

CITY COUNCIL MEETING AGENDA - VERSION 2

REMOTE
AUGUST 20, 2020

7:30PM

1. Call to Order

- Late Files
COMM258_08_20_2020 FY21 Budget Workshops with City Council
ORDR207_08_20_2020 CPC - Parker/State Street Crossing (Clipper City Rail Trail Phase III)

2. Communications

- COMM257_08_20_2020 Ltr re: Harrison Street, J Tymon

3. Orders

- ORDR206_08_20_2020 FY21 Budget Order

4. Good of the Order

5. Adjournment

Zoom Details:

Please click the link below to join the webinar:

<https://us02web.zoom.us/j/84164039618>

Or iPhone one-tap :

US: +13126266799,,84164039618# or +19292056099,,84164039618#

Or Telephone:

Dial(for higher quality, dial a number based on your current location):

US: +1 312 626 6799 or +1 929 205 6099 or +1 301 715 8592 or +1 346 248 7799 or +1 669 900 6833 or +1 253 215 8782

Webinar ID: 841 6403 9618

International numbers available: <https://us02web.zoom.us/j/84164039618>

**FY2021 Budget Workshops with City Council
6:30PM remote via ZOOM**

*A public comment period will be provided at each workshop.
Time allotments for each department are estimated.*

FY21 Budget Proposed Workshops

Date	Time	Department
Tuesday, August 25, 2020	6:30 PM	Harbormaster
	7:00 PM	IT
	7:15 PM	Fire
	7:45 PM	Emergency Management
	8:00 PM	Police
Wednesday, August 26, 2020	6:30 PM	City Clerk/Registrars/City Council
	6:50 PM	Parking Clerk
	7:50 PM	Parks
	8:10 PM	DPS Water/Sewer/Highway/Snow & Ice
Thursday, August 27, 2020	6:30 PM	Whittier Tech
	8:00 PM	Youth Services
	8:15 PM	Library
Tuesday, September 01, 2020	6:30 PM	Health/Animal Control
	7:00 PM	Sustainability
	7:15 PM	Council on Aging
	7:45 PM	Building
	8:00 PM	Planning & Development
Wednesday, September 02, 2020	6:30 PM	Veterans' Services
	6:50 PM	Human Resources/Benefits
	7:15 PM	Assessor
	7:20 PM	Treasurer/Collector
	7:45 PM	Finance Director/Auditor
	8:10 PM	Mayor/Legal/General Admin

Thursday, September 03, 2020

6:30 PM School Department

CITY OF NEWBURYPORT



IN CITY COUNCIL

ORDERED:

That the City Council appropriates from the Community Preservation Act FY 2021 estimated revenues, in accordance with the provisions of M.G.L. Chapter 44B, additional funding for the following FY2021 project, based upon the Community Preservation Committee’s recommendation. The source of funds shall be FY2021 estimated revenues and Community Preservation Fund Balance. Said appropriation shall be considered a separate appropriation or reservation in the amount indicated [below]:

Project No.	Project Title	Applicant	Request	Recommendation
6B	<u>Parker/State Street Crossing</u> (Clipper City Rail Trail Phase III)	City of Newburyport Office of Planning & Development	\$40,000	\$40,000

Councillor Charles F. Tontar

NEWBURYPORT COMMUNITY PRESERVATION COMMITTEE
SUPPLEMENTAL RECOMMENDATION FOR FY21 APPROPRIATIONS
(Clipper City Rail Trail Phase III - Parker/State Street Crossing)

The Newburyport Community Preservation Committee recommends that the City Council appropriate from Community Preservation Fund Revenues additional funding for the following listed FY2021 project(s):

- **FY2021 - Project 6B:** Parker/State Street Crossing *(Clipper City Rail Trail Phase III)*

The following CONDITIONS are common to *[all projects]*:

- 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 rescission 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 11.2% of local revenue, expected in November 2020.

Applications for all projects are available for review in the Office of Planning & Development.

Respectfully submitted by:

Community Preservation Committee Members

Michael Dissette, Chair	Jane Healey, Vice Chair
Paul Healy	Mark Rosen
Daniel Koen	Don Walters
Don Little	Ron Ziembra

PROJECT NO. 6B
CLIPPER CITY RAIL TRAIL

The CPC recommends the appropriation of an additional **\$40,000** from the FY 2021 Estimated Revenues and Community Preservation Fund Balance to the City of Newburyport Office of Planning & Development to support the Clipper City Rail Trail project #6B: the Parker Street Trail project.

The CPA category for this appropriation is Recreation.

Project Summary: The Office of Planning and Development has submitted a supplemental grant application for the *Parker Street Trail- Clipper City Rail Trail Phase III project*. There is a projected cost overrun of \$40,000 on the Parker Street Trail project that needs to be addressed as soon as possible in order to move forward with contracting and avoid losing a critical portion of the fall 2020 construction season.

Construction bids from contractors were due early August, as was the cost for construction management services from the City's engineer TEC. The combined cost of the low bid, the 5% construction contingency, and the

construction management services is about 10% higher than the preliminary itemized cost estimate that TEC developed in the fall of 2019 and that was part of the CPC grant application six months ago.



COMMUNITY PRESERVATION APPLICATION FOR FUNDING

City of Newburyport
Community Preservation Committee

Applications for funding are due by **Thursday, February 6, 2020 at 4:00 p.m.** with the Community Preservation Committee, c/o Office of Planning and Development, City Hall, 60 Pleasant St., Newburyport MA 01950.

Application Instructions:

- Applicants should file ten (10) paper copies and one electronic copy of the completed application and all accompanying documents.
- Applications should be stapled or clipped. Bound applications are not required.
- Please be mindful of extraneous paper – double sided copies are acceptable.

PROJECT NAME: Parker Street Trail - Clipper City Rail Trail Phase III
PROJECT ADDRESS: State Street-Parker Street intersection plus 500' east along Parker Street

MAP/LOT: n/a
APPLICANT NAME: Newburyport Planning Office (Group or Committee Affiliation)
CONTACT PERSON: Geordie Vining, Senior Project Manager
TELEPHONE/FAX NO.: 978/465-4400
ADDRESS: City Hall
60 Pleasant Street
Newburyport, MA 01950
EMAIL: gvining@cityofnewburyport.com

AMOUNT OF COMMUNITY PRESERVATION FUNDING REQUESTED: \$40,000

COMMUNITY PRESERVATION CATEGORY: *(Please check all that apply)*

Open Space Historic Resource † Affordable Housing * Recreation

† Applicants seeking Historic Preservation funds for the preservation, restoration or renovation of historic structures must, as a condition of funding award, record a perpetual Preservation Restriction (PR) on the subject structure(s) prior to any distribution of funds. Applications should attend a meeting of the Newburyport Historical Commission (NHC) as early as possible to discuss and confirm the nature and scope of the required Preservation Restriction. The NHC's advisory opinion will be incorporated as appropriate into any Community Preservation Committee (CPC) recommendation, City Council appropriation, and/or grant award letters or agreements thereunder. *Please Note: The Newburyport Historical Commission (NHC) is an official City board and should not be confused with the local Newburyport Preservation Trust (NPT), a non-profit advocacy group.*

* Applicants seeking Affordable Housing funds must attend a Newburyport Affordable Housing Trust meeting to review and discuss their application. This review must occur prior to the Community Preservation Committee deliberations.

PROJECT SUMMARY: Provide a description of the Project, including the property involved and its proposed use.

The City of Newburyport has been working for many years to develop a safe, continuous, off-road Clipper City Rail Trail (CCRT) for the public, and additional work is required to reduce the gaps along Parker Street to the south. This supplementary CPA grant request is for increased costs associated with the construction of the CCRT Phase III Parker Street Trail project.

The City's designer TEC submitted final cost estimates and final plans in late June/early July 2020 (after the CPC and City Council's deliberations and funding decisions). We bid and pre-ordered the traffic signal mast arm assembly for the project's HAWK signal at the State Street-Parker Street intersection, due to the long manufacturing lead time. The City advertised the project and received bids from contractors on 8/13/20 as well as a contract amendment proposal from TEC for construction management services. The combined costs of the contractor's bid, a basic 5% construction contingency, and the construction management services is about 10% higher than the preliminary itemized cost estimate that TEC developed in the fall of 2019 and that was part of the original CPC grant application six months ago. There is a projected cost overrun of \$40,000 on the Parker Street Trail project that we need to address as soon as possible in order to move forward with contracting and avoid losing a critical portion of the fall 2020 construction season. We continue to anticipate mobilizing the contractor in September 2020.

The CCRT Phase III Parker Street Trail project will improve the dangerous State Street-Parker Street intersection for pedestrians and bicyclists and extend the off-road Rail Trail 500' to the east along Parker Street. Many people are walking and bicycling along the edge of Parker Street and crossing State Street to access the Clipper City Rail Trail, and it is very important for public safety as well as the public's recreational experience to re-construct this intersection and install the off-road trail. Approximately 80% of the project's construction funding will be supported by an FY20 Complete Streets state grant of \$400,000.

PUBLIC BENEFIT*: Describe in detail the benefits Newburyport will receive from the Project and how the Project fulfills the Community Preservation Committee's Project Evaluation Criteria.

* **Deed Restrictions:** The City may require, as a condition for funding, that the applicant grant to the City or other authorized grantee certain restrictions, including: Preservation Restrictions on rehabilitated or acquired historic resources, Conservation Restrictions on preserved or acquired lands, and Affordability Restrictions on affordable housing projects. The restriction shall be recorded at the Southern Essex Registry of Deeds.

Newburyport's Clipper City Rail Trail has brought many benefits to the public, and the CCRT III Parker Street Trail project will bring even more, further improving the community's quality of life and making Newburyport an even more distinctive, enjoyable and vibrant place. Newburyport's economy, identity, and place in the region are closely tied to our long-term public infrastructure investments. Working towards filling the trail gap will improve public safety and create additional opportunities for recreation, transportation, physical activity, neighborhood sociability, and connections to multiple destinations. The Phase III trail will provide a safe crossing of a busy intersection that currently has no pedestrian and bicyclist accommodations, and will provide a safe off-road section of trail along Parker Street. The project will leverage substantial funding from other sources.

The project fulfills multiple criteria of the CPC, as follows:

- Eligible for CPA funding, as the project will support new outdoor recreation capital improvements for recreational use of land, and capital improvements to the land or the facilities thereon which make the land more functional for the intended recreational use;

distribute insurance certificates to DCAMM; execute construction management services amendment; schedule pre-construction meeting; issue Notice to Proceed

- September through December 2020 – Implement project construction: conduct pre-construction meeting; mobilization; install erosion control barriers and silt sacks; construct wetland replication area; clearing corridor; excavate for utilities and drainage, remove pavement; fill, grade, construct trail, guardrail, curbing, signal structures; receive Mast Arm Assembly and install HAWK signal;
- (Winter construction hiatus)
- April through June, 2021 – Install plantings, loam and seed, and final paving; substantial completion and punchlist; inspections and acceptance; Certificate of Compliance; remove erosion control barriers and silt sacks; state grant reimbursement.

FUNDING:

- A. **Project cost estimates:** Provide recent cost estimates for the proposed project, dated within the past six (6) months, detailing the scope of work and associated costs for each task.
- B. **Amount of Newburyport Community Preservation Funding Requested:**
\$40,000
- C. **Other Sources of Funding Available:** If funding from other sources may be available for the Project, please complete the following table:

SOURCE OF FUNDING	AMOUNT REQUESTED	STATUS (COMMITTED Y/N IF NOT-WHEN)	CONTINGENT ON CP FUNDS (Y/N)
MA Complete Streets Funding Program	\$400,000	Yes	Yes

ATTACHMENTS:

Include the following with ALL copies of the application:

- Assessor’s map showing location of the Project
- Photographs
- Recent written estimates of cost with detailed scope of work
- Proposed oversight and management plan for the Project
- If the project involves public property, provide verification that the applicable public agency or department supports the project as presented and will oversee the project if funded.
- Historic resources include buildings, structures, vessel real properties, documents or artifacts that are listed or eligible for listing on the state register of historic place or determined to be significant in the history, archeology, architecture or culture of the city by the local historic preservation commission. If the project involves a historic resource, please provide evidence (date of listing on the state register or a letter from the

Newburyport Historical Commission confirming its determination of significance) with the application that it meets these criteria

Include the following, if applicable and available:

- Architectural plans and specifications, for new construction or rehabilitation
- Maps, renderings, site plans
- Historic structures report, existing conditions report
- Names and addresses of project architects, contractors and consultants
- Budgets
- Letters of Support

Attach additional sheets as necessary to answer all questions.

YOU MAY BE REQUESTED TO PROVIDE ADDITIONAL INFORMATION.

For questions contact: Office of Planning and Development
Newburyport City Hall
cpc@cityofnewburyport.com
(978) 465-4400

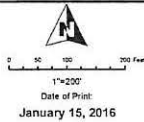
Assessor Map: Parker Street Shared Use Path










Prepared by:

 Merrimack Valley
 Planning Commission

WARNING: Data and Information is provided by the GIS system, with the understanding that it is not guaranteed to be correct or complete. All data is subject to change and periodic updates. The City of Newburyport makes no claims, representations or warranties, express or implied, concerning the validity, reliability or the accuracy of the GIS data and GIS data products furnished by the City specifically including the implied or expressed validity of any uses of such data.



Legend

-  Parcels
-  Easements
-  Combined Lots
-  Tax Map
-  Map Tile
-  Municipal Boundary
-  Conservation Restriction

67	25	68	33	69
78	80	81	82	
93	94	95		

City of Newburyport, MA
 Assessor's Map Tile No. 81

**Clipper City Rail Trail Phase III
Parker Street Trail project
City of Newburyport
(8/14/2020)**

FUNDING SOURCE

Revenues

CPA FY18	\$75,000.00
Complete Streets Grant - construction	\$400,000.00
CPA 2020 (FY21)	\$50,000.00
<i>current total:</i>	\$525,000.00
Supplementary CPA 2020 (FY21)	\$40,000.00
<i>proposed total:</i>	\$565,000.00

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PROJECT COSTS

Design Phase (TEC)	\$66,000.00
Bid Phase	
Electronic hosting/bidding	\$975.00
Legal Advertisement	\$344.50
Recording OOC	\$107.00
Construction Phase	
TEC construction management	\$26,000.00
Construction contractor	\$435,859.00
5% construction contingency	\$22,000.00
Mast Arm Assembly (pre-ordered)	\$13,000.00
<i>current total:</i>	\$564,285.50

Judy Tymon

August 15, 2020

39 Lime Street

Newburyport,
MA 01950

978-462-2892

Jmtconsult@comcast.net

To: Mayor Donna Holaday
Members of Newburyport City Council
Members of Newburyport Zoning Board of Appeals
Members of Newburyport Historic Commission
Andrew Port, Director of Planning

I have lived in Newburyport for over 30 years and have seen more than my share of destruction of historic structures. The latest fatality is 12 - 14 Harrison St. I am sure that I am not the only Newburyport resident who is dismayed and disheartened by the constant lack of respect for the historic character of the city's structures. The guardrails that the city has put in place - demolition overlay district, additional staff - are not enough. Further action needs to be taken and the following are my suggestions:

- Special Permit decisions allow for conditions, and in light of history that Newburyport has of allowing developers to demolish and deface our historic structures, the conditions should be stated in as much detail as possible. Notations on the plans PLUS a list of detailed conditions are essential. The ZBA should ask the Historic Commission for a complete and detailed list of recommendations, as to what should be allowed and what should be required to insure that the "improvements are not more detrimental to the neighborhood...", as required by our zoning bylaw.
- Building sites must be monitored. We all know that our city staff is stretched thin and that the residential housing market in Newburyport remains strong, resulting in many projects that are in process with many more to come. The ZBA can require that a monitor be hired by the applicant to review the project on a regular basis and provide reports to the Planning Department in order to catch violations before they become a problem. The Board can require such monitors under MGL Chapter 44 (Municipal Finance), Section 53G (Outside Consultants). Consultants are routinely required, in other communities, as a condition for a special permit to monitor storm water structure construction, wetlands mitigation and many other aspects of residential construction. It is time to make use of them in Newburyport to monitor historic renovations.
- If the ZBA is still writing their own decisions, that practice needs to stop now. Over the course of 15 years as a staff planner in the state of MA, I have never encountered a community that routinely allows ZBA members to write decisions, unless the community is so small that they do not have a planning staff. Our staff is well equipped to write decisions, and as dedicated and knowledgeable as ZBA members may be, they should not be writing the decision. Use the professional Planning Staff for this task.

And finally, no more fines for violations. This applicant must be required to re-apply for the appropriate Special Permits, to restore features that were destroyed and to implement the

conditions of the permit, regardless of cost. The usual complaint that 'permitting costs are too high' simply defies belief. When was the last time an applicant provided a pro forma showing that permitting costs were so prohibitive as to make the project untenable?

The Planning Staff was able to catch this violation so that the project has been shut down and the applicant is now required to re-apply for the appropriate permits. It is time for the ZBA and the Historic Commission to put some teeth into their decisions so there is appropriate documentation to support city staff. The destruction of historic structures must be stopped. Newburyport has lost too many beautiful, historic homes and much of the character of the city has been destroyed. Let's keep what we still have.

Sincerely,

JudyTymon

cc. Tom Kolterjahn, Newburyport Preservation Trust

CITY OF NEWBURYPORT



IN CITY COUNCIL

ORDERED:

August 20, 2020

WHEREAS, Section 11 of Chapter 92 of the Acts of 2020 (An Act Relative to Municipal Governance During the COVID-19 Emergency) allowed for the Mayor to submit to the City Council a continuing appropriation budget for the City of Newburyport for a period not to exceed three months in order to allow for additional time to submit an annual budget for Fiscal Year 2021 in accordance with Section 32 of Chapter 44 of the Massachusetts General Laws; and

WHEREAS, a continuing appropriation budget was submitted by the Mayor to the City Council in the amount of \$24,696,801 for the first three months of Fiscal Year 2021; and

WHEREAS, an annual budget for Fiscal Year 2021 must be adopted for the period of July 1, 2020 through June 30, 2021; and

WHEREAS, an annual budget supersedes and replaces the spending authority granted under a continuing appropriation budget in accordance with Section 32 of Chapter 44 of the Massachusetts General Laws;

NOW, THEREFORE BE IT ORDERED, THAT, the General Fund budget for the City of Newburyport for Fiscal Year 2021 be approved in the amount of \$_____, of which \$_____ is established as a School Department Budget for Fiscal Year 2021.

FURTHER THAT, the following Enterprise Fund budgets for Fiscal Year 2021 are approved as follows:

- Water Enterprise Fund \$ _____
- Sewer Enterprise Fund \$ _____
- Harbormaster Enterprise Fund \$ _____

FURTHER THAT, the following sources are reserved to fund the annual budget:

Paid Parking Fund	\$ 1,033,552.18	(General Fund)
Water Retained Earnings	\$ 171,322.49	(Water Enterprise Fund)
Sewer Retained Earnings	\$ 300,034.04	(Sewer Enterprise Fund)

The approved budget represents the annual budget for Fiscal Year 2021 as submitted by Mayor Holaday on August 18, 2020, as amended.

Jared J. Eigerman, Council President

Barry N. Connell, Councillor At-Large

Joseph H. Devlin, Councillor At-Large

Afroz Khan, Councillor At-Large

Charles F. Tontar, Councillor At-Large

Bruce L. Vogel, Councillor At-Large

Sharif I. Zeid, Ward 1 Councillor

Heather L. Shand, Ward 3 Councillor

Christine E. Wallace, Ward 4 Councillor

James J. McCauley, Ward 5 Councillor

Byron J. Lane, Ward 6 Councillor