

CITY COUNCIL MEETING AGENDA -VERSION

1

REMOTE

November 30, 2020

Tax Classification

Hearing

7:15 PM

Please click the link below to join the webinar:

<https://us02web.zoom.us/j/86975478197>

Or iPhone one-tap :

US: +13126266799,,86975478197# or +19292056099,,86975478197#

Or Telephone:

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

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

Webinar ID: 869 7547 8197

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7:30PM

City Council

Meeting

Please click the link below to join the webinar:

<https://us02web.zoom.us/j/87630286803>

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7799 or +1 669 900 6833

Webinar ID: 876 3028 6803

- 1. MOMENT OF SILENCE**
- 2. CALL TO ORDER**
- 3. LATE FILE ITEMS**
- 4. PUBLIC COMMENT**
- 5. 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.

6. APPROVAL OF MINUTES

- November 9, 2020

(Approve)

7. COMMUNICATIONS

- COMM279_11_30_2020 CC Email Account
- APPL016_11_30_2020 Old South Church Christmas Eve Federal St

(Rules)

(PS)

8. TRANSFERS

- TRAN086_11_30_2020 RRFA-Wtrfrt Pkg Fd \$3,867.22 to PKG Maint-Wtrfrnt Pk \$3867.22 (B&F)
- TRAN087_11_30_2020 Elec Rev Acct 2,500 to Fence/Mural 2,500 (B&F)

9. APPOINTMENTS

- APPT199_11_30_2020 Kevin Wallace 40 Oak St Fruit St Hist Comm 11/30/2023

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

Budget & Finance

- ORDR219_11_09_2020 Residential Factor FY 2021
- ORDR220_11_09_2020 Tax Rate for FY 2021
- ODNC065_11_09_2020 Amend Senior Tax Work-Off Program

Planning & Development

- ORDR196_07_13_2020 Open Space and Recreation Plan 2020 (COTW)

Public Safety

- COMM275_10_26_2020 Ltr. Jim McCarthy
- COMM276_10_26_2020 Ltr. Alex Matthews
- COMM254_08_10_2020 Moseley Ave Ltr re: Sidewalk Safety and Roadway Speeding
- APPL012_03_09_2020 Invitation Nights - 12/4, 12/11, 12/18 2020
- COMM221_01_27_2020 Letter re: Sign at 43 Pine Hill Road

**END OF CONSENT AGENDA
REGULAR AGENDA**

10. MAYOR'S UPDATE

11. COMMUNICATIONS

12. SECOND READING APPOINTMENTS

- APPT198_11_09_2020 Elaine Paglia 39 Jefferson St Council on Aging 5/31/2025

13. ORDERS

- ORDR222_11_30_2020 Mass Veterans Brave Act Acceptance

13. ORDINANCES

- ODNC054_03_09_2020 Enforcement of the State Building Code 2nd Reading
- ODNC066_11_30_2020 Chapter 12 Amendments to Snow and Ice

14. COMMITTEE ITEMS

Ad Hoc Committee on Economic Development

In Committee:

- COMM262_08_31_2020 Gasbarro Ltr re: Awareness

Ad Hoc Committee on Waterfront and COTW

In Committee:

- COMM261_08_31_2020 Proposed Timeline, Waterfront

Budget & Finance

In Committee:

- ORDR132_07_15_19 CPC FY2020 Recommended Appropriations (COTW)

Project No. 9 held in committee.

- ORDR136_08_19_19 Fuller Track Phase II Loan Order
- COMM189_09_09_19 CPC Revised Recommendation for FY2020 Appropriations
- COMM264_09_29_2020 Colleen Turner Letter
- ODNC063_09_29_2020 Bond and Transfer Limit
- ORDR214_10_13_2020 Low Street Purchase w/ P&D & COTW
- ORDR216_10_13_2020 Supplemental Budget Charter Sec. 2-4 42K
- **ORDR219 11 09 2020 Residential Factor FY 2021**
- **ORDR220 11 09 2020 Tax Rate for FY 2021**
- **ODNC065 11 09 2020 Amend Senior Tax Work-Off Program**

Education

In Committee:

- COMM235_03_30_2020 Ltr re: SC Appt. of Brett Murphy to Whittier Vo-Tech Cmte
- COMM240_04_27_2020 Memo re: SOI Submission Info
- COMM273_10_13_2020 Ltr of Non-Support from Mayor on Acts of 1987

General Government

In Committee:

- COMM241_05_11_2020 Charter Review Final Report
- COMM242_05_11_2020 Confirmatory Legal Opinion from KP Law re: Charter Changes

License & Permits

In Committee:

- ODNC047_1_27_20 General Ordinance - Short Term Rental Units Rules
- COMM229_02_24_2020 Ltr re: Implementation of Short-Term Rental Ordinance
- COMM230_03_09_2020 Yearly Report, Section 16A of the Liquor Control Act
- APPL014_06_08_2020 Outdoor Seating application from Vera Ristorante LLC
- APPL015_06_08_2020 Ltr with Layout from Ted Epstein re: Outdoor Seating

Neighborhoods & City Services

In Committee:

- COMM197_10_28_19 Ltr re: Phillips Drive Neighborhood Drainage (COTW)
- COMM233_03_09_2020 Ltr re: MVRTA State Street Bus Stop Shelter
- COMM234_03_30_2020 Ltr from Newburyport Livable Streets March 11, 2020
- COMM252_07_30_2020 Ltr re: Face Masks in public

Planning & Development

In Committee:

- COMM214_01_13_2020 Ltr from Central Cong Church re: CPA Funding, Historic Pres
- COMM215_01_13_2020 Ltr re: Colby Farm Open Space Beautification
- ODNC046_1_27_20 Zoning Amendment - Short Term Rental Units Definition
- COMM231_03_09_2020 Ltr re: Short-Term Rental Ordinance
- **ORDR196 07 13 2020 Open Space and Recreation Plan 2020 (COTW)**
- ORDR214_10_13_2020 Low Street Purchase w/ P&D (COTW)
- COMM270_10_13_2020 Ltr To DCAM _Jeigerman

Public Safety

In Committee:

- COMM216_01_13_2020 Ltr re: Ban the Use of Glyphosate
- **COMM221 01 27 2020 Letter re: Sign at 43 Pine Hill Road**
- COMM227_02_10_2020 Update and Request from Waste Stream Task Force
- **APPL012 03 09 2020 Invitation Nights - 12/4, 12/11, 12/18 2020**
- COMM243_05_11_2020 Ltr from Jane Rascal re: NMMCD
- APPT165_04_13_2020 Dr. Robin Blair 18 Market St Board of Health
- **COMM254 08 10 2020 Moseley Ave Ltr re: Sidewalk Safety and Roadway Speeding**

- ORDR200_07_30_2020 List of Crosswalks Amended
- COMM269_10_13_2020 DPS Snow and Ice Plan
- **COMM275 10 26 2020 Ltr. Jim McCarthy**
- **COMM276 10 26 2020 Ltr. Alex Matthews**
- COMM278_11_9_2020 Late File - Compost Guidelines

Public Utilities

In Committee:

Rules

In Committee:

- COMM220_01_27_2020 Proposed City Council Rule 9F
- ORDR170_02_24_2020 Amendment Council Rules 2020 (COTW)
- ORDR171_02_24_2020 Amendment to Rule 17B (COTW)

15. GOOD OF THE ORDER

16. ADJOURNMENT

RECEIVED
CITY CLERK'S OFFICE
NEWBURYPORT, MA
2020 NOV 19 AM 11:49

CITY OF NEWBURYPORT PUBLIC HEARING

In accordance with section 1 of chapter 369 of the acts of 1982,
the City Council of the City of Newburyport will hold a
public hearing on the determination of the **Percentage of Tax
Levy** to be borne by each **Class of Real and Personal
Property for Fiscal Year 2021**. The hearing will be held on
Monday, November 30, 2020 at 7:15 P.M. via online remote
participation, at which time all interested parties may be heard.
All interested parties should look to the meeting calendar on
the City website as the hearing date approaches.

Councillor Jared J. Eigerman

A true copy attest:

Richard B. Jones, City Clerk

CONSENT AGENDA

CITY COUNCIL MEETING AGENDA -VERSION 1

REMOTE

November 9, 2020

MINUTES

Link to join Webinar

Please click the link below to join the webinar:

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Webinar ID: 884 5464 0847

International numbers available: <https://us02web.zoom.us/j/88454640847>

7:30PM

City Council Meeting

1. MOMENT OF SILENCE

2. CALL TO ORDER The City Council President, Jared Eigerman, called the meeting to order at 7:33pm. The City Council President then instructed the City Clerk to call the roll. The following Councillors answered present: Tontar, Vogel, Wallace, Zeid, Khan, Lane, McCauley, Shand and Eigerman. 9 present using Zoom as a platform. 7:38pm Councillor Connell joined the meeting in progress.

3. LATE FILE ITEMS ORDR221_11_09_2020 LATE FILE Commendation
COMM278_11_9_2020 Compost Guidelines

Motion to Waive the Rules and email Late File Items by Councillor Vogel, seconded by Councillor Khan. So voted.
Motion to Table Late Files Items by Councillor Tontar, seconded by Councillor Khan. So voted.

4. PUBLIC COMMENT Molly Ettenborough 35 Toppans Ln.
Tom Kolterjahn 64 Federal St.
Andrew Port 61 Water St.

Motion to take Late File Items off the Table by Councillor Khan, seconded by Councillor McCauley. So Voted.
Motion to Accept Late File Items by Councillor Khan, seconded by Councillor McCauley. So Voted.

5. MAYOR'S COMMENT

CONSENT AGENDA

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6. APPROVAL OF MINUTES

- October 26, 2020

(Approve)

7. COMMUNICATIONS

8. TRANSFERS

9. APPOINTMENTS

- APPT198_11_09_2020 Elaine Paglia 39 Jefferson St Council on Aging 5/31/2025

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

Budget & Finance

- ORDR218_10_26_2020 Supplemental Budget 18K No Shore Tech School

Planning & Development

- ODNC054_03_09_2020 Enforcement of the State Building Code
- COMM277_10_26_2020 Climate Resiliency Plan

Motion to Approve Consent Agenda by Councillor Khan, seconded by Councillor Tontar. So voted.

END OF CONSENT AGENDA REGULAR AGENDA

10. MAYOR'S UPDATE

Motion to Receive and File by Councillor Khan, seconded by Councillor Tontar. So voted.

11. COMMUNICATIONS

- COMM278_11_9_2020 Late File - Compost Guidelines

Motion to Refer to Public Safety by Councillor Khan, seconded by Councillor Vogel. So voted.

12. SECOND READING APPOINTMENTS

- APPT195_10_26_2020 Thomas F. O'Brien 11 Moseley Ave CPA Comm 11/01/2023
- APPT196_10_26_2020 Lisa Rowan 17 Boardman St Disabilities Comm 11/01/2023
- APPT197_10_26_2020 Constance Preston 18 Atwood St Tree Commission 11/30/2023

Motion to Approve collectively as Amended on 2nd Reading by Councillor Khan, seconded by Councillor Tontar. Roll call vote. 10 yes, 1 absent (Devlin). Motion passes.

12. ORDERS

- ORDR219_11_09_2020 Residential Factor FY 2021
Motion to Refer to Budget & Finance by Councillor Tontar, seconded by Councillor Khan. So voted.
- ORDR220_11_09_2020 Tax Rate for FY 2021
Motion to Refer to Budget & Finance by Councillor Tontar, seconded by Councillor Khan. So voted.
- ORDR221_11_09_2020 LATE FILE Commendation
Motion to Waive the Rules and Call for an Emergency Preamble by Councillor Khan, seconded by Councillor Tontar. Roll call vote. (Councillor Devlin joins meeting 8:08pm) 11 yes. Motion passes. Motion to Approve by Councillor McCauley, seconded by Councillor Khan. So voted.

13. ORDINANCES

- ODNC059_06_29_2020 Truck Routes (2nd Reading)
Motion to Approve on 2nd Reading by Councillor Khan, seconded by Councillor McCauley. Roll call vote. 11 yes. Motion passes.
- ODNC062_09_29_2020 Summer Hours Residential Parking 13 – 180 (2nd Reading)
Motion to Approve on 2nd Reading by Councillor Khan, seconded by Councillor Tontar. Roll call vote. 10 yes, 1 no (Zeid). Motion passes.

- ODNC065_11_09_2020 Amend Senior Tax Work-Off Program
Motion to Refer to Budget & Finance by Councillor Khan, seconded by Councillor Tontar. So voted.

14. COMMITTEE ITEMS

Ad Hoc Committee on Economic Development

In Committee:

- COMM262_08_31_2020 Gasbarro Ltr re: Awareness

Ad Hoc Committee on Waterfront and COTW

In Committee:

- COMM261_08_31_2020 Proposed Timeline, Waterfront

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In Committee:

- ORDR132_07_15_19 CPC FY2020 Recommended Appropriations (COTW)
Project No. 9 held in committee.
- ORDR136_08_19_19 Fuller Track Phase II Loan Order
- COMM189_09_09_19 CPC Revised Recommendation for FY2020 Appropriations
- COMM264_09_29_2020 Colleen Turner Letter
- ODNC063_09_29_2020 Bond and Transfer Limit
- ORDR214_10_13_2020 Low Street Purchase w/ P&D
Motion to Remove from Budget & Finance by Councillor Tontar, seconded by Councillor Khan. So voted.
Motion passes. Motion to Refer to Budget & Finance, Planning & Development, and Committee of the Whole by Councillor Tontar, seconded by Councillor Khan. So voted.
- ORDR216_10_13_2020 Supplemental Budget Charter Sec. 2-4
- **ORDR218 10 26 2020 Supplemental Budget Request FY 21**
Motion to Approve by Councillor Tontar, seconded by Councillor Khan. So voted.

Education

In Committee:

- COMM235_03_30_2020 Ltr re: SC Appt. of Brett Murphy to Whittier Vo-Tech Cmte
- COMM240_04_27_2020 Memo re: SOI Submission Info
- COMM273_10_13_2020 Ltr of Non-Support from Mayor on Acts of 1987

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- ODNC046_1_27_20 Zoning Amendment - Short Term Rental Units Definition
- COMM231_03_09_2020 Ltr re: Short-Term Rental Ordinance
- **ODNC054_03_09_2020 Enforcement of the State Building Code**
Motion to Approve 1st Reading by Councillor Shand, seconded by Councillor McCauley. Roll call vote. 11 yes. Motion passes.
- ORDR196_07_13_2020 Open Space and Recreation Plan 2020 (COTW)
- ORDR214_10_13_2020 Low Street Purchase w/ P&D
- COMM270_10_13_2020 Ltr To DCAM _Jeigerman
- **COMM277_10_26_2020 Climate Resiliency Plan**
Motion to Receive and File by Councillor Shand, seconded by Councillor Tontar. So voted.

Public Safety

In Committee:

- COMM216_01_13_2020 Ltr re: Ban the Use of Glyphosate
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Public Utilities

In Committee:

Rules

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- COMM220_01_27_2020 Proposed City Council Rule 9F
- ORDR170_02_24_2020 Amendment Council Rules 2020 (COTW)
- ORDR171_02_24_2020 Amendment to Rule 17B (COTW)

15. GOOD OF THE ORDER

16. ADJOURNMENT

Motion to Adjourn at 8:38 pm by Councillor Vogel, seconded by Councillor Khan. So voted.

COMMUNICATIONS

To: All Newburyport City Councillors
From: Cllr Afroz Khan and Cllr Heather Shand
CC: Richard Jones, Newburyport City Clerk
Mark Kavanaugh, Newburyport IT Director
Date: November 23, 2020
Re: City Council Use of City of Newburyport Email Account

The purpose of this communication is to request that City Council members consider adopting the use of a city email address versus a separate email from other non-municipal services. Currently, contact information is available for each councillor by selecting their name from the City Council's landing page from the city's website. Each councillor has a dedicated page where relevant details can be found including phone number, email address and committee assignments. The email address listed per councillor varies between those who have a cityofnewburyport.com email to those who have their own email for city council via other email services. While this method is transparent and adequate, there are a few problematic aspects to this practice.

1. Open Meeting Law - A key aspect that has been noted over time is that residents may note all of our emails in their communication which makes it critical on the councillors part to not respond via "Reply All". Oftentimes this engagement inadvertently occurs and can lead to a violation of open meeting laws.
2. Public Records Law – As public officials employed by the city any correspondence related to our role of elected official is public record. According to "A Guide to Massachusetts Public Records Law" located on the Secretary of State's website, "Public records , including emails made or received in an individual's capacity as a government employee, must be maintained and kept in a manner that allows access by the general public, as they are subject to mandatory disclosure upon request. Whenever original public records are created outside the government offices, they shall be transferred on a regular and frequent basis to secure storage by the entity."
3. Accessibility and Consistency – Many residents have noted that the practice of first initial last name @cityofnewburyport.com does not work for all councillors as it does for city employees. The lack of consistency can be confusing for residents.

The decision to make this a policy or a rule can be further discussed by the city council to define future best practices. Once all city councillors adopt a cityofnewburyport.com email address we can explore methods for ease of access by residents through a dedicated email address noted as citycouncil@cityofnewburyport.com or through an online form where a checkbox can be used for specific councillors or a checkbox for ALL. Both of these options are done by many other communities in the Commonwealth and would only serve to benefit our representation here in Newburyport.

NEWBURYPORT SPECIAL EVENT APPLICATION

Tel.

Fax.

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

NAME OF EVENT: Outdoor Christmas Eve Service - Old South Presbyterian

Date: Dec 24, 2020 Time: from block off 6:30 to 8:00 pm

Rain Date: N/A Time: from _____ to _____

2. Location*: Block in front of church, 29 Federal Street
 *Please Note: If the location is a public park or the rail trail, please also contact the Parks Department

3. Description of Property: Federal St, from School to Middle Sts Public Private _____

4. Name of Organizer: Rev. Dr. Sara Singleton City Sponsored Event: Yes _____ No

Contact Person

Address: 29 Federal St. Telephone: 719-216-4417

E-Mail: pastor@oldsouthnbpt.org Cell Phone: S/A

Day of Event Contact & Phone: _____

5. Number of Attendees Expected: 110 6' apart from one another (this is the area of the street and sidewalks - does not include our own

6. MA Tax Number: # 11024394 side lawn or

7. Is the Event Being Advertised? yes Where? Daily News, website, School St. sidewalk of church.

8. What Age Group is the Event Targeted to? intergenerational

9. Have You Notified Neighborhood Groups or Abutters? Yes No _____, Who? In process of speaking w/ condo owners next to the church. Informational packets will be given to all adjacent neighbors on either side + across the street from the church.

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 _____ church organ inside w/ windows & doors open.

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 _____

FOR STREET CLOSURE OR ANY USE OF A PUBLIC WAY

PARADE _____ ROAD RACE _____ WALKATHON _____

Outdoor Christmas Eve Service

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

Old South Presbyterian Church

2. Name, Address & Daytime Phone Number of Organizer: Pastor Rev Dr. Sara Singleton

29 Federal St., Newburyport, MA 01950
719-216-4417

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

Ward Emanuelson, 26 Scotland Heights, Newbury - 508-243-4450
Dan Alyward, 9 Adams Lane, Newbury - 978-462-7047

4. Date of Event: Dec. 24, 2020 Expected Number of Participants: 110 - 140

5. Start Time: 6:30 - road blocked Expected End Time: 8:00 pm

6. Road Race, Parade or Walkathon Route: (List street names & attach map of route): 2 person police

detail to block off Federal St @ corner of School, allowing traffic to turn onto School, also blocking traffic at corner of Middle - allowing traffic to turn onto Middle. The area directly in front of the church - street & both sidewalks, will be for those who come to outdoor worship

7. Locations of Water Stops (if any): N/A beginning at 7pm - concluding 7:45 pm.

8. Will Detours for Motor Vehicles Be Required? If so, where? see above

9. Formation Location & Time for Participants: church doors open onto the steps @ 7:00 pm

w/ liturgy and music from the steps and organ within
10. Dismissal Location & Time for Participants: 8:00 pm

11. Additional Parade Information:

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

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

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

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

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,

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: Rev. Dr. Joe Singleton **Date:** November 17, 2020

TRANSFERS



CITY OF NEWBURYPORT FY 2021

RECEIVED
CITY CLERK'S OFFICE
NEWBURYPORT, MA

TRANSFER/APPROPRIATION REQUEST

NOV 19 11:5:28

Department: Mayor's Office
Submitted by: Donna D. Holaday, Mayor **Date Submitted:** 11/30/2020

Transfer From:

Account Name:	<u>RRFA - Waterfront Parking Fund</u>	Balance:	<u>\$ 592,052.58</u>
Account Number:	<u>2738-59610</u>	Category:	<u>\$ -</u>
Amount:	<u>\$3,867.22</u>	Trans I/O:	<u>\$ -</u>

Why Funds Are Available:

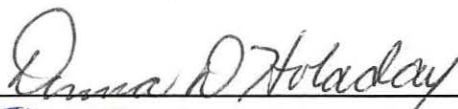
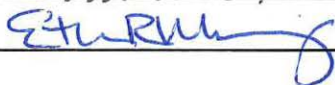
Upon dissolution of the Newburyport Redevelopment Authority, a receipts reserved for appropriation fund was established to hold monies transferred to the City, as well as, ongoing parking meter revenue. In accordance with Chapter 96 of the Acts of 2020, funds are reserved for "design, construction, maintenance or operation of an extended waterfront park and related infrastructure."

Transfer To:

Account Name:	<u>PKG Maint-Waterfront Park</u>	Balance:	<u>\$ -</u>
Account Number:	<u>01293002-52406</u>	Category:	<u>\$ 250,206.78</u>
Amount:	<u>\$3,867.22</u>	Trans I/O:	<u>\$ -</u>

Why Funds Are Needed:

To reimburse the Waterfront Trust for costs incurred to maintain the park land formerly owned by the Newburyport Redevelopment Authority. Given the adjacency of the parcels, a shared maintenance agreement was in place between the Waterfront Trust and the Newburyport Redevelopment Authority. The Waterfront Trust has continued to maintain the park, while a new agreement is written.

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

Date: 11/19/20
 Date: 11/18/20

Sponsor: Charles F. Tontar, Councillor At-Large

City Council Approval:

Newburyport Waterfront Trust

Treasurer
City Hall, Pleasant St.
Newburyport, MA 01950

RECEIVED
CITY CLERK'S OFFICE
NEWBURYPORT, MA
2020 NOV 19 PM 5:28

Invoice

Date	Invoice #
10/31/2020	20-743

Bill To
City Clerk, Richard Jones City Clerk's Office, City Hall PO Box 550 Newburyport, MA 01950

Description	Amount
Base Services-Contract \$2,372.22 month @ .27%	640.50
Base Landscaping contract for the month of September 2020	
Park Manager-Annual \$19,110/12 month @ .27%	429.98
Park Manager contract for the month of September 2020	
Reimbursement City of Newburyport - PUP Maintenance, maintenance 08/05-09/23/20	1,080.35
Reimbursement City of Newburyport - PUP Maintenance, planters, mulch	261.39
Reimbursement City of Newburyport - SLS mowing	405.00
Reimbursement City of Newburyport - SLS gravel path @ 50%	1,050.00
Reimbursement to Newburyport Waterfront Trust	
Total	\$3,867.22



RECEIVED
CITY CLERK'S OFFICE
NEWBURYPORT, MA
2020 NOV 21 PM 3:45

CITY OF NEWBURYPORT FY 2021 TRANSFER/APPROPRIATION REQUEST

Department: Mayor's Office

Submitted by: Donna D. Holaday, Mayor

Date Submitted: 11/30/2020

Transfer From:

Account Name:	Electrical Revolving Fund	Balance:	\$ 78,496.01
Account Number:	2806-59600	Category:	\$ -
Amount:	\$2,500.00	Trans I/O:	\$ -

Why Funds Are Available:

Monies collected from wiring permits and inspections. Funds are available for any legal expenditure at the recommendation of the Mayor and a majority vote of the City Council.

Transfer To:

Account Name:	Fence/Mural Project	Balance:	\$ 10,000.00
Account Number:	2924-49700	Category:	\$ -
Amount:	\$2,500.00	Trans I/O:	\$ -

Why Funds Are Needed:

The City received donations totaling \$10,000 for the installation of a fence and murals adjacent to the State/Harris Street parking lot. The City Council accepted the donations and the Historical Commission approved the project. However, after further review, the fence that was originally specified did not meet local ordinance and a different style was needed to comply, thereby increasing the cost. After soliciting quotes, the final cost of the project is \$12,500, broken down as follows: fence (\$8,050), artwork (\$2,000), mural production and installation (\$2,450).

Donna D. Holaday, Mayor:

Date:

11/24/20

Ethan R. Manning, Auditor:

Date:

11/23/2020

Sponsor: Charles F. Tontar, Councillor At-Large

City Council Approval:

**APPOINTMENTS
FIRST READING**



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

RECEIVED
CITY CLERK'S OFFICE
NEWBURYPORT, MA
2020 NOV 24 PM 3:45

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: November 24, 2020

Subject: Re-Appointment

A handwritten signature in cursive script, reading "Donna D. Holaday", is written vertically on the right side of the page.

I hereby re-appoint, subject to your approval, the following named individual as a member of the Fruit Street Local Historic District Commission. This term will expire on November 30, 2023.

Kevin Wallace
40 Oak Street
Newburyport, MA 01950



Kevin Wallace
Realtor, CBR, LMC, CLHMS

I became a licensed Real Estate Sales person in 2001, bringing with me 10 years of experience and expertise as a local insurance agent. Prior to my career in insurance, I worked for a greater Boston financial institution as a residential mortgage lender and construction loan officer, making my move to real estate a natural transition. I am a past Director and past President for both the Greater Newburyport Association of Realtors and the North Shore Association of Realtors. I am a past Director for the Massachusetts Association of Realtors and the Focus Area Vice President for Professional Development. In addition, I was a member of the Newburyport Kelly School Re-Use Committee and am a current member of the Fruit Street Historic District Commission. I have held posts as Chairman of the Newburyport License Commission for 11 years, Chairman and Director of the Newburyport Maritime Society for 6 years and Board Member of the Greater Newburyport Chamber of Commerce & Industry and the Northern Essex Mental Health Center.

I have been affiliated with RE/MAX On the River since 2012, one of the top producing real estate agencies servicing the Greater Newburyport area, with offices in Newburyport, Amesbury and Middleton. I was appointed Sales Manager for RE/MAX On the River in 2013, responsible for leading and motivating a dynamic team of 40+ sales associates, with an emphasis on training, education and community development.

I live in Newburyport with my wife, Melissa. We are the proud parent of two grown sons and two wonderful grandchildren.

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

**APPOINTMENTS
SECOND READING**

SECOND READING APPOINTMENTS

- APPT198_11_09_2020 Elaine Paglia 39 Jefferson St Council on Aging 5/31/2025

In City Council November 9, 2020:

Motion to Approve Consent Agenda by Councillor Khan, seconded by Councillor Tontar. So voted.

ORDERS

CITY OF NEWBURYPORT



IN CITY COUNCIL

ORDERED:

November 30, 2020

AN ORDER TO ACCEPT THE PROVISION OF THE MASSACHUSETTS VETERANS' BRAVE ACT, M.G.L. C.59, S.5, CLAUSE 22H "PROPERTY TAX EXEMPTION FOR GOLD STAR PARENTS/GUARDIAN" AND CLAUSE 22G "ELIGIBILITY FOR VETERANS PROPERTY WHEN OWNERSHIP UNDER A TRUSTEE"

WHEREAS, members and veterans of the armed forces, through their service, bear the responsibility of protecting the freedom of the people of the United States; and

WHEREAS, Governor Baker signed on August 28, 2018, the BRAVE Act which includes specific actions for local adoption by municipalities that would assist veterans as well as gold star families; and

WHEREAS, the City of Newburyport is grateful to the members and veterans of the Armed Forces, and their families, and wish to acknowledge their contributions to our community; and

WHEREAS, the City of Newburyport Assessor and the Director of Veteran Affairs recommend adoption of new municipal options related to property and exemptions that would further our support and appreciation for the veterans and their families that reside in our city;

THEREFORE BE IT RESOLVED THAT, the City of Newburyport hereby accepts Massachusetts General Law Chapter 59, Section 5, Clause 22H, that provides, in pertinent part, for the surviving parents or guardians of gold star personnel to be entitled to a full exemption from taxation on their domiciles beginning on or after July 1, 2021 provided that the surviving parent or guardian must have lived in Massachusetts for at least 5 years before the tax year begins (or the deceased service member or veteran had to have been domiciled in Massachusetts for at least 6 months before entering military service); and

BE IT FURTHER RESOLVED THAT, the City of Newburyport hereby accepts Massachusetts General Law Chapter 59, Section 5, Clause 22G, which provides, in pertinent part, that real estate used as the domicile of a veteran but owned by a trustee, conservator or other fiduciary for the veteran's benefit is eligible for exemption under clause Twenty-second, Twenty-second A, Twenty-second B, Twenty-

second C, Twenty-second D, Twenty-second E or Twenty-second F if the person were the owner of the real estate. Said exemption shall be effective for fiscal year beginning on or after July 1, 2021.

Councillor Afroz Khan

ORDINANCES

2nd Reading

CITY OF NEWBURYPORT



 IN CITY COUNCIL

ORDERED:

March 9, 2020

AN ORDINANCE RE ENFORCEMENT OF THE STATE BUILDING CODE

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

Amend existing Chapter 5-61 of the Newburyport Code, as follows, with additions double-underlined and italicized, and deletions ~~stricken through~~:

Sec. 5-61. — State Building Code ~~Adoption of BOCA Abridged Building Code.~~

~~*As provided under section 3A of chapter 143 of the Massachusetts general laws:*~~ ~~The BOCA Abridged Building Code (Fourth Edition 1965) issued by the Building Officials Conference of America, Inc., together with the 1967 accumulative supplement thereto, copies of which are on file in the office of the city clerk, issued by the Building Officials Conference of America, Inc., are made a part of the public records of the city, and are hereby adopted by reference the same as if fully set out herein, except as amended in this chapter.~~

A. **State building code.** *Unless otherwise provided by the state building code (title 780 of the Code of Massachusetts Regulations), the city's inspector of buildings shall enforce the state building code as to any building or structure within the city, including any building or structure owned by any authority established by the general court but not owned in whole or in part by the commonwealth, and the state building code shall be the code for all buildings and structures within the city.*

B. **Historic preservation.** *In the event of a conflict between the code and a statute, ordinance or bylaw regulating an historic district, regional historic district or architecturally controlled district, the statute, ordinance or bylaw regulating exterior architectural features within that district shall prevail.*

C. **Commonwealth buildings or structures.** *The city's inspector of buildings shall enforce the state building code as to any building or structure within any city that is owned in whole or in part by the commonwealth or any departments, commissions, agencies or authorities of the commonwealth.*

2nd Reading

Councillor Jared J. Eigerman

Councillor Heather L. Shand

In City Council March 9, 2020:

Motion to refer to Planning & Development by Councillor Zeid, seconded by Councillor Shand. So voted.

In City Council November 9, 2020:

Motion to Approve 1st Reading by Councillor Shand, seconded by Councillor McCauley.
Roll call vote. 11 yes. Motion passes.

CITY OF NEWBURYPORT



 IN CITY COUNCIL

ORDERED:

November 30, 2020

AN ORDINANCE TO AMEND THE MUNICIPAL CODE WITH RESPECT TO SNOW, SLUSH AND ICE

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

Amend Section 12-7 – “Throwing snow and ice into streets” as follows, with deletions ~~double striken through in bold~~, and additions double-underlined and in bold:

Sec. 12-7. – Throwing snow and ice into streets.

No person shall throw any ice or snow into ~~or place the same in~~ any street outside of the sidewalk. This section shall also apply to snow and ice thrown into any street from any roof or yard. The penalty for violation of this section shall be a warning for the first offense; fifty dollars (\$50.00) fine for second and subsequent offenses. Any person violating this section shall be subject to a fine of fifty dollars (\$50.00). Violations of this section may be enforced by any police officer, the health director, director of public services, or their designees.

Amend Section 2-52 – “Removal of Snow from Sidewalks,” as follows, with deletions ~~double striken through in bold~~, and additions double-underlined and in bold:

Sec. 12-52. - Removal of snow and ice from sidewalks.

(a) The owner, tenant, ~~or occupant, and in case there shall be no tenant or occupant, the owner~~ or any person having the care of any building or lot of land bordering on any street, lane, court, square or public place, within the city, where there is a sidewalk, shall cause all snow that may be on such sidewalk to be removed ~~therefrom~~ within six (6) hours after the snow ceases to fall if it ceases to fall in the daytime and before 12:00 noon if it ceases to fall in the nighttime. The provisions of this section shall apply to snow which falls from buildings as well as to that which falls from the clouds.

(b) The owner, tenant, occupant or any person having the care of any building or lot of land bordering on any street, lane, court, square or public place, within the city, where there is a sidewalk, shall cause such sidewalk to be made safe and convenient by removing the ice therefrom or by making such ice even and keeping it covered with suitable material to prevent

slipping within six (6) hours after the ice forms if in the daytime, and by 12:00 noon if it forms in the nighttime.

~~(b)~~ (c) The penalty for violation of this section shall be a warning for the first offense; fifty dollars (\$50.00) fine for second and subsequent offenses. ~~Each such offense shall be punishable by a fine of fifty dollars (\$50.00).~~ The mayor or their designee is authorized to grant an exemption, renewable annually, for residents who upon written petition demonstrate hardship due to a combination of health and financial duress, or religious circumstances. Violations of this section may be enforced by any police officer, the health director, or their designees

(d) City snow clearing of sidewalks used as school routes

The department of public services shall clear snow and slush from certain city sidewalks including portions of both school pedestrian routes and specific arterial and collector roadways, subject to appropriation and the availability of city personnel and equipment. The director of public services, after consultation with the superintendent of schools, city marshal and other appropriate city personnel, shall determine the total number of miles of city sidewalks to be cleared for the purposes of this ordinance based on the availability of personnel, vehicles and funding. Each year during the month of November, the director of public service shall publish a list of said sidewalk snow clearing routes. Said list shall include the street names and, where appropriate, the names of intersecting streets up to which the sidewalks will be cleared. The director of public services shall send a copy of said list to the city council, city marshal and the superintendent of schools.

(e) Snow clearing assistance

The department of public services shall annually prepare lists of persons available to provide snow clearing assistance either for a fee or on a volunteer basis. The lists shall be prepared in consultation with appropriate school, youth services, council on aging department personnel, interested neighborhood organizations, houses of worship, and other similar groups that indicate a willingness to participate in snow clearing assistance. Said lists shall be made available during the month of November each year.

Councillor Afroz Khan

Councillor Christine Wallace

COMMITTEE ITEMS

Removal from Committee Form

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

Committee Name: Budget and Finance

Committee Chair: Tontar

	Measure Identifier	Measure Title	Amended in Committee? (if yes, attach final version)	Consent Agenda or Regular Agenda?
1.	ORDR219_11_09_2020	Residential Factor FY 2021	YES	Consent
2.	ORDR220_11_09_2020	Tax Rate for FY 2021	YES	Consent
3.	ODNC065_11_09_2020	Amend Senior Tax Work-Off Program	NO	Consent
4.		.		
5.				
6.				
7.				
8.				
9.				
10.				
11.				
12.				
13.				

Committee Items-November 30, 2020

Budget & Finance

Budget & Finance

In Committee:

ORDR219_11_09_2020

ORDR220_11_09_2020

ODNC065_11_09_2020

Residential Factor FY21

Tax Rate FY21

Amend Senior Tax Work-Off Program

CITY OF NEWBURYPORT



IN CITY COUNCIL

ORDERED:

November 9, 2020

THAT, all property within the City of Newburyport be taxed equally and that the method to determine this percentage of the local tax levy to be assessed by each class of property is established by the adoption of a **Residential Factor of 1** for **Fiscal Year 2021** in the City of Newburyport.

Councillor Charles F. Tontar

In City Council November 9, 2020:

Motion to Refer to Budget & Finance by Councillor Tontar, seconded by Councillor Khan. So voted.

CITY OF NEWBURYPORT



IN CITY COUNCIL

ORDERED:

November 9, 2020

THAT, the City of Newburyport **Tax Rate** for **Fiscal Year 2021** will be **\$ 12.64** for all classes of property.

Councillor Charles F. Tontar

In City Council November 9, 2020:

Motion to Refer to Budget & Finance by Councillor Tontar, seconded by Councillor Khan. So voted.

CITY OF NEWBURYPORT



IN CITY COUNCIL

ORDERED:

November 9, 2020

AN ORDINANCE TO AMEND THE MUNICIPAL CODE WITH RESPECT TO THE SENIOR CITIZEN PROPERTY TAX WORK-OFF PROGRAM

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

Amend Section 2-86 – “Senior citizen tax incentive program,” as follows, with deletions ~~double striken through in bold~~, and additions double-underlined and in bold:

Sec. 2-86. – Senior citizen ~~tax incentive~~ property tax work-off program.

~~The City Council of the City of Newburyport accept the provisions of M.G.L.A., c. 59, § 5K for the purpose of entitling eligible senior citizens over the age of 60 to receive a maximum benefit of one thousand dollars (\$1,000.00) off their property tax bills in exchange for providing volunteer service to the city at a rate no more than the current minimum wage of the commonwealth. This program is to be administered by the mayor's office, in conjunction with the council on aging.~~

Pursuant to the provisions of M.G.L.A., ch.59 § 5K, homeowners who are age 60 or over are provided the opportunity to participate in the senior citizen property tax work-off program. Under the program, participating taxpayers volunteer their services to the city in exchange for a reduction in their tax bills. Participants in the program are compensated for services at an hourly rate equal to the current minimum wage of the commonwealth. The maximum amount of the abatement shall be \$1,500 per fiscal year. This program is administered by the mayor's office, in conjunction with the director of council on aging.

Councillor Barry Connell
Councillor Afroz Khan

In City Council November 9, 2020:

Motion to Refer to Budget & Finance by Councillor Khan, seconded by Councillor Tontar. So voted.

**Committee Items-
Planning & Development
November 30, 2020**

- **ORDR196_07_13_2020 Open Space and Recreation Plan
2020 (COTW)**

*PAO
COTW*

CITY OF NEWBURYPORT



IN CITY COUNCIL

July 13, 2020

ORDERED:

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

THAT the City Council of the City of Newburyport hereby adopts the final 2020 Open Space and Recreation Plan, now posted to the City website, as prepared by the Office of Planning & Development and BETA Group, Inc., a copy of which shall remain on file with the City Clerk and Office of Planning & Development.

AND FURTHER, THAT said 2020 Open Space and Recreation Plan shall replace and supersede the prior 2012 Open Space and Recreation Plan as a guidance document for City officials during at least the next five (5) years and until such time as the City drafts a new comprehensive Open Space and Recreation Plan. Said plan may be updated and amended from time to time, as the needs of the City evolve, through approval by the Council. It is the intention of this Council that all City boards, departments and agencies work cooperatively to implement the recommendations of this plan in order to achieve the vision, goals, objectives and actions contained therein.

Heather Shand, Chair
Planning & Development Committee

Barry Connell, Chair
Neighborhoods & City Services Committee



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

DONNA D. HOLADAY
MAYOR

MEMORANDUM

TO: CITY COUNCIL
FROM: GEORDIE VINING, SENIOR PROJECT MANAGER
CC: MAYOR DONNA HOLADAY, PLANNING DIRECTOR ANDREW PORT, PARKS DIRECTOR LISE REID
SUBJECT: OPEN SPACE AND RECREATION PLAN 2020
DATE: 7/6/20

We respectfully request that the City Council review and adopt the City's updated Open Space and Recreation Plan (OSRP) 2020. The City and its consultant the BETA Group, supported by a CPA grant from the Community Preservation Committee and the City Council, have worked with the community during recent months to develop the plan.

A comprehensive Open Space and Recreation Plan (OSRP) is required by the Commonwealth for the City to be eligible for a number of grant funding opportunities for park improvements and open space preservation. The structure and content of an OSRP is highly regulated by the state. Eligibility for grant programs include the Parkland Acquisitions and Renovations for Communities (PARC) program, Local Acquisitions for Natural Diversity (LAND) program, and the federal Land and Water Conservation Fund, which are administered by the Massachusetts Executive Office of Energy and Environmental Affairs Division of Conservation Services. The OSRP also serves as a guidance document for the City's Parks Commission, Open Space Committee, Community Preservation Committee, and other City Boards and Departments. Approved OSRPs are valid and eligible for DCS grant programs for up to seven years, and Newburyport's 2012 OSRP has expired.

Based on outreach through the newspaper, the City's website, emails, and postings on social media, we received input from over 450 citizens on an online survey in April and May regarding existing conditions and priorities for open space and recreation in Newburyport. The planning process also included multiple discussions with a variety of stakeholders. In general, the 2020 OSRP demonstrates the continuity of the community's previously stated interests, concerns, goals, and objectives for parks and open space and related initiatives to enhance the community's quality of life. The 2020 OSRP updates current conditions and accomplishments, and focuses on the protection and enhancement of our heritage landscapes, wildlife habitat, recreational opportunities, public drinking water supplies, and overall sustainability and climate change resilience.

The OSRP 2020 is available for your review on the City's website here:

<https://www.cityofnewburyport.com/planning-development/open-space-and-recreation-plan-2020/files/final-draft-of-newburyports-updated>

The prior/current 2012 OSRP is also posted on the City's website for your reference here:

<https://www.cityofnewburyport.com/planning-development/open-space-and-recreation-plan-2020/links/2012-open-space-and-recreation-plan>

The state's Division of Conservation Services (DCS) is reviewing the draft final OSRP 2020 plan this summer for approval based on completeness and conformity with state requirements. It is our intention to incorporate changes requested by DCS and/or the Council into a final plan suitable for adoption by the Council, posting to the City website and implementation during the next seven (7) years - a term established by DCS requirements. We anticipate that the final draft plan will be forwarded to the Planning and Development (P&D) Committee for review and recommendation to the Council in the coming weeks, similar to the Master Plan and other long-range plans. We will attend any relevant Council meetings along with our consultant. In its review the Council may wish to focus on two (2) key chapters which speak to the City's policies and priorities moving forward:

- Section 8: Goals and Objectives
- Section 9: Seven-Year Action Plan

While much of this new plan is consistent with the prior 2012 plan, these two chapters outline the key plan recommendations and strategies for implementation by various city officials during the next seven (7) years.

Please see the attached draft Order for plan adoption, and thank you for your consideration.

Committee Items-November 30, 2020

Public Safety

In Committee:

MEMO To City Council from Public Safety Committee

COMM221_01_27_2020 Letter re: Sign at 43 Pine Hill Road

COMM254_08_10_2020 Moseley Ave Ltr re: Sidewalk Safety and Roadway Speeding

APPL012_03_09_2020 Invitation Nights - 12/4, 12/11, 12/18 2020

COMM275_10_26_2020 Ltr. Jim McCarthy

COMM276_10_26_2020 Ltr. Alex Matthews

MEMORANDUM

TO: Members of the City Council
FROM: Christine Wallace, P.E., Ward 4 Councillor
Byron Lane, Ward 6 Councillor
Jim McCauley, Ward 5 Councillor, Public Safety Chair
RE: Speeding Mitigation Recommendations
DATE: November 24, 2020

This memorandum summarizes recommendations for helping mitigate speeding in the City of Newburyport, as discussed recently in the Public Safety Committee.

Identifying a suite of practices or a “checklist” of sorts may help in addressing the increase of resident complaints we have seen during the pandemic. Each speeding location has its own set of special circumstances. When one type of mitigation measure alone doesn’t solve the problem, the goal is to build incrementally with a series of measures until the desired result is achieved.

Below is a list of potential practices to consider when mitigating for speeding. Please note that this is not necessarily a comprehensive list and the items are not in any particular order.

- Signage
 - Speed limit signs
 - Temporary radar speed signs
 - Permanent radar speed signs
 - Other relevant traffic signage
 - Pavement markings
- Enforcement
 - Police presence
 - Police ticketing
- Public education
 - Public education such as social media, newspaper articles, schools to educate both pedestrians and cyclists, as well as drivers
- Temporary/Removable Solutions
 - In-street signage, such as crosswalk signs
 - Demonstration projects for traffic calming using bollards, cones, temporary paint or chalk, or other measures
- Planning and Design of Roadway Projects

- Require public participation and review throughout the planning and design process for all roadway projects
- Require all roadway projects are reviewed and designed for speed-reduction measures and complete streets elements
- Require improvement of existing conditions whenever a road is altered
- Engineered Solutions
 - Reducing lane width with striping
 - Installing curbing or other vertical treatments
 - Reducing pavement width
 - Reducing number of lanes
 - Designing for a neighborhood feel that is more pedestrian and bike-friendly, i.e. bike lanes, more crosswalks, landscaping, street furniture
 - Crosswalk bumpouts
 - Median strips
 - Pedestrian islands
 - Neighborhood circles
 - Speed bumps/humps
 - Pedestrian push-button lights

Recommendations

Controlling speeds in the neighborhoods is not a simple task. Real impact comes from incremental steps. The **Public Safety Committee has recommended** the following actions

Begin a campaign for Awareness - Education - Enforcement

- Letters to Daily News, Social Media, Delivery companies, Companies with shift changes.
- Alignment of Speed Limit signs. Remove conflicting signs
- Fund additional budget items
 - For DPS: speed limit signs, in-street bollards
 - For NPD: smaller electronic speed signs (2 per ward)
- Ask NPD to be more visible in enforcement
- Plan longer range impacts:
 - Placement of in-street bollards
 - Re-visit street/crosswalk design in problem areas
- Repeat this cycle as necessary.

In addition to the shorter-term solutions mentioned above, the gold standard for speed reduction is to ultimately design the road for the speed you want. This is more costly and has a much longer time frame, but is often the most effective at reaching

the goal. The following are additional recommendations for Newburyport to work towards for speed-reducing designs.

- Develop standard traffic calming and complete streets details with DPS / Engineering that can be included in designs when roads are upgraded or as retrofits for neighborhoods with chronic speeding issues.
- Codify elements of the Complete Streets Policy into ordinance form
- Develop a public review process for any roadway project, including Chapter 90 projects
- Require concept plans be created for roadway projects for public review – concepts would include locations of curbing, sidewalks, striping, and crosswalk locations at a minimum
- Consider a neighborhood traffic calming program for speed-reduction retrofits and/or develop demonstration projects or pilot projects

RECEIVED
CITY CLERK'S OFFICE
NEWBURYPORT, MA

January 15, 2020

43 Pine Hill Rd.

2020 JAN 22 PM 1:15

Newburyport, MA 01950

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

Dear Mr. Lane,

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

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

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

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

Sincerely,

Sue, 
Sue, Eliyana Latham and Ben Scherz

PS

COMM254_08_10_2020

RECEIVED
CITY CLERK'S OFFICE
NEWBURYPORT, MA

2020 AUG -4 PM 3:47

Dear Council President and Members of the City Council,

The residents of Moseley Avenue would like the opportunity to discuss our issues with lack of sidewalks and speeding on our street. Attached is a letter that outlines some possible resolutions that we hope you will consider. In the meantime we will be working on getting a petition signed from the whole street in support of our request in the near future. Thank you for consideration to review this in your upcoming August meeting. Please reach out if you have any further questions.

Sincerely,

Krista Yablin, 76 Moseley Avenue
yablin@comcast.net
cell: 978-360-8111

August 4, 2020

Dear Council President Eigerman and Members of the City Council,

We are reaching out today, to seek the council's help in making Moseley Avenue a safer street for the families who reside here, and for those who utilize the street for accessibility daily.

Moseley Avenue is the most direct route on the north end of the town for traveling north/south and is therefore very heavily trafficked. One needs only to observe rush hour traffic to see the number of motor vehicles that exceed the 25 MPH speed limit that is intended to maintain a safe environment on our street. However, cars and trucks are not only travelers- pedestrian traffic and bicycle traffic are at odds with drivers on the road. We are asking for 2 items to be discussed: 1) Continuing the sidewalks on one side of Moseley Avenue and 2) Implement tangible tools or systems to reduce the frequent and excessive speeding on our street. If no action is taken, we believe that it is just a matter of time before a horrific accident on Moseley Avenue takes place.

Mayor Holiday was notified of our concerns by Moseley Avenue residents Stephen Kern, and Krista Yablin worked with the previous city councilor Charles Tontar, but we sense little traction and have seen no tangible action to address the issue other than increased law enforcement for a limited time. The following are a few suggestions that we would like to be considered.

Problem #1: Sidewalk Safety

- One section of Moseley Avenue lacks any type of sidewalk, forcing pedestrian travel to be combined with motorist travel. There is no continuous sidewalk for the entire length of Moseley Avenue, which results in having to walk in the road.
- Adults and children who are walking, riding bicycles, using wheelchairs, strollers, and other means of transportation share the same travel lanes, day and night as dump trucks, trucks with wide and heavy trailers, cars, and other vehicles.
- Combined pedestrian and motorist traffic on Moseley is very dangerous. The increased volume of vehicles traveling this road, the volume of pedestrians, and the lack of a sidewalk puts both pedestrians and motorists at risk for accidents leading to injuries or death.
- **Possible Solution:** Complete the sidewalk on the north end of Moseley Ave to have one continuous sidewalk running the entire length of Moseley Avenue.

Federal grants enabled construction of the new rotary at the intersection of Spofford, Moseley and Merrimac in 2014. Sidewalks were constructed on the north end of Moseley however the sidewalk ends after just a few hundred feet, where pedestrians then use the main road. The distance without a sidewalk is not far, but it is very dangerous and frequently traveled. The area that is missing the

sidewalk is quite a straight shot with no intersections. For an illustration on the exact location of the requested sidewalk, please see the attached map.

We can see progress has been made on Spofford and Merrimac streets installing sidewalks and would urge the city of Newburyport approve the addition of sidewalks to the small area on Moseley that currently does not have them. This would allow a consistent sidewalk on one side of the road. The residents in the 4 homes on Moseley Avenue (# 80,78,76 and 74) passionately support the addition of a sidewalk. Walking small children, dogs, and visitors on a daily basis is trying, dangerous, and stressful. The safety of our residents should be paramount in our community.

Problem #2: Speeding & Lack of Speed Limit Signage

There is no posted speed limit signage currently on Moseley Avenue. Minimizing infrastructure such as signage keeps maintenance costs low and maintains a natural environment, but there is a safety issue here that should be addressed and treated as a high priority.

- Excessive speeding is common on Moseley Avenue and increases the risk of an accident by reducing driver reaction time at the many 3-4-way intersections on Moseley.
- Recently, within the last 6 months there was a head on collision on Elmira Ave where speed may have been a factor. The accident occurred approximately ¼ mile from Moseley Avenue.
- **Possible Solutions:** Improve the speed limit awareness on Moseley Avenue. The majority of motorists may not be aware of the speed limit since there are no signs displayed on Moseley. We recommend adding one speed limit sign at each end of Moseley with integrated radar, and visual feedback text with observed vehicle speed. Ideally, the text turns red when a motorist is speeding. No audible feedback or flashing lights would be recommended.

Additionally, the blind hill on the north end of Moseley drastically reduces driver reaction time to prevent accidents and this, combined with the excessive speeding and lack of a sidewalk create a very dangerous stretch of road.

- Drivers are often surprised to see strollers and people who are forced to travel in the road. Drivers often swerve towards oncoming traffic and to brake quickly and heavily to avoid pedestrians, all very unsafe for other motorist and pedestrians.
- **Possible Solutions:** Add white lines to the street to reduce lane width as much as possible, making high speed travel uncomfortable. Add bicycle lanes. Consider the addition of curbing at intersections to the pinch lane width and to influence drivers to slow down. On a recurring basis, have a Police Officer on our street between the hours of 6:30-8:30 AM and/or 4:30 -6:30 PM to enforce the speed limit.

Moseley Avenue is a street that has been forgotten in Newburyport. We are families with children, dogs and active residents that want to feel safe walking on our street to go to Moseley Woods or even to enjoy playing tennis at Atkinson Commons however we don't feel comfortable enjoying these beautiful treasures that are so close by due to the lack of sidewalks as well as the ongoing speeding issue.

We urge the council to fight for Moseley Avenue to complete the sidewalk as and to help provide a way to drastically reduce the speeding on Moseley Avenue before a preventable tragedy occurs and someone is seriously injured. We welcome the opportunity to work with the council towards an executable plan in the near future.

Thank you for your consideration.

Krista and Andy Yablin
76 Moseley Avenue

Brittany Verville and Greg Kluesener
77 Moseley Avenue

Beth and Stephen Kerns
79 Moseley Avenue

Kathy Fowler
74 Moseley Avenue

Sylvia and Pawel Zawadzki
78 Moseley Avenue

ps



RECEIVED
 CITY CLERK'S OFFICE
 NEWBURYPORT, MA
 388 Merrimac Street, Newburyport, MA 01950
 O: 978-462-6680 F: 978-465-4145
 2020 MAR -3 PM 3:46

www.newburyportchamber.org
 info@newburyportchamber.org

Friday, January 24, 2020

Newburyport City Council
 60 Pleasant Street
 Newburyport, MA 01950

Dear Council President Eigerman and Members of the Newburyport City Council:

The Greater Newburyport Chamber of Commerce & Industry (GNCCI) kindly requests the use of downtown streets for the following GNCCI sponsored events:

- **Invitation Nights:** December 4, 11, and 18, 2020 from 6:00PM – 9:00PM each night

The Greater Newburyport Chamber makes every effort, in conjunction with Mayor Donna Holaday, city departments, and our members, to promote the City of Newburyport and Greater Newburyport area as a unique destination for its shopping, dining, arts & culture, and natural resources. The GNCCI, through events such as this, seeks to help promote the City of Newburyport by attracting visitors to the area, increasing foot traffic, encouraging return visits, and offering events to promote shopping locally for residents.

Invitation Nights: Invitation Nights are traditionally held the first three Fridays of December. This year's dates are Friday, December 4, 11, and 18, 2020. Downtown merchants stay open late and offer refreshments to their customers. Shoppers will walk along the downtown shops, restaurants, and cafes from 6:00PM – 9:00PM. This is an event that draws both locals and visitors, and it also markets dining and shopping in the City of Newburyport. Invitation Nights help promote the City, support the local economy, and encourage return visits to Newburyport. No vendors will be setup, and street closure is *not* requested. This is simply an increase in typical foot traffic.

Additionally, as completed for the last several decades, we will work closely with the Department of Public Services to erect a Christmas tree in the Bullnose and decorate the lampposts for the holidays.

Sincerely,

Elisabeth Hurley
 Membership Development
 Greater Newburyport Chamber of Commerce & Industry

NEWBURYPORT SPECIAL EVENT APPLICATION

Tel.

Fax.

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

NAME OF EVENT: Invitation Nights

Date: Fridays, December 4, 11, and 18, 2020 Time: from 6:00PM to 9:00PM

Rain Date: _____ Time: from _____ to _____

2. Location*: Increased number of people downtown from shop to shop esp. State, Pleasant, Inn, and Water Streets

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

3. Description of Property: _____ Public Yes Private _____

4. Name of Organizer: Greater Newburyport Chamber of Commerce City Sponsored Event: Yes _____ No No

Contact Person Elisabeth Hurlev

Address: 38R Merrimac Street, Newburyport Telephone: 978-462-6680

E-Mail: ehurley@newburyportchamber.org Cell Phone: _____

Day of Event Contact & Phone: Same as above 508-212-8289

5. Number of Attendees Expected: 250/night

6. MA Tax Number: 83-2884007

7. Is the Event Being Advertised? Yes Where? Social Media, E-Newsletters, Daily News Press Release, Flyers, Radic

8. What Age Group is the Event Targeted to? Adults, especially women 40-60

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

If approved, we notify abutting residents and businesses

ACTIVITIES: (Please check where applicable.) Subject to Licenses & Permits from Relevant City Departments None

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 No

If yes:

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

If no: None

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

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

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

_____ Standard # _____ ADA accessible

Name of company providing the portable toilets: _____

FOR STREET CLOSURE OR ANY USE OF A PUBLIC WAY

PARADE _____

ROAD RACE _____

WALKATHON _____

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

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

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

4. Date of Event: _____ Expected Number of Participants: _____

5. Start Time: _____ Expected End Time: _____

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

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

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

9. Formation Location & Time for Participants: _____

10. Dismissal Location & Time for Participants: _____

11. Additional Parade Information:

• Number of Floats: _____

• Locations of Viewing Stations: _____

• Are Weapons Being Carried: Yes ___ No ___

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

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

CITY MARSHAL [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 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,

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

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

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

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

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

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

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

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

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

(e) *Enforcement.*

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

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

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

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

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

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

Signed: _____

Date: _____

01/27/2020

RECEIVED
CITY CLERK'S OFFICE
NEWBURYPORT, MA

ps

2020 OCT 20 PM 12: 57

Dear Chairman McCauley,

Several years ago, while I was on the Planning Board, the Mayor led a team of us to MassDOT District 4 to request help with reconfiguring the Route 1 rotary.

It's been mostly quiet on details since then, and now apparently we have a 75% design on the table.

I don't recall any public meetings that solicited feedback at any stage of the process so far.

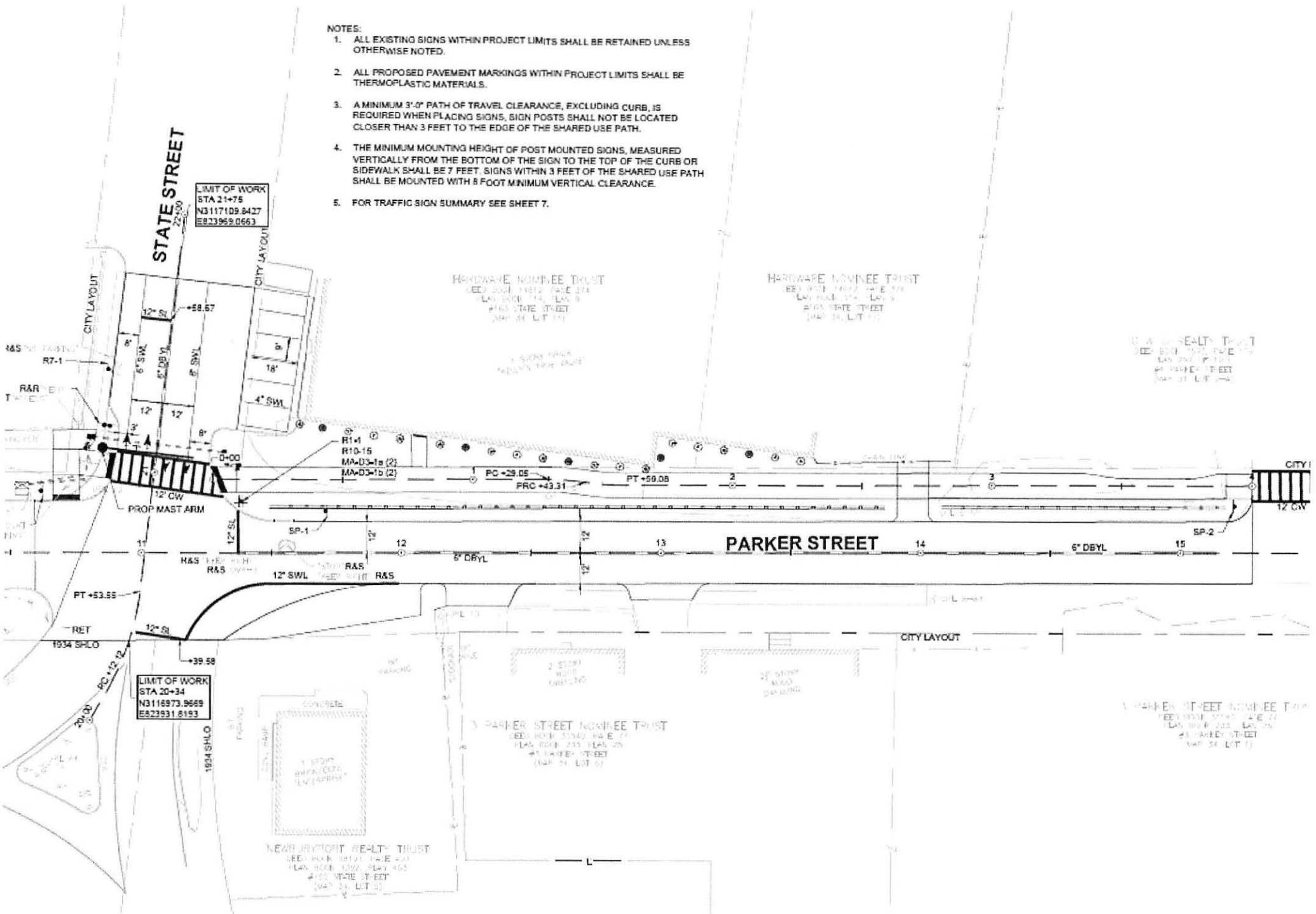
We all know that the rotary poses significant safety aspects for pedestrians and the completion of Rail Trail Phase III, as well as complying with the City Council mandate for safe passage to enable the easterly portion of the Smart Growth District.

I would ask your Committee to please hold a public hearing to consider vetting the public safety aspects of the plan.

Thank you.

Jim McCarthy
jimmacnbpt@comcast.net
(978) 417-9373 cell

- NOTES:
1. ALL EXISTING SIGNS WITHIN PROJECT LIMITS SHALL BE RETAINED UNLESS OTHERWISE NOTED.
 2. ALL PROPOSED PAVEMENT MARKINGS WITHIN PROJECT LIMITS SHALL BE THERMOPLASTIC MATERIALS.
 3. A MINIMUM 3'-0" PATH OF TRAVEL CLEARANCE, EXCLUDING CURB, IS REQUIRED WHEN PLACING SIGNS. SIGN POSTS SHALL NOT BE LOCATED CLOSER THAN 3 FEET TO THE EDGE OF THE SHARED USE PATH.
 4. THE MINIMUM MOUNTING HEIGHT OF POST MOUNTED SIGNS, MEASURED VERTICALLY FROM THE BOTTOM OF THE SIGN TO THE TOP OF THE CURB OR SIDEWALK SHALL BE 7 FEET. SIGNS WITHIN 3 FEET OF THE SHARED USE PATH SHALL BE MOUNTED WITH 8 FOOT MINIMUM VERTICAL CLEARANCE.
 5. FOR TRAFFIC SIGN SUMMARY SEE SHEET 7.



LIMIT OF WORK
 STA 21+75
 N3117109.8427
 E623959.0663

LIMIT OF WORK
 STA 20+34
 N3116973.9669
 E623931.6193

HARDWARE NUNNEE TRUST
 SEE BOOK 19812 PAGE 214
 PLAN BOOK 114, PLAN 3
 4143 STATE STREET
 (MAP 34, LOT 11)

HARDWARE NUNNEE TRUST
 SEE BOOK 19812 PAGE 214
 PLAN BOOK 114, PLAN 3
 4143 STATE STREET
 (MAP 34, LOT 11)

NEWBURYPORT REALTY TRUST
 SEE BOOK 19191 PAGE 433
 PLAN BOOK 109, PLAN 463
 4133 STATE STREET
 (MAP 34, LOT 11)

1 PARKER STREET NUNNEE TRUST
 SEE BOOK 19540 PAGE 77
 PLAN BOOK 235, PLAN 25
 41 PARKER STREET
 (MAP 34, LOT 1)

NEWBURYPORT REALTY TRUST
 SEE BOOK 19191 PAGE 433
 PLAN BOOK 109, PLAN 463
 4133 STATE STREET
 (MAP 34, LOT 1)

1 PARKER STREET NUNNEE TRUST
 SEE BOOK 19540 PAGE 77
 PLAN BOOK 235, PLAN 25
 41 PARKER STREET
 (MAP 34, LOT 1)

ps

October 9, 2020

President and Members of the City Council

City Hall

60 Pleasant Street, Newburyport, MA

Dear City Council,

As in years past, Congregation Ahavas Achim requests a permit to install a Hanukkah menorah in Market Square, adjacent to the Christmas tree. This year Hanukkah takes place from December 10th through December 17th. We plan to set up the menorah during the week of December 7th and will be able to take it down as early as December 21st, however we are open to leaving it in place through New Year's if it is felt that it adds to the city's holiday display. We will need access to an electrical outlet, but will handle all of the setup directly. Thank you very much for your consideration.

Warm wishes,

Alex Matthews

Congregational Leader

Congregation Ahavas Achim, Newburyport

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2020 OCT 20 PM 2:06