

CITY COUNCIL MEETING AGENDA - VERSION 1
CITY COUNCIL CHAMBERS
DECEMBER 9, 2019

7:15PM

Pole Hearing – Bayberry Road

7:30PM

(Sound Check)

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

CONSENT AGENDA

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

7. APPROVAL OF MINUTES

- November 25, 2019

(Approve)

8. TRANSFERS

- NONE

9. COMMUNICATIONS

- NONE

10. APPOINTMENT

First Reading - NONE

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

Budget & Finance

- COMM112_02_11_19 Memo re: Fire-Based EMS Cost/Benefit Analysis
- COMM120_03_11_19 Central Congregational Grant Award Letter
- ORDR132_07_15_19 CPC FY2020 Recommended Appropriations (COTW)
Project No. 9 held in committee.
- ORDR136_08_19_19 Fuller Track Phase II Loan Order
- COMM189_09_09_19 CPC Revised Recommendation for FY2020 Appropriations
- ORDR158_11_12_19 Rescission of Marijuana Sales Tax (COTW)
- TRAN065_11_25_19 Free Cash \$15.5K to Meeting Recording \$15.5K

License & Permits

- COMM208_11_25_19 2020 Class II Vehicle License - Plum AutoWorks, Inc.

Neighborhoods & City Services

- COMM194_10_15_19 Ltr from Newburyport Livable Streets
- COMM196_10_15_19 Ltr re: Road and Sidewalk Work on Merrimac and High Streets (COTW)
- COMM197_10_28_19 Ltr re: Phillips Drive Neighborhood Drainage (COTW)
- ORDR162_11_25_19 Bartlet Mall Resolution

Public Safety

- ORDR094_04_08_19 Traffic Changes - Green, Pleasant, and Titcomb Streets
- ORDR145_09_30_19 Snow Emergency Parking – Greenleaf Street
- ORDR146_09_30_19 Restricted Parking – Merrimac Street at Ashland Street
- COMM198_10_28_19 Ltr re: Middle Street Parking/Curb Cuts
- ORDR151_10_28_19 Amendment to 2-Hour Resident Zones
- COMM202_11_12_19 Newburyport Rotary Santa Parade - 12/1/2019
- COMM205_11_12_19 Ladies' Night Out Run/Walk - 12/7/2019
- COMM209_11_25_19 Frigid Fiver - 1/26/2020
- COMM210_11_25_19 Ahavas Achim Interfaith Candle Lighting - 12/16/19-1/5/20

Public Utilities

- COMM206_11_25_19 Pole Hearing - Bayberry Road

END OF CONSENT AGENDA REGULAR AGENDA

11. MAYOR'S UPDATE

12. APPOINTMENTS

Second Reading - NONE

13. ORDERS

- ORDR163EP_12_09_19 Emergency Preamble - Morrill Charitable Foundation Gift Acceptance \$110K
- ORDR163_12_09_19 Morrill Charitable Foundation Gift Acceptance \$110K

14. ORDINANCES

- ODNC042_09_30_19 Parking at Public Parks and Playgrounds (2nd Reading)

15. COMMITTEE ITEMS

NOTE: UNDERLINED COMMITTEE ITEMS WILL BE CONSIDERED AT THIS MEETING

Budget & Finance

In Committee:

- **COMM112_02_11_19 Memo re: Fire-Based EMS Cost/Benefit Analysis**
- **COMM120_03_11_19 Central Congregational Grant Award Letter**
- **ORDR132_07_15_19 CPC FY2020 Recommended Appropriations (COTW)**
Project No. 9 held in committee.
- **ORDR136_08_19_19 Fuller Track Phase II Loan Order**
- **COMM189_09_09_19 CPC Revised Recommendation for FY2020 Appropriations**
- **ORDR158_11_12_19 Rescission of Marijuana Sales Tax (COTW)**
- **TRAN065_11_25_19 Free Cash \$15.5K to Meeting Recording \$15.5K**

Education

In Committee:

-

General Government

In Committee:

-

License & Permits

In Committee:

- COMM029_04_30_18 Outdoor Seating – West Row Café
- COMM104_01_14_19 Seacoast Taxi - Application by Richard Hewlett for 2019
- **ODNC043_11_12_19 Prohibition of Non-Medical Marijuana Retailers (COTW)**
- **COMM208_11_25_19 2020 Class II Vehicle License - Plum AutoWorks, Inc.**

Neighborhoods & City Services

In Committee:

- ORDR048_06_13_16 Sidewalk Order
- COMM111_10_10_17 Petition for Road Repairs and Repaving – Squires Glen
- **COMM194_10_15_19 Ltr from Newburyport Livable Streets**
- **COMM196_10_15_19 Ltr re: Road and Sidewalk Work on Merrimac and High Streets (COTW)**
- **COMM197_10_28_19 Ltr re: Phillips Drive Neighborhood Drainage (COTW)**
- **ORDR162_11_25_19 Bartlet Mall Resolution**

Planning & Development

In Committee:

- ODNC029_01_28_19 Zoning Map Amendment – Storey Ave South
- ODNC038_07_15_19 Zoning Amendment – Waterfront West Overlay District (COTW)
- COMM185_09_09_19 Memo re: Waterfront West Sustainability
- COMM201_10_28_19 Memo re: Proposed Zoning Change – WWOD
- **ODNC044_11_12_19 Zoning Amendment - Prohibition of Non-Medical Marijuana Establishments (w/ PB and COTW)**
- **ODNC045_11_12_19 Zoning Amendment - Definition “Marijuana Retailers” (w/ PB and COTW)**
- **ORDR161_11_25_19 Preservation Restriction - 25 Water Street**

Public Safety

In Committee:

- ODNC009_03_12_18 Floating Homes, Houseboats, and Related Marinas
- COMM087_09_24_18 Ltr re: Coffin Street
- COMM116_02_25_19 Toward Zero Waste Newburyport Initiative (*full text available*) (COTW)
- **ORDR094_04_08_19 Traffic Changes - Green, Pleasant, and Titcomb Streets**
- ODNC035_05_28_19 Amendment to Health and Sanitation (COTW)
- **ORDR145_09_30_19 Snow Emergency Parking – Greenleaf Street**
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- **ORDR151_10_28_19 Amendment to 2-Hour Resident Zones**
- **COMM202_11_12_19 Newburyport Rotary Santa Parade - 12/1/2019**
- **COMM205_11_12_19 Ladies' Night Out Run/Walk - 12/7/2019**

- **COMM209_11_25_19 Frigid Fiver - 1/26/2020**
- **COMM210_11_25_19 Ahavas Achim Interfaith Candle Lighting - 12/16/19-1/5/20**

Public Utilities

In Committee:

- COMM122_11_27_17 Mobilitie Application/Small Cell Utility Petition (re-file)
- ODNC022_05_29_18 Addition to Chapter 5, Article 6 - Small Cell Sites
- **COMM206_11_25_19 Pole Hearing - Bayberry Road**

Rules

In Committee:

- ORDR057_08_27_18 Amendment to Council Rule 12A

16. GOOD OF THE ORDER

17. ADJOURNMENT

CONSENT AGENDA

CITY COUNCIL MEETING MINUTES
CITY COUNCIL CHAMBERS
NOVEMBER 25, 2019

7:30PM

The City Council President, Barry Connell, called the meeting to order at 7:30pm, followed by the Pledge of Allegiance. A moment of silence was held for Cliff Martellini, a former parking enforcement officer. The City Council President then instructed the City Clerk to call the roll. The following Councillors answered present: Shand, Tontar, Vogel, Zeid, Devlin, Eigerman, Giunta, Khan, McCauley, Connell. 10 present, 1 absent (OBrien).

(Sound Check)

1. MOMENT OF SILENCE

2. PLEDGE OF ALLEGIANCE

3. CALL TO ORDER

4. LATE FILE ITEMS – COMM210_11_25_19 Ahavas Achim Interfaith Candle Lighting - 12/16/19-1/5/20, ORDR162_11_25_19 Bartlet Mall Resolution. The Fire Chief placed supplemental materials pertaining to ORDR157_11_12_19 on the Councillors' desks.

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

5. PUBLIC COMMENT

- | | | |
|-------------------------|--------------|--------------|
| 1. Jane Snow | 9 Coffin St | Fire Boat |
| 2. William Shuttleworth | 20 Market St | Bobby Parker |

6. MAYOR'S COMMENT

The Mayor gave an update pursuant to her written communication.

7. RESOLUTION FOR ROBERT "BOBBY" PARKER

Motion to waive the rules and Charter provisions, to vote at first introduction to City Council and declare an emergency due to the set of circumstances, by Councillor Zeid, seconded by Councillor Vogel. So voted. Motion to approve by Councillor Zeid, seconded by Councillor Vogel. So voted.

CONSENT AGENDA

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8. APPROVAL OF MINUTES

- November 12, 2019 (Approve)

9. TRANSFERS

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

10. COMMUNICATIONS

- COMM206_11_25_19 Pole Hearing - Bayberry Road (PU)
- COMM207_11_25_19 Memo re: Retirement Board Supplemental Expense Budget (B&F)
Motion to amend, to change to receive and file by Councillor Giunta, seconded by Councillor Zeid. So voted.
- COMM208_11_25_19 2020 Class II Vehicle License - Plum AutoWorks, Inc. (L&P)
- COMM209_11_25_19 Frigid Fiver - 1/26/2020 (PS)

11. APPOINTMENTS

First Reading - NONE

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

License & Permits

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

Neighborhoods & City Services

- ODNC042_09_30_19 Parking at Public Parks and Playgrounds

Public Safety

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

Public Utilities

- COMM200_10_28_19 Pole Hearing - 30 Colby Farm Lane

**END OF CONSENT AGENDA
REGULAR AGENDA**

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

12. MAYOR'S UPDATE

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

13. COMMUNICATIONS

- COMM210_11_25_19 LATE FILE Ahavas Achim Interfaith Candle Lighting - 12/16/19-1/5/20
Motion to refer to Public Safety by Councillor Zeid, seconded by Councillor Giunta. So voted.

14. APPOINTMENTS

Second Reading - NONE

15. ORDERS

- ORDR159_11_25_19 Free Holiday Parking 2019
Motion to approve by Councillor Zeid, seconded by Councillor Giunta. So voted. Motion to add December 26th by Councillor Khan, seconded by Councillor Giunta. So voted. Motion to approve as amended by Councillor Zeid, seconded by Councillor Giunta. So voted.
- ORDR160_11_25_19 Resolution for Robert Parker
See #7.
- ORDR161_11_25_19 Preservation Restriction - 25 Water Street
Motion to refer to Planning & Development by Councillor Eigerman, seconded by Councillor Tontar. So voted.
- ORDR162_11_25_19 LATE FILE Bartlet Mall Resolution
Motion to refer to Neighborhood & City Services by Councillor Shand, seconded by Councillor Zeid. So voted.

16. ORDINANCES

- NONE

17. COMMITTEE ITEMS

NOTE: UNDERLINED COMMITTEE ITEMS WILL BE CONSIDERED AT THIS MEETING

Budget & Finance

In Committee:

- COMM112_02_11_19 Memo re: Fire-Based EMS Cost/Benefit Analysis
- COMM120_03_11_19 Central Congregational Grant Award Letter
- ORDR132_07_15_19 CPC FY2020 Recommended Appropriations (COTW)
Project No. 9 held in committee.
- ORDR136_08_19_19 Fuller Track Phase II Loan Order
- COMM189_09_09_19 CPC Revised Recommendation for FY2020 Appropriations
- **COMM192_09_30_19 10-Year Financial Projection (COTW)**
Motion to remove from Budget & Finance by Councillor Tontar, seconded by Councillor Khan. So voted. Motion to receive and file by Councillor Tontar, seconded by Councillor Khan. So voted.
- **ORDR150_10_28_19 Opioid Addiction Treatment and Prevention Grant Acceptance \$600K**
Motion to remove from Budget & Finance by Councillor Tontar, seconded by Councillor Zeid. So voted. Motion to approve by Councillor Tontar, seconded by Councillor Khan. So voted.
- **ORDR154_11_12_19 Friends of NYS Gift Acceptance \$11,000**
Motion to remove from Budget & Finance by Councillor Tontar, seconded by Councillor Zeid. So voted. Motion to approve by Councillor Tontar, seconded by Councillor Khan. So voted.
- **ORDR155_11_12_19 Plum Island AED Gift Acceptance \$2,603.98**
Motion to remove from Budget & Finance by Councillor Tontar, seconded by Councillor Zeid. So voted. Motion to approve (comm vote 3-0) by Councillor Tontar, seconded by Councillor Zeid. So voted.
- **ORDR157_11_12_19 Fire Boat Gift Acceptance**
Motion to remove from Budget & Finance by Councillor Tontar, seconded by Councillor Khan. So voted. Motion to amend, add “the current 41’ fire boat shall be disposed of forthwith”, by Councillor Tontar, seconded by Councillor Zeid. So voted. Motion to approve as amended by Councillor Tontar, seconded by Councillor Zeid. So voted (1 no – Giunta).
- ORDR158_11_12_19 Rescission of Marijuana Sales Tax (COTW)

Education

In Committee:

-

General Government

In Committee:

-

License & Permits

In Committee:

- COMM029_04_30_18 Outdoor Seating – West Row Café
- COMM104_01_14_19 Seacoast Taxi - Application by Richard Hewlett for 2019
- **COMM203_11_12_19 2020 Class II Vehicle License - RL Currie Corp.**
Motion to approve COMM203_11_12_19 and COMM204_11_12_19 collectively by Councillor Vogel, seconded by Councillor Tontar. So voted.
- **COMM204_11_12_19 2020 Class II Vehicle License - LCA Motors**
See above.
- ODNC043_11_12_19 Prohibition of Non-Medical Marijuana Retailers (COTW)

Neighborhoods & City Services

In Committee:

- ORDR048_06_13_16 Sidewalk Order
- COMM111_10_10_17 Petition for Road Repairs and Repaving – Squires Glen
- **ODNC042_09_30_19 Parking at Public Parks and Playgrounds**
Motion to approve (comm vote 2-0) first reading by Councillor Zeid, seconded by Councillor Shand. Roll call vote, 10 yes, 1 absent (OBrien). Motion passed.
- COMM194_10_15_19 Ltr from Newburyport Livable Streets
- COMM196_10_15_19 Ltr re: Road and Sidewalk Work on Merrimac and High Streets (COTW)
- COMM197_10_28_19 Ltr re: Phillips Drive Neighborhood Drainage (COTW)

Planning & Development

In Committee:

- **ORDR086_01_28_19 CPC FY2019 Amended Recommendation for Affordable Housing Trust Funds**
Motion to remove from Planning & Development by Councillor Eigerman, seconded by Councillor Giunta. So voted. Motion to receive and file by Councillor Eigerman, seconded by Councillor Giunta. So voted.
- ODNC029_01_28_19 Zoning Map Amendment – Storey Ave South
- ODNC038_07_15_19 Zoning Amendment – Waterfront West Overlay District (COTW)
- COMM185_09_09_19 Memo re: Waterfront West Sustainability
- COMM201_10_28_19 Memo re: Proposed Zoning Change – WWOD
- **ORDR156_11_12_19 Acceptance of Colby Farm Open Space**
Motion to remove from Planning & Development by Councillor Eigerman, seconded by Councillor Giunta. So voted. Motion to approve by Councillor Eigerman, seconded by Councillor Giunta. Roll call vote, 10 yes, 1 absent (OBrien). Motion passed.
- ODNC044_11_12_19 Zoning Amendment - Prohibition of Non-Medical Marijuana Establishments (w/ PB and COTW)
- ODNC045_11_12_19 Zoning Amendment - Definition “Marijuana Retailers” (w/ PB and COTW)

Public Safety

In Committee:

- ODNC009_03_12_18 Floating Homes, Houseboats, and Related Marinas
- COMM087_09_24_18 Ltr re: Coffin Street
- COMM116_02_25_19 Toward Zero Waste Newburyport Initiative (*full text available*) (COTW)
- ORDR094_04_08_19 Traffic Changes - Green, Pleasant, and Titcomb Streets
- ODNC035_05_28_19 Amendment to Health and Sanitation (COTW)
- **ORDR145_09_30_19 Snow Emergency Parking – Greenleaf Street**
Motion to refer ORDR145_09_30_19 and ORDR146_09_30_19 collectively back to Public Safety by Councillor Devlin, seconded by Councillor Giunta. So voted.
- **ORDR146_09_30_19 Restricted Parking – Merrimac Street at Ashland Street**
See above.
- COMM198_10_28_19 Ltr re: Middle Street Parking/Curb Cuts
- **ORDR149_10_28_19 Eliminate Two Hour Parking Upper Summer St**
Motion to approve (comm vote 2-0) by Councillor Devlin, seconded by Councillor Zeid. So voted.
- ORDR151_10_28_19 Amendment to 2-Hour Resident Zones
- COMM202_11_12_19 Newburyport Rotary Santa Parade - 12/1/2019
- COMM205_11_12_19 Ladies' Night Out Run/Walk - 12/7/2019

Public Utilities

In Committee:

- COMM122_11_27_17 Mobilitie Application/Small Cell Utility Petition (re-file)
- ODNC022_05_29_18 Addition to Chapter 5, Article 6 - Small Cell Sites
- **COMM200_10_28_19 Pole Hearing - 30 Colby Farm Lane**
Motion to approve by Councillor Zeid, seconded by Councillor Giunta. So voted.

Rules

In Committee:

- ORDR057_08_27_18 Amendment to Council Rule 12A

18. GOOD OF THE ORDER

19. EXECUTIVE SESSION to discuss litigation with respect to the 193 High Street Zoning Appeal
Motion to go in to Executive Session, for the purpose of discussing litigation with respect to the 193 High Street Zoning Appeal, by Councillor Zeid, seconded by Councillor Tontar. Roll call vote, 9 yes, 1 recused (Devlin), 1 absent (OBrien). Motion passed. The Council President stated the Council would not return to Open Session. 8:55pm.

20. ADJOURNMENT

Motion to adjourn by Councillor Vogel, seconded by Councillor Khan. So voted. 9:45pm.

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

ORDERS

CITY OF NEWBURYPORT



IN CITY COUNCIL

ORDERED:

December 9, 2019

EMERGENCY PREAMBLE

Pursuant to Charter Section 2-9 (b) and as further defined in Section 1-7(7) an emergency exists due to the fact that the matter referenced in ORDR163_12_09_19, the Order relating to the gift from The Mayor Gayden W. Morrill Charitable Foundation, is time-sensitive due to the Council Session ending at the closing of the December 9, 2019 meeting.

Therefore, the City Council hereby affirmatively declares that an emergency exists such that Rule 12A be waived and ORDR163_12_09_19 may be voted upon at its first introduction to this Council.

Councillor Charles F. Tontar

CITY OF NEWBURYPORT



IN CITY COUNCIL

ORDERED:

December 9, 2019

RECEIVED
CITY CLERK'S OFFICE
NEWBURYPORT, MA
2019 DEC 14 PM 3:58

THAT, The CITY COUNCIL of the City of Newburyport accepts with gratitude a gift from The Mayor Gayden W. Morrill Charitable Foundation in the amount of \$110,000.00 to be expended in accordance with the foundation's Funding Directive dated October 25, 2019. This gift is accepted in accordance with M.G.L. Chapter 44, Section 53A.

Councillor Charles F. Tontar

ROBERT D. MORRILL
8396 SW SNAPDRAGON COURT
STUART, FLORIDA 34997

October 25, 2019

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

Re: Morrill Foundation Funding Directive

Dear Madam Mayor,

This letter is to advise the City that the trustees have reviewed the Parks Commission requests which were presented at the Newburyport Senior Center Meeting held on September 20, 2019. The 2020 allocation is \$110,000.00.

The spring weather had a negative effect on this year's projects but it is worth noting that Mrs. Lise Reid, Park's Director, utilized the remaining summer months to accomplish several projects which were high priority for the foundation.

The trustees have agreed upon the following projects for 2020 with the following financial allocations.

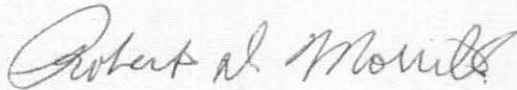
1. Bartlet Mall Historic Restoration - \$56,500.00. My Brother, Jim, and I met with Mr. Charles Griffin and received a list of specific projects and rough estimates of costs. Prior to our meeting, Jim and I reviewed the list with Mrs. Lise Reid. We stipulated during both meetings that our funding was to be used for the Historical Access to the pond from Auburn Street and the reestablishing of the slopes along the playground side of the Mall per Charles Elliott's original design. The playground, being next to the slope, will require some heavy equipment, which is also needed for stump removal as well as stones; so it is understood that both projects may be completed at the same time. It has been noted that the playground expenses will be separated from the foundation's funding as the work proceeds. The allocated funds coupled with previous funding should be adequate.
2. Joppa Park Walkway Beautification - \$30,000.00. Roughly thirty percent of the walkway is complete. The \$20,000.00 allocated, yet to be used, along with this year's funding should complete the project.

3. Patrick Tracy Square Improvement Project - \$8,000.00. The City has requested chess tables, decorative tree lighting, plant bed restoration, and another bench.
4. Friends of Newburyport Trees - \$4,000.00. A request for ten Liberty Elm Trees to be planted along a specified section of Merrimac Street to include watering and care.
5. Atkinson Common Tower View and Gazebo Restoration - \$11,500.00. The Tower View is still unresolved and no money has been allocated. The Gazebo is in need of structural repair. It is understood that the overgrown vegetation surrounding the Gazebo will be removed prior to doing the work.

I know that the City Council will have to formally accept these funds at its December meeting. After notification of their acceptance to all trustees, with the original acceptance letter directed to the treasurer Mr. James Agrippa Morrill, a check will be issues next year.

In the meantime, we hope that all in Newburyport will have a wonderful Thanksgiving, a blessed Christmas, and a safe, joyous and prosperous New Year.

Sincerely,



Robert D. Morrill

Cc: James Agrippa Morrill, James Astle Morrill, Mary Haslinger, Lise Reid, Kimberly Turner, Jack Grady

ORDINANCES

CITY OF NEWBURYPORT



IN CITY COUNCIL

ORDERED:

September 30, 2019

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

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

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

Chapter 11 – PARKS AND RECREATION

ARTICLE 1. – IN GENERAL

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

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

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

Councillor Heather L. Shand

In City Council November 25, 2019:

Motion to approve (comm vote 2-0) first reading by Councillor Zeid, seconded by Councillor Shand. Roll call vote, 10 yes, 1 absent (OBrien). Motion passed.

COMMITTEE ITEMS

Committee Items- December 9, 2019

Budget & Finance

Consent:

Budget & Finance

In Committee:

- COMM112_02_11_19 Memo re: Fire-Based EMS Cost/Benefit Analysis
- COMM120_03_11_19 Central Congregational Grant Award Letter
- ORDR132_07_15_19 CPC FY2020 Recommended Appropriations (COTW)
Project No. 9 held in committee.
- ORDR136_08_19_19 Fuller Track Phase II Loan Order
- COMM189_09_09_19 CPC Revised Recommendation for FY2020 Appropriations
- ORDR158_11_12_19 Rescission of Marijuana Sales Tax (COTW)
- TRAN065_11_25_19 Free Cash \$15.5K to Meeting Recording \$15.5K

bot



CITY OF NEWBURYPORT
OFFICE OF THE MAYOR
DONNA D. HOLADAY

RECEIVED
CITY CLERK'S OFFICE
NEWBURYPORT, MA

60 PLEASANT STREET • P.O. BOX 550
NEWBURYPORT, MA 01950
(978) 465-4413 • (978) 465-4402 (FAX)
WWW.CITYOFNEWBURYPORT.COM

2019 FEB -5 PM 2:29

To: President and Members of the City Council
From: Donna D. Holaday, Mayor
Date: February 5, 2019
Subject: Fire-Based EMS Cost/Benefit Analysis

As mentioned in my last update to the Council, attached is the final report that was prepared by our consultant with regards to operating our own ambulance service. Based on the findings in the report, I feel that fire-based emergency medical services (EMS) are something that we need to strongly consider as a city.

Fire Chief Christopher LeClaire has advocated for fire-based EMS for quite some time. With that said, there is still a significant amount of work that needs to be done in moving the EMS process forward, including collective bargaining with the Firefighters union and fully vetting the concept with the City Council. As such, I hope that by submitting this report to the Council, we can begin to discuss the merits of operating our own ambulance service to see if this makes sense for our community.

I would like to thank our research consultant, Terry Rooney, who volunteered her time to prepare this very comprehensive report. Terry is a long-time resident of Newburyport and holds a Master's in Public Administration with an extensive background in health care policy and research. We were fortunate that Terry was interested in giving back to her city by preparing this in-depth analysis for us.

Thank you for your review and consideration.

MEMORANDUM

To: Donna Holaday, Mayor, City of Newburyport
Christopher LeClaire Chief, Newburyport Fire Department

From: Terry Rooney, MPA

Subject: City Owned Ambulance Services – Preliminary Cost/Benefit Analysis

Date: 13, January 2019

I. Introduction

During the 1970's emergency medical services became fully professionalized across the country as minimum standards were widely adopted establishing requirements for staffing, training/certification, transport vehicles and equipment. While regulations varied by state, these changes had broad impact particularly for smaller cities. Public expectation for qualified services at the local level grew and most cities and towns assumed provision of pre-hospital, emergency medical treatment and ambulance transport as one of their core public safety offerings along with police and fire services. In many states, response to medical emergencies was incorporated into the duties of the local Fire Department and EMS personnel were either added or obtained under contract with a private provider.

Making EMS response a public safety service funded through taxpayer dollars meant that communities faced a choice between two basic delivery models: public versus privately operated. This decision has long been complicated by two other factors: 1) that Fire Department personnel already respond to all 911 emergency calls and 2) health insurance coverage has improved and expanded, making reimbursement, at least for ambulance transport of insured residents, available. There are pros and cons to each service delivery model, but several factors that are unique to a city including its geography, population density, demographics (age, median income, and rate of insured residents) can help municipal leaders identify which is most advantageous for their community. Another key factor to be considered when making this decision is determining which model best ensures continuity of care for residents in need of emergency medical response.

In the private model cities without their own ambulances pay no fees, but rather agree to refer all 911 medical emergency calls exclusively to a contracted, private provider (i.e.: Cataldo). In this scenario, the private ambulance company relies primarily on reimbursement from health insurance for its transport services; and assumes compensation sufficient enough to prove profitable even in those communities with high rates of uninsured residents. In accordance with their contract, private providers also assure cities a minimum level of trained staff per vehicle, per call, and a minimum response time. It is important to note that even in communities without a publicly owned ambulance, municipal EMS staff respond to every call for emergency medical treatment.

In the public model a city owned and operated ambulance service means that EMS personnel, training, vehicle(s), equipment and billing for reimbursement are municipal expenses. The benefits offsetting such investments include increased local control of emergency medical response for residents, which includes improved continuity of care and elimination of redundancy for patients in need of pre-hospital medical treatment and hospital transport. (NOTE: Residents of communities with municipal EMS department, but no ambulance for hospital transport (as is the case with Newburyport) can have a disjointed and duplicative experience when both city EMS staff and private ambulance employees respond to a 911 call.) Depending on the community's characteristics, the publicly funded model may capture sufficient revenue to add ambulance transport to the EMS response that it already provides.

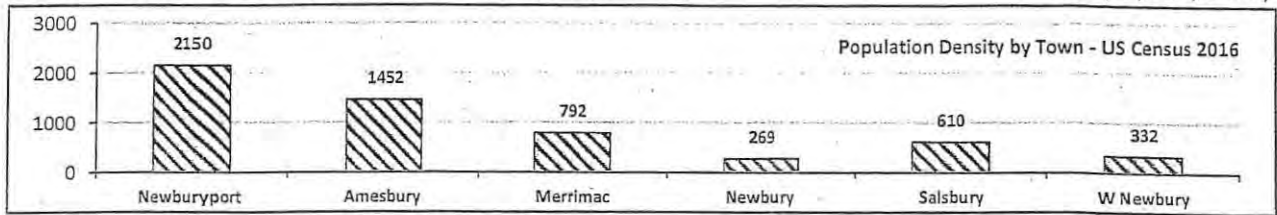
Municipal control of ambulance transport is on the rise. In fact, among the 351 cities [56] and towns [295] in the Commonwealth, the vast majority (nearly 70%) chooses to operate their own ambulance services rather than contract with a private provider (see Appendix A.)

II. Newburyport Statistical Profile – Putting Costs/Benefits into context

Weighing the costs and benefits of replacing a contracted ambulance service with one that is owned and operated by the city and staffed with municipal employees requires close examination of multiple factors. The task is to determine whether revenue available through several sources can cover all of the expenses that will arise in such an endeavor.

The primary drivers behind any reliable reimbursement projections beyond call volume are demographics (e.g.: age, income, percent living in poverty, sources of health insurance, rate of unemployment, etc.) and geography (city's population, square miles, location of nearest hospital, proximity to interstate highway etc.). Another important factor is the number of Nursing Homes, Assisted Living facilities and low income housing units for elderly and disabled in the community. Each component of these drivers is discussed in detail below and, where possible, benchmarked against data for both the commonwealth and surrounding communities.

a. Population Density (number of residents per square mile) 2150 (18,050¹/8.4mi)

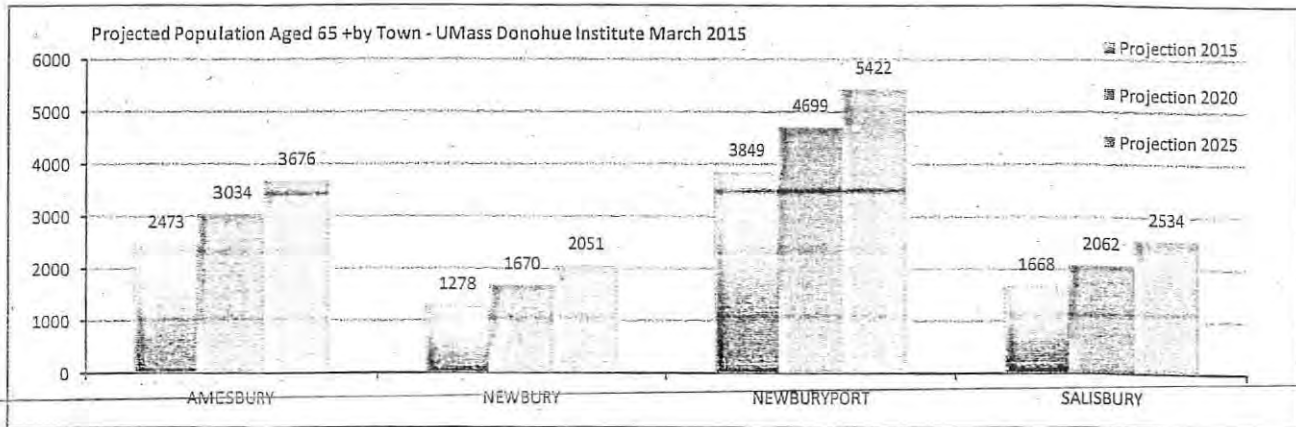


Population density has a direct impact on the efficiency of ambulance service delivery and the likelihood that the service will be able to pay for itself. The high density of Newburyport's resident population, in comparison to 5 surrounding towns² and the nearly central location of its hospital within city limits should support both better response time and shorter turn around time between calls than is currently provided by the contracted ambulance service.

b. Demographics:

i. Age Breakdown:

- | | |
|--------------------|-------|
| 1. Under 18 = 3612 | 20% |
| 2. 19-64 = 11,568 | 61% |
| 3. >65 = 2280 | 19.3% |
| 4. Median Age | 49 |



Age and common economic indicators when taken together provide important information about a community that will impact both utilization of ambulance services and potential revenue for such services. While Newburyport's median age is somewhat higher than that of surrounding towns and its percent of residents over age 65 is higher than averages for the state (16.3), Merrimack Valley and Amesbury (both 14%), its share of disabled adults under 65 and households with public assistance are among the lowest. The Center for Economic and Policy Research at the UMass Donahue Institute projects that similar to the rest of the Commonwealth, Newburyport is experiencing a demographic shift with number of residents aged 65 and over growing significantly between 2015 and 2025; projecting an increase of 41% for Newburyport.³ Such an increase will surely impact demand for emergency medical services in the years to come.

¹ US Census Bureau - ACS December 2017

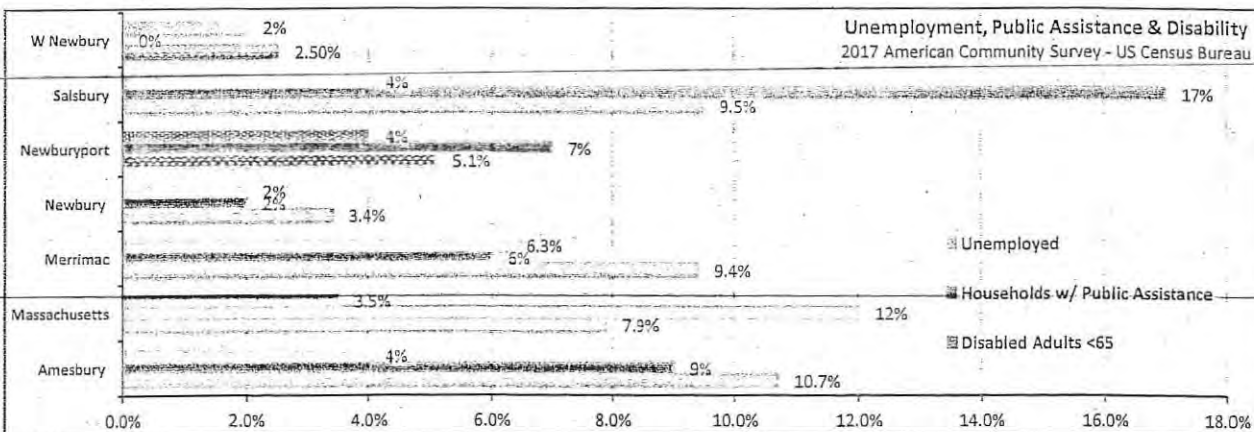
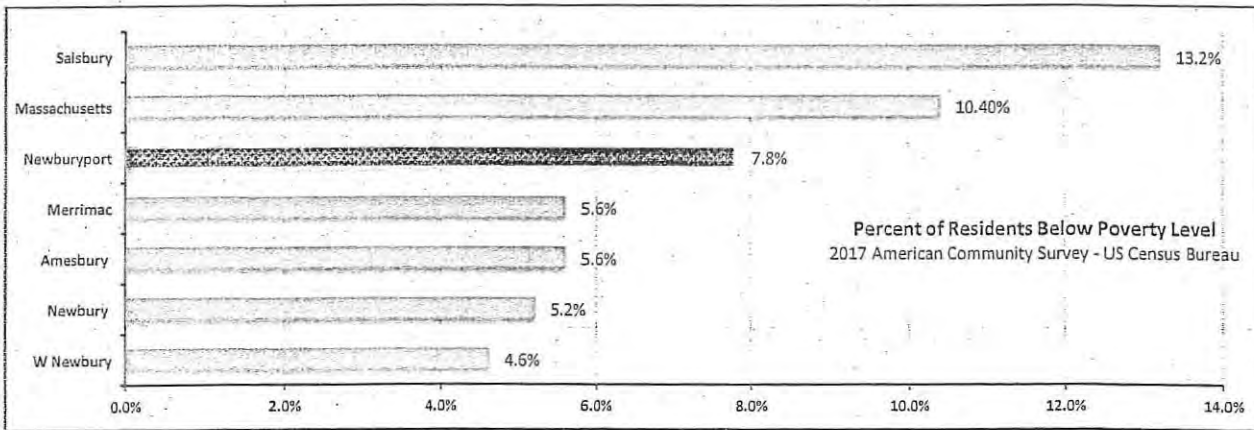
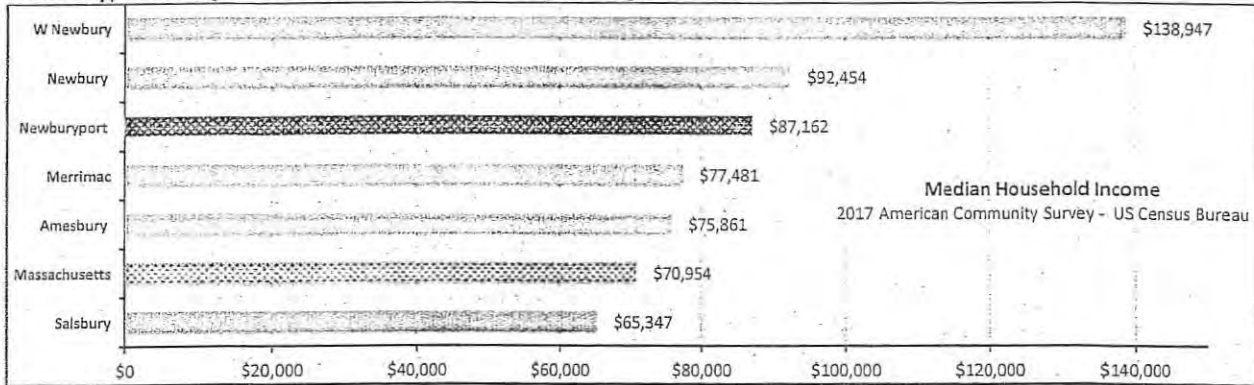
² www.towncharts.com

³ Center for Economic Research & Policy, UMass Donahue Institute. *Long Term Population Projections for Massachusetts Regions & Municipalities*, March 2015

c. Economic Indicators (Total Households = 7,555):

i.	Median Household Income	\$ 87,162 (up 11% from 2010) ⁴
ii.	Median family income	\$119,377 (up 15.5% from 2010)
	1. Residents living under Federal Poverty Level (FPL)	7.8% (1,408)
	2. Adults under age 65 on disability	5.2% (939)
	3. Unemployment rate	2% (2880)
	4. Households receiving public assistance	4% (302)

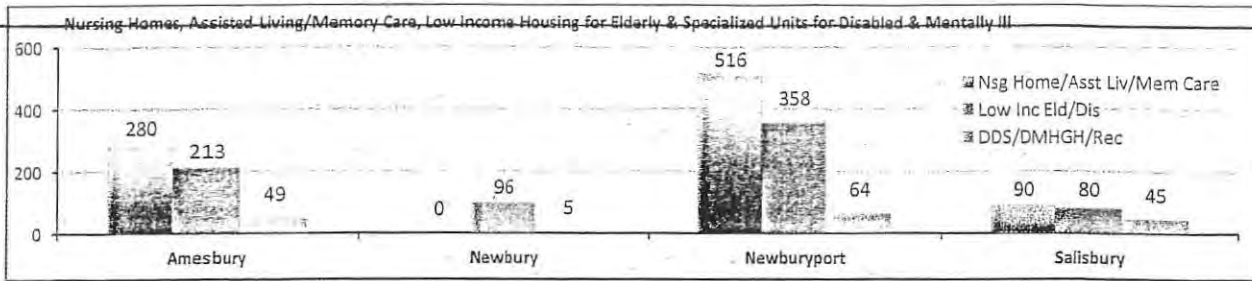
Newburyport compared with the state & five neighboring communities



d. Concentration of city's elderly & disabled residents: Number of Nursing Homes, Assisted Living facilities and Low Income housing units for the Elderly and Disabled⁵

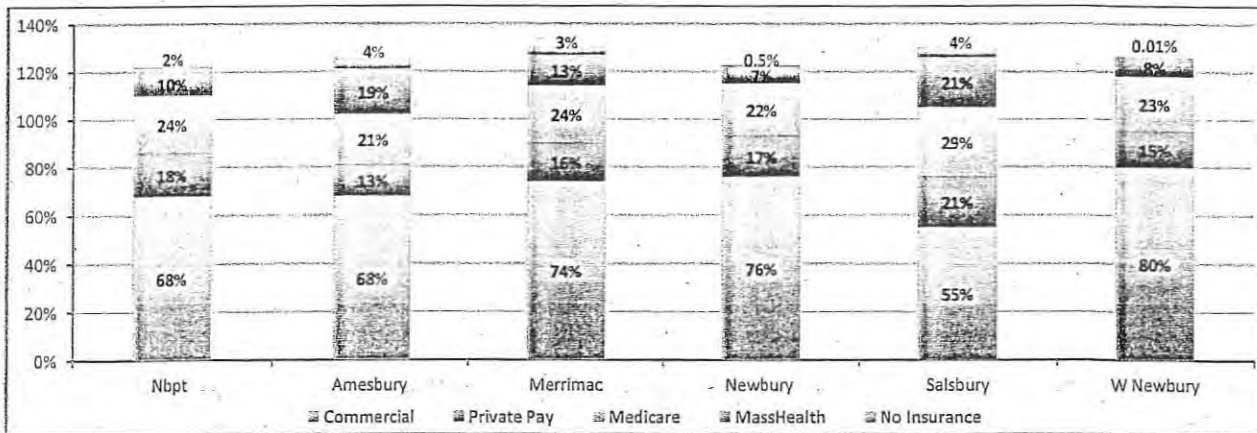
⁴ US Census Bureau- American Community Survey 2017. Note: Newburyport's Median Household Income is 15% higher than that of Amesbury

⁵ NH: Brigham Manor (64 beds), Country (111) Port Rehab: (123); Atria (80 +68), Avita (70), Heritage House (101 units), James Steam Mill (98), Sullivan Building (100) Analysis of NFD call records for Q2 of 2017 revealed that EMS requests originating from these facilities represented 30% of all requests for EMS response.



Compared with three bordering communities, Newburyport’s number of Nursing Home and Assisted Living/ Memory Care beds and Low Income housing units for Elderly & Disabled are both over 40% higher than found in Amesbury. With 3 Skilled Nursing Homes, 2 Assisted Living/Memory Care facilities, 3 Low Income housing programs and 5+ group homes for the disabled and mentally ill, Newburyport is home to over 900 beds designed for elderly and medically vulnerable residents whose need for EMS services is higher than that of the general population. Note: While the 3 Nursing Homes accept patients with MassHealth, those beds are limited and the majority of patients in those facilities as well as the 2 Assisted Living Facilities have supplementary commercial coverage in addition to Medicare.

e. Health Insurance coverage – 2017: Newburyport versus 6 Surrounding Towns



Note: Residents with 2 sources of health insurance ie: Medicare & commercial plan (aka: 'Medi-gap' policy) are counted in each category

While the number of residents with Medicare are mostly comparable across towns, the relatively low percentage of Newburyport residents who are either uninsured (2%) or covered by MassHealth 10% (half of Amesbury’s rate) suggests a favorable mix of health insurance coverage for ambulance transport services.

III. Establishing the Baseline- Newburyport Fire Department Budget - \$3.6million

a. EMS Personnel, Training, Supplies

Current annual expenses for Emergency Medical response are \$2,160,000 (60% of the department’s budget) with no offsetting revenue since reimbursement is available only to the entity that transports the patient to the hospital. Current staffing at 32 full-time personnel (4 groups of 8) is not sufficient to man a city ambulance, which would require a minimum of 4 new positions (2 Paramedics⁶ per shift). Providing additional Paramedic training for current staff would increase the level of service and the quality of care provided to city residents. NFD budget already includes \$4,000 for EMT supplies, approximately 2/3 of this cost for a BLS level ambulance.

b. EMS Call volume most recent 4 years: Number of Transports (BLS/ALS = approx. 60/40 split)⁷

NFD Call Volume & Transports:
 Calls for Emergency Medical Services increased 17% between 2016 & 2017. The % of calls resulting in transports has increased significantly in the same time period.

⁶ Trained to administer medications, cardiac monitoring surgical airways, chest decompression, drug infusion, etc.
⁷ Data provided by NFD, July 2018

	2014	2015	2016	2017
Total EMS Calls	1716	1599	1660	1947
# of Calls resulting in Transport	858	879	927	1393
Percentage	0.5	0.55	0.56	0.72

III. Preliminary Expense Projections for City Owned & Staffed Ambulance

Expense Item	Projected Annual Cost	Options/Questions
Ambulance	New Vehicle \$250-\$300k	Buy = \$250k-\$300k amortized over 8 years = \$37,500 OR 3 yr lease/purchase = \$65,000 year
Supplies	\$6,500 (BLS level)	Budget already includes \$4k
License/Inspections /Auto & Malpractice Insurance	\$10,000	Inspections & some maintenance may be covered within lease/purchase option
Diesel Fuel & Vehicle Maintenance	\$2,500	
Service contracts for maintenance of automatic stretcher	\$1,500	Separate cost only if new vehicle is purchased
4 new positions	\$320,000	Based on estimate of \$80k per position including benefits
Training	\$ 18,000	
Billing Contract- Typically 3.5% of collections	\$ 15,000	Consider RFP for company that can provide hardware & software in contract
Total w/ new Ambulance amortized =	\$407,000	
Total w/ 3yr lease purchase =	\$423,000	

Note: These projections are based on data supplied by other Massachusetts towns with municipal ambulance services, primarily Amesbury. They can be enhanced with actual quotes for new vehicle, a 3-year lease purchase agreement and estimates from billing and supply stocking contractors.

IV. Revenue Projections --Rationale/Assumptions/Sources

- Assume that NFD will staff a city owned ambulance for BLS transports for the first 1-2 years and that it would also transport ALS level patients whenever possible and not wait on-scene for an ALS intercept. The contract with Cataldo will remain in place solely for back to back calls. Once Paramedic staffing level is sufficient, NFD would re-license its ambulance to handle all EMS (BLS and ALS) calls and the contract with Cataldo would be terminated.
- Assume Medicare will be the reimbursement source for the majority of BLS transports⁸; that fewer transports will be reimbursed at the higher rates paid by commercial (employer provided) health insurance or residents who pay privately and that some portion of transports will be of residents with no insurance.

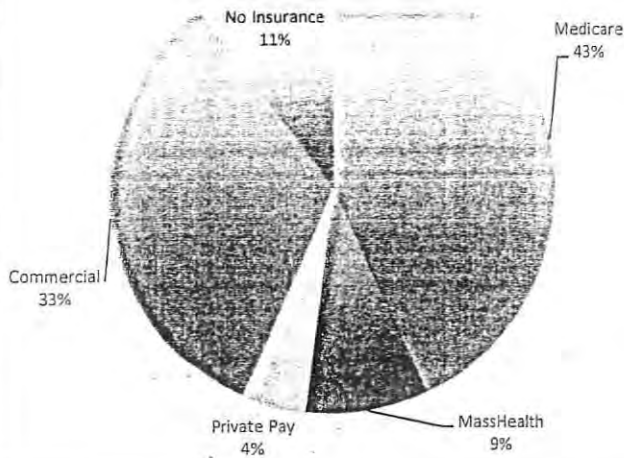
Note- the state average Medicare payment is \$406, but Amesbury reports that it receives only \$300 on average & a somewhat lower rate from MassHealth for its beneficiaries. Cities/Towns must accept the government rate as payment in full and are prohibited from billing the patient for any difference between the rate paid and the actual cost of providing the service.

- Assume that ambulance utilization is higher among the elderly, the poor and those with disabilities (those residents most likely to either be covered by a government insurance source or uninsured.)
- Assume that the city will adopt a 'hard' billing policy and contract with a skilled billing provider that will achieve a minimum collection rate of 85-90%⁹

⁸ Medicare sets tiered rates for Basic Life Support (BLS) and Advanced Life Support (ALS) transports annually but these may vary by region of the country. ALS rates are typically 25-35% higher than BLS due to a higher level of medical care provided to the patient.

⁹ The typical turn around time for Medicare payment should be within 60 days, but is dependent upon accuracy of the claim submitted which reflects patient information collected at the time of the transport as well as from dispatch. The wait for claims payment will also be affected by collection from any co-insurance a patient has -- (ie: in Massachusetts 76% of residents age 65 and over have a 'MediGap' policy) which will typically cover some portion of an ambulance trip and may extend the wait period another month. For claims covered by residents with commercial health insurance the turnaround time should be somewhat less. The RFP issued for an outside ambulance billing provider should reflect the city's minimum expectations for collections %, providing most current software and training to EMS staff, routine reports to allow for tracking of payments received and a company's experience and success rate in this type of billing.

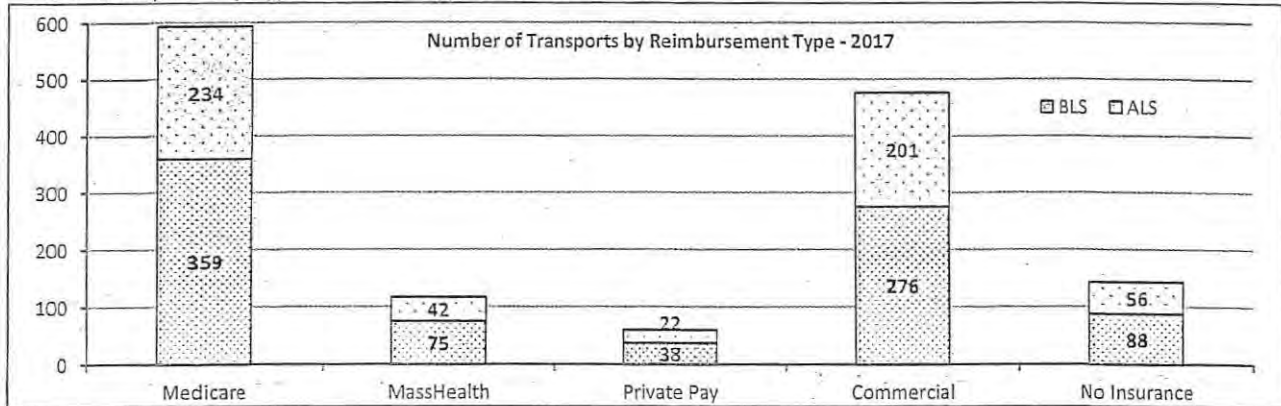
Percentage of BLS Transports by Reimbursement Source



Percent of BLS Transports by Reimbursement Source

This projection assumes that government insurance (Medicare & Medicaid -aka MassHealth) will account for over 50% of total reimbursements, while Commercial and Private Pay total less than 40%. Some portion of residents with Medicare will also have a secondary insurance ("Medigap") policy, which is not accounted for here. This projection also assumes that 10% of transports would be provided to uninsured residents, which may prove an overestimation. Projections in this formula are conservative compared with payer mix data shared by Cataldo & the City of Amesbury. It is reasonable to expect that NFD could have fewer transports for residents who are uninsured and a higher number for those with Commercial insurance.

V. 2017 Transports by Type for Newburyport -BLS vs ALS



VI. Projected Annual Revenue for NFD

Source:	Reimbursement Rates	BLS Transports	Annual Revenue
Medicare	\$315	359	\$113,236
Medicaid	\$230	75	\$17,305
Private Pay	\$900	38	\$33,858
Commercial	\$900	276	\$248,292
No Insurance	\$0	88	\$0
		836	\$412,691
Mileage	\$7.26 * 4mi	836	\$24,277
TOTAL			\$436,968
Reimbursement for 50% ALS level trips @ Medicare rate	\$315	278	\$87,727
Total Projected Revenue			\$524,695

* This revenue formula is based on the current NFD distribution of BLS/ALS transports for 2017 & assumes reimbursement rates that are at the lower end of current rates seen in the Commonwealth for each revenue source. The private pay rate would be set by the city; this figure is an average for Massachusetts's cities & towns. The figure used for commercial insurance plans is at the low end of what is typically paid for a BLS call.
 * This projection also assumes mileage reimbursement—currently \$7.26 per mile for Medicare (but higher for commercial insurers) at an average of 4 miles per transport.
 * Given that NFD will also transport ALS level calls, rather than wait for Cataldo intercept, a conservative estimate of reimbursement at the Medicare BLS rate for 50% of those trips is also included.
 * This projection does not include any estimate of reimbursements (closer to commercial rates) through auto insurance for transports resulting from MVAs.

VII. Preliminary Conclusions/Recommendations

This analysis suggests that Newburyport is uniquely situated to add ambulance transport to its existing EMS delivery. Taking that step would establish local control over the continuum for residents in need of emergency

medical treatment and improve outcomes of pre-hospital response. The factors discussed above that strongly support this conclusion include the following:

Newburyport's high population density, small area (8.4 square miles) and centrally located hospital distinguish it from surrounding communities. Combined these factors will greatly improve both response time, and turn-around over what is provided under the current contract.

The city's higher median income, high rate of health insurance, and low number of residents living under the poverty level or receiving public assistance suggest that reimbursement for ambulance transport will be stronger than exist in surrounding communities with municipally operated vehicles (i.e.: Amesbury, Newbury).

Demand for ambulance transport in the city is high due to an aging population and the presence of Nursing Homes, Assisted Living facilities and housing for seniors and disabled. In addition, new and recently completed housing units (Newburyport Landing – 14, Hillside – 48, Boston Way – 84, Evergreen – 38 with others planned – Brown School?) will also impact need for ambulance service in the near future.

Even with conservative estimates this analysis suggests that the projected revenues are more than sufficient to cover anticipated expenses for launch of city operated ambulance service.

NFD and the city would benefit from establishing an enterprise fund for a designated percentage of annual ambulance revenue to support future vehicle lease/purchase, additional training and equipment upgrades.

Additional Sources

Anderson, David. *The Problem of Private Ambulance Services*. Current Affairs: August 18, 2018

Beckwith, Geoffrey C. MMA letter to Ways and Means urging rejection of ambulance payment changes, September 8, 2011

Beckwith, Geoffrey C. MMA letter to Senate Health Cost Containment Committee raises concerns about EMS rate provision, October 23, 2017

Calams, Sarah. *Private vs. Public Ambulance Services: What's the Difference*. www.ems1.com: October 23, 2017

Cosgrove, James C., *Ambulance Providers: Costs and Medicare Margins Varied Widely; Transports of Beneficiaries Have Increased*. GAO-13-6: Oct 1, 2012.

Maruca, Joseph, *Factors To Consider for Fire Departments Thinking About Providing Ambulance Service*,: National Volunteer Fire Council, February 4, 2016

Merrimack Valley Planning Commission & Goldson, JM. *City of Newburyport Housing Production Plan 2018-2022*. www.mvpc.org

Center for Economic & Policy Research UMass Donahue Institute. *Long Term Population Projections for Massachusetts Regions and Municipalities*: March 2015

US Census Bureau- American Community Survey. www.census.gov/programs-surveys/acs/data.html

Winokoor, Charles, *Taunton opts for new 911 ambulance service provider, AMR ambulances will be replaced by Brewster Ambulance Service beginning in July*. Taunton Gazette,: May 7, 2016

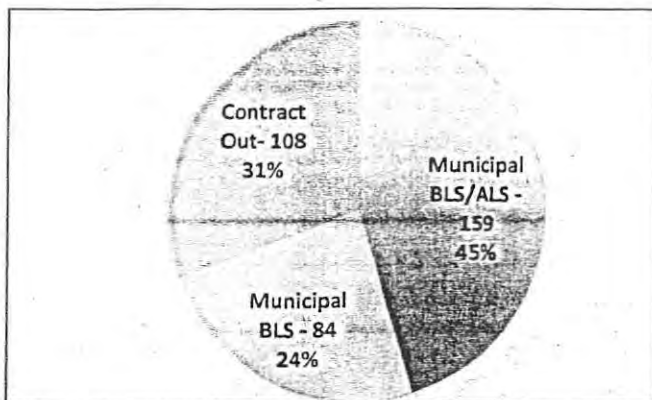
www.towncharts.com

Zalar, Christine and Fitch, Jay, *Ambulance Services: Build Your Own or Contract Out? Transport/EMS services can change care models to help meet the Triple Aim*,: August 8, 2017

APPENDIX A

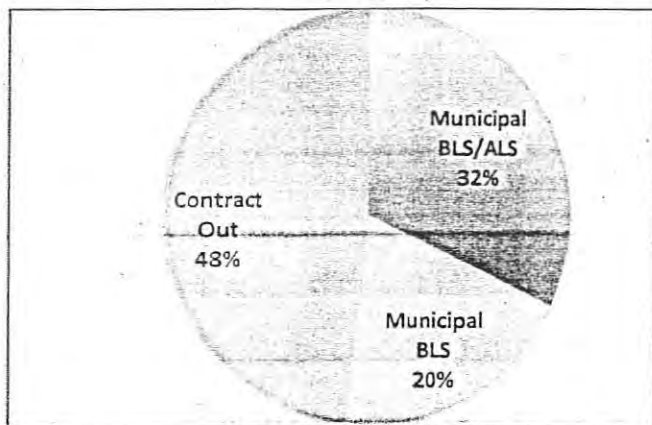
Overview: Ambulance Services in Massachusetts – City Owned versus Contract

a. Cities/Towns by Type of Ambulance Service:



- 159, (45%) have municipally operated BLS and ALS ambulance transport.
- 84 (24%) have municipally operated BLS services and contract for ALS and back-up.
- The remaining 108 communities (31%) contract with a private provider for all ambulance transport.

b. Communities with an Acute Care Hospital/ED



- 57 cities/towns have 1 or more acute care hospitals (full ED services) within their borders.
- Of those 57 communities 18 (31.5%) operate their own ambulance transport services.
- An additional 11 cities (19%) operate BLS level transports.
- The remaining 27 (47%) contract out for transport from a private ambulance company a nearby hospital or another town.

By: [Signature]
4/29/19



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,

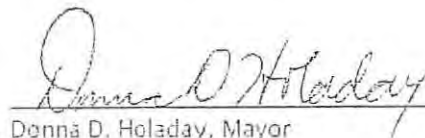


Michael Dissette
Chair, Community Preservation Committee

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

B+F
COTW
re-submits
9-30-19

CITY OF NEWBURYPORT



IN CITY COUNCIL

ORDERED:

That the City Council appropriates from the Community Preservation Act FY 2020 estimated revenues, in accordance with the provisions of M.G.L. Chapter 44B, for the following projects, based upon the Community Preservation Committee's recommendation, the total amount of **\$1,250,803**. The source of funds shall be FY2020 estimated revenues in the amount of \$1,048,493.01 and Community Preservation Fund Balance in the amount of \$304,611. Each project listed below shall be considered a separate appropriation or reservation in the amount indicated for that project. Any conditions or stipulations indicated within the Community Preservation Committee's recommendation, incorporated herein, shall be considered a condition of this appropriation and subsequent grant award.

Project No.	Project Title	Applicant	Request	Recommendation
1	NHS Exterior Woodwork Restoration Phase 3	Newburyport Public Schools	\$110,903	\$110,903
2	Kelleher Gardens Siding Project	Newburyport Housing Authority	\$325,000	\$325,000
3	Gateway Trees 2	Newburyport Tree Commission	\$13,000	\$13,000
4	Cushing House Electrical System	Historic Society of Old Newbury	\$59,430	\$59,430
5	Bartlet Mall Historic Restoration-Walkway Improvements	Newburyport Parks Department and Commission	\$118,925	\$83,000
6	Custom House Maritime Museum: Interior Climate Control Systems Upgrade	Newburyport Maritime Society, Inc.	\$100,000	\$75,000
7	NHS Exterior Woodwork Restoration Phase 4	Newburyport Public Schools	\$84,000	\$84,000
8	Open Space Reserve Fund	Newburyport Open Space	\$170,000	\$100,000
9	Fuller Field Track Renovation Phase 2	Newburyport Parks Department and Commission	\$694,820	Full Bond

Order
3-21-20

10	Riverfront Trail Gap Project/Clipper City Rail Trail Phase 2	Newburyport Planning Office	\$250,000	\$250,000
----	--------------------------------------------------------------------	-----------------------------	-----------	-----------

Total: \$1,926,078 \$1,100,333

11	NHS Stadium Bond Payment	123,080
12	Cherry Hill Soccer Field Bond Payment	\$12,540
13	Administrative Costs	\$12,000

Total: \$150,470

Councillor Charles F. Tontar

Approve:
Date:

Attest:

**NEWBURYPORT COMMUNITY PRESERVATION COMMITTEE
RECOMMENDATIONS FOR FY20 APPROPRIATIONS**

The Newburyport Community Preservation Committee recommends that the City Council appropriate **\$1,250,803** from Community Preservation Fund Revenues for the projects and bond payments, in the amounts, in the categories, and subject to the conditions hereinafter described.

The following CONDITIONS are common to recommended projects #1 through #11:

- A. Each recipient of funds is required to submit to the CPC a written report on the status of the project by each October 15, January 15, April 15 and July 15 following appropriation and until final completion of the project.
- B. If a project is not completed within twelve (12) months of appropriation, the grantee must submit a written request to the CPC for an extension of the grant. Otherwise, funds may be subject to rescision and returned to Community Preservation Fund Reserves (applicable to appropriations, not to reservations).
- C. Full funding is conditioned upon the receipt of state matching funds, estimated to be 11.5% of local revenue, expected in November 2019.

Attached are:

- 1. A draft Council Order and table summarizing all CPC recommendations.
- 2. Recommendations for appropriation numbers 1-14, with summaries for each.
- 3. Criteria for project evaluation adopted and published by the CPC.

Estimated Community Preservation Fund Revenues available for appropriation or reservation in FY 2020 total **\$1,353,104.01**. This figure includes estimated receipts of the local CPA surcharge through fiscal year end 2019, accumulated interest, the anticipated 11.5% state matching funds expected to be received in November 2019, current uncommitted and unreserved funds, and the returned funds from completed and closed-out projects.

Applications for all projects are available for review in the Office of Planning & Development. Applications received, including those recommended for funding, are also available for viewing on the City website at the following URL:

<https://www.cityofnewburyport.com/community-preservation-committee>

Respectfully submitted by:

Community Preservation Committee Members

Michael Dissette, Chair	Jane Healey, Vice Chair
Mark Rosen	Paul Healy
Daniel Koen	Don Walters
Don Little	Ronald Ziemba
Karen Popken	

PROJECT NO. 8
OPEN SPACE RESERVE FUND

The CPC recommends the reservation of \$100,000 from the FY 2020 Estimated Revenues to the Open Space Reserve Fund.

The CPA category for this reservation is Open Space.

Project Summary: Since 2014, through appropriations from the Open Space Reserve Fund, the City successfully protected 10+ acres of land on Curzon Mill Road and a significant portion of the Colby Farm land on Low Street (pending). The existence of the Reserve allowed the City to take the opportunities when they were presented. Recent CPC funding rounds have restored the Reserve to its current balance of \$729,966. The OSC continues to work on conserving open space based on goals and priorities described in the City's Master Plan and Open Space and Recreation Plan. This application is a "placeholder," with the intention of submitting supplementary application(s) about specific projects, as agreements are reached, outside funding and project partners identified, and we are otherwise able to provide the project-specific details for your consideration. No funds will be appropriated from the Open Space Reserve Fund without the CPC's review and recommendation, and City Council's approval of the specific projects.

PROJECT NO. 9
FULLER FIELD TRACK RENOVATION- PHASE 2

The CPC recommends to fully bond the continued renovation of the track and field facility at the Bradley Fuller Athletic Field on Low Street in the amount of \$694,820 on the condition that the annual debt service not exceed \$55,000.

The CPA category for this appropriation is Recreation.

Project Summary: Phase 1 of this project saw construction of a new, collegiate level track and multipurpose sports field at the existing track facility on Low Street. Phase 2 got underway with the installation of a new fence that allows gating off the facility in order to charge admissions for events. Continuation of the project includes installation of a 500 to 1,000-person grandstand, completion of electrical connections throughout the facility for the sound and timing systems, installation of a new sound system, and renovation of the interior of the existing field house to include expanded restroom facilities. Future phases include improving the parking and drop off area, and installing new concrete walkways and lighting and upgrade of the turf infield.

PROJECT NO. 10
RIVERFRONT TRAIL GAP PROJECT/ CLIPPER CITY RAIL TRAIL- PHASE 2

The CPC recommends the appropriation of \$250,000 from the FY 2020 Estimated Revenues to the City of Newburyport Office of Planning & Development for the construction phase of the Riverfront Trail Gap Project.

The CPA category for this appropriation is Recreation.

Project Summary: The construction phase of the Clipper City Rail Trail's Riverfront Trail Gap Project will establish a crucial trail link along a 1,200' section of the former B&M railroad corridor along the Merrimack River shoreline, and fill a critical gap in this well-used trail network. The project will clean up soil contamination and significantly improve the resilience of this unprotected stretch of shoreline to sea level rise and storm surge events. The riverfront trail section between Joppa Park and the American Yacht Club will connect over three miles of the City's existing Rail Trail/Harborwalk network. The trail will be raised several feet above existing grade in order to be at or above the

*Bot
re submit
9/26/19*

CITY OF NEWBURYPORT



IN CITY COUNCIL

ORDERED:

August 19, 2019

THAT, upon the recommendation of the Community Preservation Committee, \$694,820 is appropriated to pay costs of the continuation of Phase 2 of the Bradley Fuller Athletic Facility renovation project, including the installation of a 500 to 1,000-person grandstand, completion of electrical connections throughout the facility for the sound and timing systems, installation of a new sound system, and renovation of the interior of the existing field house to include expanded restroom facilities, and including the payment of all costs incidental and related thereto; and that to meet this appropriation, the Treasurer with the approval of the Mayor, is authorized to borrow \$694,820 under and pursuant to M.G.L. c.44B, of the General Laws (the Community Preservation Act), M.G.L. c.44 or pursuant to any other enabling authority, and to issue bonds or notes of the City therefor. Any premium received upon the sale of any bonds or notes approved by this order, less any such premium applied to the payment of the costs of issuance of such bonds or notes, may be applied to the payment of costs approved by this vote in accordance with M.G.L. c. 44, §20, thereby reducing the amount authorized to be borrowed to pay such costs by a like amount.

Councillor Charles F. Tontar

NEWBURYPORT COMMUNITY PRESERVATION COMMITTEE
REVISED RECOMMENDATION FOR FY20 APPROPRIATIONS

PROJECT NO. 9
FULLER FIELD TRACK RENOVATION- PHASE 2

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The CPA category for this appropriation is Recreation.

Project Summary: Project Summary: Phase 1 of this project saw construction of a new, collegiate level track and multipurpose sports field at the existing track facility on Low Street. Phase 2 got underway with the installation of a new fence that allows gating off the facility in order to charge admissions for events. Continuation of the project includes installation of a 500 to 1,000-person grandstand, completion of electrical connections throughout the facility for the sound and timing systems, installation of a new sound system, and renovation of the interior of the existing field house to include expanded restroom facilities. Future phases include improving the parking and drop off area, and installing new concrete walkways and lighting and upgrade of the turf infield.



September 3, 2019

Dear Newburyport City Councilors,

The Historical Society of Old Newbury (HSON) is pleased to offer its support for Phases 3 and 4 of Newburyport High School's (NHS) project to restore its historic woodwork and cupola.

The HSON has reviewed a draft preservation restriction for NHS, and has found its guidelines sufficient to ensure preservation of the building's historic integrity. The preservation restriction stipulates that the building's historic, cultural, and architectural features will not be significantly altered during restoration or routine maintenance. Repair work will be undertaken with sensitivity to the building's historic nature and in accordance with *The Secretary of the Interior's Standards for the Treatment of Historic Properties with Guidelines for Preserving, Rehabilitating, Restoring, and Reconstructing Historic Building*.

Phases 3 and 4 of the NHS's current restoration project fall within the guidelines of the preservation restriction. Based on plans provided by NHS, the work will not compromise any historic elements in the building's façade or cupola. Rather, the work will address deterioration issues that threaten to irreparably damage the building's exterior and that would alter its appearance significantly if allowed to happen. The work includes restoration of existing elements where appropriate, and replacement with comparable materials when necessary.

With these considerations in mind, the HSON offers its support for the NHS restoration project and its request for funding from the Newburyport Community Preservation Committee.

Sincerely,

A handwritten signature in cursive script that reads "Susan Edwards".

Susan Edwards

Executive Director



CITY OF NEWBURYPORT
HISTORICAL COMMISSION
60 PLEASANT STREET • P.O. BOX 550
NEWBURYPORT, MA 01950
(978) 465-4400
WWW.CITYOFNEWBURYPORT.COM

To: Newburyport Planning Department, Newburyport Community Preservation Committee, etc.

Re: Funding for the Cushing House Museum Electrical Upgrade Project

The Newburyport Historical Commission (NHC) wishes to convey its strong support for the proposal made by the Historical Society of Old Newbury (HSON), to undertake a major upgrade to the electrical system for the Cushing House Museum, and their request for FY 2020 CPA funding.

The Cushing House Museum (CHM) is currently under a Preservation Restriction (PR) between the Massachusetts Historic Commission (MHC) and the Historical Society of Old Newbury (HSON), owner of the property. This PR is for a period of ten years, starting in 2017, and includes the standard language stating that major work must be reviewed and approved by the MHC. We explained to HSON staff that a new PR will be drawn up which will be substantially similar to the existing PR except it will be between the HSON and the NHC, and will remain in effect in perpetuity.

NHC staff met with representatives of the HSON to tour the property and discuss the planned work. NHC staff were favorably impressed by the knowledge of the HSON staff and their sensitivity to the need to ensure that all work that is done has minimal adverse affect on the historical attributes of the structure, including the interior, which is key to the historic value of this property. We discussed the requirement that the NHC review the project in detail, and approve alterations prior to the start of work. The urgent need for the proposed electrical work was amply confirmed during this inspection. The staff shared their plans as to how they will execute the work with minimal adverse affect on the historical attributes of the structure.

The Cushing House is a unique cultural asset, being such a well preserved example of 19th century life in Newburyport. In addition, the museum has an extensive collection of artifacts representing local history and items from the extensive maritime trade to and from Newburyport. So not only the structure itself, but also these many artifacts are are risk from danger of fire the inadequate wiring currently in place. The museum also cannot supply effective lighting for many of the displays, nor adequately power office equipment used for museum administration.

Therefore, the NHC strongly supports this project and the request for FY2020 CPA funds required to accomplish it. We will review the final plans before work commences and continue to monitor the project.

Sincerely,

Glenn Richards, Chair
Newburyport Historical Commission

*bot
cut*

CITY OF NEWBURYPORT



IN CITY COUNCIL

ORDERED:

November 12, 2019

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

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

Councillor Larry G. Giunta, Ward 5

Councillor Thomas F. OBrien, Ward 6

Councillor Barry N. Connell, At-Large



City of Newburyport

FY 2020

BUDGET TRANSFER REQUEST

RECEIVED
CITY CLERK'S OFFICE
NEWBURYPORT, MA

2019 NOV 19 PM 3: 28

Department: Mayor's Office

Submitted by: Donna D. Holaday, Mayor

Date Submitted: 11/25/2019

Transfer From:

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

Transfer To:

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

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

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



CITY OF NEWBURYPORT
OFFICE OF THE MAYOR
DONNA D. HOLADAY

60 PLEASANT STREET • P.O. BOX 550
NEWBURYPORT, MA 01950
(978) 465-4413 • (978) 465-4402 (FAX)
WWW.CITYOFNEWBURYPORT.COM

RECEIVED
CITY CLERK'S OFFICE
NEWBURYPORT, MA

2019 NOV 19 PM 4:08

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

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

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

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

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

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

Committee Items-December 9, 2019

License & Permits

Consent Agenda:

- ODNC043_11_12_19 Prohibition of Non-Medical Marijuana Retailers (COTW)
- COMM208_11_25_19 2020 Class II Vehicle License - Plum AutoWorks, Inc.

L&P
C.C.W.

CITY OF NEWBURYPORT



IN CITY COUNCIL

ORDERED:

November 12, 2019

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

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

Chapter 9: LICENSES, PERMITS AND BUSINESS REGULATIONS

That the following new Article shall be inserted:

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

Councillor Larry G. Giunta, Ward 5

Councillor Thomas F. OBrien, Ward 6

Councillor Barry N. Connell, At-Large

THE COMMONWEALTH OF MASSACHUSETTS

OF

LHP

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.

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

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

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

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

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

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

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

President Nancy London 11 Warrenton Rd Haverhill, MA 01837

Secretary Nancy London "

Treasurer Nancy London "

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

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

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

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

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

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

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

No

(Yes or No)

If so, state name of manufacturer

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

No

(Yes or No)

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

Yes

(Yes or No)

If so, in what city — town

Newburyport

Did you receive a license?

Yes

(Yes or No)

For what year? 2006 - 2019

11. Has any license issued to you in Massachusetts or any other state to deal in motor vehicles or parts thereof ever been suspended or revoked?

No

(Yes or No)

Sign your name in full

Nancy Gordon

(Duly authorized to represent the concern herein mentioned)

Residence 11 Warrenton Rd. Haverhill, MA 01832

IMPORTANT

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

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

APPLICANT WILL NOT FILL THE FOLLOWING BLANKS

Application after investigation _____
(Approved or Disapproved)

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

Signed _____

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

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

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

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

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

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

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

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

APPLICANT WILL NOT FILL THE FOLLOWING BLANKS

Application No. _____

Class _____ License No. _____

Name _____

St. and No. _____

City — Town _____

Date Issued _____

Remarks _____

Issued Through:

A.A. Dority Company, Inc.

Boston

CONTINUATION CERTIFICATE

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

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

on behalf of

Plum Auto Works, Inc.

located at

71 Storey Ave
Newburyport, MA 01950

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

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

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

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

NGM Insurance Company

By: 

Katie E. Connor

Attorney-in-Fact

Producer:

A.A. Dority Company, Inc.

262 Washington Street, 9th Floor

Boston, MA 02108

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

Committee Items-December 9, 2019

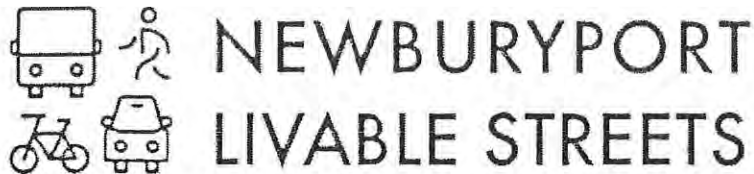
Neighborhood & City Services

COMM 194_10_15_19 Ltr from Newburyport Livable Streets

COMM196_10_15_19 Ltr re: Road and Sidewalk Work on Merrimac and High Streets (COTW)

COMM197_10_28_19 Ltr re: Phillips Drive Neighborhood Drainage (COTW)

ORDR162_11_25_19 LATE FILE- Bartlet Mall Resolution



September 30, 2019

Dear Mayor and City Council,

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Sincerely,

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

on behalf of Newburyport Livable Streets
newburyportlivablestreets@gmail.com

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

RECEIVED
CITY CLERK'S OFFICE
NEWBURYPORT, MA

2019 OCT -8 PM 3:38

~~600~~
600
COTW
withdrawn
NCS/COTW
SZ/CT

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

Honorable Members of the Newburyport City Council:

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

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

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

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

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

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

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

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

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

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

Thank you.

RECEIVED
CITY CLERK'S OFFICE
NEWBURYPORT, MA

2019 OCT 21 AM 8:12

Philip Cootey
22 Phillips Drive
Newburyport MA 01950

October 16, 2019

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

Dear Mr. Giunta and City Councilors:

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

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

Regards,

Philip Cootey and residents of Phillips Drive Neighborhood

11/25

CITY OF NEWBURYPORT



IN CITY COUNCIL

ORDERED:

November 25, 2019

A RESOLUTION RELATING TO THE SUPPORT FOR THE PARKS DEPARTMENT AND PARKS CONSERVANCY TO DESIGN AND CONSTRUCT AN ALL-INCLUSIVE PLAYGROUND AT THE BARTLET MALL

WHEREAS, It is the policy of the City of Newburyport pursuant to Massachusetts General Law Chapter 111, Section 31, to make reasonable rules and regulations to educate, promote, improve and protect the public health and well-being of the citizens of the City of Newburyport, while contributing to building a healthy community and environment in which to live;

WHEREAS, the City of Newburyport's citizens currently do not have access to inclusionary playgrounds for kids of all backgrounds and abilities;

WHEREAS, on June 21, 2018, the Newburyport Disabilities Commission voted to support the procurement of swings for children of all abilities to be installed at Newburyport playgrounds; and

WHEREAS, in April 2019, the Parks Commission installed eight adaptive swings throughout the city at playgrounds and parks including Moseley Woods and procured in August 2019 eight additional swings; and

WHEREAS, the organization named "Newburyport Inclusive Playgrounds" raised over ten thousand dollars in an effort to support an all-inclusive playground at the Bartlet Mall; and

BE IT RESOLVED, we, the members of the City Council of Newburyport, do hereby recognize the "Newburyport Inclusive Playgrounds" organization in their efforts to fundraise for an all-inclusive playground at the Bartlet Mall; and

**BE IT FURTHER
RESOLVED,**

that on this ____ day of December in the year Two Thousand and Nineteen, the City Council of Newburyport supports the Parks Commission and the Parks Conservancy in their efforts to design and construct an all-inclusive playground at the Bartlet Mall as part of the Bartlet Mall Restoration project for all the children of Newburyport to enjoy.

Councillor Heather L. Shand

Committee Items-December 9, 2019

Planning & Development

- ORDR161_11_25_19 Preservation Restriction - 25 Water Street
- ODNC044_11_12_19 Zoning Amendment - Prohibition of Non-Medical Marijuana Establishments (w/ PB and COTW)
- ODNC045_11_12_19 Zoning Amendment - Definition "Marijuana Retailers" (w/ PB and COTW)

pad

CITY OF NEWBURYPORT



IN CITY COUNCIL

ORDERED:

November 25, 2019

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

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

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

Councillor Jared J. Eigerman

PRESERVATION RESTRICTION AGREEMENT

between

NEWBURYPORT MARITIME SOCIETY, INC.

and the

CITY OF NEWBURYPORT, MASSACHUSETTS

BY AND THROUGH THE NEWBURYPORT HISTORICAL COMMISSION

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

10. Review After Casualty Damage or Destruction:

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

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

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

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

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

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

In the case of the Grantor to:
Newburyport Maritime Society, Inc
ATTN: Executive Director
25 Water Street
Newburyport, MA 01950

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

[Signatures appear on following pages]

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

Newburyport Maritime Society, Inc.

By: _____
Its President

By: _____
Its Treasurer

COMMONWEALTH OF MASSACHUSETTS

Essex, ss _____, 2019

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

Notary Public
My Commission Expires

COMMONWEALTH OF MASSACHUSETTS

Essex, ss _____, 2019

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

Notary Public
My Commission Expires

ACCEPTANCE BY THE NEWBURYPORT HISTORICAL COMMISSION

The Newburyport Historical Commission hereby accepts the foregoing Preservation Restriction.

By: _____

Glenn Richards, its Chairman
Hereunto duly authorized

COMMONWEALTH OF MASSACHUSETTS

Essex, ss _____, 2019

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

Notary Public
My Commission Expires

ACCEPTANCE AND APPROVAL BY THE CITY OF NEWBURYPORT

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

By: _____
Richard B. Jones, Clerk

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

By: _____
Donna D. Holaday, Mayor

COMMONWEALTH OF MASSACHUSETTS

Essex, ss _____, 2019

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

Notary Public
My Commission Expires

COMMONWEALTH OF MASSACHUSETTS

Essex, ss _____, 2019

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

Notary Public
My Commission Expires

APPROVAL BY THE MASSACHUSETTS HISTORICAL COMMISSION
COMMONWEALTH OF MASSACHUSETTS

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

Brona Simon
Executive Director and Clerk

COMMONWEALTH OF MASSACHUSETTS

Essex, ss _____, 2019

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

Notary Public
My Commission Expires

EXHIBIT A

LEGAL DESCRIPTION OF PREMISES

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

First Parcel:

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

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

Second Parcel:

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

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

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

Third Parcel:

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

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

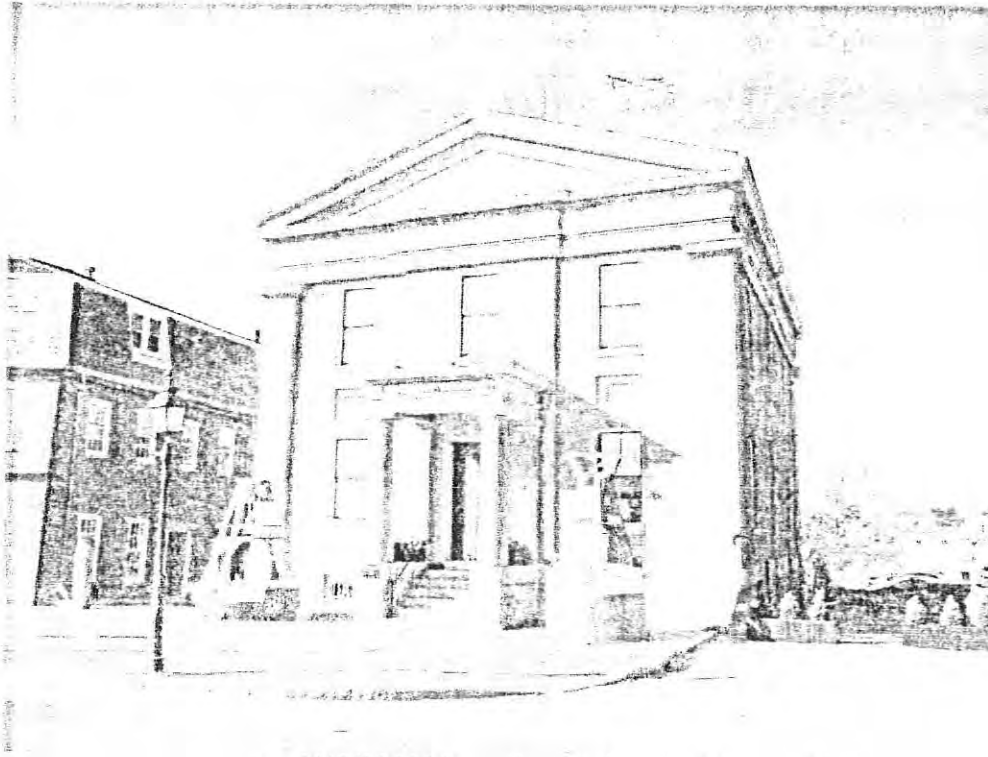
The above described land is subject to a right in favor of said lot C as described in deed from William E. Chase et al to Boston and Maine Railroad, dated August 6, 1914, ad filed as Document 3116 in said Registry.

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

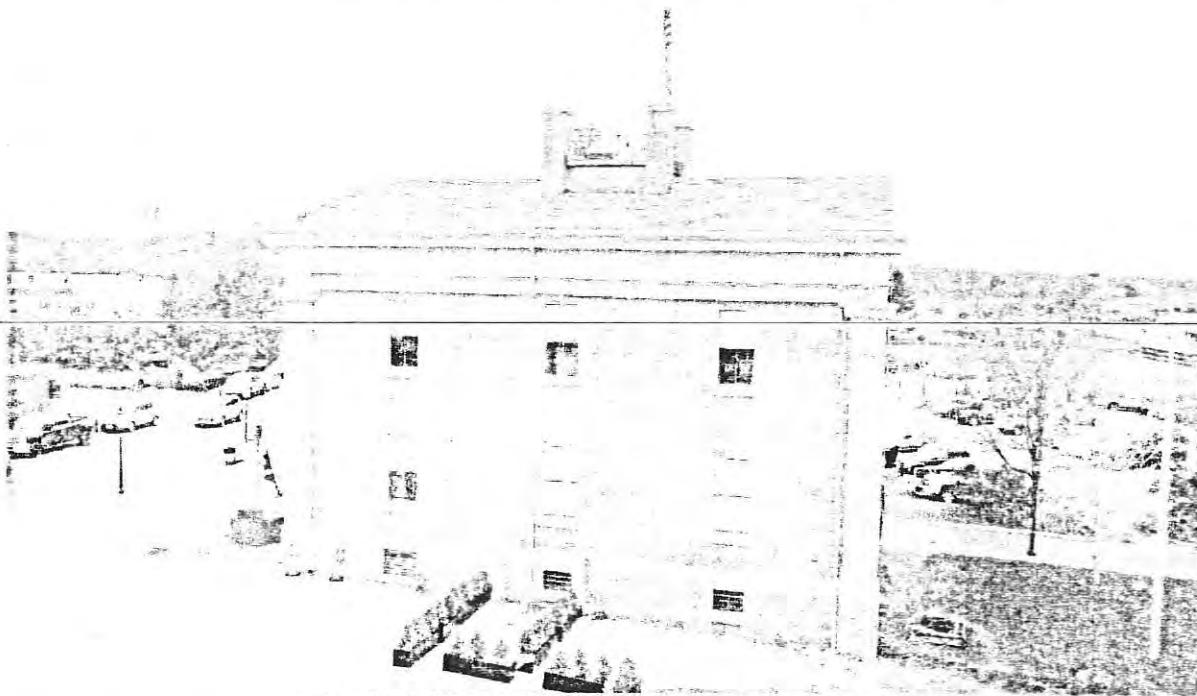
Reserving for the benefit of the City Of Newburyport (hereinafter referred to as the "City") the right to maintain, repair and replace the existing encroachments on the northeast corner of Lot B as shown on the sketch plan attached to and made a part of the Grantor's title deed.

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

EXHIBIT B Baseline Documentation

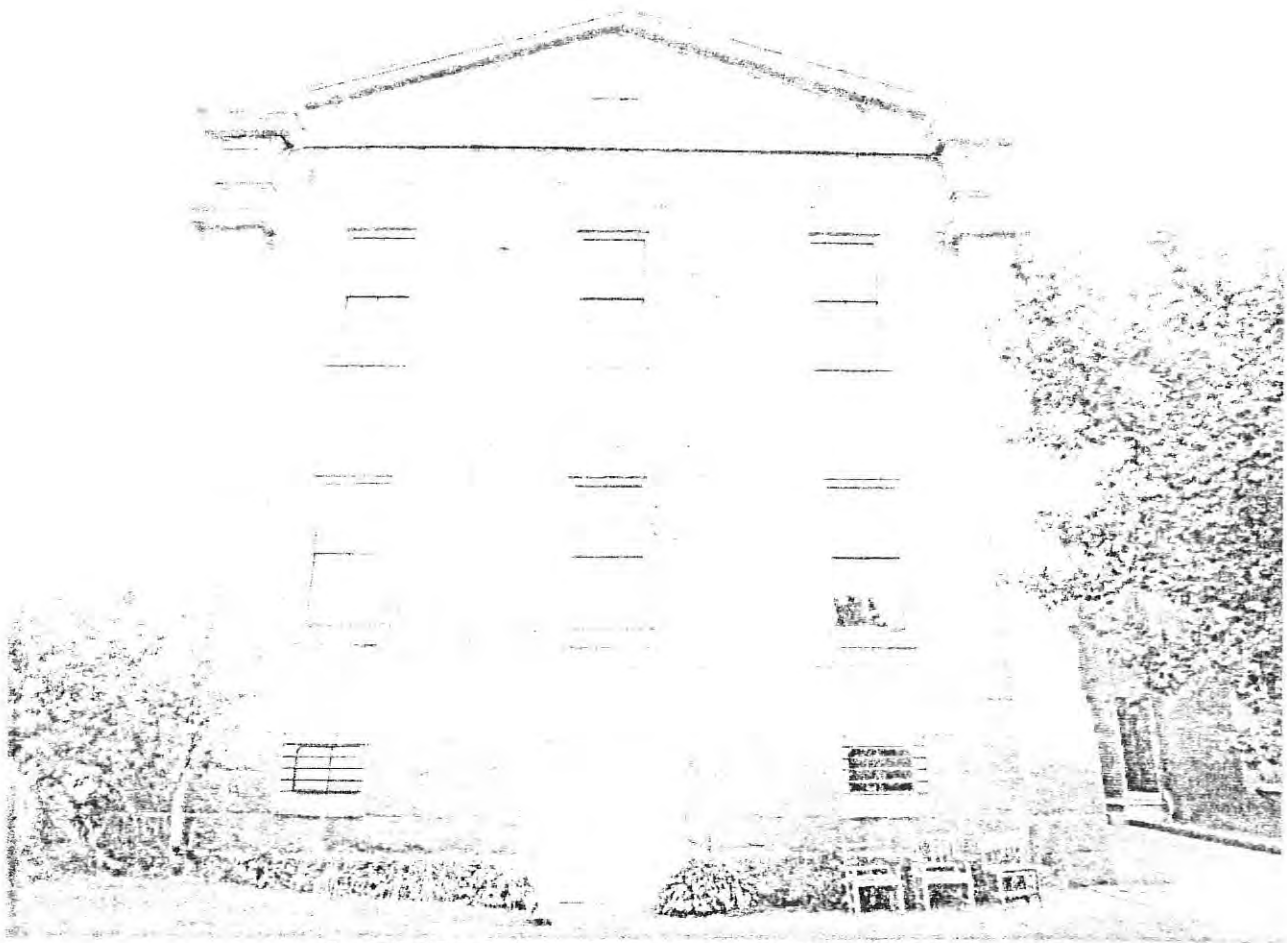


1. 3/18/2019 View of south façade, Gregory Colling



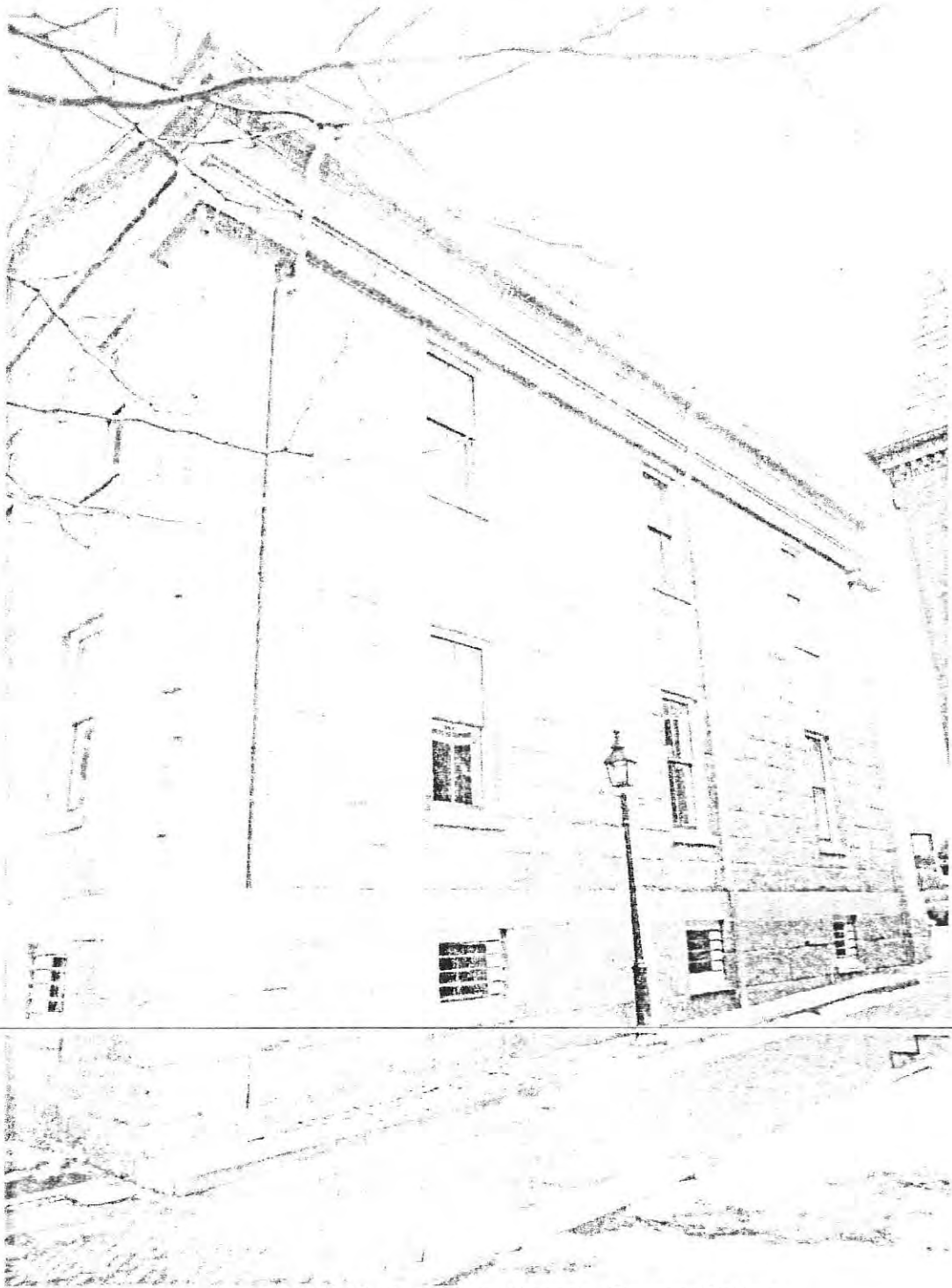
2. 11/14/2019 View of east façade, uavlook.com

EXHIBIT B Baseline Documentation



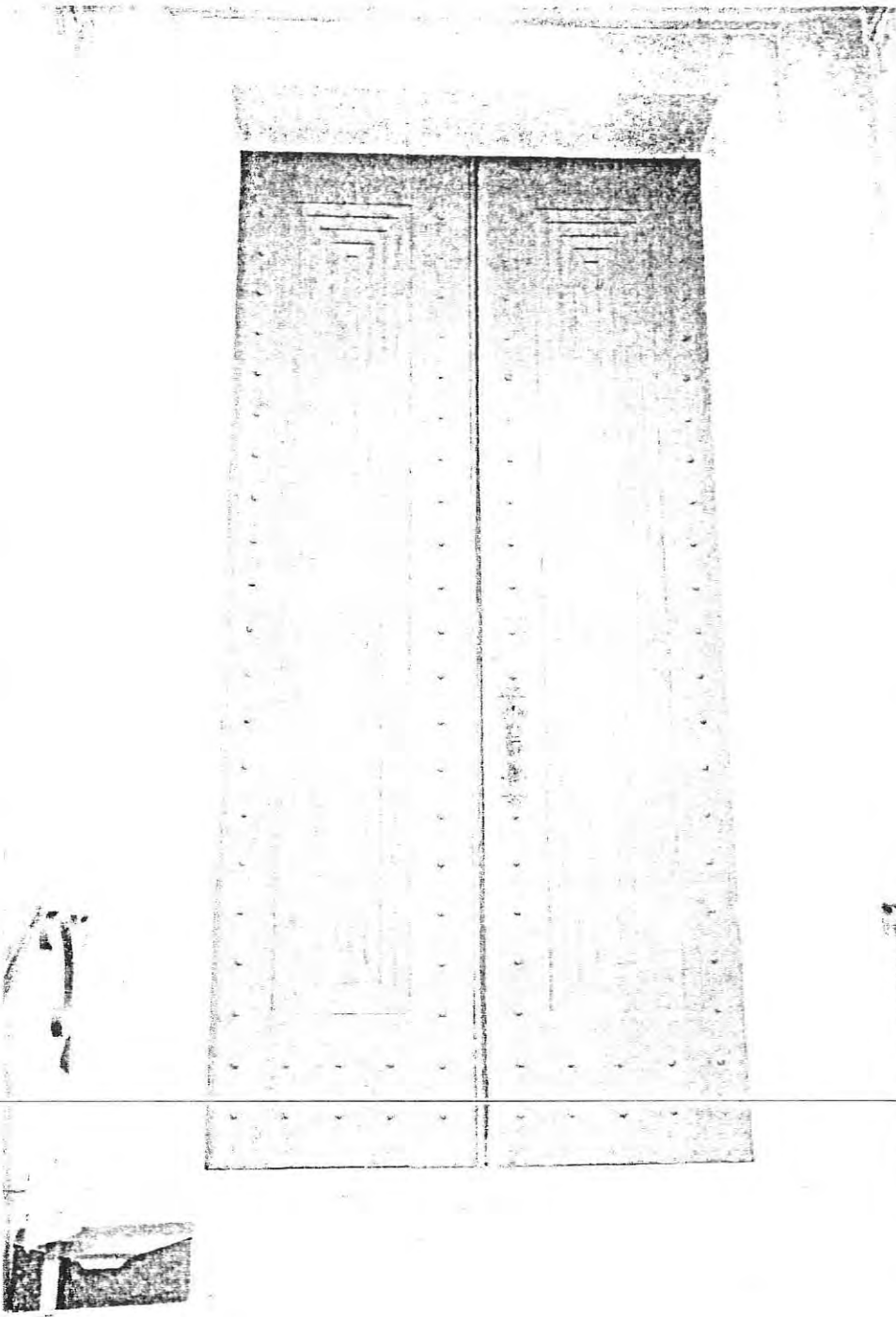
3. 7/27/2013 View of north façade, Gregory Colling

EXHIBIT B Baseline Documentation



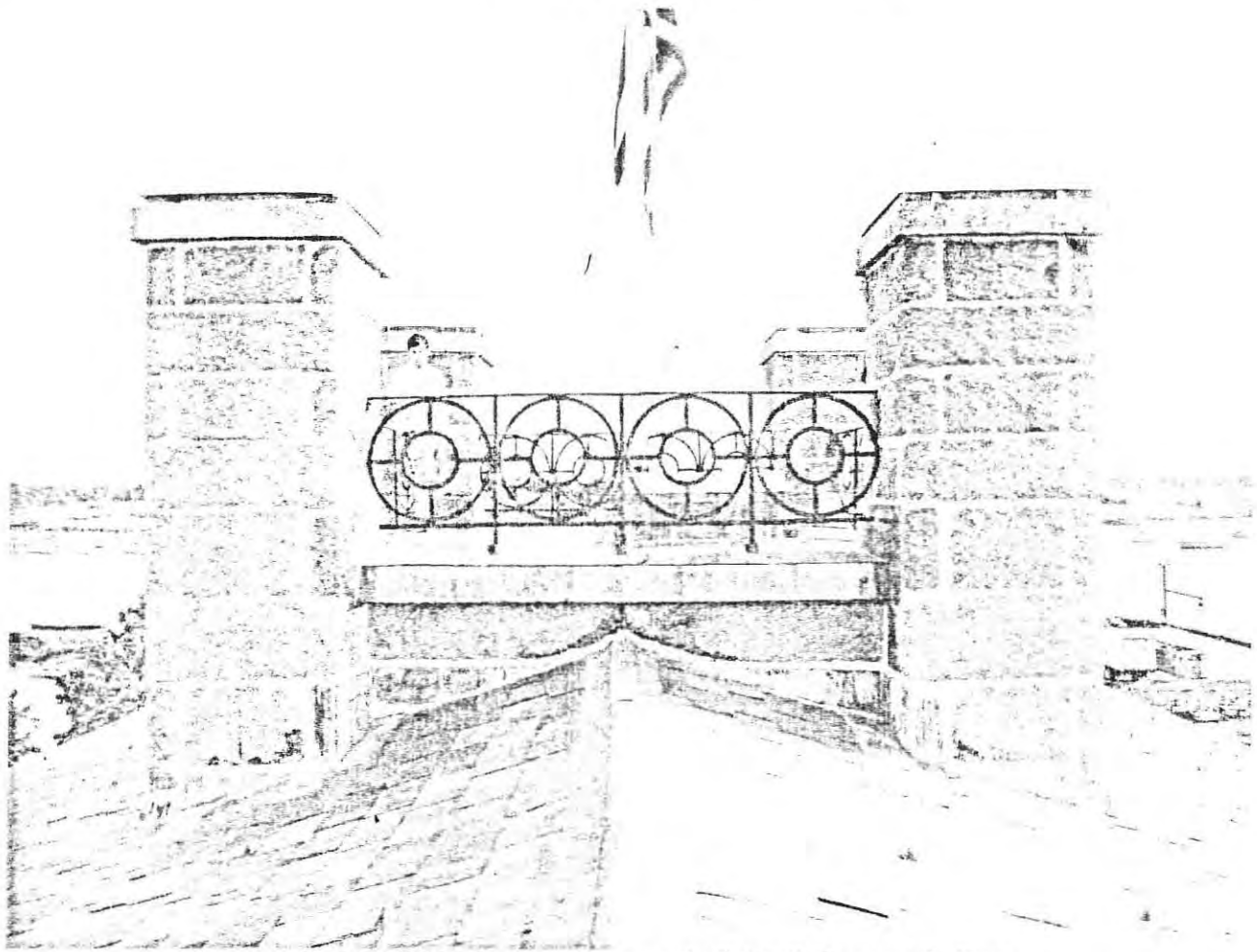
4. 3/14/2019 View of west façade, Gregory Colling

EXHIBIT B Baseline Documentation



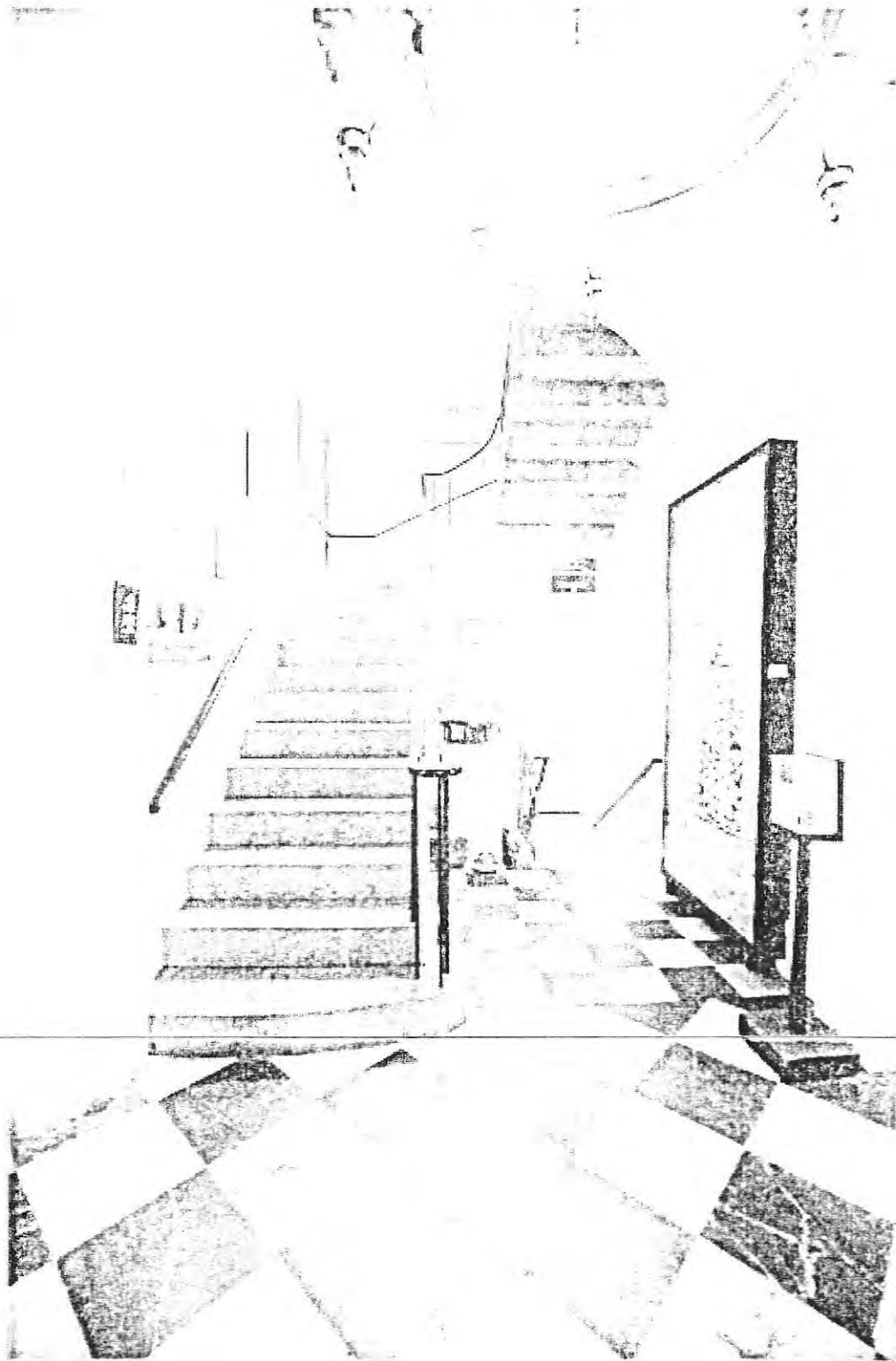
5. 3/16/2019 Water Street Entry Door Detail, Bill Finch

EXHIBIT B Baseline Documentation



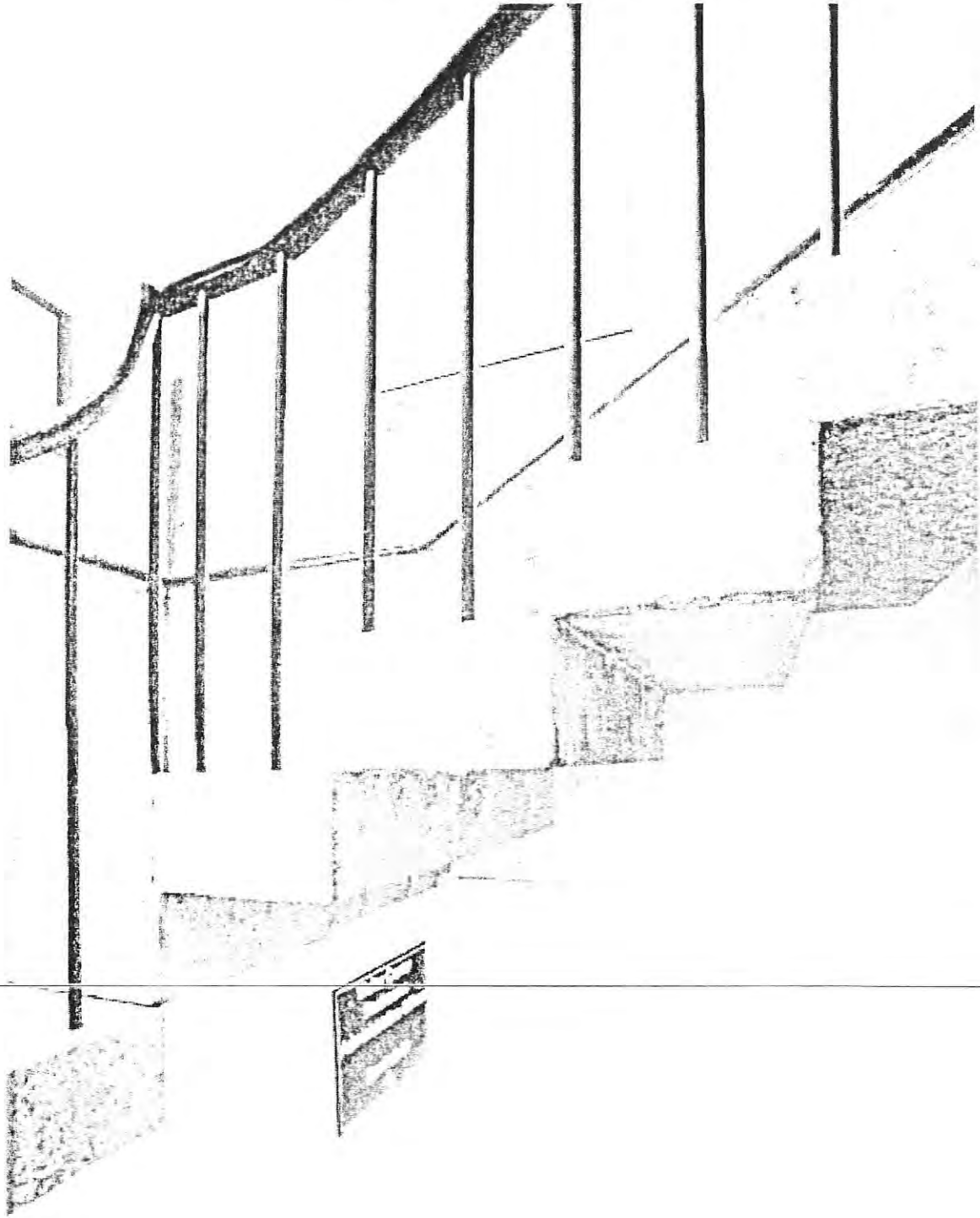
6. 7/24/2013 Observatory guardrail detail, Gregory Colling

EXHIBIT B Baseline Documentation



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

EXHIBIT B Baseline Documentation



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

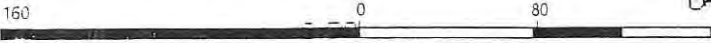
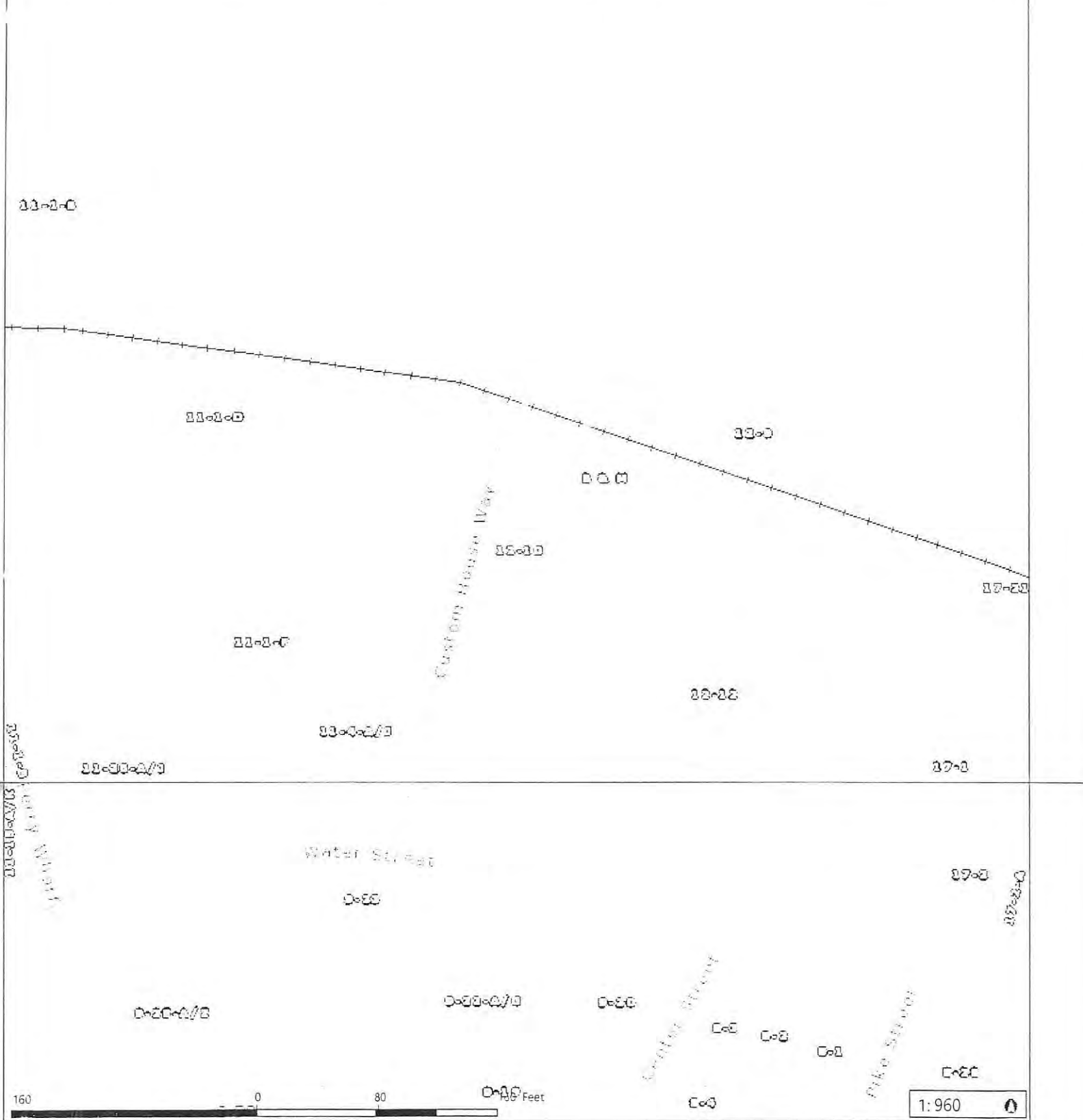
EXHIBIT B Baseline Documentation



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

City of Newburyport

11/15/2019



1:960

Map Produced Pursuant to the Planning Commission 11/15/19
under Resolution of the City of Newburyport, Massachusetts
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as a legal document. The City of Newburyport, Massachusetts, is not responsible for any
errors or omissions on this map.



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

Legend

EXHIBIT C

RESTRICTION GUIDELINES

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

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

PAINT

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

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

WINDOWS AND DOORS

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

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

EXTERIOR

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

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

INTERIOR

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

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

LANDSCAPE/OUTBUILDINGS

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

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

HEATING/AIR CONDITIONING/ELECTRICAL/PLUMBING SYSTEMS

Minor - Repair of existing systems.

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

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

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

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

CITY OF NEWBURYPORT



ODNC044 11 12 19

IN CITY COUNCIL

ORDERED:

November 12, 2019

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

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

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

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

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*Use 801 is limited to the marijuana retailer subtype. For further limitations see section XXXI.

V-H - Reserved.

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

SECTION XXXI. - LICENSED MARIJUANA BUSINESSES

XXXI-A - Purposes.

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

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

XXXI-B - Definitions.

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

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

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

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

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

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

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

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

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

XXXI-C - Special permit required.

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

XXXI-D - License requirements and conditions of use.

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

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XXXI-E - Parking requirements.

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

- "Craft marijuana cooperative": one (1) per employee plus one (1) per three hundred (300) square feet gross floor area

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

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

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

XXXI-G - Permitting procedure and criteria for approval.

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

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

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

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

7. A detailed description and rendering of the applicant's proposed signage to advertise the location of the marijuana business and/or services available at the proposed marijuana business.
8. A traffic impact analysis (traffic study) for the proposed use and site consistent with the requirements of section XV-E(b)(4) of this ordinance; and
9. Documentation regarding the projected use, and adequacy, of public and private utilities and infrastructure required for operation of the proposed marijuana business, including, but not limited to:
 - a. Water.
 - b. Wastewater.
 - c. Electricity.

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

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

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

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

XXXI-H - Decision and conditions of approval.

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

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

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

conditions applicable to the applicant's marijuana business, the SPGA shall include the following conditions in any special permit granted under this section:

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

or electrical interference, which may impair the normal use and peaceful enjoyment of any property, structure or dwelling in the area.

Respectfully Submitted,

Councillor Larry G. Giunta, Ward 5

Councillor Thomas F. OBrien, Ward 6

Councillor Barry N. Connell, At-Large

Larry G. Giunta Jr. Ward 5 City Councilor

*Pat
C. 94G*

CITY OF NEWBURYPORT



IN CITY COUNCIL

ORDERED:

November 12, 2019

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

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

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

Councillor Larry G. Giunta, Ward 5

Councillor Thomas F. OBrien, Ward 6

Councillor Barry N. Connell, At-Large

Committee Items-December 9, 2019

Public Safety

In Committee:

Consent Agenda:

- ORDR094_04_08_19 Traffic Changes - Green, Pleasant, and Titcomb Streets
- ORDR145_09_30_19 Snow Emergency Parking – Greenleaf Street
- ORDR146_09_30_19 Restricted Parking – Merrimac Street at Ashland Street
- COMM198_10_28_19 Ltr re: Middle Street Parking/Curb Cuts
- ORDR151_10_28_19 Amendment to 2-Hour Resident Zones
- COMM202_11_12_19 Newburyport Rotary Santa Parade - 12/1/2019
- COMM205_11_12_19 Ladies' Night Out Run/Walk - 12/7/2019
- COMM209_11_25_19 Frigid Fiver - 1/26/2020
- COMM210_11_25_19 Ahavas Achim Interfaith Candle Lighting - 12/16/19-1/5/20

CITY OF NEWBURYPORT



IN CITY COUNCIL

ORDERED:

Introduced April 8, 2019

**AN ORDER TO ADJUST THE FLOW OF VEHICULAR TRAFFIC IN CONNECTION
WITH THE TITCOMB STREET GARAGE**

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

WHEREAS, pursuant to Special Condition 2 of the Decision of the Planning Board granting Site Plan Approval and a Downtown Overlay District (“DOD”) Special Permit for the so-called Newburyport Intermodal Transit & Parking Facility at 83 Merrimac Street (the “Titcomb Street Garage”), filed with the City Clerk on July 18, 2017 (“2017 Planning Board Decision”), prior to the issuance of an Occupancy Permit for such facility, for its use by any vehicles, including municipal, the Office of Planning and Development of the City of Newburyport must provide the following additional documents, among others, to the Planning Board:

- a. “The final **Phase II Traffic Impact Study**, addressing potential traffic from the proposed facility as well as ‘future build’ conditions that may result from additional development proposed by New England Development (NED) in the so-called ‘Waterfront West’ area and opening of the so-called ‘Merrimac Ale House’.... Said Study shall include consideration of potential traffic impacts to the intersection at Merrimac Street and Route One as well as the downtown area in general;” and
- b. “A **Traffic Flow Study and management Plan**. The city shall provide evidence of a signed contract in place with a traffic consultant with specific traffic flow management experience to develop a traffic flow study and management plan for downtown Newburyport. The minimum geographic scope shall include the area bounded by Kent Street, Merrimac St. (through market Square) along Water Street, up Federal Street and long High Street back to Kent Street. The consultant shall begin observations immediately after the garage is open. The consultant shall, if necessary make short term recommendations to improve traffic flow. The consultant shall study traffic for at least one full summer season (May 1 to Sept 30) at least six times during the anticipated peak congestion times. The consultant shall recommend traffic flow improvements including , but not limited to:

- i. Changing the direction of any street, making any street one way, or two way
- ii. Removing or adding signalization to any pedestrian or street intersection
- iii. Using technology to synchronize flow
- iv. Considering the delivery schedule impacts of businesses in the geographic area
- v. Changes to parking rates to minimize cruising for parking

WHEREAS, pursuant to Order 45 of 2017, approved by the City Council on August 28, 2017, and signed by Mayor Donna D. Holaday on August 31, 2017, the City of Newburyport appropriated in the form of a bond order the sum of approximately \$3.7 million to pay costs of constructing the Titcomb Street Garage, including certain mitigation, all in substantial conformity with those certain plans, specifications, and cost estimate submitted to and considered by the City Council at its August 28 2017, meeting; and

WHEREAS, construction of the Titcomb Street Garage is nearly complete, and a certificate of occupancy is expected to issue during May 2019; and

WHEREAS, as of the date of this Order, Special Conditions 2.a. and 2.b. of the 2017 Planning Board Decision, reprinted above, have not been satisfied; and

WHEREAS, the Titcomb Street Garage is expected to cause significant vehicular traffic in its immediate area upon its opening; and

WHEREAS, on March 21, 2019, the City's Traffic Safety Advisory Committee ("TSAC") met at a duly noticed public hearing, and discussed, among other things, possible adjustments to the direction of City streets to mitigate potential negative impacts due to expected vehicular traffic associated with the Titcomb Street Garage; and

WHEREAS, TSAC has recommended that the City of Newburyport effect the following changes to its regulations of vehicular traffic with the advent of the Titcomb Street Garage: (a) restore two-way traffic on (i) Green Street between High Street and Pleasant Street, and (ii) Pleasant Street between Titcomb Street and Green Street; and (b) eliminate parking on the northerly side of Pleasant Street in front of City Hall to create sufficient width for two-way vehicular traffic; and

WHEREAS, the City Council finds that adoption into law of such recommendation by TSAC serve the public interest of the residents of the City of Newburyport, including, without limitation by promoting the safe, commodious, and efficient flow of vehicular traffic downtown; and

WHEREAS, pursuant to Section 13-46. – *Placement of devices* of Article III. – *Traffic Control Devices* of Chapter 13. – *Traffic and Motor Vehicles* of the Code of Ordinances, the City Council is authorized, and as to those signs and signals required in such Chapter 13 it shall be its duty, to place and maintain or cause to be placed and maintained all official traffic signs, signals, markings and safety zones;

NOW, THEREFORE -- effective June 19, 2019 -- the Code of Ordinances, City of Newburyport, Massachusetts, is hereby amended by amending (a) existing Section 13-121. – *Established* of Division 3. – *One-Way Streets*, (b) existing Section 13-136. – *Stop signs designated* of Division 4. – *Stop and Yield Intersections*, existing Section 13-152. – *Right turns required* of Division 5. – *Turning Lanes*, (c) existing Section 13-168. - *Parking restricted on certain streets* of Division 6 – *Stopping, Standing and Parking*, (d) existing Section 13-173. - *Parking restricted on certain streets* of Division 6 – *Stopping, Standing and Parking*, (e) existing Section 13-176.1. - *Parking restricted on certain streets* of Division 6 – *Stopping, Standing and Parking*, and (f) existing Section 13-179. - *Parking restricted on certain streets* of Division 6 – *Stopping, Standing and Parking*, in all cases of Article IV. – *Specific Street Schedules* of Chapter 13 – *Traffic and Motor Vehicles*, to read as follows, with deletions ~~double-stricken through and italicized~~, and additions double-underlined and italicized:

Sec. 13-121. – Established.

...	Green Street	Northeasterly from High Pleasant Street to Merrimac Street
...	Pleasant Street	Westerly <u>Northwesterly</u> from State Street to Summer Street <u>Green Street</u> , and from <u>Titcomb Street to Summer Street</u>
...	Titcomb Street	Southerly from Pleasant Street to Washington Street <u>Northeasterly from Washington Street to Pleasant Street</u>

Sec. 13-136. – Stop signs designated.

Stop signs shall be installed at the intersection of Pleasant Street and Green Street to control vehicular traffic traveling both southwesterly and northeasterly on Titcomb Street and, in both cases, turning southeasterly onto Pleasant Street.

Sec. 13-152. – Right turns required.

Vehicles traveling southerly on Green Street in the right lane of the roadway shall make the indicated right turn at High Street.

Vehicles traveling easterly on Pleasant Street in the right lane of the roadway shall make the indicated right turn at Green Street.

Sec. 13-168. – Parking restricted on certain streets.

...

Pleasant Street	North side from State Street to a point 40 feet west of State Street.
Pleasant Street	North side from a point 115 feet west of State Street to a point 210 feet west of State Street.
	South side from a point 150 feet west of State Street to a point 225 feet west of State Street.
	<u>Northeasterly side, from Green Street to a point 100 feet northwesterly of Green Street.</u>

...

Sec. 13-173. – Mail box zones.

...

<u>Street</u>	<u>Zone</u>
Green Street	Southwesterly side for a distance of approximately 40 feet in a northerly direction between Brown Square and Pleasant Street <u>Southeasterly side, from end of U.S. Post Office Building driveway to intersection of Pleasant Street</u>

Sec. 13-176.1. – Same—Thirty minutes.

...

<u>Street</u>	<u>Zone</u>
Green Street	Post office side, from end of post office driveway to intersection of Pleasant Street <u>Northwesterly side, beginning at Brown Square right of way for a distance of approximately 22 feet in a northeasterly direction toward Pleasant Street</u>
Pleasant Street	South westerly side from the <u>U.S.</u> Post Office <u>Building</u> D driveway to Green Street.
Pleasant	<u>North side, 3 spaces in front of City</u>

	Hall, Northeastly side from Unicorn Street to Green Street.
Pleasant	Southwesterly side from Unicorn Street to Green Street.

...

Sec. 13-179. – Handicap Parking.

...

Pleasant Street:

~~In front of the General Store~~ The first space after Inn Street on the northeasterly side.

In front of ~~City Hall~~ 66-68 Pleasant Street (Parcels 47-6 and 47-7).

The first space after the driveway leading from the U.S. Post Office Building.

...

Councillor Jared J. Eigerman

Councillor Heather L. Shand



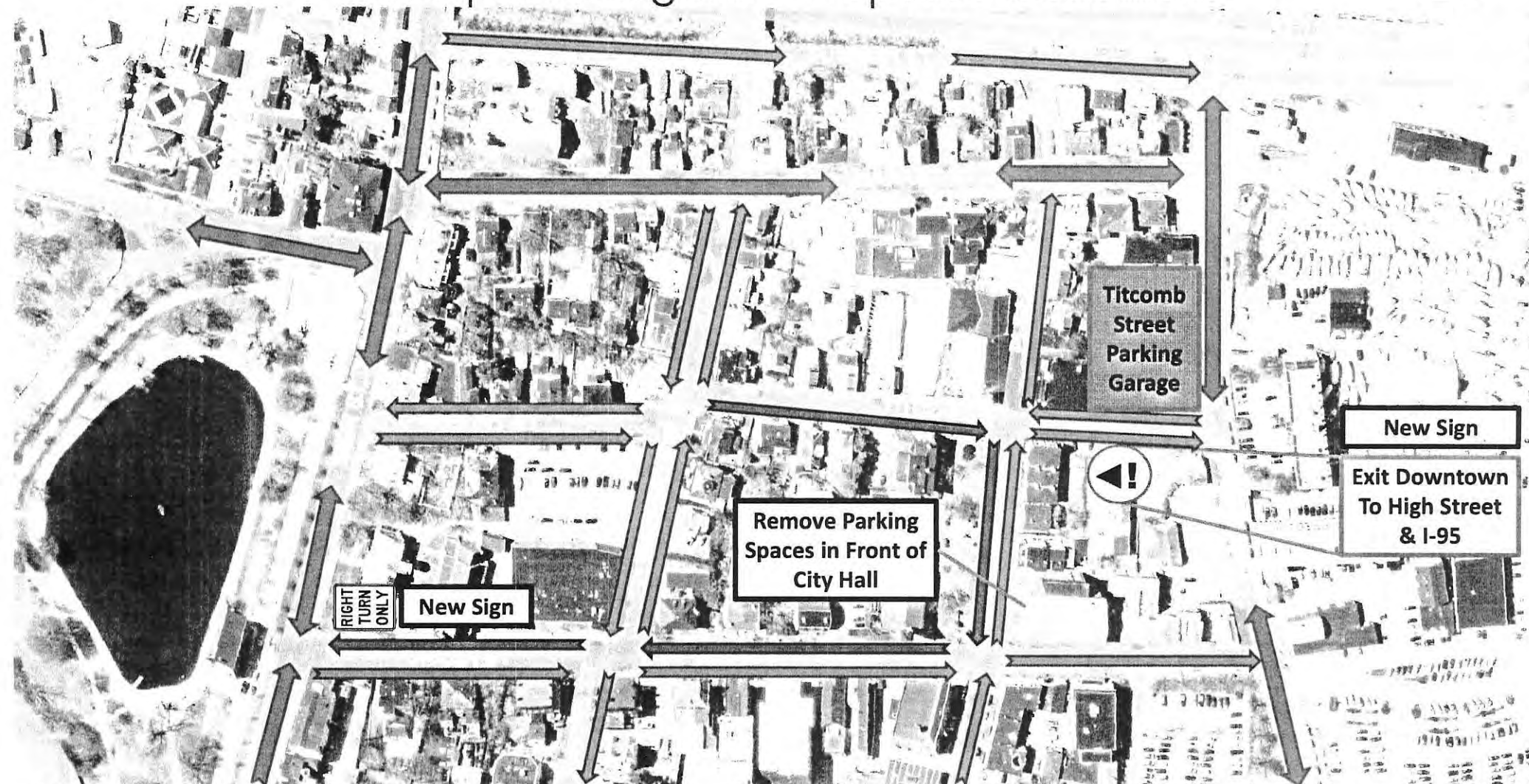
Downtown Newburyport Proposed 2019 Traffic Flow Changes Conceptual Diagram - Existing Conditions



Office of Planning & Development

3/29/2019

Downtown Newburyport Proposed 2019 Traffic Flow Changes Conceptual Diagram - Proposed Conditions



PS

CITY OF NEWBURYPORT



IN CITY COUNCIL

ORDERED:

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

Date: September 30, 2019

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

Chapter 13	Traffic and Motor Vehicles
Article 2	Administration
Section 13-29	Snow emergencies

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

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

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

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

Councillor Heather L. Shand

PS

CITY OF NEWBURYPORT



IN CITY COUNCIL

ORDERED:

September 30, 2019

AN ORDER TO RESTRICT PARKING AT DESIGNATED POINT ALONG MERRIMAC STREET

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

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

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

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

Councillor Charles F. Tontar



Jared Eigerman <jeigerman@gmail.com>

Fwd: Middle Street Curb Cut

1 message

T. KEVIN BANNIGAN <tkbannigan@comcast.net>

Tue, Oct 15, 2019 at 1:15 PM

Reply-To: "T. KEVIN BANNIGAN" <tkbannigan@comcast.net>

To: Jared Eigerman <jeigerman@gmail.com>, Rjones@cityofnewburyport.com

Mr. Jared Eigerman; Ward 2 Councillor
15, 2019

October
Mr. Richard Jones; City Clerk

Dear Gentlemen,

The NEW million dollar plus house across the street from us at 56 Middle has been sold and the parking for this house is totally inadequate. I am being proactive in preserving the wholly inadequate resident street parking that we have with the fear that the new owner of 56 Middle, will petition the city for a new curb cut.

The many residents here were promised by the builder/developer as abbuttors that no other curb cuts were to happen to cause even ONE street parking space to be lost. As you well know, builder/developers will say anything to avoid abbuttor objections to get their project approved. I doubt there is any such promise in writing to the planning or zoning boards!

This proactive effort is to 'nip in the bud' any future requests by the new owner to petition the city for any such future curb cuts for better access to his new home.

There is a common driveway access serving both 56 & 58 Middle Street. Each property has the required two (2) deeded on-site parking spaces as required. In my opinion, it will be difficult for the new owner to pull two vehicles into their driveway and make right-hand turns for their two car parking, but the property was bought as presented!

I am forwarding this email to you with the suggestion from Mr. Eigerman that you forward this advance notice to all other City Councillors. Thank you for your attention to this request.

Sincerely,

T. Kevin Bannigan

President/Trustee

Middle Street Condominium Trust

tkbannigan@comcast.net

43 Middle; Units 1,2,3.

45 Middle Street

45 1/2 Middle

CITY OF NEWBURYPORT



IN CITY COUNCIL

ORDERED:

Date: October 28, 2019

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

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

Chapter 13	Traffic and Motor Vehicles
Article 4	Specific Street Schedules
Division 6	Stopping, Standing and Parking
Section 13-180(g)(2)	Resident Parking Zones, <i>Zone 2</i>

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

(g) Designation of two-hour residential parking permit zones.

...

(2) *Zone 2*: Includes the following streets between High Street, State Street, the Merrimack River, and Winter Street,:

<u>Street</u>	<u>Extent</u>
---------------	---------------

...

Harris	From Green Street to State Street, both sides <u>southwesterly side</u>
--------	------------------------------------------------------------------------------------

...

Councillor Jared J. Eigerman

ps

NEWBURYPORT SPECIAL EVENT APPLICATION

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

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

NAME OF EVENT: Newburyport Rotary Santa Parade

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

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

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

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

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

Contact Person Brian Sullivan, President, Newburyport Rotary

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

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

Day of Event Contact & Phone: Brian Sullivan 781.910.4237

5. Number of Attendees Expected: 500 - 1,000

6. MA Tax Number: _____

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

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

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

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

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

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

C. Games /Rides: Adult Rides _____ Kiddie Rides _____ Games _____ Raffle _____
Other _____ Total # _____

Name of Carnival Operator: _____

Address: _____

Telephone: _____

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

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

If yes:

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

If no:

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

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

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

_____ Standard # _____ ADA accessible

Name of company providing the portable toilets: _____

FOR STREET CLOSURE OR ANY USE OF A PUBLIC WAY

PARADE X ROAD RACE _____ WALKATHON _____

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

2. Name, Address & Daytime Phone Number of Organizer: Brian Sullivan
28 Green Street, Newbury, MA
781.910.4237

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

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

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

6. Road Race, Parade or Walkathon Route: (List street names & attach map of route): Attached
NRA East Lot to Water St to State St to Pleasant St to Green
St to Merrimac St to Bullnose

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

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

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

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

11. Additional Parade Information:
- Number of Floats: NPD, NFD, NHS Marching Band, Triton Band, Santa on sleigh
 - Locations of Viewing Stations: Bullnose plus sidewalks along parade route
 - Are Weapons Being Carried: Yes _____ No X
 - Are Marshalls Being Assigned to Keep Parade Moving: Yes _____ No X

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

CITY MARSHAL [Signature] 4 Green St. FIRE CHIEF [Signature] 0 Greenleaf St.
 DEPUTY DIRECTOR [Signature] 16A Perry Way CITY CLERK [Signature] 60 Pleasant St.

DEPARTMENT APPROVAL (for Committee Member use only):

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

Approval Required _____ Date: _____ Signature: _____

_____ 1. Special Events: _____

_____ 2. Police: _____
Is Police Detail Required: _____ # of Details Assigned: _____

_____ 3. Traffic, Parking & Transportation: _____

_____ 4. ISD/Health: _____

_____ 5. Recycling: _____

_____ 6. ISD/Building: _____

_____ 7. Electrical: _____

_____ 8. Fire: _____
Is Fire Detail Required: _____ # of Details Assigned: _____

_____ 9. Public Works: *Fee for Special Events: \$45/hr/DPS employee for trash handling/staging etc. may apply*
Yes: \$ _____ due on _____ No Fee for Special Events applies
Other requirements/instructions per DPS _____

_____ 10. Parks Department: _____

_____ 11. License Commission _____

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

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

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

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

(c) *Definitions.*

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

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

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

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

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

(d) *Limitations.*

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(e) *Enforcement.*

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


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

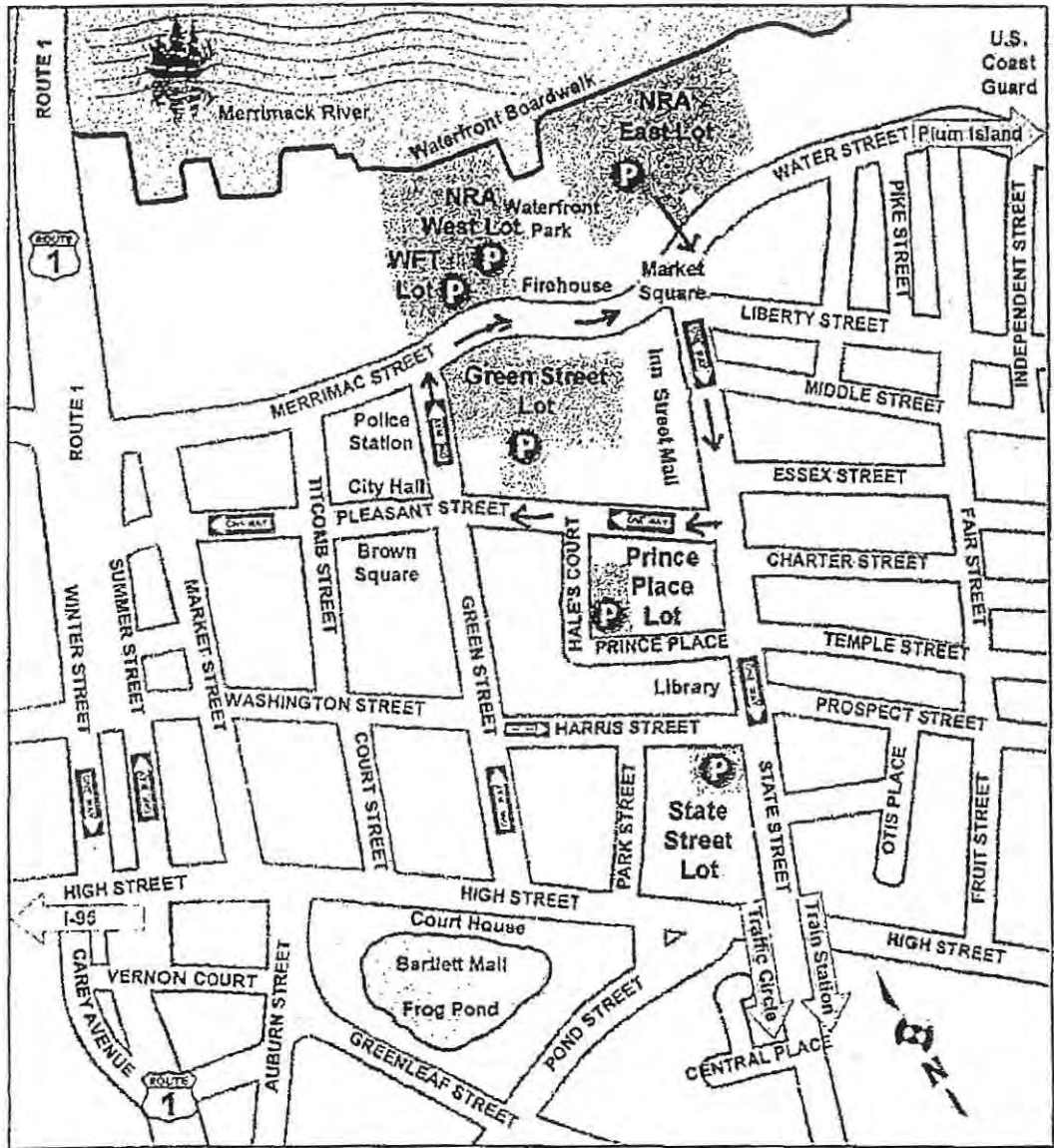
(3) *Noncriminal disposition.* If the city determines that a violation has occurred in which a noncriminal violation is issued, the named event organizer shall be penalized by a non-criminal disposition as provided in Massachusetts General Law as adopted by the City of Newburyport as a general ordinance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

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

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

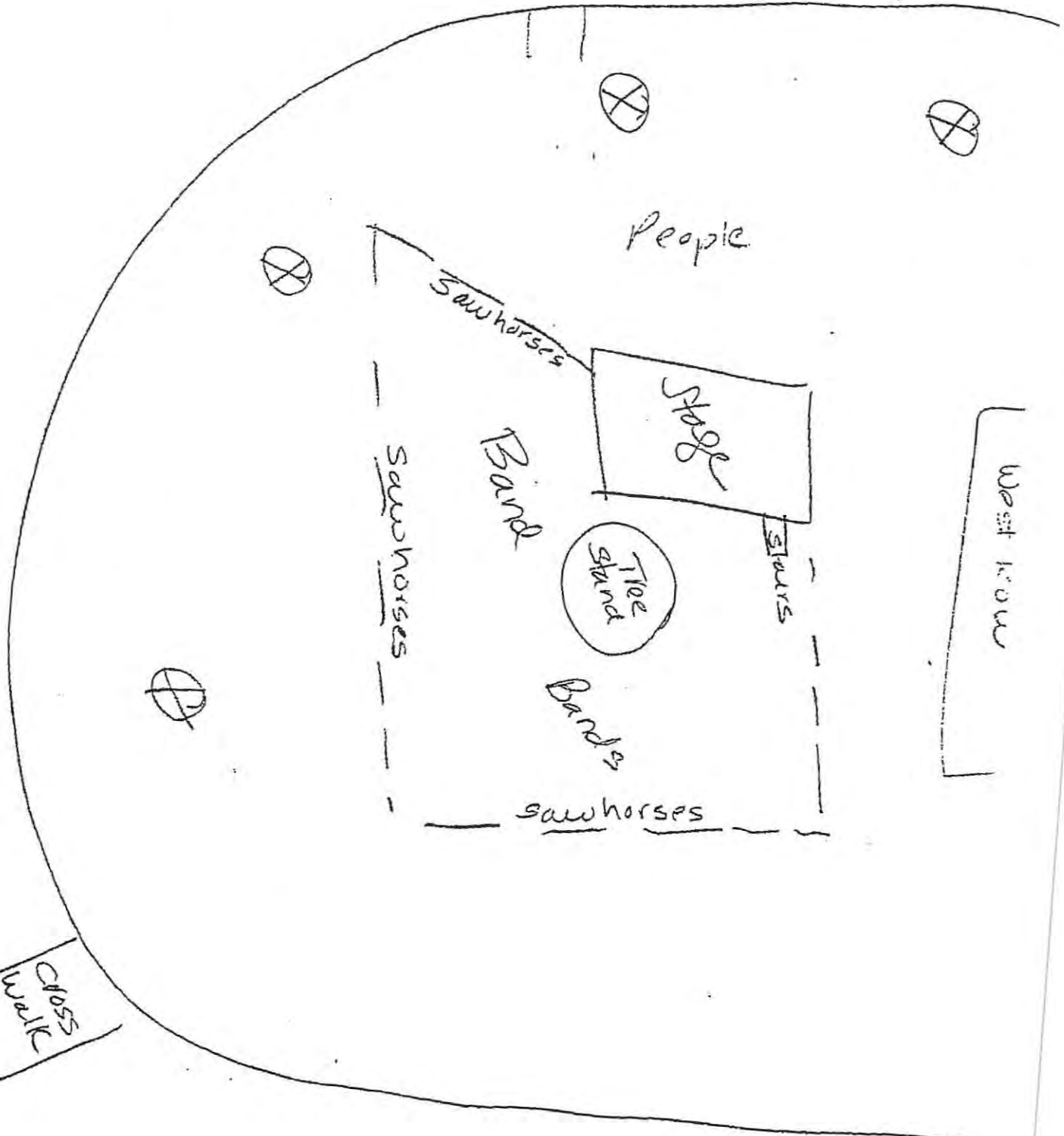
I fully understand and agree to all the terms set forth in this application. The information that I have provided is truthful and accurate. I accept all responsibility related to this event.

Signed:  Date: 10/23/19



Yoss
walk

State St



Yoss
walk

West row



CERTIFICATE OF LIABILITY INSURANCE

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

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

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

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

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

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

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

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

The Certificate holder is included as additional insured where required by written contract or permit subject to the terms and conditions of the general liability policy, but only to the extent bodily injury or property damage is caused in whole or in part by the acts or omissions of the insured.

CERTIFICATE HOLDER

City of Newburyport
 60 Pleasant St.
 Newburyport, MA 01950

CANCELLATION

SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS.

AUTHORIZED REPRESENTATIVE

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CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)

8/23/2019

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

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

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

COVERAGES CERTIFICATE NUMBER: 19 GL WC REVISION NUMBER:

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

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

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

NON-PROFIT ORGANIZATION

CITY OF NEWBURYPORT IS RECOGNIZED AS ADDITIONAL INSURED FOR GENERAL LIABILITY.

CERTIFICATE HOLDER

CANCELLATION

CITY OF NEWBURYPORT
60 PLEASANT STREET
NEWBURYPORT, MA 01950

SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS.

AUTHORIZED REPRESENTATIVE

John Koegel/KH3

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NEWBURYPORT SPECIAL EVENT APPLICATION

Tel.

Fax.

PS

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

NAME OF EVENT:

annual
Ladies Night Out Run, wine + chocolate sk

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

Rain Date: Time: from _____ to _____

(2pm race start)

2. Location: Nicholson Hall

3. Description of Property: Church Hall Public Private _____

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

Contact Person: Brondi Dion

Address: 10 Hemenway Rd. Telephone: 978 594 7050

E-Mail: event@bnsfitness.com Cell Phone: _____

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

5. Number of Attendees Expected: 300+

6. MA Tax Number: NA

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

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

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

+ 2 weeks before we notify all residents on Harris St. that the event will be happening.

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

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

B. Entertainment: (Subject to City's Noise Ordinance.) Live Music _____ DJ Radio/CD _____

Performers _____ Dancing _____ Amplified Sound _____ Stage _____

C. Games /Rides: Adult Rides _____ Kiddie Rides _____ Games _____ Raffle _____

Other: NA Total # _____

Name of Carnival Operator: _____

Address: _____

Telephone: _____

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

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

(B2)

If yes:

- a) How many trash receptacles will you be providing? Nichols Hall Trunk
- b) How many recycling receptacles will you be providing? 11 Recycling
- c) Will you be contracting for disposal of : Trash Yes ___ No Recycling Yes ___ No
- i. If yes, size of dumpster(s): Trash ___ Recycling ___
- ii. Name of disposal company: Trash NA Recycling ___
- iii. If no, will you remove trash & recycling with organizers' cars or trucks? Yes ___ No ___
- iv. If no, where will the trash & recycling be disposed ? _____

If no:

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

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

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

_____ Standard # _____ ADA accessible

Name of company providing the portable toilets: NA

RD

FOR PARADE, ROAD RACE AND WALKATHON EVENTS ONLY

PARADE _____

ROAD RACE X

WALKATHON _____

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

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

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

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

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

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

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

5. Start Time: 2pm Expected End Time: 4:30pm

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

See attached;

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

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

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

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

11. Additional Parade Information:

• Number of Floats: _____

• Locations of Viewing Stations: NA

• Are Weapons Being Carried: Yes ___ No ___

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

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

CITY MARSHAL [Signature] 4 Green St.

FIRE CHIEF [Signature] 11/4/19 0 Greenleaf St.

DEPUTY DIRECTOR [Signature] 16A Perry Way

CITY CLERK _____ 60 Pleasant St.

BR

DEPARTMENT APPROVAL (for Committee Member use only):

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

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

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

Limitations

- (a) *"Procedure"* All road racing, walkathon, bicycle, or swimming events shall, through that event's organizer, board of directors, charity foundation or designee apply for authorization to hold the event through the Office of the City Clerk. The City Clerk upon review of the completed form will place the application on the regular City Council agenda. Upon following the procedures of the Council, as deemed appropriated in the sole judgment of the Council, the application will be considered approved if the Council votes favorably by majority. The event will name one person responsible on the application and shall provide contact information to include name, address and telephone number.
- (b) *"Exemptions"* Each event organizer or organization shall comply with this ordinance and no exemptions will be permitted.
- (c) *"Course map"*, All applications shall be accompanied by a course map showing the event route, water stops, refreshment stops, and so-called "porta-potties". The course map shall also include any road closures, detours and parking areas. The course map shall be approved by Police, Fire, Department of Public Services, Parks Commission and Harbormasters Departments prior to submission to the City Clerk.
- (d) *"Electronic Amplifier"* Electronic amplifiers, loudspeakers and bullhorn use shall be requested at time of application. Under no circumstances will they be used for public address announcements or music before 8:00 A.M. except for Sundays when electronic amplifiers, loud speakers or bullhorns will be used for public address announcements or music before 9:00 AM. This shall be deemed a requirement for all permitted events regardless of type or location.


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

13-101 Enforcement

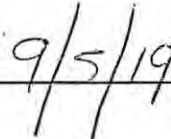
- (a) *"Regulations"* Consistent with this ordinance, the city shall promulgate regulations to enforce and otherwise implement the provisions of this ordinance upon passage by the City Council. Any event previously approved by City Council shall be deemed permitted.
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-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

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

Signed: _____



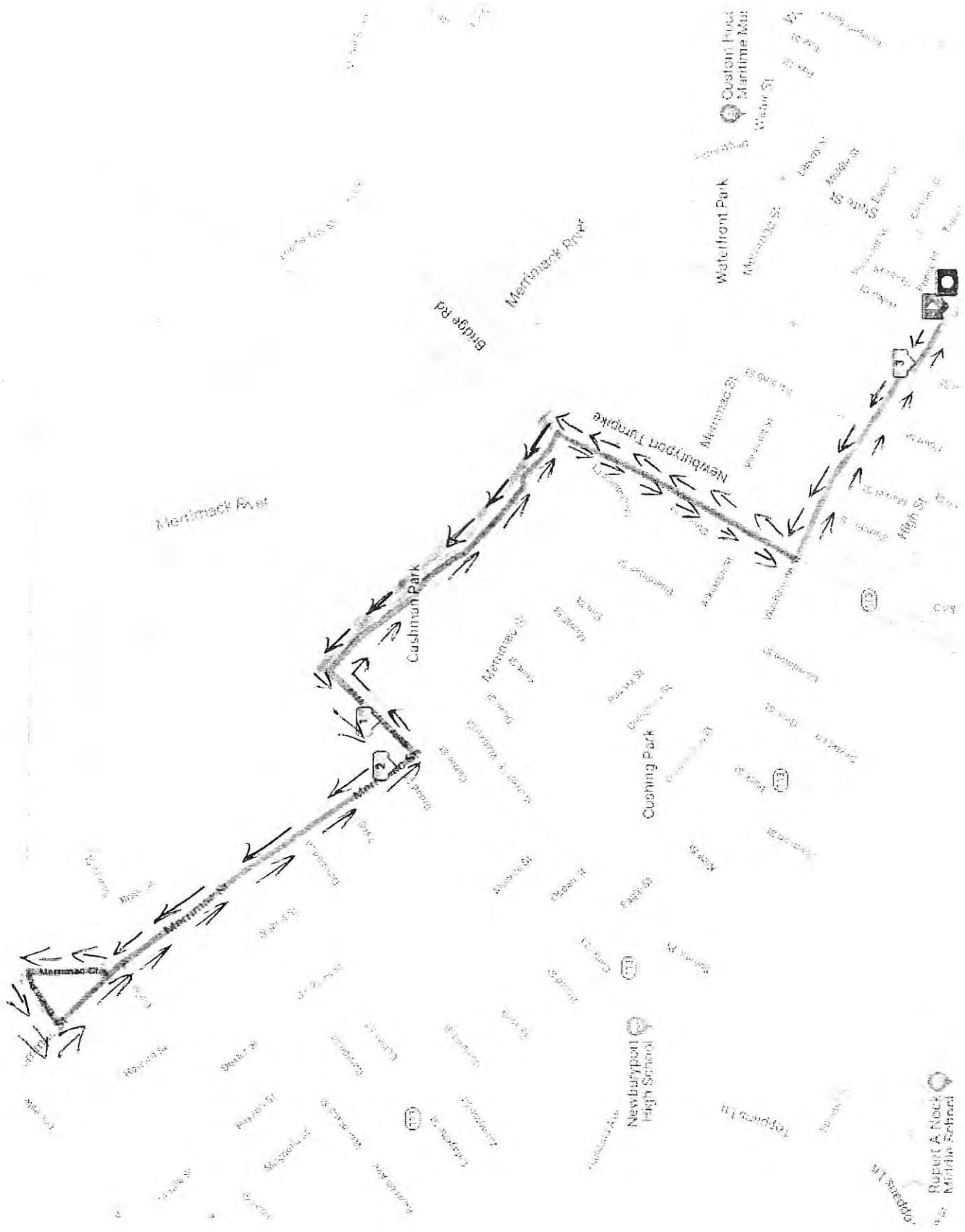
Date: _____



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

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







CERTIFICATE OF LIABILITY INSURANCE

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

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PRODUCER CURTIS J. VERNON INSURANCE AGENCY PO BOX 266 BOUNTIFUL, UT 84010	CONTACT NAME:	
	PHONE (A/C No. Ext): (801) 292-5529	FAX (A/C No.): (801) 677-0077
E-MAIL ADDRESS:		
INSURER(S) AFFORDING COVERAGE		NAIC #
INSURER A: UNDERWRITERS AT LLOYD'S LONDON		
INSURER B:		
INSURER C:		
INSURER D:		
INSURER E:		
INSURER F:		

INSURED **B&S FITNESS PROGRAMS LLC**
45 CONGRESS STREET, DOCK 19-20
SALEM, MA 01970

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

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

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (ACORD 101, Additional Remarks Schedule, may be attached if more space is required)
Special event certificate
Event: Ladies Night Out Run, Wine & Chocolate 5k
Date: 12/7/19
Certificate holder is named as additional insured.

CERTIFICATE HOLDER The City of Newburyport	CANCELLATION SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS. AUTHORIZED REPRESENTATIVE
------------------------------------------------------	---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

RECEIVED
CITY CLERK'S OFFICE
NEWBURYPORT, MA

PS

NEWBURYPORT SPECIAL EVENT APPLICATION

Tel. 978 270 7455

Fax:

2019 NOV 13 PM 2:47

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

NAME OF EVENT: 28th Annual Newburyport Rotary Frigid Fiver

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

2. Location: Riverwalk Brewing , 40 Parker St

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

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

5. Number of Attendees Expected: 400

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

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

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

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

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

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

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

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

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

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

If yes:

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

If no:

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

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

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

2 Standard # ADA accessible

Name of company providing the portable toilets: United Site Services

FOR PARADE, ROAD RACE AND WALKATHON EVENTS ONLY

PARADE _____ ROAD RACE _____ X _____ WALKATHON _____

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

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

3 Name Address & Daytime Telephone Number of Person Responsible for Clean Up
 Robert Manning, 1 Linn St, Newburyport, MA 01950, 978 270 7455

4 Date of Event Sunday January 20th, 2020 Expected Number of Participants 350

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

6 Road Race or Walkathon Route List of names & attach map of route attached

The race will be run entirely on Mark Richard Woods, the Rail Trail and Cashman Park

7 Locations of Water Stops (if any) Cashman Park

8 Will Detour for Motor Vehicles Be Required? No if so where?

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

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

11 Additional Parade Information None

• Number of Floats _____

• Locations of Viewing Stations None

• Are Weapons Being Carried Yes _____ No X

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

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

CITY MARSHAL _____ FIRE CHIEF _____ 0 Greenleaf St

DEPUTY DIRECTOR _____ CITY CLERK _____ 60 Pleasant St

[Signature]
 154 Ferry Way
 10-23-19

0203 548 10/22/19

DEPARTMENT APPROVAL (for Committee Member use only):

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

Approval Required Date: _____ Signature: _____

____ 1. Special Events _____

____ 2. Police _____
 Is Police Detail Required: _____ # of Details Assigned: _____

____ 3. Traffic, Parking & Transportation: _____

____ 4. ISD/Health: _____

____ 5. Recycling _____

____ 6. ISD/Building: _____

____ 7. Electrical _____

____ 8. Fire _____
 Is Fire Detail Required: _____ # of Details Assigned: _____

____ 9. Public Works *Fee for Special Events: \$45/hr/DPS employee for trash handling/staging etc. may apply*
 Yes: \$ _____ due on _____ No Fee for Special Events applies
 Other requirements/instructions per DPS _____

____ 10. Recreation Department: _____

____ 11. License Commission _____

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

Limitations

- (a) *"Procedure"* All road racing, walkathon, bicycle, or swimming events shall, through that event's organizer, board of directors, charity foundation or designee apply for authorization to hold the event through the Office of the City Clerk. The City Clerk upon review of the completed form will place the application on the regular City Council agenda. Upon following the procedures of the Council, as deemed appropriated in the sole judgment of the Council, the application will be considered approved if the Council votes favorably by majority. The event will name one person responsible on the application and shall provide contact information to include name, address and telephone number.
- (b) *"Exemptions"* Each event organizer or organization shall comply with this ordinance and no exemptions will be permitted.
- (c) *"Course map"* All applications shall be accompanied by a course map showing the event route, water stops, refreshment stops, and so-called "porta-potties". The course map shall also include any road closures, detours and parking areas. The course map shall be approved by Police, Fire, Department of Public Services, Parks Commission and Harbormasters Departments prior to submission to the City Clerk.
- (d) *"Electronic Amplifier"* Electronic amplifiers, loudspeakers and bullhorn use shall be requested at time of application. Under no circumstances will they be used for public address announcements or music before 8:00 A.M. except for Sundays when electronic amplifiers, loud speakers or bullhorns will be used for public address announcements or music before 9:00 A.M. This shall be deemed a requirement for all permitted events regardless of type or location.

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

13-101 Enforcement

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

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

Signed: Bob Manning Date: 10/17/19



CERTIFICATE OF LIABILITY

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

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

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

PRODUCER STAR Insurance - Fort Wayne Office 2130 East Dupont Road Fort Wayne IN 46825	CONTACT NAME Margaret Mayers PHONE (260) 467-5669 FAX (260) 467-2691 EMAIL ADDRESS margaret.mayers@starfinancial.com
INSURED Road Runners Club of America/2018 and Its Member Clubs 1501 Lee Highway, Suite 140 Arlington VA 22209	INSURER(S) AFFORDING COVERAGE INSURER 1 National Casualty Company 11931 INSURER 2 National Life Insurance Co. 66693 INSURER 3 INSURER 4 INSURER 5

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

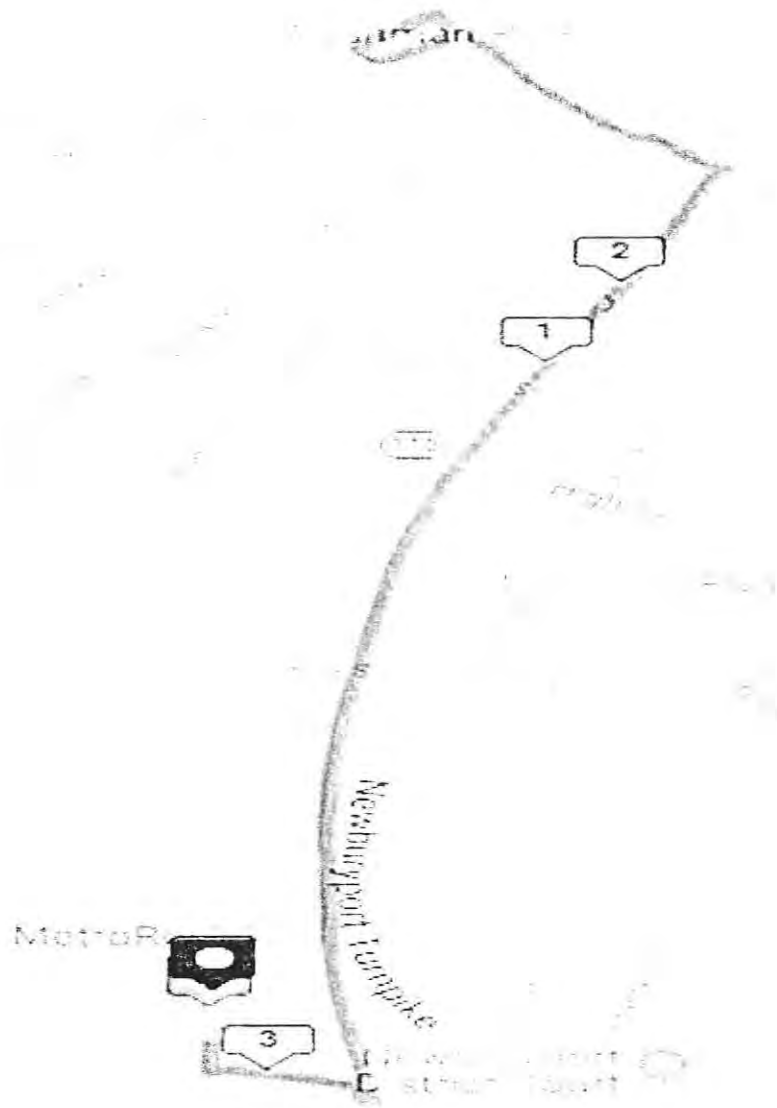
COVERAGES CERTIFICATE NUMBER: 2018 SLN A.I. REVISION NUMBER:

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

INSURANCE CLASS	TYPE OF INSURANCE	ADDL. SUBR. (MSD) (WV)	POLICY NUMBER	POLICY EFF. (MM/DD/YYYY)	POLICY EXP. (MM/DD/YYYY)	LIMITS
A	<input checked="" type="checkbox"/> COMMERCIAL GENERAL LIABILITY <input type="checkbox"/> CLAIMS-MADE <input checked="" type="checkbox"/> OCCUR <input checked="" type="checkbox"/> Legal Liability to Participant \$1,000,000 GEN. AGGREGATE LMT APPLIES PER <input checked="" type="checkbox"/> POLICY <input type="checkbox"/> PER <input type="checkbox"/> LOC <input type="checkbox"/> JOB <input type="checkbox"/> OTHER		3X2060007179600	12/31/2017 12:01 AM	12/31/2018 12:01 AM	EACH OCCURRENCE \$ 1,000,000 DAMAGE TO RENTAL PREMISES (E1) (Sublimit) \$ 500,000 MED EXP (A6) (Sublimit) \$ 5,000 PERSONAL & ADW INJURY \$ 1,000,000 GENERAL AGGREGATE \$ Unlimited PRODUCTS - COMBOPADD \$ 1,000,000 AOL and Mediation \$ 500,000
	<input checked="" type="checkbox"/> AUTOMOBILE LIABILITY <input type="checkbox"/> ANY AUTO <input type="checkbox"/> ALL OTHER AUTOS <input checked="" type="checkbox"/> HIRED AUTOS <input type="checkbox"/> SCHEDULED AUTOS <input type="checkbox"/> NON-SCHEDULED AUTOS		3X2060007179600	12/31/2017 12:01 AM	12/31/2018 12:01 AM	COMBINED SINGLE LIMIT (Sublimit) \$ 1,000,000 BODILY INJURY (P6) (Sublimit) \$ BODILY INJURY (P6) (Sublimit) \$ PROPERTY DAMAGE (P6) (Sublimit) \$ \$ \$
	<input type="checkbox"/> UMBRELLA LAR <input type="checkbox"/> EXCESS LAR <input type="checkbox"/> OCCUR <input type="checkbox"/> CLAIMS-MADE <input type="checkbox"/> PER <input type="checkbox"/> RETROACTIVE					EACH OCCURRENCE \$ AGGREGATE \$ \$
	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY ANY OTHER EMPLOYERS' LIABILITY OFFICE MEMBERS EXCLUDED Workers' Comp. Excl. <input type="checkbox"/> N/A Emp. and Empl. Excl. <input type="checkbox"/> N/A RELATION OF OPERATIONS LAR					PER ACCIDENT \$ PER DISEASE - EA EMPLOYEE \$ PER DISEASE - POLICY LMT \$
B	Excess Medical & Accident (\$250 Deductible/Claim)		3X20600028594800	12/31/2017 12:01 AM	12/31/2018 12:01 AM	Excess Medical \$20,000 AO & Excl. (A) \$2,500

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (ACORD 101, Additional Remarks Schedule may be attached if more space is required)
CERTIFICATE HOLDER IS NAMED AS AN ADDITIONAL INSURED AS RESPECTS TO THEIR INTEREST IN THE OPERATIONS OF THE NAMED INSURED. DATE OF EVENT(S): 01/29/19 Frigid River INSURED RCRA CLUB/EVENT MEMBER: Jopps Place Running Club, Att'n: Bob Mannin, PO Box 60, Newburyport, MA 01950

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



Course

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



November 25, 2019

President and Members of the City Council
City Hall
60 Pleasant Street, Newburyport, MA

Dear City Council,

As in years past, Congregation Ahavas Achim requests a permit to install a Hanukkah menorah in Market Square, adjacent to the Christmas tree. This year Hanukkah takes place from December 22nd through December 30th. We plan to set up the menorah during the week of December 16th and will leave the menorah in place through Sunday, January 5th. We will need access to an electrical outlet, but will handle all of the setup directly. Thank you very much for your consideration.

Warm wishes,

Alex Matthews
Congregational Leader
Congregation Ahavas Achim, Newburyport

Committee Items-December 9, 2019
Public Utilities

COMM206 11_25_19 Pole Hearing - Bayberry Road

RECEIVED
CITY CLERK'S OFFICE
NEWBURYPORT, MA

pu

nationalgrid

2019 NOV 14 PM 1:42

November 8, 2019

The City Council of Newburyport, Massachusetts

To Whom It May Concern:

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

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

Veasna Eang 781-907-2041

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

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

Very truly yours,



Dave Johnson
Supervisor, Distribution Design

Enclosures

Questions contact – Veasna Eang 781-907-2041

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

To the City Council of Newburyport

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

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

The following are the streets and highways referred to:

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

Location approximately as shown on plan attached.

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

Thomas G. Gagnon/11/8/19

Dated: November 8, 2019



CITY OF NEWBURYPORT

MASSACHUSETTS

CITY CLERK'S OFFICE

NEWBURYPORT CITY HALL

60 PLEASANT STREET • P.O. BOX 550

NEWBURYPORT, MA 01950

TEL: 978-465-4407 • FAX: 978-462-7936

RICHARD B. JONES
CITY CLERK

November 15, 2019

Dear Property Owner:

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

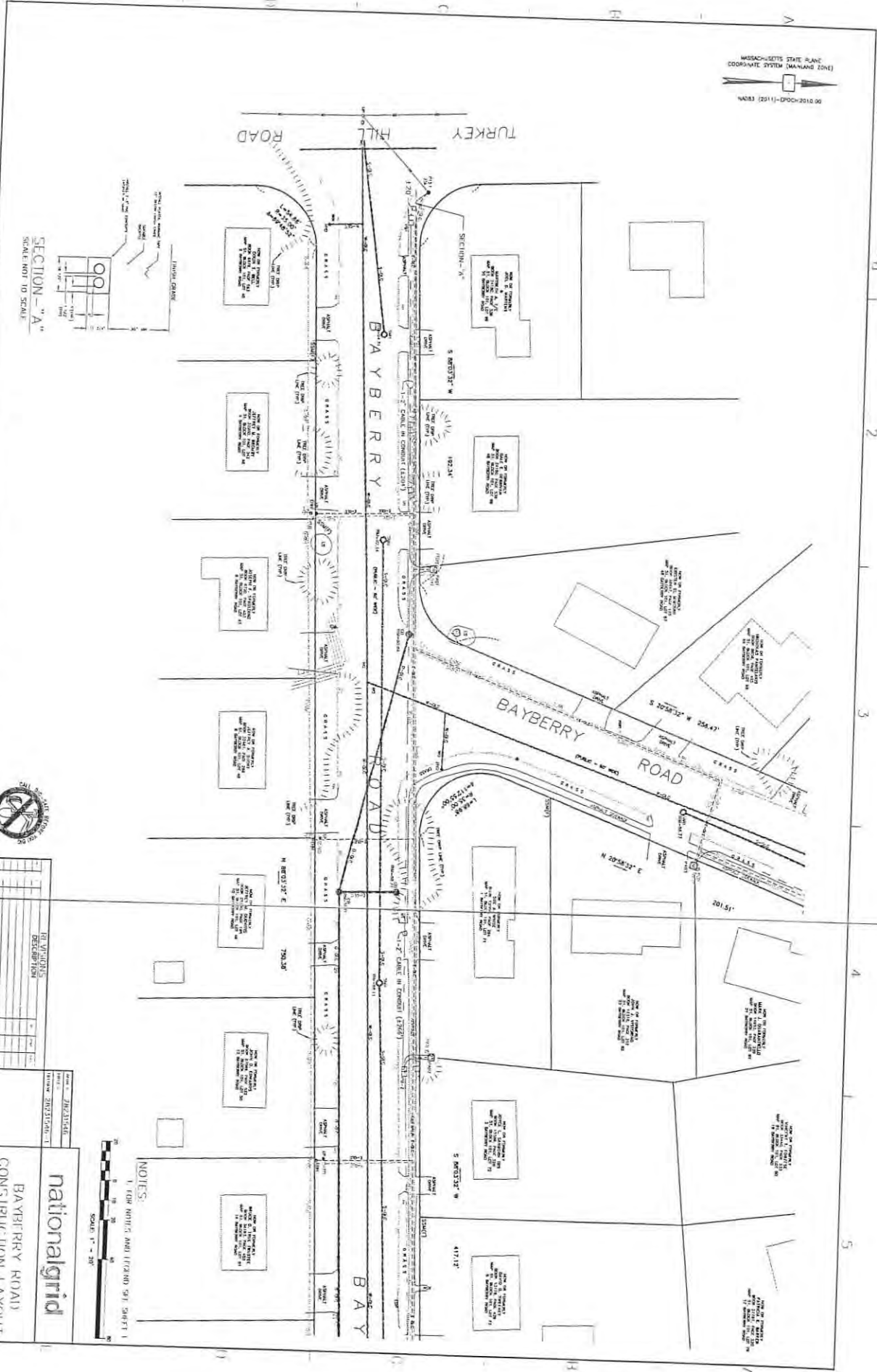
Bayberry Road-Newburyport, MA – National Grid will replace riser pole 15-1. Replace direct buried cable with cable and conduit system. Approximately +/-2120 feet of cable in conduit will be installed. And install 4 pull boxes within the grass median.

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

Location approximately as shown on plan attached.

Sincerely,

Tricia E. Barker
Assistant City Clerk



SECTION "A"
 SCALE: NOT TO SCALE



NO.	DESCRIPTION
1	
2	
3	
4	
5	
6	
7	
8	
9	
10	

nationalgrid
 BAYBERRY ROAD
 CONSTRUCTION LAYOUT



NOTES:

1. FOR NOTES AND LEGEND SEE SHEET 1

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

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

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

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

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

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

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

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

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

101/ 48/ / /
ORT JEFFREY A
BAYBERRY RD
NEWBURYPORT, MA 01950

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

69/ / /
ENS JOEL D & MARYBETH A T/E
YBERRY RD
BURYPORT, MA 01950

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

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

70/ / /
ELLA ROBERT G
RKEY HILL RD
BURYPORT, MA 01950

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

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

71/ / /
E SUE A.
BERRY ROAD
BURYPORT, MA 01950

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

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

72/ / /
ORN JOYCE L TRS
ERRY THREE REALTY TRUST
ADOW POND ROAD
TON, NH 03842

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

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

73/ / /
NEY DAVID G.
CCA M. T/E
BERRY ROAD
BURYPORT, MA 01950

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

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

74/ / /
Y DAVID J
ERLY A T/E
BERRY RD
BURYPORT, MA 01950

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

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

75/ / /
EY PATRICIA PHILLIPS
BERRY RD
BURYPORT, MA 01950

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

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

76/ / /
S THOMAS J
S THERESA F T/E
YBERRY RD
BURYPORT, MA 01950

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

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

77/ / /
ERTY RYAN PATRICK
MEAGHAN FLAHERTY T/E
YBERRY RD
BURYPORT, MA 01950

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

78/ / /
ENNA IAN R
A LEE MCKENNA T/E
YBERRY RD
BURYPORT, MA 01950

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

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

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

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

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