

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

COMMUNICATIONS



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

July 20, 2017

Amantha Moore
10 North Atkinson Street
Newburyport, MA 01950

Re: Community Preservation Award & Grant Agreement

Dear Amantha,

Congratulations! The Community Preservation Committee (CPC) is pleased to inform you that the Newburyport City Council voted on July 10, 2017 to appropriate Community Preservation Funds (CPA Funds) to your proposed project as follows:

Project Name:	Steeple Project: Central Congregational Church, UCC
Recipient:	Central Congregational Church, United Church of Christ
Project Location:	14 Titcomb Street
Award Amount:	\$75,000
Project Description:	To perform restoration work on the steeple and exterior of the Central Congregational Church.

In order to ensure that your project is executed as successfully as your application, please pay close attention to the following instructions and funding conditions:

1. The City contact assigned to oversee your project is Kate Newhall-Smith. The contact will perform inspections and reviews of the project as necessary. All documentation and communication with the City regarding this project shall be directed to both the CPC and the City contact person as follows:

Community Preservation Committee	AND	Kate Newhall-Smith
c/o Office of Planning and Development		Office of Planning and Development
60 Pleasant Street		60 Pleasant Street
Newburyport, MA 01950		Newburyport, MA 01950
CPC@cityofnewburyport.com		KSmith@cityofnewburyport.com

2. CPA funds shall be disbursed only after completion of the approved project or project phases more fully described in your application, incorporated by reference and conditioned herein, and after:
 - Anticipated receipt of state matching funds on or about November 15, 2017. A maximum of 75% of this award may be requested prior to receipt of the state match;
 - Receipt of final funding is conditioned upon final execution and recording of a preservation restriction agreement on the exterior of the property;
 - Approval by the City contact person of a brief narrative and invoice for payment (or reimbursement) for services completed by the contractor(s) who performed the work; and
 - Verification that all applicable state purchasing and ethics regulations, local ordinances, and financial policies have been met.

Receipt of the requested disbursement will take approximately four to six weeks following submittal of the above with the Office of Planning & Development. Invoices can be made payable to the Recipient or directly to a vendor or contractor (please provide payee's name, address, telephone number, and taxpayer identification number on a W-9 Form).

3. The recipient shall provide the CPC with quarterly progress reports on or before each January 15th, April 15th, July 15th, and October 15th during which any of the funds remain unexpended. A Final Report, including digital photo documentation of the Project if appropriate, is due within 30 days after the Completion Date.
4. Appropriated funds shall be used within twelve months, unless a written request for an extension is received and approved by the CPC. Otherwise, unused awards or portions thereof may be reclaimed as CPA Funds. Upon project completion, excess funds, if any, shall also be returned to the CPA Fund.
5. If the CPC determines that funds have been spent on goods or services not included in the application or otherwise not authorized under the CPA, the recipient shall be responsible for repayment of such funds to the CPA Fund.
6. Any significant changes to the project as limited herein shall require CPC approval. Please contact Kate Newhall-Smith (978-465-4400) to help determine whether a particular change is significant and to schedule a meeting with the CPC if necessary.
7. To raise awareness about this important program and support for the Community Preservation Act, efforts shall be made to credit this funding in written materials and with signage at the project location stating, *"This project has been generously supported by the City of Newburyport Community Preservation Fund."*

Please sign and return the enclosed duplicate copy of this letter to acknowledge your organization's agreement with the above terms. You may contact Kate Newhall-Smith in the Planning Office at 978-465-4400 with questions related to this award and agreement, or the Newburyport Community Preservation Program more generally.

We look forward to the successful completion of your project.

Sincerely,

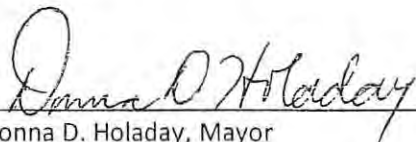


Michael Dissette
Chair, Community Preservation Committee

Acknowledged and Agreed

The City of Newburyport,

Central Congregational Church, United Church of Christ,



Donna D. Holaday, Mayor

Signatory above acknowledges and affirms that he/she has the authority to execute this Agreement on behalf of Recipient

**APPOINTMENTS
SECOND 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

CITY CLERK'S OFFICE
NEWBURYPORT, MA

2019 MAR 19 AM 10:50

To: President and Members of the
City Council

From: Donna D. Holaday, Mayor

Date: March 19, 2019

Subject: Confirmatory Re-Appointment
Scrivener's Error

I hereby re-appoint, subject to your approval, the following
named individual as member of the Harbor Commission.
This term will expire on December 31, 2022.

Christopher Kealey
8 Payson Street
Newburyport, MA 01950

Appt 082-02-25-19



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

CITY CLERK'S OFFICE
NEWBURYPORT, MA

2019 FEB 14 PM 12:22

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: February 13, 2019

Subject: Re-Appointment

I hereby re-appoint, subject to your approval, the following named individual as Assistant Harbormaster and Special Police Officer for the purposes of local, State and Federal laws and regulations with respect to waterways, marine activities and boating. This term will expire on December 31, 2022.

Christopher Kealey
8 Payson Street
Newburyport, MA 01950

scrivener's error - confirmatory appt
(2 readings)

SECOND READING APPOINTMENTS

- APPT089_03_11_19 Paul Healy 8 N St Conservation Commission 5/1/2022
- APPT090_03_11_19 Dr. Sam A. Merabi 7 Brown Sq Board of Health 4/1/2022

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

ORDERS

CITY OF NEWBURYPORT



IN CITY COUNCIL

ORDERED:

March 25, 2018

THAT, The CITY COUNCIL of the City of Newburyport accepts with gratitude a gift from Scott Signore of an oil painting by Richard M. Gibney of buildings along the waterfront before demolition by the Newburyport Redevelopment Authority in the amount of \$1,500.00 in accordance with M.G.L. Chapter 44, Section 53A.

Councillor Charles F. Tontar
Chair, Budget & Finance Committee

ORDINANCES

CITY OF NEWBURYPORT



March 25, 2019

 IN CITY COUNCIL

ORDERED:

AN ORDINANCE TO AMEND ARTICLE XXVII (DOWNTOWN OVERLAY DISTRICT) OF THE ZONING ORDINANCE OF THE CITY OF NEWBURYPORT

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

THAT Section XXVII-F of Article XXVII the Zoning Ordinance be amended pursuant to Section XII-B, entitled "Adoption and Amendment," to read as follows, with deletions ~~stricken-through~~ **and in bold**, and additions **double-underlined and in bold**:

XXVII-F Procedure and criteria.

...

...

2. *Documentation required to support an application:* To support an application for a DOD-SP, the owner shall provide as part of the application to the SPGA documentation regarding: (i) the historic building, structure, or exterior architectural feature proposed to be demolished or altered, including, but not limited to, any data sheets or survey forms for such historic building or structure that have been prepared in connection with the Newburyport Historic District; (ii) historic, if any, and current photographs of the relevant elevations and exterior architectural features; (iii) architectural plans, elevations and/or renderings depicting the proposed new construction, demolition, or alteration; and (iv) photographs of the adjacent buildings or structures, or setting. The owner (applicant) shall also be responsible for submitting a copy of the above materials to the historical commission no less than ~~twenty-one (21)~~**thirty (30)** calendar days prior to the submission of an application to the SPGA. Such submission shall be a prerequisite for the submission of an application to the SPGA under this section. The office of planning and development shall develop a standardized application form for use by the SPGA and applicants, and for the purposes of determining the completeness of all applications in accordance with this section.
3. *U.S. Secretary of the Interior's standards:* In reviewing an application under this section, and except as otherwise provided herein, the SPGA or the office of planning and development, as the case may be, shall consider, but in its sole discretion need not adhere to, any relevant provisions of the United States Secretary of the Interior's "Standards for the Treatment of Historic Properties With Guidelines for Preserving, Rehabilitating, Restoring & Reconstructing Historic

Buildings," as they may be amended from time to time, including all related guidelines, bulletins and other official guidance promulgated by the National Park Service (Secretary's Standards).

4. *Procedure, requirements and criteria for review of proposed demolition:*

...

- b. *Demolition of historic buildings and structures:* The SPGA may approve demolition of an historic building or structure only if it makes written findings based upon substantial evidence in the record that such historic building or structure retains no substantial remaining market value or reasonable use, taking into account the cost of rehabilitation to meet the requirements of the State Building Code as it applies to historic buildings or structures, or of other applicable laws. Costs necessitated by any new construction, alteration, or demolition conducted in violation of this section shall not be included in the calculation of rehabilitation costs.

Advisory reports: **Pursuant to M.G.L.A. c. 44, § 53G, and** ~~To aid the SPGA in its review, the owner shall pay all costs for the SPGA to engage an architect, architectural historian, builder specializing in historic preservation, engineer specializing in historic preservation, or other similar consultant either a properly licensed architect or engineer experienced in the restoration of historic structures, or a recognized building preservation specialist,~~ in the discretion of the SPGA, deemed necessary in opinion of the SPGA to investigate and prepare a written report upon the existing condition and feasibility of preservation of the historic building or structure proposed for demolition (Conditions Report). The SPGA shall engage such architect, engineer, or specialist no later than ~~seven (7)~~**thirty (30)** calendar days after its having opened the required public hearing on the matter. Said Conditions Report shall include an estimate of the reasonable cost to rehabilitate the relevant building or structure to meet the requirements of the State Building Code as it applies to historic buildings or structures. No later than ~~forty-five (45)~~**twenty (20)** calendar days after the SPGA has received a complete application, the historical commission may submit to the SPGA its written report (Historical Report) regarding: (x) the significance of the historic building or structure proposed for demolition; and (y) the relative importance of such historic building or structure to its setting within the DOD. Before acting on a DOD-SP application to demolish an historic building or structure, the SPGA shall consider both the Conditions Report and any Historical Report submitted by the historical commission. In addition, **pursuant to M.G.L.A. c. 44, § 53G,** the owner shall pay all costs for the SPGA to engage a properly licensed real estate appraiser ~~deemed reasonably necessary in opinion of the SPGA~~ to investigate and prepare a written report upon the existing market value of the relevant historic building or structure (Appraisal Report), for the purposes of comparing this value against the cost estimate contained within the Conditions Report.

- c. *Demolition of historic exterior architectural features:* Historic exterior architectural features shall be retained and repaired whenever reasonably feasible. If the SPGA determines that such features cannot reasonably be

retained and repaired, then they shall be replaced in kind, both in design and materials, whenever reasonably feasible.

Advisory reports: Pursuant to M.G.L.A. c. 44, § 53G, and ~~t~~To aid the SPGA in its review, ~~and provided the SPGA makes a written finding that the proposed demolition is of sufficient scope to justify the time and expense,~~ the owner shall pay all costs for the SPGA to engage an architect, architectural historian, builder specializing in historic preservation, engineer specializing in historic preservation, or other similar consultant~~either a properly licensed architect or engineer experienced in the restoration of historic structures, or a recognized building preservation specialist, in the discretion of the SPGA, deemed necessary in opinion of the SPGA~~ to investigate and prepare a written report upon the existing conditions and feasibility of preservation of the relevant historic exterior architectural features (Conditions Report). Said Conditions Report shall include an estimate of the reasonable cost of all work required to preserve, rehabilitate, or restore the relevant historic exterior architectural features. No later than ~~forty-five (45)~~twenty (20) calendar days after the SPGA has received a complete application, the historical commission may submit to the SPGA a written report regarding application of the relevant criteria of this section the proposed work (Historical Report). Before acting on a DOD-SP application, the SPGA shall consider both the Conditions Report, if any, and any Historical Report submitted by the historical commission.

- d. *Employment of outside consultants:* The portions of this subsection XXVII-F.4 (and its regulations, if any) requiring the payment of consultant fees by the owner are promulgated under the concurrent authority of M.G.L.A. c. 44, § 53G.

...

5. *Procedure, requirements and criteria for review of proposed new construction and alterations:*

...

- iii. *Advisory reports:* Pursuant to M.G.L.A. c. 44, § 53G, and ~~t~~To aid the SPGA in its review, ~~and provided the SPGA makes a written finding that the proposed alteration of an historic exterior architectural feature is of sufficient scope to justify the time and expense,~~ the owner shall pay all costs for the SPGA to engage an architect, architectural historian, builder specializing in historic preservation, engineer specializing in historic preservation, or other similar consultant~~either a properly licensed architect or engineer experienced in the restoration of historic structures, or a recognized building preservation specialist, in the discretion of the SPGA, deemed necessary in the opinion of the SPGA~~ to investigate and prepare a written report upon the existing conditions and feasibility of preservation of the relevant historic exterior architectural feature (Conditions Report). Said Conditions Report shall include an estimate of the reasonable cost to rehabilitate the relevant historic exterior

architectural feature to meet the requirements of the State Building Code as it applies to historic buildings or structures. No later than ~~forty-five (45)~~**twenty (20)** calendar days after the SPGA has received a complete application, the historical commission may submit to the SPGA a written report regarding application of the relevant criteria of this section to the proposed new construction or alteration (Historical Report). Before acting on a DOD-SP application, the SPGA shall consider both the Conditions Report, if any, and any Historical Report submitted by the historical commission. The portions of this subsection XXVII-F.5 (and its regulations, if any) requiring the payment of consultant fees are promulgated under the concurrent authority of M.G.L.A. c. 44, § 53G.

...

- d. *Staff-level review:* The office of planning and development shall review and approve for consistency with this section the proposed alteration, demolition or replacement of windows, doors, signs, and/or awnings when such work is unaccompanied by other work subject to this section, in which case exclusion 3 shall apply under subsection XXVII-E and no DOD-SP shall be required. Any proposed new window or door opening in an external wall of an historic building or structure shall require a DOD-SP.

- e. *Windows:* Mirrored, tinted or heat-reflective glass or coatings, as well as interior applied or removable muntin bars, shall be prohibited. Otherwise, the SPGA or the office of planning and development, as the case may be, shall review and may approve on a case-by-case basis alternatives to historic window materials, **in all cases consistent with the DOD Window Guidelines, dated _____, 2019, and on file with the office of planning and development.** Parts of replacement windows, such as exterior molding and/or casing, exterior frames, and exterior sash windows shall match those of the historic windows whenever reasonably feasible. Muntins, whether structural or applied, shall have an exterior, three-dimensional profile, and a width appropriate to the architectural style of the historic building or structure. **Said muntins shall also have a tapered profile and coped joints as applicable to the period of the historic building or structure, consistent with Figure _____.** The SPGA shall review and may approve on a case-by-case basis all proposed new window openings in the external walls of an historic building or structure to ensure that they are consistent with historically accurate window arrangements.

...

Councillor Jared J. Eigerman

CITY OF NEWBURYPORT



IN CITY COUNCIL

ORDERED:

March 25, 2019

AN ORDINANCE TO ESTABLISH THE REGULATION OF THE USE OF GLYPHOSATE

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

Section 1: Introduction

There is widespread use of pesticides including herbicides for the control of weeds and other unwanted vegetation, insecticides for controlling a wide variety of insects, fungicides used to prevent mold and mildew and disinfectants for the prevention of bacteria and various compounds for the control of mice and rats. Any government, whether local, state or federal, has the inherent duty to protect the health and safety of its citizens and to regulate the use of its own property. As appropriate and based upon scientific data analysis, the City of Newburyport should respond to any credible harm to its citizens by taking necessary measures on the use of its own property.

Section 2: Health Concerns and Rationale

Certain herbicides, such as the brand names Roundup and Rodeo, contain glyphosate in an effort to control weeds and broadleaf plants. Although there has some disagreement among the scientific community, the International Agency for Research on Cancer ('IARC') has classified glyphosate as 'probably carcinogenic'. RoundUp is used most heavily on corn, soy, and cotton crops that have been genetically modified to withstand glyphosate. Glyphosate binds tightly to the soil and persist for up to 6 months depending on the type of soil.

Section 3: Definition

Glyphosate: a synthetic compound which is a nonselective systemic herbicide, particularly effective against perennial weeds. Glyphosate will kill most plants by preventing the plants from making certain proteins that are needed for plant growth. Glyphosate stops a specific enzyme

pathway, the shikimic acid pathway. The shikimic acid pathway is necessary for plants and some microorganisms.

Section 4: Authority

The provisions of Massachusetts General Laws Chapter 132B, the Massachusetts Pesticide Control Act, provide a comprehensive scheme regarding the regulation of pesticides in the Commonwealth. The City has certain inherent authority to regulate the use of its own property. This ordinance shall act as a measure of the City to regulate City-owned property and therefore is within the purview of the City. It does not seek to regulate the overall use of pesticides.

Section 5: Regulation

For the aforementioned reasons the use and application of glyphosate, either by the City of Newburyport employees or by private contractors, is prohibited on all Parks Commission lands and City of Newburyport lands, including school fields which shall comply with the School Children and Families Protection Act; except for certain exemptions and emergency waivers. Said exemptions and emergency waivers and any necessary regulations thereunder shall be issued and authorized by the Newburyport Board of Health.

Section 6: Regulations and Enforcement

The Newburyport Board of Health, pursuant to Massachusetts General Laws Chapter 111, Section 31, may make reasonable health regulations and furthermore, pursuant to Massachusetts General Laws Chapter 111, Section 122, may make regulations for the public health and safety relative nuisances and causes of sickness.

The Board of Health by and through its Health Director is hereby designated as the enforcement agent for any violations hereunder.

Section 7: Penalties

The penalty for any violation of this ordinance shall be a fine in the amount of five hundred (\$500.00) dollars for a first offense and one thousand (\$1000.00) dollars for second and subsequent offenses. Each application of a prohibited product under this ordinance shall be deemed to be a separate offense. Citations for violations of a prohibited product may be in such form as the Board of Health may determine.

Councillor Gregory D. Earls

Councillor Barry N. Connell

COMMITTEE ITEMS

March 25, 2019
Committee Items Budget & Finance

- **TRAN040_03_11_19** – Health Ins \$30.5K to Fire Protect Cloth \$28K, CLK Admin \$2.5K.
- **COMM107_01_28_19** – FY2019 Mid-Year Budget Report.
- **COMM121_03_11_19** – Annual Audit of the City’s FY2018 Financial Statements.

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City of Newburyport

FY 2019

BUDGET TRANSFER REQUEST

CITY CLERK'S OFFICE
NEWBURYPORT, MA

MAY 11 3:23 PM '19

Department: Mayor's Office
Submitted by: Donna D. Holaday, Mayor **Date Submitted:** 3/11/2019

Transfer From:

Account Name	<u>Health Insurance</u>	YTD Bal:	<u>\$ 3,244,403.41</u>
Account Number:	<u>01914001-51700</u>	Bud Cat:	<u>\$ 3,387,033.28</u>
Amount:	<u>\$30,500.00</u>	Trans I/O:	<u>\$ (119,850.00)</u>
Why are Funds Available:	<u>A surplus is anticipated in the health insurance line item at year-end.</u>		

Transfer To:

Account Name	<u>Fire Protective Clothing</u>	YTD Bal:	<u>\$ (7,966.76)</u>
Account Number:	<u>01220004-54317</u>	Bud Cat:	<u>\$ 5,944.68</u>
Amount:	<u>\$28,000.00</u>	Trans I/O:	<u>\$ -</u>
Why are Funds Needed:	<u>See attached explanatory memo from Chief LeClaire.</u>		

Transfer To:

Account Name	<u>CLK Administration</u>	YTD Bal:	<u>\$ 2,470.62</u>
Account Number:	<u>01161002-54200</u>	Bud Cat:	<u>\$ 2,244.68</u>
Amount:	<u>\$2,500.00</u>	Trans I/O:	<u>\$ -</u>
Why are Funds Needed:	<u>A deficit is anticipated in this account by year-end due to additional expenses incurred, such as the MMA annual meeting and business cards.</u>		

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

Donna D. Holaday
Ethan R. Manning

Date: 3/5/19
 Date: 3/5/19

Newburyport Fire Department

Office of the Fire Chief

To: Mayor Donna Holaday, Council President Barry Connell, members of the City Council

From: Chief Christopher J. LeClaire

Date: March 5, 2019

Re: Transfer for Protective Clothing Purchase

The fire department is requesting a transfer of **\$28,000.00** to the department's protective clothing budget line to purchase eight (8) sets of protective clothing; the pants and coat ensemble for structural firefighting worn by our firefighters to protect them from the effects of extreme thermal and hazardous materials exposure.

NFPA (National Fire Protection Association) 1851 – The Selection, Care and Maintenance of Structural Fire Fighting Protective Clothing - has imposed a 10-year service life limit based on the manufacturing date for any structural firefighting ensemble element including garments, helmets, gloves, footwear and hoods. This means that gear over ten (10) years old needs to be replaced.

Also, cancer rates among firefighters have skyrocketed across the country. This trend has placed renewed emphasis on protecting our personnel from the effects of the combustion process which includes exposure to carcinogens. The first layer of protection is the firefighter's protective clothing. It is imperative that all personnel have gear that is within that life cycle and that each member has at least two complete sets so that one set is always clean and ready for service.

March 5, 2019

This transfer of \$28,000, coupled with next year's budget line of \$20,000 will help the department catch up on gear purchases to insure that all members have current sets of gear and that we are in compliant with NFPA 1851.

Thank you in advance for your support of this transfer request and for your commitment to the city's firefighters and their health and well-being.



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
 2019 JAN 18 AM 11:48

bet

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 18, 2019

Subject: FY2019 Mid-Year Budget Report

Attached is the FY2019 Mid-Year Budget Report that includes a summary of budget expenditures for the period of July 1, 2018 through December 31, 2018. 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.

FY2019 Mid-Year Expenditures

Mid-year expenditures were at 48.8% of budget for the General Fund, 50.2% for the Water Enterprise Fund, 43.9% for the Sewer Enterprise Fund and 62.1% 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	\$67,633,552	\$33,016,601	\$34,669,347	48.8%
060 WATER ENTERPRISE FUND	\$5,472,514	\$2,745,216	\$2,726,778	50.2%
061 SEWER ENTERPRISE FUND	\$7,406,393	\$3,251,382	\$4,155,011	43.9%
6520 HARBORMASTER ENTERPRISE FUND	\$524,040	\$325,670	\$198,370	62.1%
TOTAL BUDGETARY FUNDS	\$81,036,498	\$39,338,870	\$41,749,506	48.5%

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

- **General Administration (67.5%)**: A large component of this cost center is municipal insurance premiums, which are paid at the start of the fiscal year.
- **Information Technology (64.1%)**: Licenses, including the license for the City's MUNIS financial software, are paid in July, resulting in higher expenditures in the first half.
- **Board of Registrar's (91.0%)**: Elections work during the first half of the fiscal year largely expended this cost center.
- **License Commission (62.9%)**: Expenses for the Licensing Commission are driven by the number of meetings held each month. The Commission met more frequently during the first half of the fiscal year.
- **Planning Board (83.3%)**: Funding for minute takers is drawn first from the General Fund budget and then from the revolving fund.
- **Zoning Board (77.8%)**: Funding for minute takers is drawn first from the General Fund budget and then from the revolving fund.
- **Parking Clerk (68.4%)**: During FY19, there was an extension of enforcement hours, as well as, contractual pay increases for Parking Enforcement Officers. As a result personnel costs have trended higher than budget.
- **Essex North Shore Technical School (73.7%)**: Tuition and transportation is paid in the first half of the fiscal year.
- **Historical Commission (91.7%)**: 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 deficits.

FY2019 Mid-Year Revenue

Mid-year revenue was at 47.3% of the FY19 estimate for the General Fund, 55.8% for the Water Enterprise Fund, 54.9% for the Sewer Enterprise Fund and 45.4% for the Harbormaster Enterprise Fund. On the following page 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	\$66,711,206	\$31,545,757	\$35,165,449	47.3%
060 WATER ENTERPRISE FUND	\$5,360,014	\$2,989,116	\$2,370,898	55.8%
061 SEWER ENTERPRISE FUND	\$7,018,893	\$3,855,631	\$3,163,262	54.9%
6520 HARBORMASTER ENTERPRISE FUND	\$482,829	\$219,341	\$263,489	45.4%
TOTAL BUDGETARY FUNDS	\$79,572,941	\$38,609,844	\$40,963,097	48.5%

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
FY2019 Mid-Year Expenditure Summary

	ORIGINAL APPROP.	TRANSFERS/ ADJUST.	REVISED BUDGET	YTD EXPENDED	REMAINING BUDGET	% USED
001 GENERAL FUND						
111 CITY COUNCIL	\$72,543	\$0	\$72,543	\$35,012	\$37,531	48.3%
121 MAYOR'S DEPARTMENT	\$296,023	\$0	\$296,023	\$129,552	\$166,470	43.8%
129 GENERAL ADMINISTRATION	\$409,412	(\$33,488)	\$375,924	\$253,579	\$122,344	67.5%
135 AUDITOR'S DEPARTMENT	\$327,856	\$0	\$327,856	\$162,736	\$165,119	49.6%
141 ASSESSORS DEPARTMENT	\$234,121	\$1,696	\$235,817	\$117,793	\$118,024	50.0%
145 TREASURER'S DEPARTMENT	\$306,181	\$4,961	\$311,142	\$149,200	\$161,942	48.0%
151 INFO TECHNOLOGY DEPT	\$320,817	\$7,000	\$327,817	\$210,282	\$117,536	64.1%
152 HUMAN RESOURCES	\$320,267	\$0	\$320,267	\$189,882	\$130,385	59.3%
161 CITY CLERK'S DEPARTMENT	\$258,732	\$0	\$258,732	\$132,956	\$178,173	51.4%
163 BOARD OF REGISTRARS	\$44,260	\$0	\$44,260	\$40,269	\$3,991	91.0%
165 LICENSE COMMISSION	\$6,340	\$0	\$6,340	\$3,988	\$2,352	62.9%
171 CONSERVATION COMMISSION	\$1,800	\$0	\$1,800	\$1,050	\$750	58.3%
175 PLANNING BOARD	\$1,800	\$0	\$1,800	\$1,500	\$300	83.3%
176 ZONING BOARD	\$1,800	\$0	\$1,800	\$1,400	\$400	77.8%
182 PLANNING & DEVELOPMENT	\$314,511	\$2,366	\$316,877	\$158,690	\$158,187	50.1%
191 LEGAL DEPARTMENT	\$100,000	\$0	\$100,000	\$28,186	\$71,814	28.2%
210 POLICE DEPARTMENT	\$3,959,748	\$0	\$3,959,748	\$2,044,100	\$1,915,648	51.6%
220 FIRE DEPARTMENT	\$3,731,744	\$0	\$3,731,744	\$1,997,870	\$1,733,874	53.5%
241 BUILDING DEPARTMENT	\$180,313	\$3,204	\$183,516	\$88,663	\$94,854	48.3%
291 EMERGENCY MANAGEMENT	\$31,100	\$0	\$31,100	\$10,650	\$20,450	34.2%
292 ANIMAL CONTROL	\$66,052	\$0	\$66,052	\$27,443	\$38,609	41.5%
293 PARKING CLERK DEPARTMENT	\$409,586	\$0	\$409,586	\$280,269	\$129,317	68.4%
300 SCHOOL DEPARTMENT	\$29,850,374	\$0	\$29,850,374	\$12,214,535	\$17,635,839	40.9%
398 ESSEX NORTH SHORE TECH SCHOOL	\$73,000	\$0	\$73,000	\$53,832	\$19,168	73.7%
399 WHITTIER VO TECH SCHOOL	\$622,252	\$0	\$622,252	\$311,126	\$311,126	50.0%
421 PUBLIC SERVICES DEPARTMENT	\$3,054,696	\$106,563	\$3,161,259	\$1,344,242	\$1,817,017	42.5%
423 SNOW & ICE	\$210,000	\$0	\$210,000	\$55,180	\$154,820	26.3%
510 HEALTH DEPARTMENT	\$247,909	\$1,519	\$249,428	\$109,033	\$140,395	43.7%
519 SUSTAINABILITY	\$1,541,906	\$15,000	\$1,556,906	\$738,219	\$818,687	47.4%
541 COUNCIL ON AGING	\$298,226	\$3,149	\$301,374	\$146,952	\$154,423	48.8%
542 YOUTH SERVICES	\$294,368	\$0	\$294,368	\$132,473	\$161,895	45.0%
543 VETERANS' DEPARTMENT	\$286,761	\$1,401	\$288,161	\$113,167	\$174,994	39.3%
610 LIBRARY DEPARTMENT	\$1,384,162	\$1,380	\$1,385,542	\$714,797	\$670,745	51.6%
630 PARKS COMMISSION	\$238,050	\$0	\$238,050	\$138,191	\$99,859	58.1%
691 HISTORICAL COMMISSION	\$1,800	\$0	\$1,800	\$1,650	\$150	91.7%
710 DEBT EXCLUSION	\$3,178,737	\$0	\$3,178,737	\$1,335,975	\$1,842,762	42.0%
720 ORDINARY DEBT SERVICE	\$954,098	\$0	\$954,098	\$614,495	\$339,603	64.4%
911 RETIREMENT BOARD	\$4,132,415	\$0	\$4,132,415	\$4,131,876	\$539	100.0%
914 INSURANCE GROUP	\$9,719,304	\$0	\$9,719,304	\$4,761,861	\$4,957,444	49.0%
921 COMMISSION ON DISABILITY	\$2,640	\$0	\$2,640	\$830	\$1,810	31.4%
990 INTERFUND TRANSFERS OUT	\$0	\$33,100	\$33,100	\$33,100	\$0	100.0%
001 GENERAL FUND Total	\$67,485,702	\$147,850	\$67,633,552	\$33,016,601	\$34,669,347	48.8%
060 WATER ENTERPRISE FUND Total	\$5,460,014	\$12,500	\$5,472,514	\$2,745,216	\$2,726,778	50.2%
061 SEWER ENTERPRISE FUND Total	\$7,393,893	\$12,500	\$7,406,393	\$3,251,382	\$4,155,011	43.9%
6520 HARBORMASTER ENTERPRISE FUND Total	\$482,829	\$41,211	\$524,040	\$325,670	\$198,370	62.1%
Grand Total	\$80,822,437	\$214,061	\$81,036,498	\$39,338,870	\$41,749,506	48.5%



City of Newburyport
FY2019 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	\$61,043	\$0	\$61,043	\$30,509	\$30,534	50.0%
002 PURCHASE OF SERVICES	\$11,500	\$0	\$11,500	\$4,503	\$6,997	39.2%
111 CITY COUNCIL Total	\$72,543	\$0	\$72,543	\$35,012	\$37,531	48.3%
121 MAYOR'S DEPARTMENT						
001 PERSONNEL SERVICES	\$240,023	\$0	\$240,023	\$106,477	\$133,546	44.4%
002 PURCHASE OF SERVICES	\$40,000	\$0	\$40,000	\$20,000	\$20,000	50.0%
007 OTHER CHARGES & EXPENSES	\$16,000	\$0	\$16,000	\$3,076	\$12,924	19.2%
121 MAYOR'S DEPARTMENT Total	\$296,023	\$0	\$296,023	\$129,552	\$166,470	43.8%
129 GENERAL ADMINISTRATION						
001 PERSONNEL SERVICES	\$28,500	\$2,250	\$30,750	\$13,386	\$17,364	43.5%
002 PURCHASE OF SERVICES	\$154,500	\$0	\$154,500	\$68,535	\$85,965	44.4%
004 SUPPLIES	\$9,000	\$0	\$9,000	\$1,333	\$7,667	14.8%
007 OTHER CHARGES & EXPENSES	\$217,412	(\$35,738)	\$181,674	\$170,326	\$11,348	93.8%
129 GENERAL ADMINISTRATION Total	\$409,412	(\$33,488)	\$375,924	\$253,579	\$122,344	67.5%
135 AUDITOR'S DEPARTMENT						
001 PERSONNEL SERVICES	\$279,401	\$0	\$279,401	\$137,769	\$141,631	49.3%
002 PURCHASE OF SERVICES	\$46,500	\$0	\$46,500	\$23,652	\$22,848	50.9%
004 SUPPLIES	\$1,500	\$0	\$1,500	\$860	\$640	57.4%
007 OTHER CHARGES & EXPENSES	\$455	\$0	\$455	\$455	\$0	100.0%
135 AUDITOR'S DEPARTMENT Total	\$327,856	\$0	\$327,856	\$162,736	\$165,119	49.6%
141 ASSESSORS DEPARTMENT						
001 PERSONNEL SERVICES	\$204,581	\$1,696	\$206,277	\$103,139	\$103,139	50.0%
002 PURCHASE OF SERVICES	\$25,990	\$0	\$25,990	\$13,040	\$12,950	50.2%
004 SUPPLIES	\$3,000	\$0	\$3,000	\$1,134	\$1,866	37.8%
007 OTHER CHARGES & EXPENSES	\$550	\$0	\$550	\$480	\$70	87.3%
141 ASSESSORS DEPARTMENT Total	\$234,121	\$1,696	\$235,817	\$117,793	\$118,024	50.0%
145 TREASURER'S DEPARTMENT						
001 PERSONNEL SERVICES	\$261,881	\$4,961	\$266,842	\$128,938	\$137,904	48.3%
002 PURCHASE OF SERVICES	\$38,700	\$0	\$38,700	\$17,541	\$21,159	45.3%
004 SUPPLIES	\$3,800	\$0	\$3,800	\$1,421	\$2,379	37.4%
007 OTHER CHARGES & EXPENSES	\$1,800	\$0	\$1,800	\$1,300	\$500	72.2%
145 TREASURER'S DEPARTMENT Total	\$306,181	\$4,961	\$311,142	\$149,200	\$161,942	48.0%
151 INFO TECHNOLOGY DEPT						
001 PERSONNEL SERVICES	\$92,928	\$7,000	\$99,928	\$49,964	\$49,964	50.0%
002 PURCHASE OF SERVICES	\$225,890	\$0	\$225,890	\$159,668	\$66,222	70.7%
004 SUPPLIES	\$2,000	\$0	\$2,000	\$650	\$1,350	32.5%
151 INFO TECHNOLOGY DEPT Total	\$320,817	\$7,000	\$327,817	\$210,282	\$117,536	64.1%



City of Newburyport
FY2019 Mid-Year Expenditures by Category

	ORIGINAL APPROP.	TRANSFERS/ ADJUST.	REVISED BUDGET	YTD EXPENDED	REMAINING BUDGET	% USED
152 HUMAN RESOURCES						
001 PERSONNEL SERVICES	\$169,056	(\$2,000)	\$167,056	\$69,260	\$97,796	41.5%
002 PURCHASE OF SERVICES	\$149,511	\$500	\$150,011	\$118,443	\$31,568	79.0%
004 SUPPLIES	\$1,500	\$1,500	\$3,000	\$2,179	\$821	72.6%
007 OTHER CHARGES & EXPENSES	\$200	\$0	\$200	\$0	\$200	0.0%
152 HUMAN RESOURCES Total	\$320,267	\$0	\$320,267	\$189,882	\$130,385	59.3%
161 CITY CLERK'S DEPARTMENT						
001 PERSONNEL SERVICES	\$246,632	\$0	\$246,632	\$125,647	\$173,381	50.9%
002 PURCHASE OF SERVICES	\$12,100	\$0	\$12,100	\$7,309	\$4,791	60.4%
161 CITY CLERK'S DEPARTMENT Total	\$258,732	\$0	\$258,732	\$132,956	\$178,173	51.4%
163 BOARD OF REGISTRARS						
001 PERSONNEL SERVICES	\$4,260	\$0	\$4,260	\$2,130	\$2,130	50.0%
007 OTHER CHARGES & EXPENSES	\$40,000	\$0	\$40,000	\$38,139	\$1,861	95.3%
163 BOARD OF REGISTRARS Total	\$44,260	\$0	\$44,260	\$40,269	\$3,991	91.0%
165 LICENSE COMMISSION						
001 PERSONNEL SERVICES	\$5,340	\$0	\$5,340	\$3,750	\$1,590	70.2%
007 OTHER CHARGES & EXPENSES	\$1,000	\$0	\$1,000	\$238	\$762	23.8%
165 LICENSE COMMISSION Total	\$6,340	\$0	\$6,340	\$3,988	\$2,352	62.9%
171 CONSERVATION COMMISSION						
001 PERSONNEL SERVICES	\$1,800	\$0	\$1,800	\$1,050	\$750	58.3%
171 CONSERVATION COMMISSION Total	\$1,800	\$0	\$1,800	\$1,050	\$750	58.3%
175 PLANNING BOARD						
001 PERSONNEL SERVICES	\$1,800	\$0	\$1,800	\$1,500	\$300	83.3%
175 PLANNING BOARD Total	\$1,800	\$0	\$1,800	\$1,500	\$300	83.3%
176 ZONING BOARD						
001 PERSONNEL SERVICES	\$1,800	\$0	\$1,800	\$1,400	\$400	77.8%
176 ZONING BOARD Total	\$1,800	\$0	\$1,800	\$1,400	\$400	77.8%
182 PLANNING & DEVELOPMENT						
001 PERSONNEL SERVICES	\$297,461	\$2,366	\$299,827	\$151,987	\$147,840	50.7%
002 PURCHASE OF SERVICES	\$12,000	\$0	\$12,000	\$5,148	\$6,853	42.9%
004 SUPPLIES	\$5,050	\$0	\$5,050	\$1,556	\$3,494	30.8%
182 PLANNING & DEVELOPMENT Total	\$314,511	\$2,366	\$316,877	\$158,690	\$158,187	50.1%
191 LEGAL DEPARTMENT						
002 PURCHASE OF SERVICES	\$100,000	\$0	\$100,000	\$28,186	\$71,814	28.2%
191 LEGAL DEPARTMENT Total	\$100,000	\$0	\$100,000	\$28,186	\$71,814	28.2%



City of Newburyport
FY2019 Mid-Year Expenditures by Category

	ORIGINAL APPROP.	TRANSFERS/ ADJUST.	REVISED BUDGET	YTD EXPENDED	REMAINING BUDGET	% USED
210 POLICE DEPARTMENT						
001 PERSONNEL SERVICES	\$3,616,739	\$0	\$3,616,739	\$1,864,804	\$1,751,935	51.6%
002 PURCHASE OF SERVICES	\$167,459	\$0	\$167,459	\$77,343	\$90,116	46.2%
004 SUPPLIES	\$84,100	\$0	\$84,100	\$30,370	\$53,730	36.1%
007 OTHER CHARGES & EXPENSES	\$20,450	\$0	\$20,450	\$12,841	\$7,609	62.8%
008 CAPITAL OUTLAY	\$71,000	\$0	\$71,000	\$58,741	\$12,259	82.7%
210 POLICE DEPARTMENT Total	\$3,959,748	\$0	\$3,959,748	\$2,044,100	\$1,915,648	51.6%
220 FIRE DEPARTMENT						
001 PERSONNEL SERVICES	\$3,492,294	\$0	\$3,492,294	\$1,850,250	\$1,642,044	53.0%
002 PURCHASE OF SERVICES	\$177,500	\$0	\$177,500	\$96,442	\$81,058	54.3%
004 SUPPLIES	\$56,500	\$0	\$56,500	\$48,654	\$7,846	86.1%
007 OTHER CHARGES & EXPENSES	\$5,450	\$0	\$5,450	\$2,524	\$2,926	46.3%
220 FIRE DEPARTMENT Total	\$3,731,744	\$0	\$3,731,744	\$1,997,870	\$1,733,874	53.5%
241 BUILDING DEPARTMENT						
001 PERSONNEL SERVICES	\$179,313	\$3,204	\$182,516	\$87,932	\$94,584	48.2%
002 PURCHASE OF SERVICES	\$1,000	\$0	\$1,000	\$731	\$269	73.1%
241 BUILDING DEPARTMENT Total	\$180,313	\$3,204	\$183,516	\$88,663	\$94,854	48.3%
291 EMERGENCY MANAGEMENT						
001 PERSONNEL SERVICES	\$16,000	\$0	\$16,000	\$8,000	\$8,000	50.0%
002 PURCHASE OF SERVICES	\$12,000	\$0	\$12,000	\$2,651	\$9,349	22.1%
004 SUPPLIES	\$1,100	\$0	\$1,100	\$0	\$1,100	0.0%
007 OTHER CHARGES & EXPENSES	\$2,000	\$0	\$2,000	\$0	\$2,000	0.0%
291 EMERGENCY MANAGEMENT Total	\$31,100	\$0	\$31,100	\$10,650	\$20,450	34.2%
292 ANIMAL CONTROL						
001 PERSONNEL SERVICES	\$57,072	\$0	\$57,072	\$25,283	\$31,789	44.3%
002 PURCHASE OF SERVICES	\$6,340	\$0	\$6,340	\$633	\$5,707	10.0%
004 SUPPLIES	\$2,290	\$0	\$2,290	\$1,277	\$1,013	55.7%
007 OTHER CHARGES & EXPENSES	\$350	\$0	\$350	\$251	\$99	71.7%
292 ANIMAL CONTROL Total	\$66,052	\$0	\$66,052	\$27,443	\$38,609	41.5%
293 PARKING CLERK DEPARTMENT						
001 PERSONNEL SERVICES	\$157,886	\$0	\$157,886	\$117,356	\$40,530	74.3%
002 PURCHASE OF SERVICES	\$165,900	\$0	\$165,900	\$112,456	\$53,444	67.8%
004 SUPPLIES	\$85,800	\$0	\$85,800	\$50,457	\$35,343	58.8%
293 PARKING CLERK DEPARTMENT Total	\$409,586	\$0	\$409,586	\$280,269	\$129,317	68.4%
300 SCHOOL DEPARTMENT						
002 PURCHASE OF SERVICES	\$29,850,374	\$0	\$29,850,374	\$12,214,535	\$17,635,839	40.9%
300 SCHOOL DEPARTMENT Total	\$29,850,374	\$0	\$29,850,374	\$12,214,535	\$17,635,839	40.9%
398 ESSEX NORTH SHORE TECH SCHOOL						
002 PURCHASE OF SERVICES	\$73,000	\$0	\$73,000	\$53,832	\$19,168	73.7%
398 ESSEX NORTH SHORE TECH SCHOOL Total	\$73,000	\$0	\$73,000	\$53,832	\$19,168	73.7%



City of Newburyport
FY2019 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	\$622,252	\$0	\$622,252	\$311,126	\$311,126	50.0%
399 WHITTIER VO TECH SCHOOL Total	\$622,252	\$0	\$622,252	\$311,126	\$311,126	50.0%
421 PUBLIC SERVICES DEPARTMENT						
001 PERSONNEL SERVICES	\$1,939,338	\$6,813	\$1,946,152	\$913,467	\$1,032,685	46.9%
002 PURCHASE OF SERVICES	\$561,237	\$19,750	\$580,987	\$243,079	\$337,908	41.8%
004 SUPPLIES	\$258,475	\$80,000	\$338,475	\$167,355	\$171,120	49.4%
008 CAPITAL OUTLAY	\$295,646	\$0	\$295,646	\$20,342	\$275,304	6.9%
421 PUBLIC SERVICES DEPARTMENT Total	\$3,054,696	\$106,563	\$3,161,259	\$1,344,242	\$1,817,017	42.5%
423 SNOW & ICE						
001 PERSONNEL SERVICES	\$105,000	\$0	\$105,000	\$9,875	\$95,125	9.4%
002 PURCHASE OF SERVICES	\$105,000	\$0	\$105,000	\$45,304	\$59,696	43.1%
423 SNOW & ICE Total	\$210,000	\$0	\$210,000	\$55,180	\$154,820	26.3%
510 HEALTH DEPARTMENT						
001 PERSONNEL SERVICES	\$207,125	\$1,519	\$208,644	\$100,976	\$107,668	48.4%
002 PURCHASE OF SERVICES	\$35,284	\$0	\$35,284	\$6,493	\$28,791	18.4%
004 SUPPLIES	\$4,500	\$0	\$4,500	\$913	\$3,587	20.3%
007 OTHER CHARGES & EXPENSES	\$1,000	\$0	\$1,000	\$650	\$350	65.0%
510 HEALTH DEPARTMENT Total	\$247,909	\$1,519	\$249,428	\$109,033	\$140,395	43.7%
519 SUSTAINABILITY						
001 PERSONNEL SERVICES	\$100,406	\$0	\$100,406	\$53,685	\$46,721	53.5%
002 PURCHASE OF SERVICES	\$1,440,500	\$15,000	\$1,455,500	\$684,010	\$771,490	47.0%
004 SUPPLIES	\$1,000	\$0	\$1,000	\$525	\$475	52.5%
519 SUSTAINABILITY Total	\$1,541,906	\$15,000	\$1,556,906	\$738,219	\$818,687	47.4%
541 COUNCIL ON AGING						
001 PERSONNEL SERVICES	\$259,726	\$3,149	\$262,874	\$128,492	\$134,382	48.9%
002 PURCHASE OF SERVICES	\$24,500	\$0	\$24,500	\$10,759	\$13,741	43.9%
004 SUPPLIES	\$14,000	\$0	\$14,000	\$7,700	\$6,300	55.0%
541 COUNCIL ON AGING Total	\$298,226	\$3,149	\$301,374	\$146,952	\$154,423	48.8%
542 YOUTH SERVICES						
001 PERSONNEL SERVICES	\$212,718	\$0	\$212,718	\$99,815	\$112,903	46.9%
002 PURCHASE OF SERVICES	\$25,300	\$0	\$25,300	\$8,595	\$16,705	34.0%
007 OTHER CHARGES & EXPENSES	\$56,350	\$0	\$56,350	\$24,063	\$32,287	42.7%
542 YOUTH SERVICES Total	\$294,368	\$0	\$294,368	\$132,473	\$161,895	45.0%
543 VETERANS' DEPARTMENT						
001 PERSONNEL SERVICES	\$126,621	\$1,401	\$128,021	\$57,573	\$70,448	45.0%
002 PURCHASE OF SERVICES	\$5,720	\$0	\$5,720	\$836	\$4,884	14.6%
007 OTHER CHARGES & EXPENSES	\$154,420	\$0	\$154,420	\$54,758	\$99,662	35.5%
543 VETERANS' DEPARTMENT Total	\$286,761	\$1,401	\$288,161	\$113,167	\$174,994	39.3%



City of Newburyport
FY2019 Mid-Year Expenditures by Category

	ORIGINAL APPROP.	TRANSFERS/ ADJUST.	REVISED BUDGET	YTD EXPENDED	REMAINING BUDGET	% USED
610 LIBRARY DEPARTMENT						
001 PERSONNEL SERVICES	\$1,041,550	\$1,380	\$1,042,930	\$505,784	\$537,146	48.5%
002 PURCHASE OF SERVICES	\$342,612	\$0	\$342,612	\$209,013	\$133,599	61.0%
610 LIBRARY DEPARTMENT Total	\$1,384,162	\$1,380	\$1,385,542	\$714,797	\$670,745	51.6%
630 PARKS COMMISSION						
001 PERSONNEL SERVICES	\$192,550	\$0	\$192,550	\$102,744	\$89,806	53.4%
002 PURCHASE OF SERVICES	\$40,500	\$0	\$40,500	\$31,602	\$8,898	78.0%
004 SUPPLIES	\$5,000	\$0	\$5,000	\$3,845	\$1,155	76.9%
630 PARKS COMMISSION Total	\$238,050	\$0	\$238,050	\$138,191	\$99,859	58.1%
691 HISTORICAL COMMISSION						
001 PERSONNEL SERVICES	\$1,800	\$0	\$1,800	\$1,650	\$150	91.7%
691 HISTORICAL COMMISSION Total	\$1,800	\$0	\$1,800	\$1,650	\$150	91.7%
710 DEBT EXCLUSION						
009 DEBT SERVICE	\$3,178,737	\$0	\$3,178,737	\$1,335,975	\$1,842,762	42.0%
710 DEBT EXCLUSION Total	\$3,178,737	\$0	\$3,178,737	\$1,335,975	\$1,842,762	42.0%
720 ORDINARY DEBT SERVICE						
009 DEBT SERVICE	\$954,098	\$0	\$954,098	\$614,495	\$339,603	64.4%
720 ORDINARY DEBT SERVICE Total	\$954,098	\$0	\$954,098	\$614,495	\$339,603	64.4%
911 RETIREMENT BOARD						
001 PERSONNEL SERVICES	\$4,132,415	\$0	\$4,132,415	\$4,131,876	\$539	100.0%
911 RETIREMENT BOARD Total	\$4,132,415	\$0	\$4,132,415	\$4,131,876	\$539	100.0%
914 INSURANCE GROUP						
001 PERSONNEL SERVICES	\$9,719,304	\$0	\$9,719,304	\$4,761,861	\$4,957,444	49.0%
914 INSURANCE GROUP Total	\$9,719,304	\$0	\$9,719,304	\$4,761,861	\$4,957,444	49.0%
921 COMMISSION ON DISABILITY						
001 PERSONNEL SERVICES	\$2,640	\$0	\$2,640	\$830	\$1,810	31.4%
921 COMMISSION ON DISABILITY Total	\$2,640	\$0	\$2,640	\$830	\$1,810	31.4%
990 INTERFUND TRANSFERS OUT						
010 OTHER FINANCING USES	\$0	\$33,100	\$33,100	\$33,100	\$0	100.0%
990 INTERFUND TRANSFERS OUT Total	\$0	\$33,100	\$33,100	\$33,100	\$0	100.0%
001 GENERAL FUND Total	\$67,485,702	\$147,850	\$67,633,552	\$33,016,601	\$34,669,347	48.8%



City of Newburyport
FY2019 Mid-Year Expenditures by Category

	ORIGINAL APPROP.	TRANSFERS/ ADJUST.	REVISED BUDGET	YTD EXPENDED	REMAINING BUDGET	% USED
060 WATER ENTERPRISE FUND						
450 WATER DEPARTMENT						
001 PERSONNEL SERVICES	\$2,175,572	\$0	\$2,175,572	\$1,187,547	\$988,024	54.6%
002 PURCHASE OF SERVICES	\$898,351	\$0	\$898,351	\$390,211	\$507,621	43.5%
004 SUPPLIES	\$185,845	\$0	\$185,845	\$93,087	\$92,759	50.1%
007 OTHER CHARGES & EXPENSES	\$106,107	\$0	\$106,107	\$79,116	\$26,991	74.6%
008 CAPITAL OUTLAY	\$240,000	\$0	\$240,000	\$101,333	\$138,667	42.2%
009 DEBT SERVICE	\$1,854,139	\$0	\$1,854,139	\$881,422	\$972,717	47.5%
010 OTHER FINANCING USES	\$0	\$12,500	\$12,500	\$12,500	\$0	100.0%
450 WATER DEPARTMENT Total	\$5,460,014	\$12,500	\$5,472,514	\$2,745,216	\$2,726,778	50.2%
060 WATER ENTERPRISE FUND Total	\$5,460,014	\$12,500	\$5,472,514	\$2,745,216	\$2,726,778	50.2%
061 SEWER ENTERPRISE FUND						
440 SEWER DEPARTMENT						
001 PERSONNEL SERVICES	\$2,317,272	\$0	\$2,317,272	\$1,307,300	\$1,009,973	56.4%
002 PURCHASE OF SERVICES	\$1,277,607	\$0	\$1,277,607	\$497,125	\$780,483	38.9%
004 SUPPLIES	\$402,128	\$0	\$402,128	\$207,990	\$194,138	51.7%
007 OTHER CHARGES & EXPENSES	\$91,321	\$0	\$91,321	\$76,857	\$14,464	84.2%
008 CAPITAL OUTLAY	\$271,000	\$0	\$271,000	\$58,774	\$212,226	21.7%
009 DEBT SERVICE	\$3,034,564	\$0	\$3,034,564	\$1,090,837	\$1,943,727	35.9%
010 OTHER FINANCING USES	\$0	\$12,500	\$12,500	\$12,500	\$0	100.0%
440 SEWER DEPARTMENT Total	\$7,393,893	\$12,500	\$7,406,393	\$3,251,382	\$4,155,011	43.9%
061 SEWER ENTERPRISE FUND Total	\$7,393,893	\$12,500	\$7,406,393	\$3,251,382	\$4,155,011	43.9%
6520 HARBORMASTER ENTERPRISE FUND						
295 HARBORMASTER DEPARTMENT						
001 PERSONNEL SERVICES	\$279,044	\$0	\$279,044	\$183,813	\$95,231	65.9%
002 PURCHASE OF SERVICES	\$47,250	\$0	\$47,250	\$19,041	\$28,209	40.3%
004 SUPPLIES	\$18,700	\$0	\$18,700	\$7,746	\$10,954	41.4%
007 OTHER CHARGES & EXPENSES	\$11,000	\$0	\$11,000	\$7,633	\$3,367	69.4%
008 CAPITAL OUTLAY	\$50,000	\$0	\$50,000	\$7,563	\$42,437	15.1%
009 DEBT SERVICE	\$76,835	\$0	\$76,835	\$58,661	\$18,174	76.3%
010 OTHER FINANCING USES	\$0	\$41,211	\$41,211	\$41,211	\$0	100.0%
295 HARBORMASTER DEPARTMENT Total	\$482,829	\$41,211	\$524,040	\$325,670	\$198,370	62.1%
6520 HARBORMASTER ENTERPRISE FUND Total	\$482,829	\$41,211	\$524,040	\$325,670	\$198,370	62.1%
Grand Total	\$80,822,437	\$214,061	\$81,036,498	\$39,338,870	\$41,749,506	48.5%



City of Newburyport
FY2019 Mid-Year Revenue Summary

CATEGORY	FY2018 Mid-Year Revenue				FY2019 Mid-Year Revenue				FY18 vs. FY19 +/-		
	ESTIMATE	6MO ACTUAL	REMAINING	% COLL	ESTIMATE	6MO ACTUAL	REMAINING	% COLL	\$	%	
Tax Revenue											
Real Estate Tax	54,348,166	26,378,107	27,970,059	48.5%	56,146,562	26,731,012	29,415,550	47.6%	352,905	1.3%	↑
Personal Property Tax	663,951	345,662	318,289	52.1%	657,872	320,177	337,695	48.7%	(25,485)	-7.4%	↓
Total Tax Revenue	55,012,117	26,723,769	28,288,348	48.6%	56,804,435	27,051,189	29,753,246	47.6%	327,420	1.2%	↑
Local Receipts											
Motor Vehicle Excise (1)	2,450,000	360,175	2,089,825	14.7%	2,600,000	393,618	2,206,382	15.1%	33,443	9.3%	↑
Room Occupancy Excise	220,000	152,952	67,048	69.5%	225,000	155,178	69,822	69.0%	2,226	1.5%	↑
Meals Excise	525,000	361,605	163,395	68.9%	625,000	369,648	255,352	59.1%	8,043	2.2%	↑
Other Excise (2)	100,000	0	100,000	0.0%	110,000	53	109,947	0.0%	53	0.0%	↔
Pen & Int on Tax & Exc	290,000	169,576	120,424	58.5%	300,000	162,071	137,929	54.0%	(7,506)	-4.4%	↓
Payments in Lieu of Taxes Fees (3)	60,000	0	60,000	0.0%	60,000	0	60,000	0.0%	0	0.0%	↔
Other Dept. Revenue (4)	340,000	209,462	130,538	61.6%	352,500	170,599	181,901	48.4%	(38,864)	-18.6%	↓
Licenses and Permits (5)	55,000	30,260	24,740	55.0%	60,000	32,906	27,094	54.8%	2,645	8.7%	↑
Fines & Forfeits	700,000	548,310	151,690	78.3%	897,500	718,269	179,231	80.0%	169,959	31.0%	↑
Investment Income	10,000	5,620	4,380	56.2%	10,000	5,320	4,680	53.2%	(300)	-5.3%	↓
Medicaid Reimbursement	45,000	60,541	(15,541)	134.5%	50,000	84,287	(34,287)	168.6%	23,746	39.2%	↑
Miscellaneous Recurring (6)	100,000	14,526	85,474	14.5%	100,000	21,276	78,724	21.3%	6,750	46.5%	↑
Miscellaneous Non-Recurring	138,000	30,506	107,494	22.1%	175,000	44,312	130,688	25.3%	13,805	45.3%	↑
	0	46,328	(46,328)	100.0%	0	63,510	(63,510)	100.0%	17,182	37.1%	↑
Total Local Receipts	5,033,000	1,989,862	3,043,138	39.5%	5,565,000	2,221,046	3,343,954	39.9%	231,184	11.6%	↑
<i>Local Receipts Excluding MV Excise</i>	<i>2,583,000</i>	<i>1,629,687</i>	<i>953,313</i>	<i>63.1%</i>	<i>2,965,000</i>	<i>1,827,428</i>	<i>1,137,572</i>	<i>61.6%</i>	<i>197,741</i>	<i>12.1%</i>	↑
Net State Aid	4,265,776	2,240,298	2,025,478	52.5%	4,341,771	2,273,522	2,068,249	52.4%	33,224	1.5%	↑
Total General Fund Revenue	64,310,893	30,953,929	33,356,963	48.1%	66,711,206	31,545,757	35,165,449	47.3%	591,827	1.9%	↑
Enterprise Funds											
Water Fund Revenue	5,107,870	2,834,986	2,272,884	55.5%	5,360,014	2,989,116	2,370,898	55.8%	154,130	5.4%	↑
Sewer Fund Revenue	6,385,654	3,497,849	2,887,805	54.8%	7,018,893	3,855,631	3,163,262	54.9%	357,782	10.2%	↑
Harbormaster Fund Revenue	467,830	244,095	223,735	52.2%	482,829	235,130	247,699	48.7%	(8,965)	-3.7%	↓
Total Budgetary Funds	76,272,247	37,530,860	38,741,388	49.2%	79,572,941	38,625,634	40,947,307	48.5%	1,094,774	2.9%	↑

- (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 (\$22K), Veterans' Services (\$89K), FWS refuge revenue sharing.

**CITY OF NEWBURYPORT
DEPARTMENTAL REVOLVING FUNDS**

FY2019 YEAR-TO-DATE ACTIVITY
(AS OF DECEMBER 31, 2018)

<u>Account Name</u>	<u>Fund Code</u>	<u>Beginning Balance</u>	<u>YTD Revenue</u>	<u>YTD Expended</u>	<u>Transfers Out</u>	<u>Current Balance</u>	<u>FY18 Spending Limit</u>	<u>% Spent</u>
Council on Aging	2802	\$30,618	\$16,155	(\$17,030)		\$29,743	\$40,000	42.6%
Recreational Services	2803	\$143,264	\$285,337	(\$198,565)		\$230,035	\$370,000	53.7%
Historical Commission	2804	\$8,222	\$600	(\$150)		\$8,672	\$2,500	6.0%
Electrical Inspector	2806	\$19,452	\$66,066	(\$38,752)		\$46,767	\$60,000	64.6%
Plumbing Inspector	2807	\$1,988	\$25,716	(\$27,015)		\$689	\$65,000	41.6%
Gas Inspector	2808	\$9,337	\$19,370	(\$20,561)		\$8,146	\$40,000	51.4%
Disabilities Commission	2809	\$19,317	\$2,610	\$0	(\$3,300)	\$18,627	\$3,000	0.0%
Emma Andrews Library	2810	\$37,349	\$4,500	(\$10,241)		\$31,608	\$30,000	34.1%
Transient Vendors	2812	\$12,040	\$8,200	(\$3,429)		\$16,812	\$20,000	17.1%
Planning & Zoning	2813	\$52,535	\$25,650	(\$18,960)		\$59,225	\$70,000	27.1%
Animal Control	2817	\$14,144	\$555	\$0		\$14,699	\$6,000	0.0%
Tree Commission	2818	\$4,926	\$1,035	(\$33)		\$5,928	\$10,000	0.3%
Medicare/Medicaid	2835	\$35,083	\$10,072	(\$12,458)		\$32,696	\$25,000	49.8%
Veterans Services	2836	\$1,283	\$50	\$0		\$1,333	\$2,000	0.0%
City Hall Maintenance	2840	\$2,003	\$1,000	\$0		\$3,003	\$5,000	0.0%
Senior Comm. Ctr. Maint.	2841	\$27,628	\$13,993	(\$4,080)		\$37,541	\$15,000	27.2%
Parks Maint.	2842	\$0	\$1,175	(\$1,148)		\$27	\$15,000	7.7%
Solid Waste	2843	\$0	\$42,526	\$0		\$42,526	\$80,000	0.0%
Assessor	2844	\$0	\$120	\$0		\$120	\$2,000	0.0%
Total Revolving Funds		<u>\$419,190</u>	<u>\$482,083</u>	<u>(\$352,421)</u>	<u>(\$3,300)</u>	<u>\$545,553</u>	<u>\$778,500</u>	<u>45.3%</u>

CITY OF NEWBURYPORT
RECEIPTS RESERVED FOR APPROPRIATION FUNDS

FY2019 YEAR-TO-DATE ACTIVITY
(AS OF DECEMBER 31, 2018)

<u>Account Name</u>	<u>Fund Code</u>	<u>Beginning Balance</u>	<u>YTD Revenue</u>	<u>Transfers Out</u>	<u>Current Balance</u>
Cemetery Receipts	2721	\$11,399	\$928	\$0	\$12,327
Gasoline	2722	\$93,257	\$59,569	(\$80,000)	\$72,826
Inflow/Infiltration Fees	2723	\$428,893	\$51,612	\$0	\$480,505
Assessor Fees	2724	\$2,520	\$0	\$0	\$2,520
Paid Parking	2739	\$1,069,737	\$653,759	(\$525,353)	\$1,198,143
Insurance Claims	2741	\$51,864	\$0	\$0	\$51,864
Settlements	2745	\$109,323	\$0	(\$22,500)	\$86,823
Solid Waste Fees	2747	\$320,631	\$0	(\$15,000)	\$305,631
Green Initiatives	2755	\$161,910	\$0	\$0	\$161,910
Sale of Muni. Buildings/Equipment	2760	\$748,000	\$0	\$0	\$748,000
Total		<u>\$2,997,534</u>	<u>\$765,868</u>	<u>(\$642,853)</u>	<u>\$3,120,549</u>



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

CITY CLERK'S OFFICE
 NEWBURYPORT, MA

2019 MAR -5 PM 3: 23

DONNA D. HOLADAY
 MAYOR

ETHAN R. MANNING
 FINANCE DIRECTOR/CITY AUDITOR

To: President and Members of the Newburyport City Council

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

Date: March 5, 2019

Subject: Annual Audit of the City's FY 2018 Financial Statements

The certified public accounting firm of Melanson Heath has completed the annual audit of the City's FY 2018 financial statements. This audit must be performed by an independent CPA firm and is required by bond rating agencies, financial institutions, and various state and federal government entities. A copy of the audit is on file in the City Clerk's Office for your review. The City's financial statements, as well as, the Popular Annual Financial Report (PAFR) can also be found in the "Financial Reports Center" at: <https://www.cityofnewburyport.com/financials>.

For the sixth year in a row, the independent auditors issued an unqualified or "clean" opinion of the City's FY2018 financial statements. The audit was conducted in accordance with auditing standards generally accepted in the United States and standards applicable to financial audits contained in the publication, Government Auditing Standards, issued by the Comptroller General of the United States. These standards require that the audit be performed to obtain a reasonable assurance that the City's financial statements are free of material misstatements. In addition, the audit assesses the accounting principles used and significant estimates made by City management.

The audit indicates that the City's Financial Statements and Schedule of Expenditures of Federal Awards, as required by OMB Circular A-133, are presented fairly, in all material respects, and are in conformity with accounting principles generally accepted in the United States of America.

The audit also includes a management report that contains recommendations for strengthening internal controls and operating efficiency. Great progress has been made by the city in implementing the recommendations of the independent auditors. For FY2018, there are just three recommendations left for the city to address, compared to the eight recommendations that existed five years ago.

The three remaining recommendations are as follows:

1) Improve Compensated Absences Accounting

The auditors recommend that the City centralize and automate the accounting for employee compensated absences (i.e. vacation, sick time), which will increase the accuracy, efficiency, and controls over payment of compensated absences. The Human Resources Department is working on implementing this recommendation.

2) Prepare for Single Audit Changes

Due to changes in the audit requirements for federal awards, the auditors recommend that the city put in place written policies and procedures with respect to the management of federal grant funding. We are aware of the new requirements and are working to fully implement this recommendation during FY2019.

3) Improve Bank Account Reconciliations

The auditors recommend that the City research and resolve old bank account reconciling items. Over the past several years, the Finance Department has revised its processes to improve the cash reconciliation between the bank, Treasurer's cash book and general ledger. We now have a strong reconciliation process in place; however there are still old reconciling items that are being addressed. The Treasurer, along with the new Assistant Treasurer, meets regularly with the Auditor's Office on these older reconciling items and has made significant headway during FY2019 in clearing them off the bank account reconciliation.

As always, please do not hesitate to contact me with any questions.

March 25, 2019
Committee Items-License & Permits

COMM125_03_11_19 2019 Class II Vehicle License – Sunoco

THE COMMONWEALTH OF MASSACHUSETTS

City of Newburyport CITY CLERK'S OFFICE NEWBURYPORT, MA

2019 FEB 26 AM 9:47

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

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

1. What is the name of the concern? GNFD inc DBA Newburyport Sunoco

Business address of concern. No. 59 Stoney Ave st., Newburyport City - Town.

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

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

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

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

President George Daaboul

Secretary Joseph Fares

Treasurer Joseph Fares

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?

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

Is your principal business that of a motor vehicle junk dealer?

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

Gas station / Car Repair

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? _____
(Yes or No)

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

If so, in what city — town Newburyport

Did you receive a license? yes For what year? _____
(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 Joseph Jones
(Duly authorized to represent the concern herein mentioned)

Residence 30 Fletcher Rd
WINNHAM NH 03087
978-462-9169 / 603-365-6654

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)



UTICA MUTUAL INSURANCE COMPANY
 NEW HARTFORD, NEW YORK
EXECUTION REPORT FOR BOND

U/W Code

CODING SOURCE 0# Acct Number:		EFFECTIVE DATE 12/19/2018
POLICY NUMBER SU4490005		EXPIRATION DATE 12/19/2019
<input type="checkbox"/> NEW <input checked="" type="checkbox"/> RENEWAL <input type="checkbox"/> ENDORSEMENT		TRANS. EFFECTIVE DATE
INSURED		BOND AMOUNT \$25,000.00
GNFD, Inc. dba Newburyport Sunoco		TOTAL PREMIUM \$250.00
ADDRESS		CSP/POLICY TYPE
59 Storey Avenue		TRANS. 2111 POLICY CT 1 UND. 4
Newburyport MA 01950		SIC # 55211 BILL CODE 1
OBLIGEE (FULL ADDRESS REQUIRED)		LINE 2273
Commonwealth of MA, Registry of Motor Vehicles		STATE OR FOREIGN COUNTRY 20
One Copley Place		TAX TOWN (Required for AL, FL, GA, KY, LA, SC)
Boston MA 02119		PLAN 01
NATURE OF RISK Dealer Bond		PLAN WITH SURCHARGE (Required for KY)
SERIES X	COMPANY CODE 1	COMMISSION 30%
REG. OFF. 04	AGENT NO. 70135	CLASS CODE 927
AGENT		FIDELITY FORM (Col. 48)
MACDONALD & PANGIONE		SURETY TYPE OF CONTRACT (Col. 50)
ADDRESS		GROSS LIMIT 000 TREATY LIMIT
104 MAIN ST		ENDORSEMENT
NORTH ANDOVER MA 01845		
RENEWAL METHOD: <input checked="" type="checkbox"/> COLLECTION OF PREMIUM <input type="checkbox"/> CONTINUATION CERTIFICATE <input type="checkbox"/> NEW BOND		
BOND APPROVED BY:		BOND SIGNED BY: DATE
		Lauri A. Emmerich (Attorney-in-Fact) 10/04/2018
REMARKS:		

March 25, 2019
Committee Items-
Planning & Development

- **APPT086_02_25_19** Ann M. Gardner 239 Water St Planning Board 5/31/2024

pd

APPT086_02_25_19



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

CITY CLERK'S OFFICE
NEWBURYPORT, MA

2019 FEB 14 PM 12:22

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: February 13, 2019
Re: Re-Appointment

I hereby re-appoint, subject to your approval, the following named individual as a member of the Planning Board. This term will expire on May 31, 2024.

Ann M. Gardner
239 Water Street
Newburyport, MA 01950

Committee Item- March 25, 2019
Rules Committee

ORDR057 08 27 18 Amendment to Council Rule 12A

ORDR077 11 26 18 Amendment to Council Rule 20

COMM119_02_25_19 City Council Rules 2019

2/10

CITY OF NEWBURYPORT



 IN CITY COUNCIL

ORDERED:

Date: August 27, 2018

NEWBURYPORT CITY COUNCIL RULES (2018)

Pursuant to the City of Newburyport Home Rule Charter (Charter), except as otherwise provided by the General Laws of the Commonwealth of Massachusetts (General Laws) or by the Charter, the legislative powers of the City Council of the City of Newburyport (Council) may be exercised in a manner determined by it. The purpose of these rules of the Council (Rules) is to establish in writing the manner in which the Council shall exercise its legislative powers.

Amend existing Section (12a) as follows, with deletions ~~double-stricken-through~~, and additions double-underlined:

Rule 12A. Failure of by any person, including, without limitation, an applicant or a city official, to meet a deadline, specified by law, regulation, or rule shall not constitute an Emergency and the Measure or other matter before the Council shall be denied. For example, and without limitation, the Council shall not approve a license or permit, or otherwise authorize, any person to use public property for a road race or other event by Emergency Measure solely because such event is scheduled to occur before the Council's next meeting.

Councillor Barry N. Connell

CITY OF NEWBURYPORT



IN CITY COUNCIL

ORDERED:

THAT the City Council of the City of Newburyport hereby orders that Rule 20 entitled "Mayoral Appointments" of the Newburyport City Council Rules (2018) be amended to read as follows, with deletions ~~stricken through and in bold~~, and additions **double-underlined and in bold**.

MAYORAL APPOINTMENTS

Rule 20. Mayoral Appointments do not require sponsorship by a member of the Council, but shall require two (2) readings and two (2) votes by the Council, the second such vote by roll call. For its first reading, each such appointment, ~~including reappointments~~, shall be accompanied by submittal to the Clerk of the appointee's resume in accordance with Rule 16. The first reading shall be placed in the Consent segment of the Council's Agenda for referral to the Council's next meeting, sitting as the Committee of the Whole.

Councillor Barry N. Connell

R/W

CITY OF NEWBURYPORT



IN CITY COUNCIL

ORDERED:

NEWBURYPORT CITY COUNCIL RULES (2019)

PURPOSE

Pursuant to the City of Newburyport Home Rule Charter (Charter), except as otherwise provided by the General Laws of the Commonwealth of Massachusetts (General Laws) or by the Charter, the legislative powers of the City Council of the City of Newburyport (Council) may be exercised in a manner determined by it. The purpose of these rules of the Council (Rules) is to establish in writing the manner in which the Council shall exercise its legislative powers.

ORGANIZATION

Rule 1. No later than December 31 after each regular municipal election, the City Clerk (Clerk) shall provide written notice to each member of the Council for the coming two-year legislative session of the date, time, and place of the first meeting of the Council in the next calendar year, to be known as the Inaugural Meeting.

Rule 1A. At the Inaugural Meeting, the Council shall, by majority vote of all its 11 members, notwithstanding any vacancies (Full Council), elect a President from within its membership. The City Clerk (Clerk) shall preside at the Inaugural Meeting until such time as a President is elected. The Full Council shall vote to set the date of its next regular meeting before it may vote to adjourn the Inaugural Meeting.

Rule 1B. No later than at its next meeting after the Inaugural Meeting, the Council shall, by majority vote of the Full Council, adopt its Rules for such calendar year.

Rule 1C. No later than at its next meeting after the Inaugural Meeting, the Council shall, by majority vote of the Full Council, adopt a schedule of regular meetings of the Council for the remainder of such calendar year.

Rule 1D. In the second year of each two-year legislative session, no Inaugural Meeting shall occur. Instead, at its first meeting of such calendar year, the Council shall, by majority vote of the Full Council: (1) elect a President from within its membership; (2) adopt its Rules for such calendar year; and (3) adopt a schedule of regular meetings of the Council for the remainder of such calendar year.

MEETINGS

Rule 2. Council meetings shall be held in the Council Chamber of City Hall unless the President, or a majority of the Full Council, determine by any means reasonable and practicable, and give written notice to all members, that such meeting will be held in an alternate location.

Rule 2A. Special meetings of the Council shall be held at the call of the President, or any six (6) or more members, for any lawful purpose, by causing a notice of such special meeting to be delivered in hand or to the place of business or residence of each member. This notice shall, except in an emergency of which the President shall be the sole judge, be delivered at least forty-eight (48) hours in advance of the time set, and shall specify the purpose or purposes for which the special meeting is to be held. The Clerk shall cause a copy of each such notice to be posted immediately, including on the City's Website, in accordance with applicable laws.

Rule 2B. If any meeting of the Council is in session at 11:00 pm, said meeting shall be adjourned until 7:30 pm of the following evening, unless another date and time is voted by a majority of the Full Council.

HOLIDAYS

Rule 3. Except as otherwise provided in the Charter, whenever the day set by these Rules for any meeting of the Council, regular or special, shall fall upon a holiday, then such meeting shall be canceled or postponed to a date certain by majority vote of the Full Council.

PRESIDING OFFICER

Rule 4. The President, if present, shall preside at all meetings. In the absence of the President, the senior-most member in terms of consecutive, uninterrupted service on the Council shall serve during the absence of the President. If more than one member has served the same length of time, the Council shall elect a President Pro Tem by majority vote from the most senior Councillors in terms of consecutive, uninterrupted service on the Council.

DUTIES AND POWERS OF THE PRESIDING OFFICER

Rule 5. The presiding officer shall: preserve decorum and order; speak to points of order in preference to other members; decide all questions of order, subject to appeal to a super-majority of the Full Council; declare all votes, or permit the Clerk to do so; and perform any other duties consistent with the office that may be provided by charter, ordinance, or by other vote of the Council.

Rule 5A. If any member doubts a vote as declared, the presiding officer, without further debate on the question, shall require that a count be taken by roll call of the membership.

Rule 5B. During any meeting, whether regular or special, the presiding officer may, at any time, call for a five-minute recess.

RELINQUISHING THE CHAIR

Rule 6. When the presiding officer desires to relinquish the Chair, he or she may call upon any Councillor to take the Chair, but such call to the Chair shall not continue beyond the will of the presiding officer so relinquishing the Chair, or beyond an adjournment of the Council, except as hereafter provided. If the presiding officer wishes to express an opinion on any subject under debate, he or she shall relinquish the Chair as above provided, and shall not resume the Chair until he or she is through speaking, and all points of order arising therefrom have been decided by the Councillor presiding in his or her place. Notwithstanding the foregoing, the presiding officer may, however, state facts and give opinions upon questions of order without relinquishing the Chair.

COMMITTEES AND COMMITTEE BUSINESS

Rule 7. The President shall appoint all members to all City Council Committees, both standing and ad hoc, designate the Chair of each such Committee, who shall serve as its presiding officer, and fill any vacancies thereon as they arise. Likewise, the President may establish, dissolve, and/or reconfigure ad hoc Committees in his or her discretion, provided that such ad hoc Committees shall be re-established each two-year legislative session. Ad hoc committees may include members other than members of the Council for purposes of deliberation, but they may not vote. Except as otherwise provided in Rule 12, the Council shall, by a majority vote, refer each matter newly introduced through the Council agenda (Agenda) to a single Committee, either standing or ad hoc, for review at a public meeting of such Committee, before such matter may be acted upon again by the Council. Notwithstanding the foregoing, a Councillor may make all parliamentary motions, including a motion to receive and file the newly introduced matter.

Rule 7A. Pursuant to the Newburyport Code (Code), there shall be nine (9) standing committees of the Council, as follows, each consisting of three (3) members of the Council, and concerned with the matters specified for it in the Code:

- Committee on Budget & Finance
- Committee on Education
- Committee on General Government
- Committee on Licenses & Permits
- Committee on Neighborhoods & City Service;
- Committee on Planning & Development
- Committee on Public Safety
- Committee on Public Utilities
- Committee on Rules

Rule 7B. Except as provided expressly otherwise in these Rules, a matter shall not be referred to more than one Committee, either separately or jointly, nor may a matter be referred to the Full Council sitting as the Committee-of-the-Whole except by super-majority vote.

Rule 7C. Committees may meet at any time, in open and/or executive session, at any place within the City of Newburyport, subject to the Massachusetts General Laws, the City Charter, and the Newburyport Code.

Rule 7D. Committees shall meet and review each matter referred to them by the Council no later than fifteen (15) calendar days after such referral.

Rule 7E. Committee meetings shall be cancelled when scheduled during any time when a declared snow emergency is in effect.

Rule 7F. During a meeting of the Council, the Chair of a Committee, whether regular or ad hoc, may remove any matter from such Committee to bring it to the floor for discussion by the Council, upon making a motion to do so, receiving a second from any other Councillor, regardless of Committee membership, and upon affirmative vote of the Full Council. Once such matter is before the Council (on the floor), any Councillor may then make a motion regarding such matter to approve it, not approve it, or refer it back to the original or to another Committee, and all parliamentary rules, including motions to amend, to table, and so on, shall be available, subject to these Rules.

Rule 7G. In the event that either: (a) the Committee has failed to meet and review a matter within the required 15 days under Rule 7D; or (b) the Chair of a Committee has failed to remove any matter from such Committee after (6) weeks of its original referral to such Committee, such matter may be removed from such Committee to bring it to the floor for discussion by the Council, provided that a petition signed by no fewer than two Councillors has been filed with the City Clerk – with copies to both the President and the relevant Committee Chair -- in accordance with Rule 16.

Rule 7H. Any matter that remains in Committee at the end of the Council's two-year legislative session shall die, unless a majority of the Full Council votes at its last meeting of such session to carry such item into the succeeding session. Any item that remains on the table at the end of the Council's two-year legislative term shall die, and may not be carried on.

Rule 7I. For any Committee item relating to the disposition of any real property, including, without limitation, purchase or sale, an appraisal of the fair market value of said real property, performed by a duly licensed professional based upon the requirements and guidelines of the current Uniform Standards of Professional Appraisal Practice (USPAP), shall be presented to the Council no fewer than seven (7) calendar days before such Committee item can be brought to the floor. The appraisal must be dated within twelve (12) calendar months of the date the relevant item is removed from Committee. The appraisal may be presented in Executive Session and/or may otherwise remain confidential in accordance with the City's Charter, and applicable law.

Rule 7J. Any Measure to authorize the issuance of a bond in an amount over \$500,000 shall be removed from the committee to which it is first referred until the greater of thirty (30) calendar days or one (1) regular meeting of the City Council has elapsed since such referral.

SUFFICIENCY OF VOTE

Rule 8. The affirmative vote of a majority of the members present shall be sufficient to adjourn any meeting of the Council or its Committees.

Rule 8A. Except as expressly provided in these Rules, the affirmative vote of a majority or super-majority, as may be required by law, of the Full Council, rather than of the quorum present, shall be required to adopt any ordinance, order, or other vote or proceeding adopted, or which might be adopted

(Measure). Consistent with the Charter, Measures include, without limitation, all transfers, expenditures, and acceptance of funds, which shall be put into effect by an order of the Full Council.

MANNER OF VOTING

Rule 9. The Council and each of its Committees, standing and ad hoc, shall vote at a duly noticed public meeting, unless otherwise permitted under the Open Meeting Law.

Rule 9A. A vote to confirm Mayoral Appointments on a second reading shall be by roll call of the Full Council.

Rule 9B. Approval of any ordinance shall require two (2) readings and two (2) roll-call votes to be held at separate City Council meetings, while approval of any other Measure requires one (1) reading and one (1) vote, which, except in the case of bond order, may be by voice vote. Amendments to any motion to approve, not approve, or to refer back to Committee may be recorded by voice vote, including such parliamentary motions in regard to an ordinance. Following its passage on first reading, such ordinance shall be timely posted to the City's Website, as defined in the Charter, in a manner prescribed by the City Clerk. Notwithstanding the foregoing, pursuant to the Charter, votes regarding Mayoral Appointments shall be treated specially under Rule 20.

Rule 9C. At the Inaugural Meeting, the Clerk shall begin the order of roll-call voting throughout such meeting with that Councillor whose last name is first in alphabetical order. At each successive meeting that requires a roll call vote or votes, the Clerk shall begin roll calls throughout such meeting with the Councillor whose last name follows the previous Councillor in alphabetical order until the last meeting of the two-year legislative term. Notwithstanding the foregoing, the Clerk shall, for all votes at all meetings, call the President to vote last.

Rule 9D. In the event that a member of the Council or one of its Committees wishes to have his or her vote recorded differently after announcement of the results of a roll call vote by the Clerk or presiding officer, the member must receive unanimous consent from every other present member of the Council or the Committee, as the case may be.

Rule 9E. A motion to table once seconded is not debatable, but clarifying points of information shall be allowed for the purpose of understanding the effects of such proposed tabling.

GAINING THE FLOOR

Rule 10. All Councillors, when desiring to speak on a matter, shall raise their hands and respectfully address the President, and wait until recognized by the presiding officer.

Rule 10A. Once recognized by the President, the Councillor shall stand to speak on the matter. A Councillor shall remain standing while speaking, and shall sit down to indicate to the President the conclusion of the Councillor's speech.

Rule 10B. No Councillor shall speak a second time on any motion until each Councillor has the opportunity to speak once, however the President may permit a Councillor to speak out of turn to respond to questions directed to him or her by another Councillor.

Rule 10C. In speaking, members shall at all times confine themselves to the motion in order, shall use parliamentary language and appropriate demeanor, and shall strive to refer to all other members by their ward or as an At-Large Councillor, or as the Chair or a member of a particular Committee, etc., rather than by their first or last names.

Rule 10D. No member shall leave a Council or Committee meeting while it is in session to seek or accept counsel, nor may such member while away from such meeting exchange information pertaining to an item on the meeting agenda, nor to conduct any other city business.

Rule 10E. The Council President and Committee Chairs, as the case may be, shall have the responsibility and discretion for recognizing speakers other than Council or Committee members. Any member of the Council or a Committee may request of the presiding officer recognition of a speaker other than a member, but the presiding officer's determination whether to grant such recognition shall not be appealed.

SPONSORSHIP OF MATTERS

Rule 11. With the sole exception of a Mayoral Appointment, as described in Rule 20, no Measure or other matter beside a Communication, of any kind, shall be placed on the Agenda by any City official or other person, including, without limitation, the Mayor, nor may it be acted upon by the Council, unless it is sponsored by a member of the Council. Each such matter carried over from a previous, two-year legislative term must be sponsored by a current member of the Council.

Rule 12. Except in the case of an Emergency Measure, as regulated under the Charter, the Council shall not pass or otherwise adopt any Measure until it has first been reviewed at a public meeting of a Committee in accordance with Rule 7.

Rule 12A. Failure of by any person, including, without limitation, an applicant or a city official, to meet a deadline, specified by law, regulation, or rule shall not constitute an Emergency. For example, and without limitation, the Council shall not approve a license or permit, or otherwise authorize, any person to use public property for a road race or other event by Emergency Measure solely because such event is scheduled to occur before the Council's next meeting.

Rule 12B. Pursuant to the Charter, no Measure making a grant, renewal, or extension, whatever its kind or nature, or a franchise or special privilege, shall be passed as an emergency measure, and, except as provided by the laws of the Commonwealth, no such grant, renewal, or extension shall be made otherwise than by ordinance.

Rule 12C. Pursuant to the Charter, an Emergency Measure shall become effective immediately upon its adoption without signature by the Mayor, or at such later time as the emergency measure expressly provides.

Rule 12D. In the event that a sponsor of any Measure or other matter is not present physically or telephonically at a meeting of the Council when the Clerk reads such Measure or other matter, then the Council shall not consider such Measure or other matter, unless all sponsors of such measure have presented a written statement requesting the Council to proceed in the absence of such sponsor.

WITHDRAWING ITEMS FROM THE AGENDA

Rule 13. After a Measure or other matter is reached on the Agenda and read aloud by the Clerk, it shall be deemed to be in possession of the Council, and shall be disposed of in some matter by vote. At any time prior to a Measure or other matter being brought before the Council through such reading, it may be withdrawn provided all sponsors so notify the President or the Clerk.

RECONSIDERATION

Rule 14. Notwithstanding Rule 9D, after a vote has been taken on a Measure or other matter, it shall be in order for any member voting with the prevailing side to move reconsideration thereof at the same meeting at which the vote was taken, and such motion shall be disposed of accordingly. Alternatively, such member may file with the Clerk, not later than noon of the next business day following such meeting, written notice of a motion to reconsider such vote. After receiving such written notification from a member, the Clerk shall place the motion for reconsideration on the Agenda for the next regular meeting of the Council, and the Clerk shall forthwith, either verbally or in writing, notify the Full Council of such filing.

DUTIES OF THE CLERK

Rule 15. The Clerk shall attend and keep all records of all meetings of the Council, shall record the names of the members present, shall record the vote of members on roll calls, and shall have the care and custody of the City records, and all documents, plans, and papers pertaining to the business of the Council. The Clerk shall also, at the request of a member, assist in the drafting of items to be presented at the meetings of the Council. The Clerk shall cause notice to be made to each Councillor of each meeting of the Council, regular and special, and of Committee meetings, and shall also post notice on the City Website at least 48 hours prior to commencement.

DEADLINE FOR AGENDA ITEMS

Rule 16. Printed materials regarding any matter, including, without limitation, the full text of new Measures, to be considered by the Council at its next regular meeting shall be presented in complete form to the Clerk not later than 4:00 pm on the Tuesday preceding such regular meeting. Notwithstanding the preceding sentence, not later than 4:00 pm on the Wednesday preceding a regular meeting, Committee Chairs shall submit to the Clerk the text of any Measures they intend to remove from Committee and put into the possession of the full Council. Except as otherwise provided under Rule 18A, papers presented after these times shall be considered Late-Filed Items, which shall not be taken up without a suspension of these Rules, which requires a super-majority vote of the Council. The provisions of this Rule 16 apply to all persons, and in all cases, without exception, including to all members and other City officials, such as the Mayor and Department heads, as well as the public.

AGENDA AND PACKET

Rule 17. For each meeting of the Council, the Clerk in consultation with the President shall compile the Agenda of all matters to come before the Council at such meeting, in accordance with the order of business listed below, and shall make available to the public such Agenda and all supporting documents (together, Packet) to be considered by the Council by 5:00 pm of the fourth (4th) calendar day prior to such meeting; provided, however, that in the case of a special meeting the Agenda shall be made available as otherwise provided by law and these Rules, and no Packet shall be required. The Clerk shall cause a printed copy of the Packet to be delivered to each Councillor by their individually preferred means, and to be posted on the City Website at least 48 hours prior to commencement.

Items that are to be added to the Agenda as Late-Filed Items must be submitted for approval to be placed on the Agenda immediately following the Call to Order.

The order of business for the Agenda shall be as follows:

1. Moment of Silence
2. Pledge of Allegiance
3. Call to Order
4. Late-Filed Items
5. Public Comment
6. Proclamations
7. Mayors Comment
8. Consent Agenda
 - a) Approval of Minutes
 - b) Communications (including Applications)
 - c) Orders (including Transfers/Appropriation Orders) and Resolutions
 - d) First Reading of Mayoral Appointments
7. Second Reading of Mayor's Appointments
8. Communications
9. Orders (including Transfers/Appropriation Orders) and Resolutions
10. Ordinances
11. Committee Reports (including all Measures for the Council to consider)
12. Good of the Order
13. Adjournment

Rule 17A. The Consent Agenda shall be reserved for routine and non-controversial matters that may be considered apart from the rest of the Agenda and approved collectively and without debate. The President has the sole discretion to place matters on the Consent Agenda, but retention thereon is subject to the unanimous consent of the members present when the Council reaches the Consent Agenda during its meeting. The Clerk shall read matters on the Consent Agenda by title only. At any time before the Council acts upon the Consent Agenda, any member of the Council may cause any matter or matters listed upon the Consent Agenda to be removed and then placed into the appropriate portion of the regular Agenda, either by providing written notice to the President and/or the Clerk, or, alternatively, by rising and so requesting by motion. The Council shall then, without debate permitted, vote collectively on all matters remaining on the Consent Agenda, by simple majority of the Full Council. Such vote may be conducted by voice vote at the discretion of the presiding officer.

PUBLIC COMMENT

Rule 18. There shall be designated a Public Comment time during each meeting of the City Council. The procedure for this comment time is listed below:

1. Individuals who wish to speak before the Council, whether on their own behalf or on behalf of a group, must sign in on the door of the Council Chamber prior to the start of the Public Comment segment of the meeting. Each speaker must provide his or her name and the address where he or she resides permanently (i.e. legal domicile), and indicate which Agenda item he or she will be speaking on. The President will advise attendees of their right to speak and responsibility to sign-up.
2. Two minutes allotted to each speaker.
3. One opportunity per individual to speak.
4. Comment must be related to an Agenda item.
5. Speakers who are attorneys shall disclose the identity of all clients whose interests are materially affected by the Agenda item upon which they speak.

Rule 18A. There shall be designated a Mayor's Comment time during each regular meeting of the City Council. The procedure for this comment time is listed below:

1. To address the Council during the Mayor's Comment period, the Mayor may provide notice to the President at any time prior to the Call to Order.
2. The Mayor will be allowed to speak for a total of seven (7) minutes.
3. The Mayor will be offered reserved seating on the front bench of the Council Chambers
4. Notwithstanding the normal deadline for written materials to be submitted to the City Clerk under Rule 16, the Mayor may submit a written report to the Full City Council not later than 11:00am on the day of the Council meeting, and such report shall not be deemed a Late-Filed item.
5. Nothing in this rule prohibits the Mayor from speaking otherwise in compliance with the Charter and these Rules.

PRESENTATIONS

Rule 19. To be included on the Council Agenda, presentations by individuals or groups must be sponsored by a Councillor in writing pursuant to Rule 16, and approved by the President, in which case such presentation shall be placed in the Communications segment of the Agenda, for a period not longer than twenty (20) minutes.

MAYORAL APPOINTMENTS

Rule 20. Mayoral Appointments do not require sponsorship by a member of the Council, but shall require two (2) readings and two (2) votes by the Council, the second such vote by roll call. For its first reading, each such appointment, including reappointments, shall be accompanied by submittal to the Clerk of the appointee's resume in accordance with Rule 16. The first reading shall be placed in the Consent segment of the Council's Agenda for referral to the Council's next meeting, sitting as the Committee of the Whole.

Rule 20A. As with any Consent Agenda item, a single member of the Council may move such item to the regular Agenda. As provided in the Charter, the Council may elect to refer any proposed Mayoral

Appointment to a standing or ad hoc Committee, which shall review such appointment and may make a recommendation to the Full Council not fewer than seven (7) nor more than 45 days after such referral. Such Committee may require any person whose name has been referred to it to appear before such Committee, or before the Full Council, to give any information relevant to the appointment that the Committee of the Full Council may require. Notwithstanding the optional referral of proposed appointments provided for in this Rule 20A, appointments and reappointments of the following officers shall always be referred through the Consent Agenda to the standing committee with oversight over such board or commission:

- Members of the Board of Health and Health Director;
- Building Inspector;
- City Auditor/Director of Finance;
- City Librarian;
- City Treasurer;
- Director of the Department of Public Services;
- Members of the Conservation Commission and Conservation Agent;
- Habormaster;
- Members of the License Commission;
- Members of the Newburyport Redevelopment Authority board;
- Members of the Newburyport Waterfront Trust board;
- Members of the Planning Board, Planning Director, and Zoning Administrator;
- Members of the Water and Sewer Commission; and
- Members of the Zoning Board of Appeal.

MID-YEAR BUDGET REVIEW

Rule 21. Each calendar year, the Committee on Budget & Finance shall schedule and hold a public meeting to conduct a Mid-Year Budget Review as soon as practical after six (6) months of actual expenditures are available in written form, but no later than February 15. The Chair of the Committee shall cause both the City Auditor and the City Treasurer to attend, pursuant to the Charter, and shall invite all members of the Council, as well. Pursuant to the Charter, the Chair shall ask the City Auditor to distribute to the Full Council documentation in support of the Mid-Year Budget Review no less than one (1) week before such meeting, including a year-to-date actual budget summary. Further pursuant to the Charter, any member of the Council may request that a Department Head be present at the Mid-Year Budget Review meeting, by making a request through the Chair of the Committee of Budget & Finance.

ELECTRONIC COMMUNICATION DEVICES

Rule 22. The audible use of mobile phones, radios, and other electronic communication devices by any person, including members of the Council, but excepting on-duty public safety officers, is strictly prohibited within the Council Chamber while the Council is in session, and all such devices shall be turned off or otherwise made to be silent.

Rule 22A. Members of the Council may read from or otherwise obtain information from a computer, tablet, or other electronic device within the Council Chamber while the Council is in session, such as by conducting computer searches online.

Rule 22B. Except as otherwise permitted under the Open Meeting Law, no member of the Council shall, at any time while the Council is in session, be permitted to communicate with other people, either located within or without the Chamber, using such any electronic device, whether verbally or otherwise, audibly or inaudibly.

PARLIAMENTARY PRACTICE

Rule 23. In all matters of parliamentary practice not provided for in these rules, the Council shall use Robert's Rules of Order as a guide.

RECUSAL

Rule 24. Upon his or her recusal regarding a matter, a member of the Council or a Committee shall leave the room where the meeting is being conducted, and such member shall not be counted as part of the quorum on that matter. Notwithstanding the foregoing, a recused member may, if permitted under applicable law, remain in the room solely if he and she wishes to give testimony on the matter.

Rule 24A. If the matter is to be addressed in open session, then the recusal shall be made orally and shall be included as part of the official public record. The recused member may obtain and review any records of such public discussions and/or action by the Council or Committee on the matter.

Rule 24B. If the matter is to be addressed in executive session, then the recusal must be made orally during the open session before the Council or Committee goes into such executive session and shall be included as part of the official public record. A member so recused shall not knowingly obtain or review a recording, minutes, or any other non-public information regarding such matter, other than the fact of his or her own recusal.

AMENDING THE RULES

Rule 25. Any amendment of these Rules shall require successful passage of an order by the Full Council, by simple majority, as provided in these Rules.

SUSPENDING THE RULES

Rule 26. Except as otherwise, expressly provided in these Rules, a motion to suspend the rules shall require a two-thirds super-majority vote of the Full Council.

Councillor Jared J. Eigerman

In City Council February 26, 2018:

Motion to remove from Rules by Councillor Vogel, seconded by Councillor Zeid. So voted. Motion to strike Rule 2A by Councillor Earls, seconded by Councillor Vogel. Roll call vote, 11 yes. Motion passed. Motion to amend Rule 7A, to increase from eight to nine standing committees and add "Committee on Rules", by Councillor Vogel, seconded by Councillor Earls. Roll call vote, 10 yes, 1 no (OBrien). Motion passed. Motion to strike references to indefinite postponement from Rule 9E by Councillor Eigerman, seconded by Councillor Vogel. So voted. Motion to amend Rule 16, by adding "new" before "measures" on Line 2 and "notwithstanding the preceding sentence" to Line 4, and further pursuant to text coming from Councillor Eigerman, by Councillor Eigerman, seconded by Councillor Zeid. Roll call vote, 11 yes. Motion passed. Motion to amend Rule 17, to change from fifth to fourth calendar day, by Councillor Tontar, seconded by Councillor Eigerman. Roll call vote, 11 yes. Motion passed. Motion to amend Rule 18A(2), to increase from five minutes to ten minutes, by Councillor Vogel, seconded by Councillor Tontar. Motion to increase from five minutes to seven minutes by Councillor Eigerman. Friendly amendment accepted by Councillor Vogel and Councillor Tontar. Roll call vote, 10 yes, 1 no (Connell). Motion passed. Motion to amend Rule 18A(4), to change from twenty-four hours before the meeting to 11:00am the day of the meeting, by Councillor Zeid, seconded by Councillor OBrien. Roll call vote, 11 yes. Motion passed. Motion to add City Solicitor in Rule 20 by Councillor Zeid, seconded by Councillor Devlin. Withdrawn. Motion to adopt as amended by Councillor Vogel, seconded by Councillor Zeid. Roll call vote, 11 yes. Motion passed.

Attest: _____
Richard B. Jones, City Clerk

Date: _____

CITY OF NEWBURYPORT



IN CITY COUNCIL

July 23, 2012

ORDERED:

THAT, The CITY COUNCIL of the City of Newburyport hereby authorizes remote participation in meetings held by all City of Newburyport public bodies subject to the Open Meeting Law and pursuant to 940 CMR 29.10. For the purposes of this order, remote participation shall be permitted under the following terms and conditions:

Media: Telephone, internet, satellite enabled audio/video conferencing, or other similar technology may be used for remote participation provided that the participant and all in attendance can hear each other. If videoconferencing is used, the member participating remotely must be visible to all in attendance.

Quorum: A quorum of the public body, including the chair or, in the chair's absence, the person authorized to chair the meeting, must be physically present at the meeting location before an absent member may participate remotely.

Votes: If any member of the public body is participating remotely, all votes of the body, including those taken in open session, are required to be by roll call and the results of the roll must be recorded in the minutes.

Status: A member participating remotely may vote, and is not deemed to be absent from the meeting, including for purposes of MGL Chapter 39 Section 23D.

Reasons: Acceptable reasons for participating remotely include one or more of the following: personal illness, personal disability, emergency, military service or geographic distance. A member cannot participate remotely for convenience.

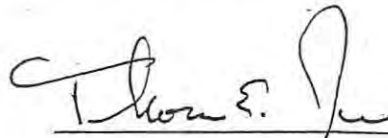
Notification: A member who will not be present at a meeting must notify the chair as far in advance as possible. The chair must announce at the beginning of the meeting the name of the person participating remotely and the reason. The categories listed above under Reasons may be used for this announcement such that a member's privacy rights are protected, especially with respect to illness or disability.

Technical Issues: If technical issues arise with the media connection, the chair must decide how to address them. Deliberations shall be suspended while the difficulties are addressed. If the remote member is disconnected during the meeting, the minutes must reflect this fact.

Use of Plans and Other Visuals: The chair or, in the chair's absence, the person authorized to chair the meeting, shall distribute to remote participants, in advance of the meeting, copies of all relevant documents, exhibits, and presentation materials used during the meeting. If a member of the public body is remotely participating in a public hearing relative to the issuance of any permit involving a site plan or architectural drawings, that member must utilize video conferencing such that all maps, plans or other presentation materials used or referenced during the meeting are visible. This requirement for video conferencing is not necessary where the member has already received a copy of all relevant maps, plans, or other presentation materials and no new materials are introduced during the meeting.

Executive Session: There shall be no remote participation in any executive session including, but not limited to, any vote to go into or out of said executive session.

FURTHER, any City of Newburyport public body utilizing remote participation is required to comply with all provisions of 940 CMR 29.10 as summarized above, as well as all other requirements of the Open Meeting Law and all of the Massachusetts Attorney General's Division of Open Government's regulations.



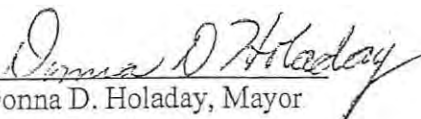
Councillor Thomas E. Jones

In City Council July 23, 2012

Motion to approve by Councillor Jones, seconded by Councillor Heartquist. Motion withdrawn. Motion to refer to General Government by Councillor Jones, seconded by Councillor Sullivan. So voted.

In City Council December 10, 2012

Motion to remove from committee by Councillor Cronin, seconded by Councillor Connell. Motion to approve by Councillor Cronin, seconded by Councillor Jones. So voted.

Approve: 

Donna D. Holaday, Mayor

Attest: 

Richard B. Jones, City Clerk

Date: JAN 30 2013