

CITY COUNCIL MEETING AGENDA - VERSION 1
CITY COUNCIL CHAMBERS
JUNE 24, 2019

7:15 PM

Pole Hearing - Malcolm Hoyt Drive

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

- June 10, 2019

(Approve)

8. TRANSFERS

- NONE

9. COMMUNICATIONS

- COMM161_06_24_19 Block Party - Lafayette Street - 8/17/2019 (PS)
- COMM162_06_24_19 Jeanne Geiger Walk Against Domestic Violence - 10/6/2019 (PS)
- COMM163_06_24_19 High Street Mile - 8/4/2019 (PS)

10. APPOINTMENTS

- | | | | | | |
|---|------------------|----------------------|----------------|------------------|-----------|
| | | First Reading | | | |
| • | APPT105_06_24_19 | Chris Czernik | 32 Water St #7 | Council on Aging | 5/31/2024 |
| • | APPT106_06_24_19 | Andrew Soracco | 33 Middle St | Tree Commission | 7/1/2022 |

Re-Appointments

- | | | | | | |
|---|------------------|------------------|---------------|-------------------|----------|
| • | APPT107_06_24_19 | Jennifer Groskin | 11 Myrtle Ave | Human Rights Comm | 7/1/2022 |
| • | APPT110_06_24_19 | Sheila J. Trieff | 11 Shandel Dr | Human Rights Comm | 7/1/2022 |

To be referred to Planning & Development

- | | | | | | |
|---|------------------|---------------|----------------|-------------------|-----------|
| • | APPT111_06_24_19 | David B. Vine | 47 Marlboro St | Conservation Comm | 5/31/2022 |
|---|------------------|---------------|----------------|-------------------|-----------|

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

Budget & Finance

- TRAN048_04_08_19 Mult Accts \$1,668,067.29 to Mult Accts \$1,668,067.29
- ORDR106_05_13_19 Intermunicipal Agreement Animal Control Services
- TRAN056_05_28_19 Free Cash \$143,094.37, Snow & Ice Labor \$11,318.05 to Snow & Ice Expenses \$154,412.42
- TRAN057_05_28_19 Health Ins. \$12,320 to Fire Misc Supplies \$5K, HR Payroll \$4,620, HR/FSA Admin \$2.7K
- TRAN058_05_28_19 BDR Elections & Reg. \$5K to CLK Lease Copier \$1.2K, CLK Admin \$1.3K, CCN ORD Recodification \$2.5K
- TRAN059_05_28_19 Solid Waste Revolving Fund \$40K to SUS Solid Waste \$40K
- TRAN060_05_28_19 Free Cash \$3,250 to YTH Brown School Expenses \$3,250
- ORDR114_06_10_19 Parking Garage M-F Monthly Employee Pass
- ORDR120_06_10_19 Mitigation Payment Appropriation
- ORDR121_06_10_19 Tucker Scholarship Gift Acceptance \$500
- ORDR122_06_10_19 FY20 Revolving Fund Order

**END OF CONSENT AGENDA
REGULAR AGENDA**

11. MAYOR'S UPDATE

12. TRANSFERS

- TRAN061EP_06_24_19 Emergency Preamble for School Expenses \$35K to School Lunch \$35K
- TRAN061_06_24_19 School Expenses \$35K to School Lunch \$35K
- TRAN062EP_06_24_19 Emergency Preamble for Paid Parking Fund \$25K to PKG Credit Card Fees \$25K
- TRAN062_06_24_19 Paid Parking Fund \$25K to PKG Credit Card Fees \$25K

13. APPOINTMENTS

- | | | | | |
|--------------------|-----------------------|--------------|-----------------|----------|
| | Second Reading | | | |
| • APPT104_06_10_19 | Sheila Taintor | 10 Dexter St | Tree Commission | 4/1/2022 |

- | | | | | |
|----------------------|-----------------------------|-------------------|-----|------------|
| | First Reading | | | |
| • APPT108EP_06_24_19 | EP - Patricia Moore | 67 Curzon Mill Rd | NRA | 5/8/2022 |
| • APPT108_06_24_19 | Patricia Moore | 67 Curzon Mill Rd | NRA | 5/8/2022 |
| • APPT109EP_06_24_19 | EP - David A. Tibbetts, Esq | 26 Titcomb St #1 | NRA | 10/30/2020 |
| • APPT109_06_24_19 | David A. Tibbetts, Esq | 26 Titcomb St #1 | NRA | 10/30/2020 |

14. ORDERS

- ORDR126_06_24_19 One Hour Parking Restriction – Merrimac St
- ORDR127_06_24_19 Four Sidewalk Alteration Easements – High St
- ORDR128_06_24_19 CPC Amendment to FY18 Projects
- ORDR129EP_06_24_19 Emergency Preamble - Revolving Fund Increase Spending Limits
- ORDR129_06_24_19 Revolving Fund Increase Spending Limits
- ORDR130_06_24_19 City Clerk Contract 2019-2022
- ORDR131_06_24_19 Resolution re: Cultural District

15. ORDINANCES

- ODNC014_04_30_18 Amendment to Demolition Delay (**2nd Reading**)
- ODNC037_06_24_19 Ordinance regarding City Solicitor Appointment and Duties

16. COMMITTEE ITEMS

NOTE: UNDERLINED COMMITTEE ITEMS WILL BE CONSIDERED AT THIS MEETING

Budget & Finance

In Committee:

- ORDR007_01_29_18 41C Amendment
- COMM112_02_11_19 Memo re: Fire-Based EMS Cost/Benefit Analysis
- ORDR091_03_11_19 41C-1/2 Ballot Question (COTW)
- ORDR092_03_11_19 41C-1/2 Adjustments (COTW)
- COMM120_03_11_19 Central Congregational Grant Award Letter
- TRAN048_04_08_19 Mult Accts \$1,668,067.29 to Mult Accts \$1,668,067.29
- ORDR106_05_13_19 Intermunicipal Agreement Animal Control Services
- ODNC034_05_13_19 Amendment to Salary of Elected Officials
- TRAN056_05_28_19 Free Cash \$143,094.37, Snow & Ice Labor \$11,318.05 to Snow & Ice Expenses \$154,412.42
- TRAN057_05_28_19 Health Ins. \$12,320 to Fire Misc Supplies \$5K, HR Payroll \$4,620, HR/FSA Admin \$2.7K
- TRAN058_05_28_19 BDR Elections & Reg. \$5K to CLK Lease Copier \$1.2K, CLK Admin \$1.3K, CCN ORD Recodification \$2.5K
- TRAN059_05_28_19 Solid Waste Revolving Fund \$40K to SUS Solid Waste \$40K
- TRAN060_05_28_19 Free Cash \$3,250 to YTH Brown School Expenses \$3,250
- ORDR114_06_10_19 Parking Garage M-F Monthly Employee Pass
- ORDR119_06_10_19 Bond Order - Streets and Sidewalks \$10M
- ORDR120_06_10_19 Mitigation Payment Appropriation
- ORDR121_06_10_19 Tucker Scholarship Gift Acceptance \$500
- ORDR122_06_10_19 FY20 Revolving Fund Order

Education

In Committee:

-

General Government

In Committee:

- COMM139_04_08_19 Communication from Kopelman & Paige re: Closed Legal Matters
- ODNC036_06_10_19 Recording of Planning Board and ZBA Meetings

License & Permits

In Committee:

- COMM029_04_30_18 Outdoor Seating – West Row Café
- COMM104_01_14_19 Seacoast Taxi - Application by Richard Hewlett for 2019

Neighborhoods and City Services

In Committee:

- ORDR048_06_13_16 Sidewalk Order
- COMM111_10_10_17 Petition for Road Repairs and Repaving – Squires Glen
- ODNC028_11_26_18 Parks & Recreation Fees

Planning & Development

In Committee:

- ODNC008_02_12_18 Disposition of G. W. Brown School
- ORDR086_01_28_19 CPC FY2019 Amended Recommendation for Affordable Housing Trust Funds

- ODNC029_01_28_19 Zoning Map Amendment – Storey Ave South
- **ODNC030_03_25_19 Zoning - Amend Article XXVII Downtown Overlay District**
- ODNC032_05_13_19 Zoning – Amend Ag-Con District
- ODNC033_05_13_19 Zoning – Amendment to Former George W. Brown School Parcels
- **ORDR123_06_10_19 Safe Routes to School - High Street Layout Alteration (w/ Planning Board)**
- **ORDR124_06_10_19 Safe Routes to School - Order to Acquire Temporary and Permanent Easements and Award Damages**
- **ORDR125_06_10_19 Safe Routes to School - Order of Taking**

Public Safety

In Committee:

- ODNC009_02_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)
- **ODNC031_03_25_19 Regulation of the Use of Pesticides**
- ORDR094_04_08_19 Traffic Changes - Green, Pleasant, and Titcomb Streets
- COMM143_04_29_19 Cruisin' the 50s Car Show - 8/15/19
- COMM144_04_29_19 Newburyport Fall Harvest Festival - 10/13-14 2019
- COMM145_04_29_19 Witches' Night Out - 10/18/19
- COMM146_04_29_19 Downtown Trick or Treat - 10/25/19
- COMM147_04_29_19 Invitation Nights - 12/6, 12/13, 12/20 2019
- COMM150_04_29_19 5th Annual Harborside Half Marathon & 5K - 11/10/19
- COMM156_05_28_19 Traffic Concern Ferry Road
- ODNC035_05_28_19 Amendment to Health and Sanitation (COTW)
- **APPT103_05_28_19 Paul Hogg 4 Coltin Dr Harbormaster & Special Police Officer 5/1/2022**
 - **COMM157_06_10_19 Block Party - Temple Street - 8/1/2019**
 - **COMM158_06_10_19 Fill-The-Boot Drive for MDA - 8/1-8/3 2019**
 - **COMM159_06_10_19 Greek Food Festival - July 26-28, 2019**
 - COMM160_06_10_19 Defibrillators on Plum Island
 - ORDR115_06_10_19 Additions to 2-Hour Parking Zones - Ferry Road
 - ORDR116_06_10_19 Additions to 2-Hour Parking Zones - Summer Street
 - ORDR117_06_10_19 Two Hour Parking Section 175 - Upper Summer St
 - ORDR118_06_10_19 Resident Parking 13-180 Zone Changes

Public Utilities

In Committee:

- COMM122_11_27_17 Mobilite Application/Small Cell Utility Petition (re-file)
- ODNC022_05_29_18 Addition to Chapter 5, Article 6 - Small Cell Sites

Rules Committee

In Committee:

- ORDR057_08_27_18 Amendment to Council Rule 12A

17. **EXECUTIVE SESSION** to discuss litigation with respect to the 193 High Street Zoning Appeal

18. **EXECUTIVE SESSION** to discuss litigation with respect to the NRA and the conveyance of tideland to the Waterfront Trust.

19. **GOOD OF THE ORDER**

20. ADJOURNMENT



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

June 05, 2019

Dear Property Owner:

Notice is hereby given that a public hearing will be held on the petition of National Grid and Verizon New England Inc., to install (1) JO pole on Malcolm K. Hoyt Rd., beginning at a point approximately 15 feet off the centerline of the intersection of Opportunity Way and continuing approximately 133 feet. Install new in line pole 15-50 for equipment to serve customer at 2 Opportunity Way.

Said hearing will be held on Monday, June 24, 2019 at 7:15 pm, in the City Council Chamber, City Hall, Newburyport, MA. At that time, all interested parties will have an opportunity to be heard.

Location approximately as shown on plan attached.

Sincerely,

Tricia E. Barker
Assistant City Clerk



CITY OF NEWBURYPORT

OFFICE OF THE
ASSESSOR

JILL BRENNAN
CITY ASSESSOR

NEWBURYPORT CITY HALL

60 PLEASANT STREET

NEWBURYPORT, MA 01950

TEL: 978-465-4403

FAX: 978-462-8495

WWW.CITYOFNEWBURYPORT.COM

June 5, 2019

TO: Richard Jones, City Clerk

FROM: Board of Assessors

RE: Malcolm Hoyt Road – Install 1 JO pole beginning at a point approximately 15 feet of the centerline of the intersection of Opportunity Way and continuing approximately 133 feet. Install new in line pole 15-50 for equipment to serve customer at 2 Opportunity Way.

The attached are the abutters to the above described location:

Jill Brennan

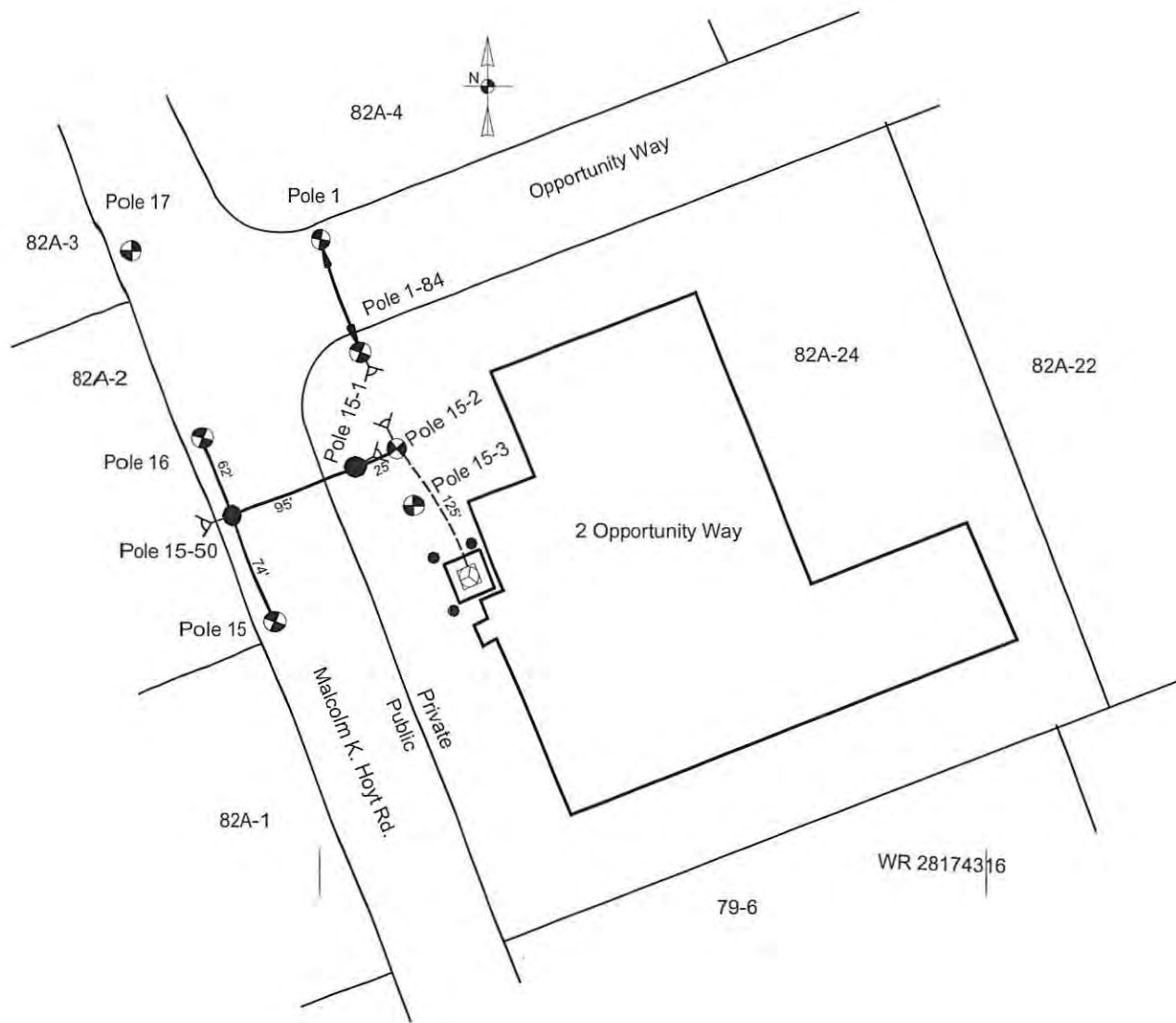
82/A 1/ / /
JOHNSON F & R H & H A TRS
HAJ REALTY TRUST
525 MAIN ST UNIT 3
AMESBURY, MA 01913

82/A 2/ / /
STRODA REALTY LLC
13 MALCOLM HOYT RD
NEWBURYPORT, MA 01950








82/A 3/ / /
DA/PRO RUBBER INC
PO BOX 470175
TULSA, OK 74147

82/A 15/ / /
GERRISH CURTIS L TRS
GERRISH REALTY TRUST
16 MALCOLM HOYT RD
NEWBURYPORT, MA 01950

82/A 24/ / /
HVV NEWBURYPORT LLC
39 COUNTRY CLUB WAY
IPSWICH, MA 01938



JOINT OWNED POLE PETITION

-  Anchor
-  New Pole
-  Existing pole
-  Transformer with containment & bollards
-  Pole to Pole Guy
-  2-4" Conduit
-  Primary

DISTANCES ARE APPROXIMATE

nationalgrid
And
Verizon New England, Inc.

Date: February 8, 2019

Work Request Number: 28174316

To Accompany Petition Dated: February 8, 2019

To The: City Of Newburyport Ma.

For Proposed: Pole:15-50 Location: 13 Malcom K Hoyt

nationalgrid

NEWBURYPORT, MA
MAY 20 2019

May 20, 2019

City Council of Newburyport, Massachusetts

To Whom It May Concern:

Enclosed please find a petition of NATIONAL GRID and VERIZON, covering joint NATIONAL GRID-VERIZON pole location(s)

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

John Butler 978-725-1415

Please notify National Grid's Lisa Ayres of the hearing date / time.

If this petition meets with your approval, please return an executed copy to each of the above-named Companies.

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

Very truly yours,

Dave Johnson/lla

Dave Johnson
Supervisor, Distribution Design

Enclosures

Questions contact John Butler 978-725-1415

PETITION FOR JOINT OR IDENTICAL POLE LOCATIONS

North Andover, Massachusetts

To City Council
Of Newburyport, Massachusetts

NATIONAL GRID and Verizon New England, Inc requests permission to locate poles, wires, and fixtures, including the necessary sustaining and protecting fixtures, along and across the following public way:

Malcolm K. Hoyt Rd. - National Grid to install (1) JO pole on Malcolm K. Hoyt Rd. beginning at a point approximately 15 feet off the centerline of the intersection of Opportunity Way and continuing approximately 133 feet. Install new in line pole 15-50 for equipment to serve customer at 2 Opportunity Way.

Location approximately as shown on plan attached.

Wherefore it prays that after due notice and hearing as provided by law, it be granted a location for and permission to erect and maintain poles and wires, together with such sustaining and protecting fixtures as it may find necessary, said poles to be erected substantially in accordance with the plan filed herewith marked – Malcolm K. Hoyt Rd - Newburyport, Massachusetts.

28174316

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

Your petitioner agrees to reserve space for one cross-arm at a suitable point on each of said poles for the fire, police, telephone, and telegraph signal wires belonging to the municipality and used by it exclusively for municipal purposes.

NATIONAL GRID
BY *Dave Johnson/lla*
Engineering Department

VERIZON NEW ENGLAND, INC.
BY _____
Manager / Right of Way

April 18, 2019

Newburyport

Questions contact – John Butler 978-725-1415

ORDER FOR JOINT OR IDENTICAL POLE LOCATIONS

To the City Council - Newburyport, Massachusetts

Notice having been given and public hearing held, as provided by law,
IT IS HEREBY ORDERED:

that NATIONAL GRID and VERIZON NEW ENGLAND INC. (formerly known as NEW ENGLAND TELEPHONE AND TELEGRAPH COMPANY) be and they are hereby granted joint or identical locations for and permission to erect and maintain poles and wires to be placed thereon, together with such sustaining and protecting fixtures as said Companies may deem necessary, in the public way or ways hereinafter referred to, as requested in petition of said Companies dated the 18th day of April 2019.

All construction under this order shall be in accordance with the following conditions:

Poles shall be of sound timber, and reasonable straight, and shall be set substantially at the points indicated upon the plan marked – Malcolm K. Hoyt Rd - Newburyport, Massachusetts..

28174316 Filed with this order:

There may be attached to said poles by NATIONAL GRID and Verizon New England Inc. such wires, cables, and fixtures as needed in their business and all of said wires and cables shall be placed at a height of not less than twenty (20) feet from the ground.

The following are the public ways or part of ways along which the poles above referred to may be erected, and the number of poles which may be erected thereon under this order:

Malcolm K. Hoyt Rd. - National Grid to install (1) JO pole on Malcolm K. Hoyt Rd. beginning at a point approximately 15 feet off the centerline of the intersection of Opportunity Way and continuing approximately 133 feet. Install new in line pole 15-50 for equipment to serve customer at 2 Opportunity Way.

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

I hereby certify that the foregoing order was adopted at a meeting of the
Of the City/Town of _____, Massachusetts held on the _____ day of _____ 20 .

Massachusetts

City/Town Clerk.
20 .

Received and entered in the records of location orders of the City/Town of
Book _____ Page _____

Attest:
City/Town Clerk

I hereby certify that on _____ 20____, at _____ o'clock, M
At _____ a public hearing was held on the petition of
NATIONAL GRID and VERIZON NEW ENGLAND, INC.

for permission to erect the poles, wires, and fixtures described in the order herewith recorded, and
that we mailed at least seven days before said hearing a written notice of the time and place of said
hearing to each of the owners of real estate (as determined by the last preceding assessment for
taxation) along the ways or parts of ways upon which the Company is permitted to erect
Poles, wires, and fixtures under said order. And that thereupon said order was duly adopted.

City/Town Clerk.

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

Board or Council of Town or City, Massachusetts

| |

CERTIFICATE

I hereby certify that the foregoing is a true copy of the location order and certificate of
hearing with notice adopted by the _____ of the City of
Massachusetts, on the _____ day of 20____ and recorded with the records of location
orders of the said City, Book _____, and Page _____. This certified copy is made under
the provisions of Chapter 166 of General Laws and any additions thereto or amendments thereof.

Attest:
City/Town Clerk

CONSENT AGENDA

CITY COUNCIL MEETING MINUTES

CITY COUNCIL CHAMBERS

JUNE 10, 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 the 75th anniversary of D-Day. The City Council President then instructed the City Clerk to call the roll. The following Councillors answered present: Khan, OBrien, Shand, Tontar, Vogel, Zeid, Devlin, Earls, Eigerman, Giunta, Connell. 11 present.

(Sound Check)

1. MOMENT OF SILENCE

2. PLEDGE OF ALLEGIANCE

3. CALL TO ORDER

4. LATE FILE ITEMS – on Councillors’ desks – letter of support for downtown expenditures from the Chamber of Commerce. Motion to waive the Rules by Councillor Giunta, seconded by Councillor Vogel. So voted.

5. PUBLIC COMMENT

1. Peggy Poppe	12 14 th St, Newbury	AEDs on PI
2. Megan St. John	14 Basin St	AEDs on PI
3. Leslie Eckholdt	36 Warren St	Artist Shanties
4. Lynn Mather	21 Basin Front Dr, Newbury	AEDs on PI
5. Amy Roberts	5 Dexter St	School Budget

6. MAYOR’S COMMENT

The Mayor gave an update pursuant to her written communication.

CONSENT AGENDA

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

7. APPROVAL OF MINUTES

- May 28, 2019 (Approve)
With change to ORDR096 on page 5

8. TRANSFERS

- NONE

9. COMMUNICATIONS

- COMM157_06_10_19 Block Party - Temple Street - 8/1/2019 (PS)
- COMM158_06_10_19 Fill-The-Boot Drive for MDA - 8/1-8/3 2019 (PS)
- COMM159_06_10_19 Greek Food Festival - July 26-28, 2019 (PS)
- COMM160_06_10_19 Defibrillators on Plum Island (PS)

10. APPOINTMENTS

- | | Re-Appointments | | | |
|-----------------------------------|------------------------|-----------------|----------|--|
| • APPT104_06_10_19 Sheila Taintor | 10 Dexter St | Tree Commission | 4/1/2022 | |

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

**END OF CONSENT AGENDA
REGULAR AGENDA**

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

11. MAYOR'S UPDATE

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

12. APPOINTMENTS

Second Reading – NONE

13. ORDERS

- **ORDR112_05_28_19 Handicapped Parking Space - Lime St at Water St (TABLED)**
Motion to remove from table by Councillor Zeid, seconded by Councillor Giunta. So voted. Motion to waive rule 7F by Councillor Zeid, seconded by Councillor Giunta. So voted. Motion to approve by Councillor Zeid, seconded by Councillor Giunta. So voted.
- **ORDR114_06_10_19 Parking Garage M-F Monthly Employee Pass**
Motion to refer to Budget & Finance by Councillor Shand, seconded by Councillor Zeid. So voted.
- **ORDR115_06_10_19 Additions to 2-Hour Parking Zones - Ferry Road**
Motion to refer to Public Safety by Councillor OBrien, seconded by Councillor Zeid. Motion to refer ORDR115_06_10_19, ORDR116_06_10_19, ORDR117_06_10_19, collectively, to Public Safety by Councillor Zeid, seconded by Councillor Giunta. So voted.
- **ORDR116_06_10_19 Additions to 2-Hour Parking Zones - Summer Street**
- **ORDR117_06_10_19 Two Hour Parking Section 175 - Upper Summer St**
- **ORDR118_06_10_19 Resident Parking 13-180 Zone Changes**
Motion to refer to Public Safety by Councillor Eigerman, seconded by Councillor Giunta. So voted.
- **ORDR119_06_10_19 Bond Order - Streets and Sidewalks \$10M**
Motion to refer to Budget & Finance by Councillor Eigerman, seconded by Councillor Zeid. So voted.
- **ORDR120_06_10_19 Mitigation Payment Appropriation**
Motion to refer to Budget & Finance by Councillor Tontar, seconded by Councillor Khan. So voted.
- **ORDR121_06_10_19 Tucker Scholarship Gift Acceptance \$500**
Motion to refer to Budget & Finance by Councillor Tontar, seconded by Councillor Vogel. So voted.
- **ORDR122_06_10_19 FY20 Revolving Fund Order**
Motion to refer to Budget & Finance by Councillor Tontar, seconded by Councillor Khan. So voted.
- **ORDR123_06_10_19 Safe Routes to School - High Street Layout Alteration**
Motion to take ORDR123_06_10_19, ORDR124_06_10_19, and ORDR125_06_10_19 collectively and refer to Planning & Development (ORDR123_06_10_19 to Planning & Development and Planning Board) by Councillor Zeid, seconded by Councillor Khan. So voted.
- **ORDR124_06_10_19 Safe Routes to School - Order to Acquire Temporary and Permanent Easements and Award Damages**
- **Motion to take ORDR123_06_10_19, ORDR124_06_10_19, and ORDR125_06_10_19 collectively and refer to Planning & Development (ORDR123_06_10_19 to Planning & Development and Planning Board) by Councillor Zeid, seconded by Councillor Khan. So voted.**
- **ORDR125_06_10_19 Safe Routes to School - Order of Taking**
- **Motion to take ORDR123_06_10_19, ORDR124_06_10_19, and ORDR125_06_10_19 collectively and refer to Planning & Development (ORDR123_06_10_19 to Planning & Development and Planning Board) by Councillor Zeid, seconded by Councillor Khan. So voted.**

14. ORDINANCES

- ODNC036_06_10_19 Recording of Planning Board and ZBA Meetings
Motion to refer to General Government by Councillor Zeid, seconded by Councillor Khan. So voted.

15. COMMITTEE ITEMS

NOTE: UNDERLINED COMMITTEE ITEMS WILL BE CONSIDERED AT THIS MEETING

Education

Councillor Giunta gave an update; no class rank at Newburyport High School.

In Committee:

-

General Government

In Committee:

- COMM139_04_08_19 Communication from Kopelman & Paige re: Closed Legal Matters

License & Permits

In Committee:

- COMM029_04_30_18 Outdoor Seating – West Row Café
- COMM104_01_14_19 Seacoast Taxi - Application by Richard Hewlett for 2019

Neighborhoods and City Services

In Committee:

- ORDR048_06_13_16 Sidewalk Order
- COMM111_10_10_17 Petition for Road Repairs and Repaving – Squires Glen
- ODNC028_11_26_18 Parks & Recreation Fees

Planning & Development

In Committee:

- ODNC008_02_12_18 Disposition of G. W. Brown School
- **ODNC014_04_30_18 Amendment to Demolition Delay**
Motion to remove from Planning & Development by Councillor Eigerman, seconded by Councillor Zeid. So voted. Motion to approve as amended on 6/6/2019 and with following amendment to Section 5-307 on line 4: “in compliance with this Section” by Councillor Eigerman, seconded by Councillor Khan. Roll call vote, 9 yes, 2 no (OBrien, Zeid). Motion passed.
- ORDR086_01_28_19 CPC FY2019 Amended Recommendation for Affordable Housing Trust Funds
- ODNC029_01_28_19 Zoning Map Amendment – Storey Ave South
- ODNC030_03_25_19 Zoning - Amend Article XXVII Downtown Overlay District
- **ORDR108_05_13_19 Acceptance of the Former George W. Brown School**
Motion to remove from Planning & Development by Councillor Eigerman, seconded by Councillor Zeid. So voted. Motion to approve (comm vote 3-0) by Councillor Eigerman, seconded by Councillor Zeid. Roll call vote, 11 yes. Motion passed.
- ODNC032_05_13_19 Zoning – Amend Ag-Con District
- ODNC033_05_13_19 Zoning – Amendment to Former George W. Brown School Parcels

Public Safety

In Committee:

- ODNC009_02_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)
- ODNC031_03_25_19 Regulation of the Use of Pesticides
- ORDR094_04_08_19 Traffic Changes - Green, Pleasant, and Titcomb Streets
- COMM143_04_29_19 Cruisin' the 50s Car Show - 8/15/19
- COMM144_04_29_19 Newburyport Fall Harvest Festival - 10/13-14 2019
- COMM145_04_29_19 Witches' Night Out - 10/18/19
- COMM146_04_29_19 Downtown Trick or Treat - 10/25/19
- COMM147_04_29_19 Invitation Nights - 12/6, 12/13, 12/20 2019
- COMM150_04_29_19 5th Annual Harborside Half Marathon & 5K - 11/10/19
- **ORDR101_05_13_19 Handicapped Parking Space – Pleasant Street at Unicorn Street**
Motion to remove from Public Safety by Councillor Giunta, seconded by Councillor OBrien. So voted. Motion to amend, make signs temporary, by Councillor Zeid. Withdrawn. Motion to approve, with condition that it would expire 12/20/2020, by Councillor Giunta, seconded by Councillor OBrien. So voted (1 present – Zeid).
- **ORDR102_05_13_19 15-Min Parking Space – 92 Pleasant Street**
Motion to remove from Public Safety by Councillor Giunta, seconded by Councillor OBrien. So voted. Motion to approve, with condition that it would expire 12/19/2019, by Councillor Giunta, seconded by Councillor OBrien. So voted.
- **ORDR104_05_13_19 Drop Off Space – Market St**
Motion to remove from Public Safety by Councillor Giunta, seconded by Councillor OBrien. So voted. Motion to receive and file by Councillor Giunta, seconded by Councillor OBrien. So voted.
- **COMM155_05_28_19 Block Party – Dove Street – 8/3/19**
Motion to remove from Public Safety by Councillor Giunta, seconded by Councillor OBrien. So voted. Motion to approve (comm vote 2-0) by Councillor Giunta, seconded by Councillor OBrien. So voted.
- COMM156_05_28_19 Traffic Concern-Ferry Road
- ODNC035_05_28_19 Amendment to Health and Sanitation (COTW)
- APPT103_05_28_19 Paul Hogg 4 Coltin Dr Harbormaster & Special Police Officer 5/1/2022

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
- **ORDR113_05_28_19 Water & Sewer Rates FY2020**
Motion to remove from Public Utilities by Councillor Zeid, seconded by Councillor OBrien. So voted. Motion to approve (comm vote 3-0) by Councillor Zeid, seconded by Councillor OBrien. Roll call vote, 10 yes, 1 no (Giunta). Motion passed.

Rules Committee

In Committee:

- ORDR057_08_27_18 Amendment to Council Rule 12A

Budget & Finance

In Committee:

- ORDR007_01_29_18 41C Amendment
- COMM112_02_11_19 Memo re: Fire-Based EMS Cost/Benefit Analysis
- ORDR091_03_11_19 41C-1/2 Ballot Question (COTW)
- ORDR092_03_11_19 41C-1/2 Adjustments (COTW)
- COMM120_03_11_19 Central Congregational Grant Award Letter
- TRAN048_04_08_19 Mult Accts \$1,668,067.29 to Mult Accts \$1,668,067.29
- **ORDR105_05_13_19 FY2020 Budget (COTW)**

Please note for the record that there are two new sheets not in original binder – Mayor and General Council, Pg 50 Object 51101, Pg 57 Object 51101.

Motion to remove from Budget & Finance by Councillor Tontar, seconded by Councillor Vogel. So voted. Motion to approve by Councillor Tontar, seconded by Councillor Vogel. Motion to cut \$8,500 from line 51101 (pg 50) by Councillor Zeid, seconded by Councillor OBrien. Roll call vote, 2 yes (OBrien, Zeid), 9 no. Motion failed. Motion to cut \$3,757 (reduce to \$102,743) from line 51101 (pg 50) by Councillor Eigerman, seconded by Councillor Giunta. Motion to move the question by Councillor Zeid, seconded by Councillor Khan. Roll call vote, 8 yes, 3 no (Tontar, Vogel, Connell). Motion passed. Roll call vote, 8 yes, 3 no (Tontar, Vogel, Connell). Motion passed. Motion to cut \$10,372.50 from line 51120 (pg 50) by Councillor Zeid, seconded by Councillor Giunta. Roll call vote, 3 yes (OBrien, Zeid, Giunta), 8 no. Motion failed. Motion to cut \$6,000 from line 57801 (pg 50), \$1,100 from line 51501 (pg 50), and \$1,000 from line 51502 (pg 50) by Councillor Eigerman, seconded by Councillor Zeid. Roll call vote, 5 yes (OBrien, Zeid, Devlin, Eigerman, Giunta), 6 no. Motion failed. Motion to cut \$15,000 (reduce to \$0) from line 52403 (pg 51) by Councillor Eigerman, seconded by Councillor Zeid. Roll call vote, 10 yes, 1 no (Giunta). Motion passed. Motion to cut \$10,000 from line 53004 (pg 51) by Councillor Eigerman, seconded by Councillor Zeid. Roll call vote, 6 yes, 5 no (Khan, Shand, Tontar, Vogel, Connell). Motion passed. Motion to cut \$1,000 from line 54200 and \$500 from line 54301 by Councillor Eigerman, seconded by Councillor Earls. Roll call vote, 9 yes, 2 no (Tontar, Vogel). Motion passed. Motion to cut \$8,118 (reduce to \$83,393) from line 51101 (pg 57, 01-161) by Councillor Zeid, seconded by Councillor Eigerman. Roll call vote, 8 yes, 3 no (Tontar, Vogel, Connell). Motion passed. Motion to cut \$33,000 (reduce to \$56,000) from line 51101 (pg 57, 01-111) by Councillor Zeid, seconded by Councillor Devlin. Roll call vote, 9 yes, 2 no (Vogel, Connell). Motion passed. Motion to reduce line 51101 (pg 57) to \$0 by Councillor Tontar, seconded by Councillor Vogel. Roll call vote, 3 yes (Tontar, Vogel, Zeid), 8 no. Motion failed. Motion to cut \$6,165 from line 51100 (pg 59) by Councillor Zeid, seconded by Councillor OBrien. Roll call vote, 1 yes (Zeid), 10 no. Motion failed. Motion to cut \$2,500 from line 54200 (pg 59) by Councillor Zeid, seconded by Councillor OBrien. Roll call vote, 9 yes, 2 no (Tontar, Vogel). Motion passed. Motion to cut \$1 from line 51101 (pg 70) by Councillor Zeid, seconded by Councillor Giunta. Withdrawn. Motion to cut \$1,000 from line 51301 (pg 113) by Councillor Eigerman, seconded by Councillor Devlin. Roll call vote, 8 yes, 3 no (Tontar, Vogel, Connell). Motion passed. Motion to cut \$10,000 from line 51158 (pg 130) by Councillor Zeid, seconded by Councillor OBrien. Roll call vote, 8 yes, 3 no (Khan, Vogel, Connell). Motion passed. Motion to cut \$12,850 from line 51190 (pg 158) by Councillor Devlin, seconded by Councillor Zeid. Roll call vote, 6 yes, 5 no (Shand, Tontar, Vogel, Giunta, Connell). Motion passed. Motion to cut \$24,000 from line 51901 (pg 158) and \$6,000 from line 54201 (pg 158), collectively, by Councillor Zeid, seconded by Councillor OBrien. Roll call vote, 3 yes (OBrien, Zeid, Devlin), 8 no. Motion failed. Motion to cut \$100,000 from line 51700 (pg 197) by Councillor Zeid, seconded by Councillor Giunta. Roll call vote, 6 yes, 5 no (Khan, Shand, Tontar, Vogel, Connell). Motion passed. Motion to cut \$25,000 from line 53020 (pg 210, Water) by Councillor Eigerman, seconded by Councillor Zeid. Roll call vote, 10 yes, 1 no (Vogel). Motion passed. Motion to cut \$25,000 from line 53020 (pg 220, Sewer) by Councillor Eigerman, seconded by Councillor Earls. Roll call vote, 10 yes, 1 no (Vogel). Motion passed. Five minute recess announced by the President. Motion to waive the Rules, to continue the meeting past 11:00 pm, by Councillor Vogel, seconded by Councillor Tontar. So voted (1 no – OBrien). The Council President asked the Clerk to read the budget into the record: General Fund – \$70,259,127.63, of which \$30,875,762.00 is appropriated to the School Department; Water – \$5,371,088.84; Sewer – \$7,586,606.25; Harbormaster – \$514,867.82. Motion to approve as amended by Councillor Tontar, seconded by Councillor Vogel. Roll call vote, 9 yes, 2 no (Zeid, Devlin). Motion passed.

- ORDR106_05_13_19 Intermunicipal Agreement Animal Control Services
- ODN034_05_13_19 Amendment to Salary of Elected Officials
- TRAN056_05_28_19 Free Cash \$143,094.37, Snow & Ice Labor \$11,318.05 to Snow & Ice Expenses \$154,412.42

- TRAN057_05_28_19 Health Ins. \$12,320 to Fire Misc Supplies \$5K, HR Payroll \$4,620, HR/FSA Admin \$2.7K
- TRAN058_05_28_19 BDR Elections & Reg. \$5K to CLK Lease Copier \$1.2K, CLK Admin \$1.3K, CCN ORD Recodification \$2.5K
- TRAN059_05_28_19 Solid Waste Revolving Fund \$40K to SUS Solid Waste \$40K
- TRAN060_05_28_19 Free Cash \$3,250 to YTH Brown School Expenses \$3,250

16. GOOD OF THE ORDER

Councillor Connell thanked everyone for their work on the budget, particularly the members of the Budget & Finance committee and the department heads.

17. ADJOURNMENT

Motion to adjourn by Councillor Giunta, seconded by Councillor Khan. So voted. 11:20pm.

COMMUNICATIONS



RECEIVED
CITY CLERK'S OFFICE
NEWBURYPORT, MA

2019 JUN 11 AM 10:52

CITY OF NEWBURYPORT
60 PLEASANT STREET
NEWBURYPORT, MA 01950

BLOCK PARTY APPLICATION

Please fill out the application below and obtain the approving signatures for the street closure. Mail or drop off the completed signed application at: City Clerk's Office, City Hall, 60 Pleasant Street, Newburyport, MA 01950 **at least eight (8) business days prior** to a City Council meeting. The requested Block Party needs approval by the City Council. For any questions, please contact The City Clerk's Office at (978) 465-4407.

DATE OF REQUEST: _____

CONTACT INFORMATION

FIRST AND LAST NAMES: Louise Nelson

MAILING ADDRESS: 25 Lafayette St. Newburyport

PHONE NUMBER: 978-270-9020

E-MAIL ADDRESS: Lbbn1973@gmail.com

BLOCK PARTY INFORMATION

BLOCK PARTY DATE: August 17, 2019

DESIRED STREET CLOSING LOCATION: Lafayette St from Highland St. to High St
Please indicate cross streets when requesting the closing of street sections

STREET TO BE BARRICADED: Lafayette Street

DESIRED STREET CLOSING TIME: 12:00 pm - 9:00 pm
Block Parties should run no later than 10:00 p.m.

REGULATIONS

By signing, I agree that I am a legal adult 18 years of age or older and understand this permit does not release me of any liability for damages that may result from the conducting of this Block Party. Further, I agree to comply with all requirements listed below:

I understand that applications for block party permits may take up to four (4) weeks to process.

Block parties will be conducted only on low-volume residential streets, dead-end streets, or cul-de-sacs. No thoroughfares or collector streets may be used.

It is hereby agreed that, by signing and presenting this application, signer(s) represents to the City of Newburyport that the following statements are true and correct, and agrees to and will abide by the following:

1. All residents living on the street or block for which the party is planned request the block party, or have been contacted and do not object to the Block Party.
2. To be responsible for placement, maintenance and removal of barricades.
3. A block party permit does not allow the sale of alcohol or the consumption of alcohol on public property (in city streets, sidewalks, parks, etc.) alcohol is allowed only on private property. All state and city alcohol laws still apply during Block Parties.
4. Amplified music shall be permitted with permission of the City Council.
5. To leave **AT LEAST A TWELVE (12) FOOT AISLE** in the street to permit passage of emergency vehicles or vehicles of residents. Failure to maintain a ten (10) foot aisle during the entire period of the party will necessitate denial of requests for subsequent block parties. **Public safety personnel will monitor the party for strict adherence to this rule.**
6. To maintain adult supervision at all times during the party.
7. Applicant(s) shall be responsible for the pick-up of trash and garbage within two (2) hours of the end of the party.
8. Streets may not be barricaded later than 10:00 P.M.
9. No residents of the area designated shall be prohibited from attending the party.
10. No such activity may be conducted within five hundred (500) feet of any school, church, hospital, nursing home or similar operation unless endorsed by the management of such institution.
11. Only approved readily removable Barricades will be permitted such as orange cones and sawhorses with a sign. No vehicles will be permitted to be used as a Barricade.
12. Block parties are permitted 10 A.M. - 10 P.M.

Applicant signature: Lois Re Date: 5/13/19

APPROVAL SIGNATURES REQUIRED FOR STREET CLOSURE

CITY MARSHALL [Signature]
4 Green Street

FIRE CHIEF Dep Sgt 5/2/19
Greenleaf Street

DEPUTY DIRECTOR [Signature]

CITY CLERK [Signature]
60 Pleasant Street

City use only:

Approved _____ Denied _____ Date _____

NEWBURYPORT SPECIAL EVENT APPLICATION

OFFICE
NEWBURYPORT, MA

Tel.

Fax.

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

2019 JUN 11 PM 12:04

NAME OF EVENT: Jeanne Geiger Crisis Center Walk Against Domestic Violence

Date: October 6, 2019 Time: from 8:00 to 11:00 am

Rain Date: n/a Time: from _____ to _____

2. Location: Start + end at Newburyport Waterfront - 3 mi course

3. Description of Property: " " Newburyport Waterfront Trust Public _____ Private _____

4. Name of Organizer: Jeanne Geiger Crisis Center City Sponsored Event: Yes _____ No X

Contact Person

Address: 2 Harris St Newburyport Telephone: 978 465 0999

E-Mail: nfrizzo@jeannegeiger.org Cell Phone: _____

Day of Event Contact & Phone: Nicole Frizzo (617)849 0804

5. Number of Attendees Expected: 500

6. MA Tax Number: 11764514

7. Is the Event Being Advertised? yes Where? will be via chamber, social media, and

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

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? N/A
- b) How many recycling receptacles will you be providing? N/A
- c) Will you be contracting for disposal of : Trash Yes _____ No X Recycling Yes _____ No X
- 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 X No _____
- iv. If no, where will the trash & recycling be disposed ? Trash receptacles at The Center

If no:

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

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

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

N/A Standard # N/A ADA accessible Use public restroom at waterfront. We provide extra toilet paper

Name of company providing the portable toilets: N/A

FOR PARADE, ROAD RACE AND WALKATHON EVENTS ONLY

PARADE _____

ROAD RACE _____

WALKATHON _____

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

Jeanne Geiger Crisis Center

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

Nicole Frizzo, Jeanne Geiger Crisis Center
2 Harris Street Newburyport MA 01950
617 849 0904

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

Nicole Frizzo, Jeanne Geiger Crisis Center
2 Harris Street Newburyport MA 01950

4. Date of Event: 10/16/19 Expected Number of Participants: 500

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

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

attached

7. Locations of Water Stops (if any): March Hill - corner of High - across from Branfield

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

9. Formation Location & Time for Participants: 8am bag / 9am Kickoff Waterfront Park

10. Dismissal Location & Time for Participants: Return to waterfront park after walk

11. Additional Parade Information:

• Number of Floats: N/A

• Locations of Viewing Stations: N/A

• Are Weapons Being Carried: Yes _____ No X

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

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. 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

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: _____

Nicole Lynn

Date: _____

5/13/19

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

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

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

(c) *Definitions.*

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

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

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

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

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

(d) *Limitations.*

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

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

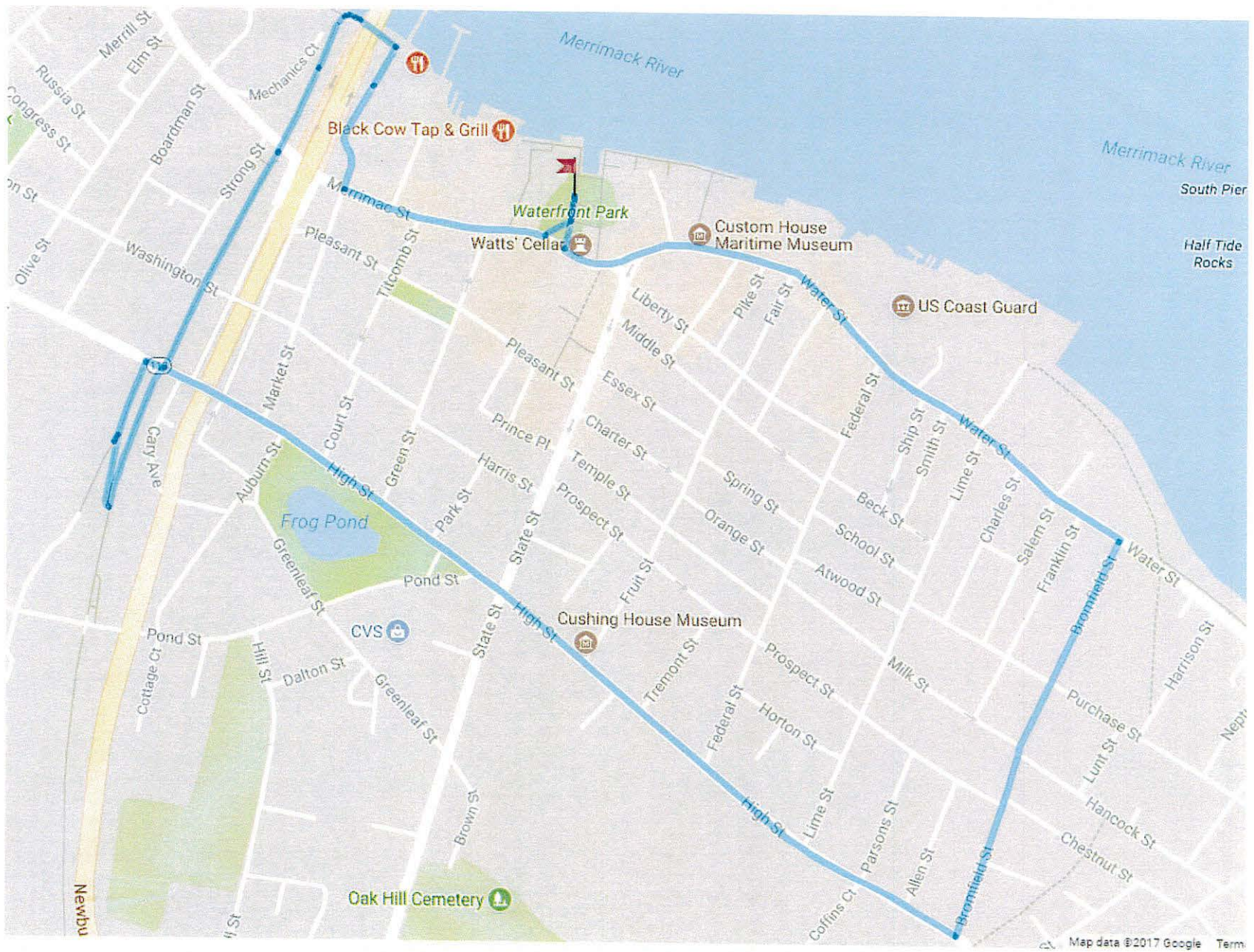
(2) *Exemptions.* Each event organizer or organization shall comply with this ordinance and no exemptions will be permitted.

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

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

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

Walk Against Domestic Violence – Route Map





CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)

6/6/2019

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: Lori Keiffer	
	PHONE (A/C, No, Ext): (800) 333-7234 FAX (A/C, No): E-MAIL ADDRESS: LKeiffer@easterninsurance.com	
INSURED Jeanne Geiger Crisis Center, DBA: Attn: Liz Morin 2 Harris Street Newburyport MA 01950	INSURER(S) AFFORDING COVERAGE	NAIC #
	INSURER A: Philadelphia Insurance Company	
	INSURER B:	
	INSURER C:	
	INSURER D:	
	INSURER E:	

COVERAGES CERTIFICATE NUMBER: 19 GL UMB 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 type="checkbox"/> POLICY <input type="checkbox"/> PRO-JECT <input type="checkbox"/> LOC OTHER:			PHPK1793704	5/7/2019	5/7/2020	EACH OCCURRENCE \$ 1,000,000 DAMAGE TO RENTED PREMISES (Ea occurrence) \$ 100,000 MED EXP (Any one person) \$ 10,000 PERSONAL & ADV INJURY \$ 1,000,000 GENERAL AGGREGATE \$ 2,000,000 PRODUCTS - COMP/OP AGG \$ 2,000,000 Professional Liability \$ 1,000,000
	AUTOMOBILE LIABILITY <input type="checkbox"/> ANY AUTO <input type="checkbox"/> ALL OWNED AUTOS <input type="checkbox"/> HIRED AUTOS <input type="checkbox"/> SCHEDULED AUTOS <input type="checkbox"/> NON-OWNED AUTOS						COMBINED SINGLE LIMIT (Ea accident) \$ BODILY INJURY (Per person) \$ BODILY INJURY (Per accident) \$ PROPERTY DAMAGE (Per accident) \$ \$
A	<input checked="" type="checkbox"/> UMBRELLA LIAB <input checked="" type="checkbox"/> OCCUR <input type="checkbox"/> EXCESS LIAB <input type="checkbox"/> CLAIMS-MADE <input type="checkbox"/> DED <input checked="" type="checkbox"/> RETENTIONS \$ 10,000			PHUB621977	5/7/2019	5/7/2020	EACH OCCURRENCE \$ 2,000,000 AGGREGATE \$ 2,000,000 \$
	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH) If yes, describe under DESCRIPTION OF OPERATIONS below	Y/N	N/A				<input type="checkbox"/> PER STATUTE <input type="checkbox"/> OTH-ER E.L. EACH ACCIDENT \$ E.L. DISEASE - EA EMPLOYEE \$ E.L. DISEASE - POLICY LIMIT \$

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (ACORD 101, Additional Remarks Schedule, may be attached if more space is required)
 RE: Walk Against Domestic Violence
 Location: Water Front Park, Newburyport, MA
 located behind the Firehouse Center for Arts,
 1 Market Square, Newburyport, MA 01950
 Date: October 6, 2019, from 8:00AM - Noon
 The City of Newburyport is additional insured for general liability

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

DATE (MM/DD/YYYY)
6/6/2019

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: Lori Keiffer PHONE (A/C, No, Ext): (800) 333-7234 FAX (A/C, No): E-MAIL ADDRESS: LKeiffer@easterninsurance.com	
INSURED Jeanne Geiger Crisis Center, DBA: Attn: Liz Morin 2 Harris Street Newburyport MA 01950		INSURER(S) AFFORDING COVERAGE INSURER A: Philadelphia Insurance Company INSURER B: INSURER C: INSURER D: INSURER E: INSURER F:	

COVERAGES CERTIFICATE NUMBER: 19 GL UMB 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 type="checkbox"/> POLICY <input type="checkbox"/> PRO-JECT <input type="checkbox"/> LOC OTHER:			PHPK1793704	5/7/2019	5/7/2020	EACH OCCURRENCE \$ 1,000,000 DAMAGE TO RENTED PREMISES (Ea occurrence) \$ 100,000 MED EXP (Any one person) \$ 10,000 PERSONAL & ADV INJURY \$ 1,000,000 GENERAL AGGREGATE \$ 2,000,000 PRODUCTS - COMP/OP AGG \$ 2,000,000 Professional Liability \$ 1,000,000
	AUTOMOBILE LIABILITY <input type="checkbox"/> ANY AUTO 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) \$
A	<input checked="" type="checkbox"/> UMBRELLA LIAB <input checked="" type="checkbox"/> OCCUR <input type="checkbox"/> EXCESS LIAB <input type="checkbox"/> CLAIMS-MADE DED <input checked="" type="checkbox"/> RETENTION \$ 10,000			PHUB621977	5/7/2019	5/7/2020	EACH OCCURRENCE \$ 2,000,000 AGGREGATE \$ 2,000,000
	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 <input type="checkbox"/> OTH-ER <input type="checkbox"/> 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)
RE: Walk Against Domestic Violence
Location: Water Front Park, Newburyport, MA located behind the Firehouse Center for Arts, 1 Market Square, Newburyport, MA 01950
Date: October 6, 2019, from 8:00 AM - Noon
The Newburyport Waterfront Trust is additoinal insured for General Liability

CERTIFICATE HOLDER The Newburyport Waterfront Trust City Hall 60 Pleasant Street Newburyport, MA 01950	CANCELLATION SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS. AUTHORIZED REPRESENTATIVE John Koegel/LKEIFF
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NEWBURYPORT SPECIAL EVENT APPLICATION

Tel. _____

Fax _____

2019 JUN 14 AM 10:13

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

NAME OF EVENT: High Street Mile

Date: 8/4/19 Time: from 8:30 to 10:00

Rain Date: _____ Time: from _____ to _____

2. Location: Atkinson Common to Newburyport High School

3. Description of Property: _____ Public _____ Private _____

4. Name of Organizer: Winners Circle Running Club City Sponsored Event: Yes _____ No

Contact Person Mike McCormick

Address: 16 Norman Ave Newburyport Telephone: 778-462-0117

E-Mail: mamcc12@gmail.com Cell Phone: _____

Day of Event Contact & Phone: Same 978-382-0778

5. Number of Attendees Expected: 300-500

6. MA Tax Number: _____

7. Is the Event Being Advertised? yes Where? (Daily news Newspapers, on-line, websites, social media)

8. What Age Group is the Event Targeted to? 6-99

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 NA Beverages _____ Alcohol _____ Goods _____ Total # of Vendors _____

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

C. Games/Rides: Adult Rides NA 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? 3-4
- b) How many recycling receptacles will you be providing? 1
- 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 NA
- b) # of recycling container(s) to be provided by Recycling Office _____
- c) \$45.00/hr/DPS employee charge must be paid by the organizer to DPS in advance of the event (Fee for Special Events). The hours required for the event will be determined by DPS.

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

of Newburyport. E. Portable Toilets: (Each cluster of portable toilets must include at least

one ADA accessible toilet)

_____ Standard # _____ ADA accessible

Name of company providing the portable toilets: _____

FOR STREET CLOSURE OR ANY USE OF A PUBLIC WAY

PARADE _____

ROAD RACE /

WALKATHON _____

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

Winnie's Code R.C.

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

M.lic McLarnick
16 Norman Ave
Newburyport, MA 01950 978-382-0734

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

Same

4. Date of Event: 8/4/19 Expected Number of Participants: 300-500

5. Start Time: 9:00 Expected End Time: 10:00

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

High Street : 'Three road' intersection to Newburyport High

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

8. Will Detours for Motor Vehicles Be Required? yes If so, where? Away from Fishers Ave -> Toppan's to Kent St

9. Formation Location & Time for Participants: 8:30-9:30

10. Dismissal Location & Time for Participants: 10:00

11. Additional Parade Information:

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

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

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

DEPARTMENT APPROVAL (for Committee Member use only):

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

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

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

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

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

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

(c) *Definitions.*

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

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

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

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

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

(d) *Limitations.*

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(e) *Enforcement.*

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

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

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

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

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

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

Signed: *J. A. [Signature]*

Date: *6/12/19*



CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)
06/20/2019

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 Insurance Management Group 959 E. 4th St. P.O. Box 1600 Marion IN 46952	CONTACT NAME: Margaret Mayers PHONE (A/C, No, Ext): (260) 338-2925 E-MAIL ADDRESS: mmayers@insmgt.com	FAX (A/C, No):
	INSURER(S) AFFORDING COVERAGE	
INSURED Road Runners Club of America/2019 and Its Member Clubs 1501 Lee Highway, Suite 140 Arlington VA 22209	INSURER A: National Casualty Company	NAIC # 11991
	INSURER B: Nationwide Life Insurance Co.	NAIC # 66869
	INSURER C:	
	INSURER D:	
	INSURER E:	
	INSURER F:	

COVERAGES **CERTIFICATE NUMBER:** 2019 \$1M A.I. **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.

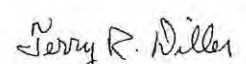
INSR LTR	TYPE OF INSURANCE	ADDL INSD	SUBR VVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS
A	<input checked="" type="checkbox"/> COMMERCIAL GENERAL LIABILITY <input type="checkbox"/> CLAIMS-MADE <input checked="" type="checkbox"/> OCCUR <input checked="" type="checkbox"/> Legal Liability to <input type="checkbox"/> Participant \$1,000,000 GEN'L AGGREGATE LIMIT APPLIES PER: <input checked="" type="checkbox"/> POLICY <input type="checkbox"/> PRO-JECT <input type="checkbox"/> LOC OTHER:			KRO0000007654500	12/31/2018	12/31/2019	EACH OCCURRENCE \$ 1,000,000 DAMAGE TO RENTED PREMISES (Ea occurrence) \$ 500,000 MED EXP (Any one person) \$ 5,000 PERSONAL & ADV INJURY \$ 1,000,000 GENERAL AGGREGATE \$ Unlimited PRODUCTS - COMP/OP AGG \$ 1,000,000 Abuse and Molestation \$ 500,000
A	AUTOMOBILE LIABILITY <input type="checkbox"/> ANY AUTO <input type="checkbox"/> OWNED AUTOS ONLY <input type="checkbox"/> SCHEDULED AUTOS <input checked="" type="checkbox"/> HIRED AUTOS ONLY <input checked="" type="checkbox"/> NON-OWNED AUTOS ONLY			KRO0000007654500	12/31/2018	12/31/2019	COMBINED SINGLE LIMIT (Ea accident) \$ 1,000,000 BODILY INJURY (Per person) \$ BODILY INJURY (Per accident) \$ PROPERTY DAMAGE (Per accident) \$ \$ \$
	UMBRELLA LIAB <input type="checkbox"/> EXCESS LIAB OCCUR <input type="checkbox"/> CLAIMS-MADE DED RETENTION \$						EACH OCCURRENCE \$ AGGREGATE \$ \$
	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH) If yes, describe under DESCRIPTION OF OPERATIONS below						PER STATUTE OTH-ER E.L. EACH ACCIDENT \$ E.L. DISEASE - EA EMPLOYEE \$ E.L. DISEASE - POLICY LIMIT \$
B	Excess Medical & Accident (\$250 Deductible/Claim)			SPX0000030282400	12/31/2018	12/31/2019	Excess Medical \$10,000 AD & Specific Loss \$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 THEIR INTEREST IN THE OPERATIONS OF THE NAMED INSURED. DATE OF EVENT(S): 8/04/19 High Street Mile INSURED RRCA CLUB/EVENT MEMBER: Winner's Circle Running Club, Att'n: Jane Lemuth, 211 Elm Street, Salisbury, MA 01952

CERTIFICATE HOLDER

CANCELLATION

08/04/19 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 
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**APPOINTMENTS
FIRST READING**



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

CITY OF NEWBURYPORT, MA
2019 JUN 12 AM 9:34

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

To: President and Members of the City Council
From: Donna D. Holaday, Mayor
Date: June 11, 2019
Re: Appointment

I hereby appoint, subject to your approval, the following
named individual as a member of the Council on Aging.
This appointment will expire on May 31, 2024.

Chris Czernik
32 Water Street #7
Newburyport, MA 01950

chris czernik <cmczernik@yahoo.com>

To: Roseann Robillard

Aug 14, 2018 at 2:07 PM

Hello Roseann,

As follow up to our recent conversation, I am now expressing my interest in becoming a Board member for the COA. I hope that my organizational experience as an Executive Director of a small social services agency, and years of work in the mental health field would make some valuable contribution to the ongoing health and vitality of the COA. Please let me know your thoughts and what the next steps will be.

Regards

Chris Czernik

Chris Czernik
32 Water Street, # 7
Newburyport MA 01950
708 215 0081 (cell)

WORK EXPERIENCE

- Clinical Social Worker/Psychotherapist, Private Practice in Newburyport since 2000.
- Mental Health Clinician in numerous outpatient facilities in Greater Boston area
- Mental Health Clinician, Homeless Services Program, Lynn MA
- Mental Health Clinician/Psychotherapist, Harvard Vanguard Community Health Plan

- Executive Director. Rockport Lodge. Rockport and Boston MA

- Consultant/Teacher, Women's History in the U.S. and Women's Studies, College level
- Coordinated Boston area community-based Women's History and Oral History component for federal Women's Educational Equity Act Program
- Consulted to Cambridge Commission on the Status of Women on a Women's History Photographic Exhibit

EDUCATION

- MSW School of Social Work, Salem State College
- MA Women's History in the U.S., Goddard College
- BS Group Work, George Williams College
- Audit Archival Methods and Skills, Graduate Program, U MA, Boston

AWARDS AND PUBLICATIONS

- Graduated with Honors, School of Social Work
- Published a Women's History annotated bibliography, a Women's Studies instructional guide, and numerous articles

ACTIVITIES IN NEWBURYPORT

- Storm Surge, active core work group member since its inception
- Time Trade Network of Greater Newburyport, Board Member
- Repair Cafe, core volunteer
- Custom House, active member
- Firehouse, volunteer



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

CITY CLERK'S OFFICE
NEWBURYPORT, MA

2019 JUN 18 PM 2:41

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

To: President and Members of the City Council
From: Donna D. Holaday, Mayor
Date: June 18, 2019
Re: Appointment

I hereby appoint, subject to your approval, the following named individual as a member of the Tree Commission. This term shall expire on July 1, 2022.

Andrew Soracco
33 Middle Street
Newburyport, MA 01950

Honorable Mayor Donna Holaday
60 Pleasant Street
Newburyport, MA 01950

Dear Mayor Holaday,

I would like to become a member of the Newburyport Tree Commission. I have been working with Green Jeans LLC here in Newburyport for the past twelve years planting and caring for trees and gardens. I am also an elementary biological science teacher, currently employed at the River Valley Charter School. I feel I could be a valuable asset to the commission as I am energetic and have some ideas to develop The Tree Commission's educational programming to increase student/teacher involvement with Newburyport's trees. I hope that you agree that I could add value to an already strong commission.

Enclosed is my resume for your consideration.
Please let me know if you have any questions.

Sincerely,
Andrew Soracco
E2 Science Teacher
River Valley Charter School

Resume

Andrew W. Soracco
33 Middle Street
Newburyport, MA. 01950

978.204.7882
asoracco@gmail.com

Education:

University of Georgia, Athens, GA, B.S. Zoology, 1993
Piedmont College, Demorest, GA, Secondary Science (6-12) Teaching Certification, 1996
National Outdoor Leadership School (NOLS) Lander, WY, 1988.
SportsLab Professional Strength Training Facility: Internship; Portland, OR. 2001-2002
Woodward Academy, College Park, GA. 1972-1987

Career History:

River Valley Charter School, Newburyport, MA.
E2 Science Teacher, grades 4-6th, 2016-Present
Lead Teacher E2 classroom 4-6th Grade, 2009/10 and 2013/14

The Learning Outpost, Newburyport, MA. 2014-2016
Co-founder and Science Director/Teacher. Self-Directed school for 6-12th graders.

Glen Urquhart School, Beverly, MA. 2010-2013
Middle School Science Teacher and Greenhouse Director.

- Develop and implement the 8th grade Physical Science curriculum.
- Develop and implemented the 6th grade Earth Science curriculum.
- Develop and implement greenhouse classes and special projects.
- Coordinate field trips and organize community service projects.

Elachee Nature Science Center, Gainesville, GA. 1993-1997
Naturalist/Camp Director/Facility manager

- Designed, implemented, and taught environmental programming for K-12.

Green Jean's LLC, Newburyport, MA. 2007-present
Designing and planting residential and professional landscapes.

- Stacked stone wall design and construction.
- Planting and care of trees, shrubs, perennials and annuals.

YWCA Greater Newburyport, Newburyport, MA. 2009-2011
Head swim coach responsible for the organization, development, marketing and training of the team.

DragonFly Swim and Tri team, Newburyport, MA. 2001-2014

Self employed as private coach for serious athletes training for major endurance events, such as swimming the English Channel.

Portland Aquatic Club, Portland, OR 2000-2003

Head Age Group coach responsible at three facilities for 120 swimmers. Head Masters coach.

Habersham Rapids Swim Team, Clarkesville, GA. 1995-1999

Head coach of 50 swimmers age 5- 18.

Hall County Alternative School, Gainesville, GA. 1997-1999

Secondary Science Teacher: Biology, Chemistry, Anatomy/Physiology, Earth Science and Physics, grades 6th-12th

Certifications

- Licensed General Science Teacher, Massachusetts, 2009
- Red Cross First Aid/CPR 2009
- Coaches Safety Training 2009
- United States Triathlon Certified Coach, 2000.
- American Swim Coaches Association 1998
- United States Swimming Certified Coach, 1996.
- Nielo Ropes Course Instructor, 1995.

Personal

Avid reader, gardener, swimmer, surfer, sailor, climber, traveler.



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

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

CITY OF NEWBURYPORT
NEWBURYPORT, MA
2019 JUN 12 AM 9:34

To: President and Members of the City Council
From: Donna D. Holaday, Mayor
Subject: Re-Appointment
Date: June 11, 2019

A handwritten signature in cursive script, appearing to read "Donna D. Holaday", written over the "From:" and "Date:" lines.

I hereby re-appoint, subject to your confirmation, the following
named individual as a member of the Human Rights Commission.
This term will expire on July 1, 2022.

Jennifer Groskin
11 Myrtle Avenue
Newburyport, MA 01950

Jennifer Groskin

11 Myrtle Ave

Newburyport, MA 01950

(617) 501-7809

jgroskin@newburyport.k12.ma.us

TEACHING EXPERIENCE

Rupert A. Nock Middle School

Teacher of Eighth Grade Social Studies

Newburyport, MA

2006–Present

Teaching American Government and Civics to heterogeneous groupings of eighth grade students. Focus on foundations of American government and key documents through historical sources and modern case studies. Developing common assessments with co-teacher for district wide mapping initiatives. Implementing reading and literacy strategies into curriculum.

Professional Development & Coursework

Facing History: Reconstruction Seminar Summer 2016

Adolescent Literacy Summer Seminar 2016

NEH Civics Seminar Reagan Library: Simi Valley, CA 2010

NEH Declaration of Independence Summer Seminar: Philadelphia, PA 2009

YAP :YOUTH ASSETS Evening Reading Program 2009-2014

Literacy Coursework Guided Reading Course 2007

Participant Primary Source: Medieval Islam Summer Institute 2005

Participant Defining Justice Summer Institute 2005

School Community Participation

Clipper Crew, Eighth Grade Leadership Organization, Co-Advisor, 2007- Present

Cross Country Coach 2006-Present

Ultimate Frisbee Coach 2006-2011

Student Council Advisor 2006-2010

Building Leadership Team Member 2007-2010

Cambridgeport School

Teacher of Seventh Grade Humanities

Cambridge, MA

2004 –2006

Taught a two year cycle of integrated Language Arts, Reading, and Social Studies. Year one cycle focus on American identity post –Revolution to the Civil War; year two cycle focus on Ancient World Religions and Early Civilization. Created a rigorous reading strategies program into project-based humanities curriculum.

Dover - Sherborn Regional Middle School

Teacher of Sixth Grade Social Studies and Seventh Grade Reading Workshop

Dover, MA

2001 -2004

Collaboratively taught and developed sixth grade Social Studies and Reading Workshop courses that incorporated metacognitive reading strategies models.

Mystic Valley Regional Charter School

Teacher of Seventh Grade History

Malden, MA

2000 - 2001

Taught history at regional urban charter school, using Core Knowledge curriculum with a focus on world civilizations

RELATED EXPERIENCE AND ACTIVITIES

- Interned with Critical Friends Coaching Seminar, *National School Reform Faculty Programs* • Summer, 2003
- Primary Source China Partnership Participant • 2002
- Literacy Program Manager, Americorps VISTA • 1998-1999

EDUCATION

Tufts University

M.A.T., Social Studies

Somerville, MA

May 2000

Carleton College

B.A., Social Psychology

Northfield, MN

June 1998

MASSACHUSETTS LICENSE: Middle School Social Studies (5-9)
Middle School English (5-9)



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

EST. 1793
NEWBURYPORT, MA
2019 JUN 12 AM 9:34

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

To: President and Members of the City Council
From: Donna D. Holaday, Mayor
Subject: Re-Appointment
Date: June 11, 2019

I hereby re-appoint, subject to your confirmation, the following named individual as a member of the Human Rights Commission. This term will expire on July 1, 2022.

Sheila J. Trieff
11 Shandel Drive
Newburyport, MA 01950

Sheila J. Trieff, LICSW
11 Shandel Dr.
Newburyport, MA 01950
(978) 465-2193
Mobile (978) 273-0959

Office Address
1 Merrimac Landing, Ste. 11
Newburyport, MA 01950
(978) 462-4502
www.trieffassociates.com

EDUCATION:

Simmons College, School of Social Work Masters in Social Work (1978)	Boston, MA
Miami University Bachelor of Arts in Social Work/Sociology (1974) Specialization in Gerontology, Scripps Center	Oxford, OH

POST GRADUATE TRAINING:

Trauma Center, Critical Incident and Stress Management Dr. Robert Macy (2000)	Boston, MA
Family Institute of Cambridge, Advanced Supervision Dr. Carter Umbarger (1980-1981)	Cambridge, MA
Boston University, Advanced Supervision Dr. Julianne Wayne (1981)	Boston, MA

PROFESSIONAL EXPERIENCE:

Private Practice (1984-present) Individual, child and adult psychotherapy; couples, family, and group therapy. Active, short-term, psychodynamic, and systems oriented treatment models, Consultation to schools, community and private organizations.	Newburyport, MA
Private Practice, Port Psychological Associates, Inc. (1995-2014) Direct psychotherapy: active, short-term, psychodynamic, and systems oriented treatment with individuals, couples, families, and groups. Consultation and supervision to agencies and therapists.	Newburyport, MA
Private Practice (1980-1985) Individual child and adult therapy, and family therapy	Newton, MA
Advance Program (1980-1983) Clinical Director, alternative high school for 35 emotionally disturbed adolescents and families.	Randolph, MA
South Shore Mental Health Center (1979-1980) Coordinator, Germantown Outreach Effort. Primary therapist and administrative coordinator with responsibilities including consultation to three neighborhood centers and elementary school guidance personnel.	Quincy, MA
Family Service Association (1974-1979) Clinical Social Worker. Primary therapist; agency representative to community Association for Home-Care Agencies.	Cincinnati, OH

Related Professional Experience:

Presenter/Leader, "Critical Incidence and Stress Management, Debriefing" (2000-present)
Consultant and leader for designated groups managing critical incidents and trauma.

Workshop Leader, "Success Strategies for Divorcing Parents" (1997-present)
Developed and lead ongoing workshops and groups for divorcing and divorced parents, teaching stress reduction, conflict resolution skills, and child development through the process of separation and divorce.

Presenter, "Children and Grief", "Families and Grief", "Death and Dying" (1986-present)
Consultant and guest lecturer on grief related topics; workshop leader for school and university systems, hospice organizations, church and service groups.

South Shore Mental Health Center (1979-1983) Quincy, MA
Consultant, Emergency Service Team

"Community Outreach: A Grassroots Approach"(1981) N.Y., NY
Paper presented at American Orthopsychiatric Association Annual Meeting

Volunteer Activities:

Facilitator, Women's Leadership Program, USA/Kenya exchange, (1999-2001)
Sister City USA/Africa Organization (1995-present)
YWCA Coalition Against Prejudice, Steering Committee (1992-1995)
St. Paul's Episcopal Church, Vestry (1990-1995)
Girl Scout Leader (1990-1997)
Newburyport Home Health Care, Board of Directors (1989-1991)
Moderator, Cable TV *Healthwise Show* (1985-1987)
Shared Caring Hospice, Chair (1987-1989), Board of Directors (1985-1987)

Professional Memberships:

Licensed Independent Clinical Social Worker, MA #100244

National Association of Social Workers

REFERENCES: Available upon request



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

CITY OF NEWBURYPORT, MA
2019 JUN 12 AM 9:34

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

To: President and Members of the City Council
From: Donna D. Holaday, Mayor
Date: June 11, 2019
Subject: Re-Appointment

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

David B. Vine
47 Marlboro Street
Newburyport, MA 01950

David B. Vine, P.E.

Summary of Experience

Mr. Vine has gained a broad range of experience from the varied civil engineering projects that he has been involved over the last 45 years. He has been responsible for all phases of project development from feasibility studies, facility planning, permitting, subsurface investigations, design, resident inspection, construction management, and overall project management. Mr. Vine has also served as an expert witness and has represented public and private clients at conservation commissions and public meetings throughout New England. Some of the projects on which he has worked include:

Education

B.S., 1972, Civil Engineering,
Worcester Polytechnic Institute

M.S., 1975, Geotechnical Engineering,
University of Massachusetts

Affiliations

- American Society of Civil Engineers
- Boston Society of Civil Engineers
- International Society for Soil Mechanics and Foundation Engineering Professional Engineer

Areas of Specialization

- Marine/Waterfront Engineering
- Underwater Inspections/Evaluations
- Planning & Feasibility Studies
- Seawall and Dune Construction
- Shoreline Stabilization
- Dredging and Beach Nourishment
- Value Engineering

Relevant Project Experience

Project Manager for many DCR-funded coastal structure projects, including Cashman Park Revetment and Plum Island Walkway in Newburyport, Gloucester seawall repairs, Fall River State Pier, Allerton Seawall in Hull, Salem New City Wharf, South River Harborwalk and Willows Park repairs, Salisbury Reservation Seawall and Dune construction, and Fall River Boardwalk.

Project Manager for many DCR-funded dredging projects throughout Massachusetts including the Town of Cohasset (Cohasset Cove and Federal Channel), Allerton Harbor Dredging, Polpis Harbor Dredging and Beach Nourishment, Head of the Harbor Dredging, Sengekontacket Pond Dredging and Beach Nourishment, Town of Hingham, Quincy Bay, and Belle Isle Inlet Dredging.

Principal-in-Charge for feasibility and preliminary design for improvements at Consue Springs for the Town of Nantucket and the Nantucket Land Council in 2005. Improvements are to include resolve to the Town drainage system and dredging to restore historic depths to pond, which had filled in from excessive road runoff and Phragmites.

Project Manager or Principal in Charge for over 2 dozen repair, rehabilitation, and construction/reconstruction projects for the Massachusetts Port Authority (Massport). Massport projects have included a \$20 million reconstruction of Conley Terminal Berth 12; a \$10 million (and \$15 million) construction of East Boston Piers Park Phases 1 and 2; dredging consulting on the \$60 million Massport Berth and Navigation Improvement Project; and the \$1.5 million expansion of the Logan Airport Water Transportation facility.

Project Manager or Principal-in-Charge for water transportation projects throughout the East Coast, including current service upgrade projects for Massport, the Cities of Salem Newburyport, and Beverly, Massachusetts.

Served on a study committee for the New York City Department of Transportation, as a marine specialist to participate in a value engineering study and 6 day workshop on the impact of marine borers in New York Harbor and for design review for approximately \$65 million of upcoming foundation construction projects including timber pile protection against marine borers along the FDR and Harlem River Drives in Manhattan, and the Carrol Street Bridge over Gowanus Canal, and the Ocean Avenue Bridge over Sheepshead Bay in Brooklyn.

Deputy Project Manager for the \$40 million Conley Terminal Berth 12 Expansion

David B. Vine, P.E.

Associate Principal

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

TRANSFERS

CITY OF NEWBURYPORT



IN CITY COUNCIL

ORDERED:

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 TRAN061_06_24_19, a transfer from the general fund school budget to the school lunch revolving fund, is time sensitive as the City Auditor must close the fiscal year on June 30, 2019.

Therefore, the City Council hereby affirmatively declares that an emergency exists such that TRAN061_06_24_19 may be voted upon at its first introduction to this Council.

Councillor Charles F. Tontar



City of Newburyport

FY 2019

BUDGET TRANSFER REQUEST

RECEIVED OFFICE
NEWBURYPORT, MA
JUN 28 AM 11:06

Department: Newburyport Public Schools

Submitted by: Sean Gallagher, Superintendent

Date Submitted: 6/24/2019

Transfer From:

Account Name	<u>SCH School Expenses</u>	YTD Bal:	<u>\$ 4,065,515.43</u>
Account Number:	<u>01300002-53201</u>	Category:	<u>\$ -</u>
Amount:	<u>\$35,000.00</u>	Trans I/O:	<u>\$ -</u>
Why are Funds Available: <u>The FY2019 school budget included a school lunch contingency to be transferred to the School Lunch Revolving Fund if needed. All interfund transfers are subject to approval of the Mayor and City Council.</u>			

Transfer From:

Account Name	<u>SCHOOL LUNCH</u>	YTD Bal:	<u>\$ -</u>
Account Number:	<u>022-49700</u>	Category:	<u>\$ -</u>
Amount:	<u>\$35,000.00</u>	Trans I/O:	<u>\$ -</u>
Why are Funds Available: <u>The transfer has been done in recent years to cover shortfalls within the food service budget. See attached report showing activity from FY2010-present.</u>			

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

Donna D Holaday
Ethan R Manning

Date: 6/18/19
 Date: 6/18/19

School Lunch Revolving Fund FY2010-2019

ORG	OBJECT	ACCT DESCRIPTION	FY2010 Actual	FY2011 Actual	FY2012 Actual	FY2013 Actual	FY2014 Actual	FY2015 Actual	FY2016 Actual	FY2017 Actual	FY2018 Actual	FY2019 Projected
22	43700	Vendor Rebates	\$4,840	\$3,825	\$1,518	\$0	\$0	\$0	\$0	\$0	\$0	\$0
22	43710	Misc Receipts	\$41,400	\$48,355	\$20,060	\$2,593	\$7,459	\$8,023	\$7,762	\$5,916	\$6,692	\$5,565
22	43720	Cafeteria Receipts	\$528,556	\$565,729	\$574,319	\$425,301	\$520,970	\$541,036	\$562,510	\$532,239	\$534,682	\$551,838
		Total Receipts	\$574,796	\$617,909	\$595,897	\$427,894	\$528,428	\$549,060	\$570,272	\$538,155	\$541,374	\$557,404
22	46901	State Reimbursement	\$9,040	\$9,262	\$18,822	\$7,459	\$9,490	\$42,215	\$8,455	\$8,324	\$7,293	\$7,074
22	46902	Federal Reimbursement	\$97,542	\$103,522	\$101,378	\$84,070	\$125,860	\$71,410	\$117,456	\$120,557	\$112,421	\$121,778
		Total Reimbursements	\$106,582	\$112,784	\$120,200	\$91,529	\$135,350	\$113,625	\$125,911	\$128,881	\$119,713	\$128,852
		Total Receipts + Reimbursements	\$681,378	\$730,693	\$716,097	\$519,423	\$663,779	\$662,685	\$696,183	\$667,037	\$661,087	\$686,255
22	49700	Transfers in from General Fund	\$0	\$0	\$0	\$0	\$0	\$50,000	\$0	\$42,000	\$20,000	\$35,000
		Total Revenue	\$681,378	\$730,693	\$716,097	\$519,423	\$663,779	\$712,685	\$696,183	\$709,037	\$681,087	\$721,255
22	52000	Expenditures	(\$669,687)	(\$646,414)	(\$700,570)	(\$656,490)	(\$641,452)	(\$671,621)	(\$707,423)	(\$720,350)	(\$707,334)	(\$695,352)
		Net Income (before transfers)	\$11,691	\$84,278	\$15,527	(\$137,067)	\$22,326	(\$8,937)	(\$11,240)	(\$53,314)	(\$46,246)	(\$9,097)
		Ending Fund Balance	\$9,085	\$93,363	\$108,890	(\$28,177)	(\$5,851)	\$35,213	\$23,973	\$12,659	(\$13,587)	\$12,316

*as of June 12, 2019

CITY OF NEWBURYPORT



IN CITY COUNCIL

ORDERED:

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 TRAN062_06_24_19, a transfer from the paid parking fund to the parking operating budget, is time sensitive as the City Auditor must close the fiscal year on June 30, 2019.

Therefore, the City Council hereby affirmatively declares that an emergency exists such that TRAN062_06_24_19 may be voted upon at its first introduction to this Council.

Councillor Charles F. Tontar



City of Newburyport

FY 2019

BUDGET TRANSFER REQUEST

CITY OF NEWBURYPORT
NEWBURYPORT, MA

2019 JUN 18 AM 11:05

Department: Parking

Submitted by: Richard B. Jones, Parking Clerk

Date Submitted: 6/24/2019

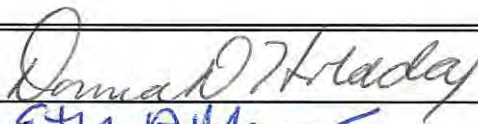

Transfer From:

Account Name	<u>Paid Parking Fund</u>	YTD Bal:	<u>\$ 1,130,331.42</u>
Account Number:	<u>2739-59600</u>	Category:	<u>\$ -</u>
Amount:	<u>\$25,000.00</u>	Trans I/O:	<u>\$ (311,500.00)</u>
Why are Funds Available:	<u>This fund is a receipts reserved for appropriation account. Funding sources include parking fees, violations and parking permits. YTD balance reflects all FY19 budgeted expenditures for the parking program, parking-related debt service and YTD transfers.</u>		

Transfer To:

Account Name	<u>PKG Credit Card Fees</u>	YTD Bal:	<u>\$ (17,108.01)</u>
Account Number:	<u>01293002-53802</u>	Category:	<u>\$ 5,225.60</u>
Amount:	<u>\$25,000.00</u>	Trans I/O:	<u>\$ -</u>
Why are Funds Needed:	<u>Estimates were used to build the FY19 budget; the first year of operating the parking program outside of the former revolving fund. This transfer will increase the FY19 appropriation for this line item to \$62,400; \$70,000 is budgeted for FY20. Historical costs were used to build the budget estimate, however due to higher utilization of credit cards and increased parking rates, the fees have increased. The Parking Clerk is working with the Treasurer to evaluate different merchant service providers.</u>		

Donna D. Holaday, Mayor
Ethan R. Manning, Auditor

Date:

Date:

6/18/19

6/18/19

Dear Jared,

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

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

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

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

This letter separates my concerns into (2) sections:

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

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

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

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

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

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

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

Cause of Action - Count I

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

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

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

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

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

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

Ms. Mead's Land Court complaint also states:

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

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

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

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

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

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

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

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

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

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

Cause of Action - Count II

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

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

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

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

Cause of Action - Count III

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

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

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

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

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

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

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

Cause of Action - Count IV

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

Bottom line:

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

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

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

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

Cause of Action – Count V

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

From: cmsmailer@civicplus.com [mailto:cmsmailer@civicplus.com]

Sent: April 25, 2019 12:25 PM

To: Dianne Boisvert

Subject: [Newburyport MA] Notes from the ZBA meeting held on 3/26/2019 (Sent by Eric Goodness, ERIC.GOODNESS@Gmail.com)

Hi Diane,

Thanks for your time today.

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

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

I'd have (2) requests:

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

Kind regards,
EFG

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

Ms. Boisvert responded:

Dianne Boisvert <DBoisvert@cityofnewburyport.com>

Apr 25, 2019, 3:06 PM

to ERIC.GOODNESS@Gmail.com

Hi Eric,

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Kind regards,
Eric Goodness
189 High Street
+1 (978) 289-0829

cc:

Heather Shand
Larry Giunta

Re: [Ext]Re: [Ext]Issues relating to an Application for SP and Land Court Appeal by 193 High Street.

Jared Eigerman

Sent: Monday, June 24, 2019 6:23 PM

To: Eric Goodness [eric.goodness@gmail.com]

Thank you.

Jared Eigerman, City Council, Ward 2

----- Original message -----

From: Eric Goodness <eric.goodness@gmail.com>

Date: 6/24/19 4:44 PM (GMT-05:00)

To: Jared Eigerman <JEigerman@CityofNewburyport.com>

Subject: [Ext]Re: [Ext]Issues relating to an Application for SP and Land Court Appeal by 193 High Street.

external e-mail use caution opening

Hi Jared,

I've not heard back from my attorney but the intent of this document, as stated in the document, is to share our story with the broader City Council.

The only public shaming I fear is that NBPT is witness to my horrendous grammar when I'm writing in an agitated state.

To address that fear, I've spent a bit of time to clean up some very poor writing. Attached is my version 6 which I offer you to share with the Council.

Kind regards,
EFG

On Mon, Jun 24, 2019 at 3:30 PM Eric Goodness <eric.goodness@gmail.com> wrote:

Thanks for the consideration, Jared. I am going to bounce it off my attorney and will return to you ASAP. He just returned from the Azores so he is a little behind.

On Mon, Jun 24, 2019 at 3:00 PM Jared Eigerman <JEigerman@cityofnewburyport.com> wrote:
Mr. Goodness:

I think I need to share your email with all Councillors, publicly. Please confirm that you understand that this will become a public record.

Jared Eigerman, City Council, Ward 2

----- Original message -----

From: Eric Goodness <eric.goodness@gmail.com>

Date: 6/24/19 2:10 PM (GMT-05:00)

To: Jared Eigerman <JEigerman@CityofNewburyport.com>

Subject: [Ext]Issues relating to an Application for SP and Land Court Appeal by 193 High Street.

external e-mail use caution opening

Hi Jared,

I'm concerned about the City's plan to have a decision remanded back to the ZBA. I'm also concerned about activities within the Planning and Development department.

I've enumerated my perspective and concerns in the attached letter.

Kind regards,
EFG

Eric Goodness
189 High Street
+1 (978) 289-0829

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EFG

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EFG

**APPOINTMENTS
SECOND READING**

SECOND READING APPOINTMENTS

- APPT104_06_10_19 Sheila Taintor 10 Dexter St Tree Commission 4/1/2022

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

**APPOINTMENTS FIRST READING –
REGULAR AGENDA**

CITY OF NEWBURYPORT



IN CITY COUNCIL

ORDERED:

June 24, 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 APPT108EP_06_24_19, that is the appointment of Patricia Moore to the Newburyport Redevelopment Authority, is time-sensitive due to the pending Home Rule Petition in the Massachusetts Legislature relating to the dissolution of the Authority.

Therefore, the City Council hereby affirmatively declares that an emergency exists such that Rule 12A be waived and APPT108EP_06_24_19 may be voted upon at its first introduction to this Council.

Councillor Barry N. Connell



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

2019 JUN 17 PM 3:13

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

To: President and Members of the City Council
From: Donna D. Holaday, Mayor
Date: June 17, 2019
Subject: Appointment

I hereby appoint, subject to your approval, the following named individual as a member of the Newburyport Redevelopment Authority to fulfill an unexpired term beginning on May 8, 2017 and which will expire on May 8, 2022.

Patricia Moore
67 Curzon Mill Road
Newburyport, MA 01950

Patricia Moore



67 Curzon Mill Road • Newburyport, MA 01950 • Phone: (978) 239-9147 • E-Mail: mpmoore1@mac.com

Profile

Extensive experience, in both the public and private sectors, with budgeting, developing financial controls and executing long range financial modeling for organizations with annual budgets of \$50m to \$200m. Skilled at managing the process across departments lines, advising on forecasting and best practices. Proficient in both a PC and Mac environment with advanced knowledge of Microsoft Excel and PowerPoint, Quickbooks and Microsoft Word.

Professional Experience

Finance Director – Town of Wenham, Massachusetts

Present

- Responsible for complete financial oversight and management for town operations.
- Serve as both Treasurer and Tax Collector as well as Finance Director
- Responsible for the annual operating and capital budget preparation.
- Oversee Human Resources function and manage all benefits administration.

Finance Director – Town of Kittery, Maine

2017-2018

- Direct and coordinate all financial activities of the town including accounts payable, payroll, treasury and collections.
- Manage the investment of town funds to ensure maximum return with minimal risk.
- Senior advisor to the Town Manager regarding the daily operational and financial management of the town.
- Participate in negotiations with the unions and develop models to determine the cost of various negotiation scenarios.
- Develop financial studies and plans to monitor operations and provide monthly forecasts to review operations and identify areas that warrant more detailed focus.
- Responsible for the annual operating and capital budget preparation.
- Responsible for the year end audit process and preparation.
- Oversee the Human Resources function for the town.

Chief Administrative Officer – City of Newburyport, Massachusetts

2016-2017

- Facilitated the operations of the city in accordance with City Ordinances, City Charter and all state and federal laws.
- Served as liaison between the mayor and department heads and worked to resolve issues requiring the Mayor's attention.
- Served as Mayor's representative at all City Council meetings and worked with City Councilors to advance the Mayor's agenda.
- Performed financial and operational analysis for Mayor and City Council as requested.
- Developed annual operating and capital budgets in concert with the Finance Director.
- Served as Mayor's representative in all union negotiations, developing financial plans throughout proceedings.
- Responded to inquiries and addressed any issues raised by residents.
- Represented the Mayor by serving on various boards and commissions.
- Served as Chief Procurement Officer for the city and successfully completed the initial courses for Massachusetts Public Purchasing Professional Officer (MCPPO) certification through the Massachusetts Inspector General's office.

Budget Officer – Town of Lexington, Massachusetts

2014-2016

- Coordinated and managed the annual budget development process for the Capital and Operating budgets totaling in excess of \$200 million.
- Developed and maintained systems used for budget development including templates and submission forms.
- Monitored and analyzed annual budgets throughout the fiscal year working with Senior Management and staff to identify and address areas of concern.
- Responded to financial inquiries from staff, management, committee members and residents.
- Developed models used to calculate the effect of collective bargaining scenarios and costed out multi-year contract settlements.

Patricia Moore



- Worked with Finance Director and Town Manager in the preparation of Power Point presentations for Budget Summit Meetings held throughout the budget cycle.
- Provided analytical support for the development and review of programs and policies affecting the budget.
- Prepared regular and ad hoc reports for senior management, program administrators and boards and committees.

Business Manager/Accountant – Voidspan Technologies, Salem, Massachusetts 2011-2014

- Responsible for all accounting functions and financial analysis for small start-up company including customizing Quickbooks application to properly model costs and track revenue for complex industrial products.
- Created inventory costing model for proprietary product, managing multiple location inventory production and valuation.
- Managed the logistics of delivery of raw materials to production site and finished product to customers.
- Processed all accounts payable and account receivable items and performed monthly bank.

Chairperson, Town of Lynnfield Finance Committee – Lynnfield, Massachusetts 1997-2008

- Worked with Town Administrator to develop annual town budget.
- Designed and published Annual Town Warrant book.
- Served as Chairperson of the committee for 5 years and was responsible for addressing questions to the committee at Town Meeting or during Public Hearings.
- As Chairperson, worked with Town Administrator and Selectmen to get re-zoning approved for major commercial and retail development, Marked Street, Lynnfield. Hosted and mediated community meetings with developer to address citizen concerns.

Business Manager – Houghton Mifflin Company, Boston, Massachusetts 1991-1993

- Reported directly to the President and Chief Information Officer and worked directly with division heads in coordinating the budget plans for the elementary and college textbook divisions, the retail trade group, and the information technology publishing group.
- Prepared and managed large budgets including corporate technology, corporate distribution, and executive offices for the company totaling over \$45 million in annual operating expenses. These divisions encompassed geographic regions across the United States.
- Developed and implemented several processes aimed at allocating corporate overhead to the various operating divisions.

Senior Financial Analyst – Houghton Mifflin Company, Boston Massachusetts 1989-1991

- Reported to the Director of Corporate Finance. Responsible for the coordination of annual budgets and long-range plans for all operating divisions.
- Prepared monthly and annual forecasts of operations in order to identify areas of spending concerns and presented these results to management.

Regional Budget Manager – Bank of New England, Boston, Massachusetts 1988-1989

- Developed the annual budget preparation book distributed to division heads to aid in the annual budget development.
- Directed annual budget “kick-off” meeting and presented goals and expectations to bank executive officers.
- Managed budget process and provided consolidated materials to senior management. Monitored spending to budget throughout the year.

Accountant – Wang Laboratories, Lowell, Massachusetts 1987-1988

- Responsible for all aspects of corporate accounting including the preparation of monthly accounting reports for management.

Patricia Moore



Education

Boston College - Wallace E. Carroll Graduate School of Management, Chestnut Hill, Massachusetts
Master of Business Administration

Providence College, Providence, RI
Bachelor of Science in Business Administration
Magna Cum Laude

CITY OF NEWBURYPORT



IN CITY COUNCIL

ORDERED:

June 24, 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 APPT109EP_06_24_19, that is the appointment of David A. Tibbetts to the Newburyport Redevelopment Authority, is time-sensitive due to the pending Home Rule Petition in the Massachusetts Legislature relating to the dissolution of the Authority.

Therefore, the City Council hereby affirmatively declares that an emergency exists such that Rule 12A be waived and APPT109EP_06_24_19 may be voted upon at its first introduction to this Council.

Councillor Barry N. Connell



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

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

To: President and Members of the City Council
From: Donna D. Holaday, Mayor
Date: June 17, 2019
Subject: Appointment

I hereby appoint, subject to your approval, the following named individual as a member of the Newburyport Redevelopment Authority to fulfill the unexpired term of Marion Leighton Levy. This term will expire on October 30, 2020.

David A. Tibbetts, Esq.
26 Titcomb Street #1
Newburyport, MA 01950

David A. Tibbetts, Esq.
26 Titcomb Street, #1
Newburyport, Massachusetts 01950
(978) 462-5057
davidtibbetts@comcast.net

PROFESSIONAL EXPERIENCE

1999–2017: Merrimack Valley Economic Development Council, Inc., North Andover, MA; conceived and co-founded public-private partnership to promote economic development in the Merrimack Valley region; General Counsel, 2000 – 2009; President & CEO. 2009-2016 (retired)

1999- present: Smith, Costello & Crawford, Boston, MA

- Partner, 2000-2006; Of Counsel, 2006-2018 (firm previously known as Smith Segel & Sowalsky, then Smith, Ruddock & Hayes)

Commonwealth of Massachusetts, Executive Office of Economic Affairs

Secretary of Economic Affairs/Director of Economic Development,

February 1996-January 1999

- Chief advisor to the Governor and Lieutenant Governor (William F. Weld and Argeo Paul Cellucci) for economic development policy
- Managed Cabinet-level office overseeing five state agencies:
 - Massachusetts Office of Business Development
 - Massachusetts Office of Travel and Tourism
 - Massachusetts Office of International Trade and Investment
 - Massachusetts Film Office
 - State Office of Minority and Women Business Assistance
- Chair, Corporation for Business, Work and Learning
- Co-Chair, MassJobs Council
- Co-Chair, Economic Assistance Coordinating Council
- Executive Committee, Massachusetts Technology Collaborative
- Director, Massachusetts Development Finance Agency
- Director, Massachusetts Community Development Finance Corporation
- Director, Massachusetts Technology Development Corporation
- Executive Committee, Engineering in Massachusetts Collaborative
- Director, Jobs for Massachusetts, Inc.

November, 1993 – February, 1996

Commonwealth of Massachusetts, Executive Office of Economic Affairs

Chief of Staff and General Counsel - Provide legal counsel and policy guidance to Secretary of Economic Affairs (Gloria C. Larson); provide day-to-day operational management of Secretariat and its line agencies; oversee policies and programs of Massachusetts Office of Business Development and Division of Energy Resources

July 1991 - October 1993

Commonwealth of Massachusetts, Executive Office of Consumer Affairs and Business Regulation
General Counsel

- Provide legal counsel and guidance to Secretary of Consumer Affairs (Gloria Larson)
- Oversee operations and policy development and implementation for Division of Insurance, Department of Public Utilities, and Division of Banks

January 1990 - June 1991 - Private Practice of Law:

- Of Counsel: Keohane, DeTore & Keegan, Boston, Massachusetts
- Private practice, Newburyport, Massachusetts.

March 1983 - December 1989

Commonwealth of Massachusetts, Executive Office of Energy Resources

August 1989 - December 1989

Secretary of Energy Resources (Acting)

- Managed Executive Office (Cabinet-level agency) during reorganization and transition
- Advised Governor (Michael Dukakis) and Senior Staff on energy policy
- Chaired Energy Facilities Siting Council

September 1984 - December 1989

General Counsel - Managed Legal Department professional and support staff; provided legal counsel and guidance to Secretary of Energy Resources; coordinated agency's legislative program and strategy

March 1983 - September 1984

Legislative Counsel - Coordinated agency's legislative program and strategy

EDUCATION AND BAR ADMISSIONS

- Boston College Law School; J.D., 1982
- University of Massachusetts/Boston, B.A., 1980
- Admitted to practice in Massachusetts Courts and United States District Courts

CIVIC

- Board of Trustees, Institution for Savings in Newburyport & its Vicinity, 2003 - present
- Past member, Board of Directors & Executive Committee, Massachusetts Alliance for Economic Development; recipient of first Chairman's Award, 2006
- Past member, Board of Directors, Home Health Foundation (Lawrence, Merrimack Valley)
- Past member, Board of Directors, Greater Newburyport Chamber of Commerce & Industry
- Past member, Board of Directors, Strongest Link AIDS Services (Topsfield/North Shore)
- Past member, Board of Directors, Women's Educational & Industrial Union (Boston)
- Founding member, Lawrence Partnership; recipient of first "David Tibbetts Economic Impact Award," 2017

ORDERS

CITY OF NEWBURYPORT



IN CITY COUNCIL

ORDERED:

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

Date: June 24, 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 4	Specific Street Schedules
Division 6	Stopping, Standing and Parking
Section 13-176	One Hour Parking

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

No person shall park a vehicle for longer than One (1) hour between the hours of 9:00 a.m. and 6:00 p.m. of any day except Sundays and holidays in the following described streets or parts thereof:

<u>Street</u>	<u>Extent</u>
<u>Merrimac Street</u>	<u>On the northerly side starting at McKay's Wharf Way and running westerly for a distance of one hundred (180) feet.</u>

Councillor Jared J. Eigerman

CITY OF NEWBURYPORT



IN CITY COUNCIL

Order Approving High Street Layout Alteration

ORDERED:

for the Safe Routes to Schools Project

June 24, 2019

ORDERED:

THAT the City Council of the City of Newburyport, pursuant to G.L. c.82, §21 and having received a report from the Newburyport Planning Board in accordance with G.L. c. 41, §81I, approves the alteration of the layout of High Street to include those parcels of land depicted as four permanent sidewalk easement locations on the plan entitled: "Plan of Land, High Street, Newburyport, Mass.," dated May 24, 2019, prepared by Feldman Land Surveyors (the "Plan").

Councilor Heather L. Shand
Councilor Charles F. Tontar

In the City Council: June ____, 2019

Passed: Yeas ____, Nays ____

Attest:

Approved: July ____, 2019

City Clerk

Mayor

CITY OF NEWBURYPORT



IN CITY COUNCIL

ORDERED:

That the City Council hereby approves a minor amendment to the July 10, 2017 Order of Appropriation for FY'18 CPA projects, by eliminating the restriction placed on Project #11 (Clipper City Rail Trail Phase III) in its entirety, and authorizing use of funds for any portion of the Phase III Clipper City Rail Trail loop deemed timely and feasible by the City of Newburyport Office of Planning & Development. Accordingly, the following restriction, included with the July 10, 2017 Order, is hereby eliminated:

"all design monies associated with any work should be for the City of Newburyport portion and not outside the city."

All other terms of the original appropriation and award for this project remain unchanged.

Councillor Charles F. Tontar

Newburyport Community Preservation Committee

Recommendation for Minor Amendment to FY18 CPA Grant Appropriation Awarded to the Office of Planning & Development

Background

The Newburyport Community Preservation Committee (CPC) previously recommended, and the City Council previously approved an award of \$75,000 in FY'18 CPA funds to the City of Newburyport Office of Planning & Development for the project entitled "Clipper City Rail Trail Phase III," which included the following purposes:

1. "to support the initial planning and design discussions for Phase III of the rail trail, which will 'close the loop' by linking Phases I and II"; and
2. "planning of Phase III, which will include public meetings, design, and survey work for the Parker Street corridor, which will serve as the connection between Phases I and II of the trail."

Although the City Council approved funding for this project, for the purposes described above, the Council also placed the following restriction on use of these funds in the motion to approve:

"Motion to amend Project # 11 [Clipper City Rail Trail Phase III], that all design monies associated with any work should be for the City of Newburyport portion and not outside the city."

Update / Recommendation

Attached is a schematic plan depicting the planned route for the Clipper City Rail Trail Phase III project showing that a small but necessary portion of the Phase III Rail Trail connection is located within the Town of Newbury, because Phase II of the Clipper City Rail Trail (completed last year) terminates just over the Newburyport/Newbury town line.

While we appreciate the Council's desire to ensure that Rail Trail improvements funded with CPA monies are located within the geographic boundaries of the City, the Council previously authorized land acquisition and funding for Phase II of the Clipper City Rail Trail within the Town of Newbury. This Phase II Rail Trail segment is used frequently by Newburyport residents and therefore benefits the City of Newburyport, notwithstanding its partial location within the Town of Newbury. The City cannot complete the Phase III loop for its own citizens without access to design and construction funding for this segment of the Phase III route.

Progress on design for the westerly portion of Phase III, which includes crossing of both State Street and Route 1, has been slow as a result of coordination with MassDOT, which itself has determined that no Phase III crossing can be approved in this area (*under their jurisdiction*) until such time as the entire adjacent Rotary is reconfigured to allow safe sight lines and stopping distances for vehicles approaching a Phase III crossing of pedestrians and bicycles. The City is currently engaged in discussions with MassDOT regarding both appropriate design and funding for the Rotary and Phase III crossings. Schematic plans for various design options have been prepared both by the City and MassDOT's consulting engineers. Unfortunately, further work is needed to improve these plans, particularly as they pertain to non-vehicular circulation and safety, so that a "preferred alternative" plan can be finalized and scheduled for construction, with associated funding through the state and regional Transportation Improvement Program (TIP).

The segment of Phase III between State Street and the driveway at Shepard's Auto may require additional (*relatively minor*) land acquisition from abutting properties, however, it would be premature to invest time

and resources on this segment until we have more clarity from MassDOT regarding acceptable design and alignment for a State Street crossing.

Eddie Hill, constructing the new "Hines Way" development off of Parker Street is obligated, as a condition of local permits, to construct a segment of the Phase III path as indicated on the attached plan. His consulting engineer is making progress in design plans for this limited segment, but there will be a significant gap between this new segment and the end of Phase II. Without funding for additional work on this intermediate segment, our own citizens will be left with a neglected "missing link" that is awkward at best, and at worst unsafe.

For the aforementioned reasons, the Community Preservation Committee recommends that the Council approve an amendment to its original Order of Appropriation for this project (*# 11 in the copy attached hereto, with highlights noted*) removing the limitation on use of funds just over the town line. While additional design work, funding and construction will be needed to complete Phase III between the driveway at Shepard's Auto and the opposite side of Route One (*along the old Parker Street right-of-way*), we should not delay or prevent a necessary Phase III connection between the entrance to Oak Hill Cemetery and the terminus of Phase II.

Accordingly, the Committee respectfully recommends that the original Council Order be amended to eliminate the restriction on use of funds for the identified small but necessary segment.

Respectfully submitted by:

Community Preservation Committee
Michael Dissette, Chair

Clipper City Rail Trail – Map of Phases I, II & III



CITY OF NEWBURYPORT



IN CITY COUNCIL

ORDERED:

That the City Council appropriates from the Community Preservation Act FY 2018 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 \$1,137,270. The source of funds shall be FY2018 estimated revenues in the amount of \$909,698.10 and Community Preservation Fund Balance in the amount of \$227,571.90. Each project listed below shall be considered a separate appropriation in the amount indicated for that project.

Project #	Project Title	CPA Category	Request	Recommendation
1	YWCA Women's Residence	Community Housing	\$26,500	\$26,500
2	Community Building Rehabilitation	Community Housing	\$129,500	\$129,500
3	Affordable Housing Trust Fund	Community Housing	\$100,000	\$75,000
4	Restoration of Cushing Carriage House Windows	Historic Preservation	\$14,500	\$14,500
5	Central Congregational Steeple Project	Historic Preservation	\$100,000	\$75,000
6	NHS Exterior Woodwork Restoration	Historic Preservation	\$174,610	\$125,000
7	People's UM Church Restoration	Historic Preservation	\$20,000	\$8,700
8	Open Space Reserve Fund	Open Space	\$150,000	\$100,000
9	Gateway Trees Phase 2	Historic Preservation	\$13,000	\$13,000
10	Fuller Field Track Renovation Phase 2	Recreation	\$150,000	\$60,000
11	Clipper City Rail Trail Phase III	Recreation	\$75,000	\$75,000
12	Slate and Copper Restoration	Historic Preservation	\$30,434	\$26,000
13	City Hall Bond Payment	Historic Preservation	\$161,920	\$161,920
14	Open Space Bond Payment	Open Space	\$102,480	\$102,480
15	NHS Stadium Bond Payment	Recreation	\$124,980	\$124,980
16	Cherry Hill Soccer Field Bond Payment	Recreation	\$7,690	\$7,690
17	Administrative Costs	Administrative	\$12,000	\$12,000

Further, that the City Council appropriates from the Community Housing Reserves Fund Balance, in accordance with the provisions of M.G.L. Chapter 44B, for the following project, based upon the Community Preservation Committee's recommendation, the amount of \$26,803.50. This project shall be considered a separate appropriation.

Project #	Project Title	CPA Category	Request	Recommendation
18	Affordable Housing Trust Fund	Community Housing	\$26,803.50	\$26,803.50

Councillor Charles F. Tontar

Approve:

Attest:

Date:

In City Council July 10, 2017:

Motion to remove from Budget & Finance by Councillor Tontar, seconded by Councillor Giunta. Motion to exclude Projects #3 and #18 by Councillor Tontar, seconded by Councillor Cameron. Roll call vote, 9 yes, 2 absent (Connell, Devlin). Motion passed. Motion to amend Project #4 to include Public Benefit and Preservation Restriction Agreement by Councillor Tontar, seconded by Councillor Giunta. Roll call vote, 9 yes, 2 absent (Connell, Devlin). Motion passed. Motion to amend Project #11, that all design monies associated with any work should be for the City of Newburyport portion and not outside the city, by Councillor Cronin, seconded by Councillor Eigerman. Roll call vote, 9 yes, 2 absent (Connell, Devlin). Motion passed. Motion to approve as amended by Councillor Tontar, seconded by Councillor Giunta. Roll call vote, 9 yes, 2 absent (Connell, Devlin). Motion passed. Motion to approve Projects #3 and #18 by Councillor Tontar, seconded by Councillor Zeid. Roll call vote, 8 yes, 1 recused (Cameron), 2 absent (Connell, Devlin). Motion passed.

Approve: Donna D. Holaday
Donna D. Holaday, Mayor

Attest: Richard B. Jones
Richard B. Jones, City Clerk

Date: 7/19/2017

CITY OF NEWBURYPORT



IN CITY COUNCIL

ORDERED:

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 ORDR129_06_24_19, an increase to the FY2019 spending limit for the recreational services revolving fund, is time sensitive as the City Auditor must close the fiscal year on June 30, 2019.

Therefore, the City Council hereby affirmatively declares that an emergency exists such that ORDR129_06_24_19 may be voted upon at its first introduction to this Council.

Councillor Charles F. Tontar

CITY OF NEWBURYPORT



IN CITY COUNCIL

ORDERED:

June 24, 2019

THAT, the City Council of the City of Newburyport authorizes an increase to the spending limit for the following fund(s) for fiscal year 2019 in accordance with MGL, Chapter 44 Section 53E1/2:

<u>Account Name</u>	<u>FY19 Spending Limit</u>	<u>Revised FY19 Spending Limit</u>
Recreational Services	\$490,000	\$525,000

Councillor Charles F. Tontar



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

DONNA D. HOLADAY
MAYOR

ETHAN R. MANNING
FINANCE DIRECTOR/CITY AUDITOR

To: President and Members of the Newburyport City Council
From: Ethan R. Manning, Finance Director/City Auditor
Date: June 18, 2019
Subject: FY19 Recreational Services Revolving Fund

As we approach the end of the fiscal year, we are requesting a second increase to the spending limit for the recreational services revolving fund. As you may recall, at the start of FY19, the recreational services revolving fund was combined with the middle school drop-in revolving fund; due to the overlap between the programs, it did not make sense to operate the two different revolving funds.

In addition to the combination of the two funds, the increased spending is driven by a greater number of programs offered by Newburyport Youth Services, as well as, higher costs resulting from inflationary pressures and an increase to the minimum wage. Most seasonal personnel start out at minimum wage for their first summer and then come back at slightly higher hourly rates as they become more experienced.

As of today, \$480,617 has been charged to the revolving fund; within the spending limit of \$490,000. However, given that this is the busiest time of the year for NYS, we anticipate spending approximately another \$20,000 in personnel costs over the next two pay periods and approximately \$25,000 in program costs for services rendered through year-end (e.g. basketball camps, Lego programs, flag football and so on).

Below is a summary of the spending limit over the past six years:

<i>In Thousands (\$000)</i>	FY14 Limit	FY15 Limit	FY16 Limit	FY17 Limit	FY18 Limit	FY19 Orig.	FY19 Rev. #1	FY19 Rev. #2
2803 - Recreational Services	\$225	\$300	\$350	\$400	\$370	\$370	\$490	\$525
2811 - Middle School Drop-In*	\$100	\$100	\$100	\$100	\$45	\$0	\$0	\$0
Total	\$325	\$400	\$450	\$500	\$415	\$370	\$490	\$525

*Combined with Fund 2803 on July 1, 2018

Thank you for your consideration.

CITY OF NEWBURYPORT



IN CITY COUNCIL

ORDERED:

June 24, 2019

THAT, The CITY COUNCIL of the City of Newburyport hereby approves the Amendment #1 to the contract entitled "City of Newburyport Contract between The City Council and Richard B. Jones, City Clerk, Amendment #1 Dated June 24, 2019" to the contract originally dated June 12, 2017 by and between the City of Newburyport and Richard B. Jones, City Clerk.

Said contract is attached hereto and incorporated herewith and marked 'Amendment #1 Dated June 24, 2019.' and consisting of pages 1 through 5.

Councillor Barry N. Connell

City of Newburyport
Contract
Between
The City Council
And
Richard B. Jones, City Clerk
AMENDMENT #1 DATED
JUNE 24, 2019

This Agreement originally made the TWELFTH day of JUNE, 2017 by and between the City Council (herein after City Council) and Richard B. Jones (herein after City Clerk) is hereby AMENDED AS FOLLOWS:

The City Council and the City Clerk hereby agree that the following terms and conditions of said contract, specifically **Paragraph #1 Term of the Contract, Paragraph #3 Essential Functions and Paragraph #4 Compensation** are **AMENDED**, subject to annual appropriation, to which Richard B. Jones shall be entitled as City Clerk for the City of Newburyport.

1. Term of Contract and Termination

A. AMENDED Term of Contract and Probation Period

This agreement is for a term of three years commencing on July 1, 2019 and ending on June 30, 2022. Reappointment is subject to the majority vote of City Council. In the event the City Clerk is re-appointed for another three (3) year term, this contract can be extended and amended with terms that are agreeable to the City Council and the Clerk. This contract is also subject to amendment in the event of any significant changes in job responsibilities or duties.

If the City Clerk decides to resign from the position at any time during the three (3) year contract, the City Clerk shall provide the City at least sixty (60) calendar days written notice of said resignation.

B. Disciplinary Action and Dismissal

The City Council reserve and retain the right to discharge, suspend, or otherwise discipline for just cause the employee covered by this agreement. The City Council shall provide the City Clerk with written notification of any contemplated discipline or dismissal for just cause.

C. Non-Reappointment

The Clerk position is subject to appointment. In the event that the Clerk is not to be reappointed, the City Council shall ordinarily notify the Clerk, in writing, ninety (90) days in advance. Such notice shall be hand delivered to the City Clerk with signed confirmation by the City Council President. The City shall provide one (1) month severance pay to the City Clerk if the ninety (90) days advance written notice of non-appointment is not provided by the City Council to the City Clerk.

2. Hours of Work

The City Clerk is a salaried position requiring at least a 40 hour work week. The days worked include all week days and also weekends as part of the Clerk's responsibilities extend to managing the paid parking program and its enforcement officers. The total hours worked will be based on the fulfillment of the duties and responsibilities of the position with full understanding the total number of hours of work may vary from week to week. The City Clerk is expected to attend evening and weekend meetings and events.

3. AMENDED Essential Functions

A. Clerk

The Clerk shall maintain vital records including birth, death and marriage, prepare an annual list of residents, maintain the code of ordinances, issue DBA certificates and dog licenses, offer notarial and genealogical services, serve as the State Ethics Commission liaison and training officer, and maintain associated databases

B. Council

The Clerk shall prepare council agendas, draft any orders and ordinances requested, draft and prepare minutes and assist at Council meetings – whether special or regular.

C. Elections

The Clerk shall serve on the Board of Registrars, maintain the voter registrations, manage all special and regular elections, provide and certify nomination papers, coordinate five polling places and six precincts, and manage early voting.

D. U.S. Department of State Passports

The Clerk acts as the Facility Manager for the Passport Acceptance Facility wherein he shall be an annually-certified Passport agent and manage one or more certified agents. The facility is audited and certified annually by the Boston Passport agency.

E. Parking

The Clerk shall maintain any and all kiosks, any parking vehicles including the mobile LPR unit, manage the enforcement officers, coordinate data collection, ticket payment and related systems, the parking garage, issue parking permits, handle ticket appeals and hearings, prepare monthly reports on income and expenses for the parking system.

4. AMENDED Compensation

Subject to annual appropriation, the City Clerk for Fiscal Year 2020 currently scheduled to receive \$108,297.72 annually. The budget for this salary comes from the following areas:

City Clerk	Clerk of Council	Clerk Registrar	Registrar	Parking Clerk	Total
\$77,328.25	\$4,504.65	\$2,252.33	\$563.08	\$23,649.41	\$108,297.72

Subject to annual appropriation, for the next three next three Fiscal Years, at the beginning of the Fiscal Year, the City Clerk will receive a salary increase and a 2% Cost of Living Adjustment per the schedule below.

Fiscal Year	City Clerk	Clerk of Council	Clerk Registrar	Registrar	Parking Clerk	Total
FY 2020	<u>\$83,393.00</u>	<u>\$4,504.65</u>	<u>\$2,252.33</u>	<u>\$563.08</u>	<u>\$23,649.41</u>	<u>\$114,362.47</u>
FY 2021	<u>\$85,060.86</u>	<u>\$4,594.74</u>	<u>\$2,297.38</u>	<u>\$574.34</u>	<u>\$24,122.40</u>	<u>\$116,649.72</u>
FY 2022	<u>\$86,762.08</u>	<u>\$4,686.64</u>	<u>\$2,343.32</u>	<u>\$585.83</u>	<u>\$24,604.85</u>	<u>\$118,982.71</u>

5. Professional Development

Consistent with existing practice the City shall grant reasonable time off without loss of pay and without charge to any other leave to attend conferences, seminars, or professional meetings, which are directly related to improving the City Clerk's knowledge and skills in his particular position. A request for such time off shall be made to the City Council as soon as practical and shall outline the nature and extent of the proposed leave. Attendance at such conference on non-scheduled workdays shall not entitle the employee to any additional compensation or additional time off. The City may appropriate funds for tuition and related expenses for attending conferences.

The City will reimburse the City Clerk for the cost of attendance at seminars, conferences, and other meetings attended by employees, with prior approval of the Mayor. Mileage for travel shall be reimbursed at the current IRS rate.

6. Education

The City Clerk shall hold a bachelor's degree from an accredited institution. A law degree is preferred.

7. Longevity

The City Clerk hereby waives any claim to longevity payment.

8. Insurance

The City Clerk is eligible for all health insurance benefits in accordance with the agreement negotiated the City and the Public Employee Committee (PEC agreement) pursuant to MGL Chapter 32B, Section 19. The city will pay seventy-five percent (75%) of the premium for the first \$2000.00 worth of Life insurance and the employee will pay twenty-five (25%) of the cost for the first \$2000.00 worth of Life insurance. The difference between the \$2000.00 life insurance and the \$5000 life insurance will be paid 100% by the City.

9. Equipment

The City will provide the following equipment to support the Position Title in the fulfillment of their duties:

Equipment

Cell Phone

10. Vacation, Personal, Bereavement, Sick, and Jury Duty

A. Vacation

The City Clerk will be entitled to six (6) weeks vacation, each Fiscal Year. Vacation for the fiscal year is provided on July 1 of that Fiscal Year. With the City Council President's permission, the City Clerk may carry over ten (10) days of unused vacation from one fiscal year to the next. Upon termination of employment, the City Clerk shall be paid for any unused vacation previously accrued. If termination is caused by death, such payment shall be made to the City Clerk's spouse or beneficiary.

B. Personal

The City Clerk shall be entitled to four (4) personal days per Fiscal Year. Unused personal days shall not be carried from year to year. Personal days are not cumulative form one Fiscal Year to the next and unused amounts are not eligible for buy-back upon retirement or termination of employment.

C. Bereavement Leave

The City Clerk shall be entitled to five (5) days of paid bereavement time, without loss of pay, vacation, or other leave. This time off will be granted upon the death of an immediate family member (spouse, parent, child, step-child, foster-child, brother, sister, mother and father in-law, grandmother, grandfather, spouse's mother father grandmother, grandfather). Should the death occur during the City Clerk's scheduled vacation or days off, then the five (5) days of bereavement leave will be substituted for said vacation or days off, and the vacation.

D. Sick Leave

The City Clerk has accumulated sick leave and will continue to accumulate 1.25 days of sick leave each month. Sick leave is cumulative and carried forward from one Fiscal Year to the next. Upon retirement, the City Clerk will be paid 50% of the number of unused sick days with a maximum of days paid not to exceed eighty-five (85) days. There will be no buy-back of sick leave if the employee resigns or is terminated.

E. Jury Duty

If the City Clerk is requested for Jury Duty, he shall be given the time off without the loss of pay.

11. Holidays

The City Clerk shall be entitled to twelve (12) paid holidays. These are:

1. New Year's Day,	7. Labor Day
2. Martin Day King Day	8. Columbus Day

3. Washington's Birthday	9. Veteran's Day
4. Patriot's Day	10. Thanksgiving Day
5. Memorial Day	11. Day after Thanksgiving
6. Independence Day	12. Christmas Day.

The City Clerk shall receive one day's pay for each Holiday worked in association with his parking clerk responsibilities. Payment for these days worked will come from the paid parking program.

12. Other

Other information and guidance for the City Clerk *not* covered in this Agreement can be found in the Employee Handbook.

IN WITNESS WHEREOF, the parties hereunto have set their hands and seal to this instrument the date and year first above written.

City Council President
 Barry N. Connell
 36 Woodland St.
 Newburyport, MA 01950

City Clerk
 Richard B. Jones
 283 High Street
 Newburyport, MA 01950

 Signature

 Signature

 Date

 Date



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RESOLUTION

A RESOLUTION by the City of Newburyport to re-designate the state-authorized cultural district for at 5 years;

WHEREAS, the City of Newburyport wishes to pursue the application to re-designate the Newburyport cultural district; and,

WHEREAS, The City of Newburyport has a mixed-use geographical area that has a concentration of cultural facilities and assets; and,

WHEREAS, the City of Newburyport has created a broad and diverse partnership of stakeholders committed to cultural, community and economic development to provide oversight of the district; and,

WHEREAS, the Massachusetts Cultural Council will be petitioned in accordance with its guidelines and criteria to re-designate said cultural district.

NOW, THEREFORE, BE IT RESOLVED by the City Council of Newburyport that the City:

ARTICLE 1 Endorses the submission of this application and agrees to foster the development of its cultural district.

ARTICLE 2 Endorses the State-sponsored cultural district goals; attracting artists and cultural enterprises, encouraging business and job development, establishing tourist destinations, preserving and reusing historic buildings, enhancing property values and fostering local cultural development.

ARTICLE 3 Will appoint a City official to represent the City within the district partnership of said cultural district.

ARTICLE 4 Encourages all who own property or businesses within said cultural district to involve themselves and participate in the continued development of the cultural district.

ARTICLE 5 Directs City agencies to identify programs and services that could support and enhance the cultural district and ensure that those programs and services are accessible to the cultural district.

ADOPTED ON THIS _____ day of _____ 2019.

Barry N. Connell, President
Newburyport City Council

Date

Donna D. Holaday, Mayor

Date

ORDINANCES

CITY OF NEWBURYPORT



IN CITY COUNCIL

ORDERED:

Ordinance 014 (2018-19 session)
introduced April 30, 2018
proposed amendments for public hearing June 6, 2019

**AN ORDINANCE TO AMEND THE NEWBURYPORT CODE OF ORDINANCES
REGARDING BUILDING DEMOLITION**

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 by amending Section 5-307, 5-308, and 5-310, all of ARTICLE X. – BUILDING DEMOLITION of CHAPTER 5 – BUILDINGS AND BUILDING REGULATIONS, to read as follows, with deletions ~~double-stricken and italicized~~, and additions double-underlined and italicized:

ARTICLE X. – BUILDING DEMOLITION

...

Sec. 5-307. - Definitions.

...

Demolition. The act of partial or total pulling down, destroying, removing, relocating, altering, or razing a historically significant building or structure or part thereof including: (a) a change in roof pitch or roof line; (b) all roofed features (excluding dormers in compliance with this Section), such as towers and cupolas; (c) those unroofed features such as widow's walks, decks, and railings, that project above the existing ridgeline or are located within three feet (3'-0") of the edge of a flat roof; (d) a ~~or~~ change in building footprint; or (e) ~~from its location, its lot, or~~ the moving of the building or structure from its lot. Demolition also includes commencing the work of partial or total ~~demolition-pulling down, destroying, removing, relocating, altering, or razing~~ with the intent of completing the

same. Demolition excludes: (i) installation or removal of antennas and other unroofed mechanical, electrical, or electronic equipment not visible from a public way, such as through their placement on the rear-facing portion of a sloping roof, and (ii) demolition of a part of a building or structure where such part can be documented through duly issued building permits as not contributing to a character-definition exterior architectural feature of such building or structure.

Dormer. A rooftop appurtenance, as distinguished from a vertical addition, to a building or structure, built out from a sloping roof, and not extending above the ridge line of the roof from which it projects, set back from all walls of the building or structure below it, and containing one or more windows. A dormer may be either a shed dormer or a gabled (a.k.a. doghouse) dormer: a shed dormer has a roof with a single slope with its eave line parallel to the ridge line of the roof from which it projects; and a gabled dormer has a gabled, hipped, or arched roof with its ridge line perpendicular to the ridge line of the roof from which it projects.

...

Sec. 5-308. – Review procedures.

...

- (b) Within ~~twenty-one (21)~~thirty (30) days from its receipt of a NHC Demolition Permit Application, the commission shall determine whether the building or structure is historically significant. The applicant for the permit shall be entitled to make a presentation to the commission if he or she so chooses. If the commission determines that the building or structure is historically significant and should be considered for preservation, the commission shall so notify the building commissioner in writing that a demolition plan review must be made prior to the issuance of any demolition permit.

If the commission determines that the building or structure is not historically significant or is historically significant but not considered for preservation, then it shall so notify the building commissioner, who may then proceed to issue a demolition permit. If the commission fails to notify the building commissioner of its determination within ~~twenty-one (21)~~thirty (30) days of its receipt of the application, then the building or structure shall be deemed not historically significant and the building commissioner may issue a demolition permit.

- (c) *Demolition plan review:*
- (1) After the commission's determination that a historically significant building or structure should be considered for preservation, the applicant for the permit shall submit to the commission ten (10) copies of a demolition plan which shall include the following information:

- a. A map showing the location of the building or structure or part thereof to be demolished on its property and with reference to neighboring buildings or structures;
 - b. Existing conditions photographs of all street facade elevations;
 - c. A description of the building or structure, or part thereof, to be demolished;
 - d. A description of the proposed alternations to the historically significant building or structure, or part thereof, to be demolished is located. If the property is located within the NNRHD, the application shall include site plans and exterior elevations of any resultant exterior changes to the historically significant building or structure. In reviewing applications, the commission will reference the most recent copy of the Secretary of the Interior's Standards for the Treatment of Historic Properties with Guidelines for Preserving, Rehabilitating, Restoring and Reconstructing Historic Buildings.
 - e. If the application for demolition is based on a claim of structural deficiency, then the applicant may be required by the commission to submit a structural report on the structure's soundness that is prepared by a licensed professional structural engineer.
 - f. A list of all permits required for the project, date of application for these permits and any conditions of approval.
- (2) ~~Upon~~ Within thirty (30) days from its receipt of the demolition plan referenced in subsection (1) above, the commission shall hold a public hearing ~~within forty five (45) days from the date of~~ on the NHC Demolition Permit Application and shall give public notice thereof by posting notice of the time, place and purpose of the hearing in City Hall at least ~~fourteen (14)~~ ten (10) days before said hearing and also, within seven (7) days of said hearing, mail a copy of said notice to the applicant and to a certified list of abutters and abutters to abutters within three-hundred (300) feet of the structure in question.

...

(d) *Demolition delay:*

- (1) If the building or structure is determined to be preferably-preserved following the demolition plan review, then the building commissioner shall not issue a demolition permit for a period of twelve (12) months twenty-four (24) months from the date the commission's report is filed with the

building commissioner unless the commission informs the building commissioner at any time prior to the expiration of such twelve-month period that:

- a. The NHC has been satisfied that the applicant has made a bona fide, reasonable and unsuccessful effort to locate a person willing to purchase or lease, and to preserve, rehabilitate or restore the preferably-preserved building or structure; or
- b. The applicant has agreed to accept a demolition permit upon specified conditions approved by the commission. Such conditions may include the review and approval by the commission of a revised set of the submitted site plans according to the requirements of subsection (c)(1)f.

...

(3) For a period no longer than six (6) months after the expiration of the twelve- (12-) month delay, the applicant may act to implement a Building Commissioner-issued demolition permit as described in the application. Otherwise, the normal review procedures of subsection (c) shall apply anew to any application for proposed demolition subject to this article.

(e) Exempt Dormers: A proposed dormer shall be exempt from review under this article provided that it meets all of the following design requirements:

- (1) All dormers shall be set back at least 1 ft., 6 in. (1'-6") from the wall below of the building or structure that is parallel to the ridge of the roof from which the dormer projects, and at least 3 ft., 6 in. (3'-6") from a wall below of the building or structure that is perpendicular to the ridge of the roof from which the dormers project.
- (2) No dormer shall extend above the ridge line of the roof from which it projects.
- (3) The roof of any dormer shall not lack slope or otherwise be constructed flat. The roof pitch of a shed dormer may vary according to the pitch of the roof from which it projects, but the roof pitch of a gabled dormer shall match the pitch of the roof from which it projects, except in the case of gambrel or mansard roof.
- (4) In no case shall windows be allowed in the side walls of dormers.

(5) Inset roof decks, created by cutting into a section of roof and inserting a decked opening, shall follow the same setback standards stipulated for dormers.

...

Sec. 5-310. - Enforcement and remedies.

...

- (b) *Building permit to be withheld:* Unless written approval is obtained from the NHC, no building permit shall be issued for a period of ~~two (2)~~three (3) years with respect to any premises upon which a historically significant building or structure as defined under "historically significant building or structure" has been intentionally demolished without a demolition permit obtained in compliance with the provisions of the ordinance. The ~~two-year~~three-year period begins after the date of the completion of such demolition. As used herein "premises" refers to the parcel or parcels of land upon which the demolished building or structure was located and all adjoining parcels of land under which the demolished building or structure was located and all adjoining parcels of land under common ownership or control at the time of demolition.

Councillor Jared J. Eigerman

In City Council June 10, 2019:

Motion to remove from Planning & Development by Councillor Eigerman, seconded by Councillor Zeid. So voted. Motion to approve as amended on 6/6/2019 and with following amendment to Section 5-307 on line 4: "in compliance with this Section" by Councillor Eigerman, seconded by Councillor Khan. Roll call vote, 9 yes, 2 no (OBrien, Zeid). Motion passed.

CITY OF NEWBURYPORT



 IN CITY COUNCIL

ORDERED:

June 24, 2019

ORDINANCE REGARDING APPOINTMENT AND DUTIES OF CITY SOLICITOR

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

WHEREAS, Section 1-7 of the Newburyport Charter further provides that the term “City officer,” when used without further qualification or description, is defined to mean “a person having charge of an office or department of the City who in the exercise of the powers or duties of that position exercises some independent statutory authority;”

WHEREAS, Section 2-10 of the Newburyport Charter provides that the Mayor must submit to the City Council the name of each person the Mayor desires to appoint “to any city office as a department head or as a member of a multiple-member body,” but not including any position which is subject to the civil service law.

WHEREAS, the position of City Solicitor is neither a “multiple member body,” nor a “department,” nor a “division” of the City, but instead constitutes a “city office;”

WHEREAS, the position of City Solicitor is not subject to the civil service law;

NOW, THEREFORE, Section 2-246 of Division 7 of Article IV of the Code of Ordinances, City of Newburyport, Massachusetts, is hereby amended to read as follows, with deletions in ~~bold and double-stricken through~~, and additions in bold and double-underlined:

Sec. 2-246. – Appointment; qualifications; term; removal.

Annually in the month of January, the Mayor shall appoint ~~a City solicitor who shall be~~ an attorney and counselor-at-law of the courts of the commonwealth to serve in the office of City Solicitor, the legal department of the City, which appointment shall be confirmed by the City Council pursuant to Section 2-10 of the Newburyport Charter . ~~He~~Once so appointed and confirmed, such attorney and counselor-at law shall hold office until his or her successor is appointed and ~~qualified~~confirmed, and he or she may be removed at any time by the Mayor pursuant to subsection (a) of Section 3-4 of the Newburyport Charter.

AND FURTHER, THEREFORE, subsection (6) of Section 2-249 of Division 7 of Article IV of the Code of Ordinances, City of Newburyport, Massachusetts, is hereby amended to read as follows, with deletions in ~~bold and double-strickenthrough~~, and additions in **bold and double-underlined**:

Sec. 2-249. – General duties.

...

- (6) Settle any suit against the city solely upon approval of the terms of such settlement by order of the City Council, after receiving the recommendation regarding such terms by its committee on general government, and subject to veto by the Mayor under Section 3-7 of the Newburyport Charter.

...

Jared J. Eigerman, City Council, Ward 2