



September 30, 2019

Dear Mayor and City Council,

As members of Newburyport Livable Streets, we appreciate the progress the City has made in the past few years under your leadership in support of Complete Streets. We also appreciate being invited to be part of the dialogue as we work collectively to improve our community's transportation network. As you know, there is still a lot of work to be done. To ensure that the City continues to follow our Complete Streets Policy, NLS would like to make some suggestions regarding the processes followed by the City during the planning, design, construction and maintenance of our roads and sidewalks.

We would like to focus your attention on a few sections of the City's policy that are relevant to some of the issues we have observed on recent road and sidewalk projects:

City officials shall approach every transportation improvement and project phase as an opportunity to create safer, more accessible streets for all users. These phases include, but are not limited to: planning, programming, design, right-of-way acquisition, construction engineering, construction, reconstruction, operation and maintenance. Wherever feasible, Complete Streets design principles shall be incorporated into all new publicly and privately funded projects, and incrementally on existing streets through a series of small improvements and activities over time.

Complete Streets principles will be applied in all street construction, retrofit, and reconstruction projects except in the unusual or extraordinary circumstances listed [in the policy]. Even under the conditions outlined [in the policy], a project's impact will be evaluated for the effect it would have on the usefulness of the street for all users, now and in the future, and the ability to implement other adopted plans in the future.

When designing a street improvement project, the DPS and OPD shall collaborate with all stakeholders to ensure that, wherever feasible, all users and transportation modes are adequately accommodated. These stakeholders may include, but are not limited to neighborhood groups, individual residents, the Police Department, Fire Department, TSAC, Newburyport Commission on Disabilities, and when required any federal or state agency with jurisdiction or direct interest on the proposed project.

As such, the City needs to consider whether there are adjustments that can be incorporated to make the street or sidewalk safer for all users when planning any roadway project - from major projects such as road reconstruction and paving, to maintenance projects such as re-stripping and patching after utility

work, to installation of traffic signals. We also believe that Complete Streets principles should apply to all phases of a project (from planning through construction). For example, on the recent High Street repaving and sidewalk project, there was a great deal of frustration on the part of the public when it was discovered that a number of heavily used crosswalks would not be re-stripped due to lack of appropriate tip downs (ie ramps) at those access points. If those changes had been identified and communicated early on in the process, there would have been an opportunity for public review and comment and the City might have had a chance to respond and potentially work out a solution (e.g. request more funding to add the required tip downs).

In another example on Merrimac Street, NLS believes incremental changes could have been incorporated into the reconstruction of sidewalks that would have helped to alleviate some of the neighborhood concerns around traffic calming and pedestrian safety. With more advanced notice and an avenue for submitting those suggestions, we believe the City would have had a chance to consider and potentially modify the scope of the project without significant delay or added expense. Furthermore, we believe the decision to install an asphalt sidewalk on a portion of the street is in direct violation of the City Ordinances and, had there been advance notice and opportunity for discussion of the proposed approach, the decision to use asphalt would likely have been avoided.

Finally, with the recent sidewalk work on both Merrimac and High, we have observed that pedestrians have often been forced into the street to walk alongside vehicular traffic with no physical separation. This issue is particularly concerning where projects impact primary routes to school. Furthermore, as the re-stripping of the High Street bike lanes has been further delayed, no provisions have been implemented to provide temporary bike lanes or otherwise create a separation between vehicular and bicycle traffic while the pavement work is concluded. As you know, we have been working for many years (with your support) to encourage families to allow their kids to walk and bike to school. When these key routes are temporarily made uncomfortable or, especially, unsafe for pedestrians and bicyclists, they can be discouraged from continuing (or starting in the first place).

With the above examples in mind, we would like to suggest several steps that the city can take before and during construction in order to provide better communication with residents, ensure that projects stay on schedule and that project budgets are adequately planned for, and make sure that all users' concerns and safety are considered. We believe all of these suggestions are consistent with the City's Complete Streets Policy.

- **We recommend the City post a notice of planned roadway projects (including paving and routine maintenance) 3 to 6 months prior to project start and provide a contact point to whom comments and suggestions can be submitted for consideration.** We understand that not all suggestions will be able to be incorporated into every project, but we think it's important for the City to consider every opportunity for incremental changes.
- **We recommend that any construction project that impacts roads, sidewalks, and bike routes have a clear communication and detour plan that includes regular construction schedule updates via social media and the City's web page, road and sidewalk closure information, recommended detour routes, and identification of safe**

crossing points. When school routes are impacted, we recommend that the School Department receive notice well in advance and be provided with a map of the detour routes for walkers and bikers.

- **We recommend that the City require and oversee accommodations and safety measures for bicycles and pedestrians during construction including signage and detours for bicycles and pedestrians.**

As always, NLS is ready and willing to work with the City to develop these procedures and policies for implementing and supporting our Complete Streets Policy. Thank you for your consideration, we look forward to your response and opportunity for further discussion.

Sincerely,

Juliet Walker
Rick Taintor
Christine Wallace
Judy Tymon
Kitty (Mary) Kracj
Robert Uhlig
Benjamin Iacono
Sheila Taintor

on behalf of Newburyport Livable Streets
newburyportlivablestreets@gmail.com

Newburyport Livable Streets seeks to support and improve the health and well-being of our community through education and advocacy related to transportation infrastructure and policies. Our goal is to make it easier for people to bike and walk throughout Newburyport by providing a network of streets, sidewalks and trails that are accessible and comfortable to everyone regardless of age, ability, or mode of travel. We support safe sidewalks, bike routes and neighborhood streets; off-road paths and trails; local transit; and other policies and investments that respect Newburyport's intimate scale and historic character. Livable Streets will nurture a healthy, vibrant city that people want to live in, businesses want to invest in, and tourists want to visit.

RECEIVED
CITY CLERK'S OFFICE
NEWBURYPORT, MA

2019 OCT -8 PM 3:38

Get
Gout
COTW
with their own
NCTW/COTW
SZ/CT

TO: MEMBERS OF THE NEWBURYPORT CITY COUNCIL
FROM: CHARLES TONTAR, COUNCILLOR, WARD 4
SUBJECT: ROAD AND SIDEWALK WORK ON MERRIMAC AND HIGH STREETS
DATE: OCTOBER 8, 2019

Honorable Members of the Newburyport City Council:

I am writing to inform you of some of the problems that have occurred with the road and sidewalk work that has been done over the past three months on High and Merrimac Streets in Ward 4. I am going to suggest a path for the development of rules and procedures that will prevent future problems. We should also review Sec. 12-54 of our code of ordinances and consider allowing asphalt sidewalks where appropriate.

Work commenced just before the fourth of July on High Street beginning with sidewalks and some curb work. I immediately received calls from individuals concerned with a set of questions regarding why some sections of the sidewalks were repaired and others were not, why some sections were repaired with one material rather than another, and why some curbs were raised and others were not. I believe we could have done a better job communicating with the public on this phase of work. Anthony Furnari, Director of Public Services, and Jaime Tuccolo, Deputy Director of Public Services, were forthcoming in responding to my questions and spent considerable time speaking directly with concerned residents.

The next phase of the project entailed the milling and paving of High Street. This phase occurred without a hitch. The public was well informed about the timing and anticipated inconvenience. I did not receive any complaints on this phase.

The lining of High Street resulted in a number of complaints regarding the off-center placement of the center line, the meandering route of some of the side lines, and smears from vehicles crossing the lines while the paint was still wet. Efforts to remove the paint have resulted in further complaints and concerns from residents. In addition, some crosswalks had to be removed because they did not conform to ADA requirements, most notably in the vicinity of the Bresnahan School, and this resulted in concerns as well.

DPS, the School District, and the Newburyport police did an exceptional job informing parents at the beginning of the school year of the construction on High Street and the attendant challenges of getting to the Bresnahan School. As a result, I did not receive any complaints regarding the absence of sections and sidewalks.

Given the relatively poor condition of sidewalks on Merrimac Street, it was decided that more time was needed to properly repair them so the milling and paving of Merrimac Street was delayed until the spring of 2020. I received a number of calls and visits to my office hours regarding the sidewalk work that were similar to the ones raised on High Street. There were questions as to why curbing was placed where it was, why some materials were used in one place and not in another, and why some sidewalks were repaired and others were not. A

significant question was raised as to why the sidewalks on Merrimac Street from about Plummer to the roundabout were done with asphalt rather than concrete or brick as required by Sec. 12-54 of the code of ordinances. The answer I was given was that asphalt was about half the cost of concrete and the Administration made the decision that a priority was placed on creating safe walking conditions by repairing more linear feet of sidewalk than could be done if concrete had been used.

There have also been serious concerns by residents regarding the quality of work performed by the contractor. Specifically, the asphalt in some cases is 3 to 4 inches higher than the adjacent walkways into residents' homes. Once again, Anthony Furnari, Director of Public Services, and Jaime Tuccolo, Deputy Director of Public Services, have extended themselves to meet with concerned residents and to assure them that the problems would be satisfactorily repaired.

There are a number of distinct issues that I can identify that should be addressed by the Council in conjunction with the Department of Public Services. First, better communication and information regarding what was to be done and the timing of when it would be done would help. Second, we need to discuss why the Administration did not follow Sec. 12-54 as written. Third, we should reconsider Sec. 12-54. Finally, we need to explore ways of preventing the quality failures that have been identified.

I urge you to refer this communication to the General Government Committee and that that Committee meet with the Administration and Department of Public Services to research ways in which the City can avoid similar problems in the future. I would anticipate new rules and procedures to emerge from that committee as well as potential changes to our code of ordinances.

Thank you.

RECEIVED
CITY CLERK'S OFFICE
NEWBURYPORT, MA

2019 OCT 21 AM 8: 12

Philip Cootey
22 Phillips Drive
Newburyport MA 01950

October 16, 2019

Newburyport City Clerk's Office
Attn: Larry Giunta
60 Pleasant St.
Newburyport MA 01950

Dear Mr. Giunta and City Councilors:

Thank you to the councilors and candidates who came to our neighborhood meeting on October 5th where we raised awareness of our crumbling drainage infrastructure.

I write to today regarding the ongoing drainage situation. We request an official update from the Council on the plan to address our ongoing problems at its next meeting on October 28.

Regards,

Philip Cootey and residents of Phillips Drive Neighborhood



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

RECEIVED
CITY CLERK'S OFFICE
NEWBURYPORT, MA
NCS

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

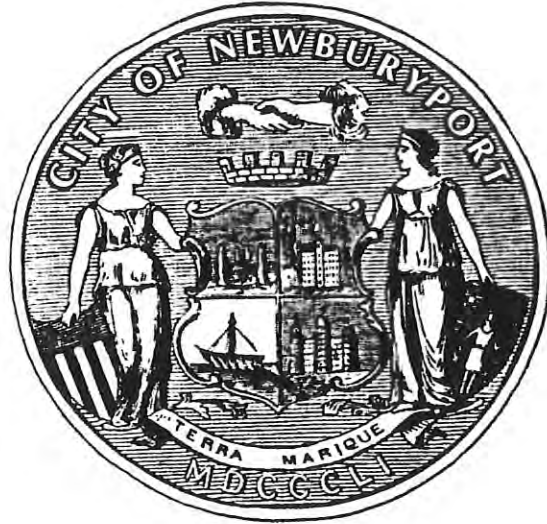
2020 JAN -7 PM 4: 03

To: President and Members of the City Council
From: Donna D. Holaday, Mayor
Date: January 13, 2020
Re: Re-Appointment

I hereby re-appoint, subject to your approval, the following named individual as the Director of Public Works. This term will expire on February 1, 2023.

Anthony Furnari
10 Olsen Road
Peabody, MA 01960

NCS



City of Newburyport
Department of Public Services
SNOW AND ICE PLAN
2019 / 2020 Season

Donna D. Holaday, Mayor

Anthony J. Furnari, Director

Jamie Tuccolo, Deputy Director

Ronald Keefe, General Foreman

NCS
AK/BC
114

Introduction:

The City of Newburyport takes great pride in making our public roadways as safe as possible under the worst of winter conditions. Keeping our public ways safe and accessible during snow and ice events is of highest priority in order to reduce the likelihood of personal injury to the general public, automobile accidents and property damage. The City's goal is to quickly open the streets and make them passable so that essential vehicular traffic can safely negotiate roadways. Residents can help us do this by working together.

Snow Emergency Parking Ban:

The City of Newburyport implements a snow emergency parking ban when it is predicted that we will receive three or more inches of snow accumulation. If there is a parking ban in effect, it will appear on the City's website www.cityofnewburyport.com. To get email notifications from the website be sure to select the "Notify Me" button on the front page and sign up.

In addition, eleven flashing blue lights will be activated throughout the city at the following locations, usually at least six hours before a declared snow emergency:

March's Hill at Bromfield St.

Route 113 at Hoyt's Lane

Water St. at Shandel Dr.

Market Square

Storey Ave, Ferry Rd and Moseley Ave Intersection

Malcolm Hoyt Dr. at Parker St.

High St. @ State St.

Route 1 Rotary and State St.

Route 1 and Merrimac St.

Merrimac, Moseley and Spofford (Roundabout)

Storey Ave. across from Daniel Lucy Way

You may also contact The Department of Public Services Weather Event and Emergency Information Line at 978-463-0472 to find out the status of the parking ban. Parking regulations are strictly enforced to ensure that streets remain accessible for snowplows, fire apparatus and other emergency vehicles. **Any vehicle that impedes the snow removal process will be towed at owner's expense.**

Alternate Delegated Parking Areas:

The City of Newburyport offers alternative designated parking areas for on-street cars that include the following: Green Street Municipal Lot (except in areas posted no parking during snow emergency), Cashman Park (off Merrimac Street), Cushing Park (Washington Street) NRA Waterfront Lots East and West, Hales Court Lot (corner of Hales Court and Prince Place) and State Street Lot (corner of Harris Street and State Street). In order for DPS to clear these lots, temporary parking bans and vehicle removal may be posted and announced on the City website and Weather Event and Emergency Information Line at 978-463-0472. After snow removal is complete in a lot, it will open for parking.

PLEASE NOTE: All vehicles must be removed from the above listed lots within 12 hours following the cancellation of the snow emergency (weekends included) or vehicles will be ticketed and towed at the owner's expense.

SNOW EMERGENCY CANCELLATION INFORMATION can be obtained by checking www.cityofnewburyport.com or calling the Weather Event and Emergency Information Line at 978-463-0472.

PS will do its best to lift the city-wide Snow Emergency parking restriction as soon as possible. The city-wide parking restriction will only be lifted when the DPS Director or Deputy Director determine that on-street parking will not cause a public safety issue to emergency response vehicles. We may seek advice from the City Marshal or Fire Chief to assist us in making this determination.

On some narrow streets, the DPS may post temporary no parking signs after the snow emergency has been lifted in order to maintain a safe and adequate vehicle travel lane. Many of these streets are located in Wards 1, 2 and 3. We will evaluate these streets on a daily basis to see if these signs may be removed once the roadway has an adequate travel lane width.

Snow Plowing:

The following is a general description of how the Department of Public Services plows snow from city streets.

Step 1. Pretreatment (1"-2" of accumulated snow)

When a snowstorm begins, the department responds by pretreating the main roads. This serves two purposes: to keep traffic safely moving and to prevent the snow from bonding to the pavement. If the snow event is less than 2" or 3" inches of accumulated snow. We may halt operation after all the roads have been pretreated and evaluate if additional treatment is required.

Step 2. Snow clearing (2" or greater)

Snow plowing begins when snow accumulates or is predicted to be two (2) or more inches. Over 48 city and privately operated pretreatment and snow clearing vehicles/equipment may be dispatched to respond to a snow emergency. DPS crews and private contractors will continue to plow until the snow event ends. We will continue to monitor the conditions of the roadways and determine if additional snow clearing equipment is needed or if equipment may need to be reassigned to another section of the city.

Step 3. Post storm clean-up and clearing

Once the snow event has concluded, DPS conducts our city wide final snow clearing operation. This operation includes one last round of snow clearing and general cleanup to make the roadways safe for vehicular and pedestrian traffic. This operation may take days or weeks, depending on total amount snow accumulation. DPS will prioritize this operation based on the following in order of importance.

1. Main streets and school routes are treated to achieve the safest possible conditions.
2. Inclines and major intersections are treated to improve safety.
3. Flat streets are treated only if icy conditions exist.
4. Downtown and other business areas treated and snow removal may take place if needed.
5. Snow piles at intersections are pulled away from the corners to improve sight lines for existing vehicles. Snow may need to be removed judiciously from these intersections. Snow may be removed from narrow streets to improve the access for emergency and public service vehicles. Snow removal is time consuming and labor intensive; the DPS Director or Deputy Director will prioritize these streets solely based on public safety.
6. Lack of parking is not a safety issue. Nevertheless, if time, staffing and funds allow, we may clear snow from other narrow streets. These streets are determined from input from the Mayor's Office, City Councilors, residents, and emergency agencies.

SAFETY REMINDER: When driving, please stay 200 feet behind any snowplow and NEVER pass a plow truck. Visibility is not good for the snowplow operator.

Sidewalks:

The removal of the snow and ice from sidewalks is the responsibility of tenants, occupants and property owners. The City of Newburyport clears designated sidewalks following each storm, but only after all of the roads has been cleared. These sidewalks are in the downtown areas, surrounding schools and other city-owned property.

The City's Code of Ordinances (Sec. 12-52) requires tenants, occupants and property owners to remove snow and ice from their bordering sidewalks within six hours after the snow ceases to fall if it ceases to fall in the daytime and before 12:00 noon if it ceases to fall in the nighttime. If a property

owner/occupant neglects to do so, he/she shall be fined \$50. Violations of this section may be enforced by any police officer, the health director or his designees.

Driveways

DPS tries to minimize the amount of snow that gets plowed across driveways, but snow plows cannot “go around” driveways. Plow blades cannot be lifted as they pass by a driveway. Unfortunately, snow will be plowed into driveways as we perform curb-to-curb plowing. You may wish to clear your driveway several times during the storm or wait until the storm and plowing activities have ended.

Snowplowing, shoveling, or throwing snow back onto the street when clearing driveways, yards, roofs or sidewalks is prohibited by City Ordinance Sec. 12-7 and violators can be fined \$50.

Mailboxes, Fences & Shrubbery Damage

The City will not pay for damaged mailboxes, fences, and shrubbery unless actual contact is made. Residents should mark out such items in drift prone areas. Claims for these damages should be submitted to the Auditor’s Office no more than 30 days to be considered for replacement or payment at the City’s option.

Please note that this plan is always a work in progress. As we learn from our experiences and technology changes, we may find different ways to conduct pretreatment, snow clearing and snow removal with greater efficiency and lower cost.

Notifications

All residents and business owners are strongly urged to sign up for announcements or urgent alerts from any or all City departments. On the City of Newburyport’s website homepage, click on the large gray button that reads “Notify Me” to choose your notification preferences. Weather-related and other emergency notifications are provided by the City via news announcement posted to the website. If you are signed up for notifications, you will receive an e-mail alert letting you know that a new announcement has been posted by the City. This is especially useful in receiving the latest messages about parking restrictions and other information.

NEW---GPS Communications:

This year the DPS is coordinating a GPS app that will keep track of time, area, and fuel consumption of all city plowing vehicles.