

CITY COUNCIL MEETING AGENDA –VERSION 2

REMOTE

December 14, 2020

7:30PM

City Council

Meeting

Please click the link below to join the webinar:

<https://us02web.zoom.us/j/81094807593>

Or iPhone one-tap :

US: +13017158592,,81094807593# or +13126266799,,81094807593#

Or Telephone:

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

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

6833

Webinar ID: 810 9480 7593

1. **MOMENT OF SILENCE**
2. **CALL TO ORDER**
3. **LATE FILE ITEMS Order 229 Brown School and 57 Low St; Original Version 214**
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 30, 2020 (Approve)

7. COMMUNICATIONS

- APPL017_12_14_2020 State Automotive Repair-Second Hand Vehicle Sales (L&P)
- APPL018_12_14_2020 LCA Motors- Second Hand Vehicle Sales (L&P)
- COMM280_12_14_2020 Ltr from Nbpt Retirement Bd re: Budget C/Y 2021 (R&F)

8. TRANSFERS

9. APPOINTMENTS

First Reading

- APPT205_12_14_2020 Timothy Rooney 9 Marshview Cir., Seabrook, NH Asst. Harbormaster 12/31/2023

Re-Appointments

- APPT200_12_14_2020 David Zinck 6 Laurel Rd. Electrical Insp. 1/1/2022

To be Referred to Planning & Development

- APPT201_12_14_2020 Jennifer Blanchet 4 Island Ln., Newbury Zoning Admin. 12/31/2022
- APPT202_12_14_2020 Enrico Caruso 34 Russett Hill Rd., Haverhill Asst. Harbormaster 12/31/2023
- APPT203_12_14_2020 James Maranto 167 Harper Ridge Rd., E. Hampstead, NH Asst. Harbormaster 12/31/2023
- APPT204_12_14_2020 Richard Puopolo 169 Apache Way, Tewksbury Asst. Harbormaster 12/31/2023

- APPT206_12_14_2020 Daniel Scott 16 Johnson St., Windham, NH Asst. Harbormaster 12/31/2023
- APPT207_12_14_2020 Philip Stern 271 Merrimac St., Apt. 2 Asst. Harbormaster 12/31/2023

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

Budget & Finance

- TRAN086_11_30_2020 RRFA-Wtrfrt Pkg Fd \$3,867.22 to PKG Maint-Wtrfrnt Pk \$3867.22
- TRAN087_11_30_2020 Elec Rev Acct 2,500 to Fence/Mural 2,500
- ORDR222_11_30_2020 Mass Veterans Brave Act Acceptance

Planning & Development

- COMM214_01_13_2020 Ltr from Central Cong Church re: CPA Funding, Historic Pres
- ORDR214_10_13_2020 Low Street Purchase w/ P&D (COTW)
- COMM270_10_13_2020 Ltr To DCAM _Jeigerman
- ORDR223_11_30_2020 Preservation Rest Custom House MHC

Public Safety

- COMM227_02_10_2020 Update and Request from Waste Stream Task Force
- COMM278_11_9_2020 Late File - Compost Guidelines
- APPL016_11_30_2020 Old South Church Christmas Eve Federal St

END OF CONSENT AGENDA REGULAR AGENDA

10. MAYOR'S UPDATE

11. COMMUNICATIONS

12. SECOND READING APPOINTMENTS

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

13. ORDERS

- ORDR224_12_14_2020EP Emergency Preamble Gift Acceptance Morrill Foundation
- ORDR224_12_14_2020 Gift Acceptance Morrill Foundation
- ORDR225_12_14_2020EP Emergency Preamble Holiday Parking Suspension
- ORDR225_12_14_2020 Holiday Parking Suspension
- ORDR226_12_14_2020EP Emergency Preamble Amend Order 197 NRA Park
- ORDR226_12_14_2020 Amend Order 197 NRA Park
- ORDR227_12_14_2020 Appropriate NRA funds for RFP award

13. ORDINANCES

- ODNC065_11_09_2020 Amend Senior Tax Work-Off Program 2nd Reading

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
- **TRAN086 11 30 2020 RRFA-Wtrfrt Pkg Fd \$3,867.22 to PKG Maint-Wtrfrnt Pk \$3867.22**
- **TRAN087 11 30 2020 Elec Rev Acct 2,500 to Fence/Mural 2,500**
- **ORDR222 11 30 2020 Mass Veterans Brave Act Acceptance**

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
- COMM269_10_13_2020 DPS Snow and Ice Plan
- ODNC066_11_30_2020 Chapter 12 Amendments to Snow and Ice

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**
- **ORDR223 11 30 2020 Preservation Rest Custom House MHC**

Public Safety

In Committee:

- COMM216_01_13_2020 Ltr re: Ban the Use of Glyphosate
- **COMM227 02 10 2020 Update and Request from Waste Stream Task Force**
- COMM243_05_11_2020 Ltr from Jane Rascal re: NMMCD
- APPT165_04_13_2020 Dr. Robin Blair 18 Market St Board of Health 4/30/2023
- ORDR200_07_30_2020 List of Crosswalks Amended
- **COMM278 11 9 2020 Late File - Compost Guidelines**
- **APPL016 11 30 2020 Old South Church Christmas Eve Federal St**

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)
- COMM279_11_30_2020 CC Email Account

15. GOOD OF THE ORDER

16. ADJOURNMENT

CONSENT AGENDA

CITY COUNCIL MEETING MINUTES

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#

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248 7799 or +1 669 900 6833 or +1 253 215 8782

Webinar ID: 869 7547 8197

International numbers available: <https://us02web.zoom.us/j/86975478197>

7:30PM

City Council

Meeting

Please click the link below to join the webinar:

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

Or iPhone one-tap :

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

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7799 or +1 669 900 6833

Webinar ID: 876 3028 6803

1. MOMENT OF SILENCE

Remembering Bill Carlson, Kim Kudym

2. CALL TO ORDER

The City Council President, Jared Eigerman, called the meeting to order at 7:30 pm. The City Council President then instructed the City Clerk to call the roll. The following Councillors answered present: Vogel, Wallace, Zeid, Devlin, Khan, Lane, McCauley, Shand, Tontar and Eigerman. 11 present using Zoom as a platform.

3. LATE FILE ITEMS

ORDR223_11_30_2020 Preservation Rest Custom House MHC

APPL016_11_30_2020 Old South Christmas Eve Gathering Federal St.

Motion to waive the rules and allow late files by Councillor Shand, seconded by Councillor Khan. So voted.

4. PUBLIC COMMENT

Kevin Hunt, Veterans Affairs

Juliet Walker, 13 Eagle St.

Stephen Kerns, 79 Moseley Avenue

Rich Winokur, 60 Longfellow Drive

5. MAYOR'S COMMENT

CONSENT

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6. APPROVAL OF MINUTES

- November 9, 2020 (Approve)

7. COMMUNICATIONS

- COMM279_11_30_2020 CC Email Account (Rules)
Removed at the request of Councillor Khan.
- APPL016_11_30_2020 Old South Church Christmas Eve Federal St (PS)

8. TRANSFERS

- TRAN086_11_30_2020 RRFA-Wtrfrnt 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

Motion to Approve Consent Agenda as Amended by Councillor Khan, seconded by Councillor Shand. So voted.

END OF CONSENT AGENDA

REGULAR AGENDA

10. MAYOR'S UPDATE

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

11. COMMUNICATIONS

- COMM279_11_30_2020 CC Email Account
Motion to refer to Rules by Councillor Khan, seconded by Councillor Vogel. So voted.
- APPL016_11_30_2020 Old South Church Christmas Eve Federal St with signatures
Motion to refer to Public Safety by Councillor Khan, seconded by Councillor McCauley. So voted.

12. SECOND READING APPOINTMENTS

- APPT198_11_09_2020 Elaine Paglia 39 Jefferson St Council on Aging 5/31/2025
Motion to Approve 2nd Reading by Councillor Vogel, seconded by Councillor Khan. Roll Call vote, 11 yes.
Motion passes.

13. ORDERS

- ORDR222_11_30_2020 Mass Veterans Brave Act Acceptance
Motion to refer to Budget & Finance by Councillor Khan, seconded by Councillor Connell. So voted.
- ORDR223_11_30_2020 Preservation Rest Custom House MHC
Motion to refer to Planning & Development by Councillor Shand, seconded by Councillor Vogel. So voted.

13. ORDINANCES

- ODNC054_03_09_2020 Enforcement of the State Building Code 2nd Reading
Motion to Approve 2nd Reading by Councillor McCauley, seconded by Councillor Khan. Roll Call vote, 11 yes. Motion passes.
- ODNC066_11_30_2020 Chapter 12 Amendments to Snow and Ice
Motion to refer to Public Safety by Councillor Wallace, seconded by Councillor Khan. Motion withdrawn by Councillor Wallace and Councillor Khan. Motion to refer to Neighborhood & City Services by Councillor Wallace, seconded by Councillor Khan. 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

Budget & Finance

In Committee:

- ORDR132_07_15_19 CPC FY2020 Recommended Appropriations (COTW)
Project No. 9 held in committee.
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- 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**
Motion to Approve by Councillor Tontar, seconded by Councillor Khan. Roll Call vote, 11 yes. Motion passes.

- **ORDR220 11 09 2020 Tax Rate for FY 2021**

Motion to Approve by Councillor Tontar, seconded by Councillor Khan. Roll Call vote, 11 yes. Motion passes.

- **ODNC065 11 09 2020 Amend Senior Tax Work-Off Program**

Motion to Approve 1st Reading by Councillor Tontar, seconded by Councillor Khan. Motion to Amend MGLA to MGL by Councillor Khan, seconded by Councillor Eigerman. Motion to Approve as Amended by Councillor Tontar, seconded by Councillor Khan. Roll Call vote, 11 yes. Motion passes.

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:

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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)**
Motion to return back to Planning & Development by Councillor Shand, seconded by Councillor Khan. So voted.
- 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**
Motion to receive and file collectively with COMM254_08_10_2020 by Councillor McCauley, seconded by Councillor Khan. So voted.
- 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**
Motion to receive and file by Councillor McCauley, seconded by Councillor Khan So voted.
- COMM243_05_11_2020 Ltr from Jane Rascal re: NMMCD

- APPT165_04_13_2020 Dr. Robin Blair 18 Market St Board of Health 4/30/2023
- **COMM254_08_10_2020 Moseley Ave Ltr re: Sidewalk Safety and Roadway Speeding**
 Motion to direct the City Clerk to send to every member of TSAC by Councillor McCauley, seconded by Councillor Wallace. So voted.
 Motion to receive and file collectively with COMM221_01_27_2020 by Councillor McCauley, seconded by Councillor Khan. So voted.
- ORDR200_07_30_2020 List of Crosswalks Amended
- **COMM269_10_13_2020 DPS Snow and Ice Plan**
 Motion to Waive the Rules to bring out of Committee and refer to Neighborhood & City Services by Councillor McCauley, seconded by Councillor Shand. So voted.
- **COMM275_10_26_2020 Ltr. Jim McCarthy**
 Motion to receive and file by Councillor McCauley, seconded by Councillor Vogel. So voted.
- **COMM276_10_26_2020 Ltr. Alex Matthews**
 Motion to Approve by Councillor McCauley, seconded by Councillor Khan. So voted.
- 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

Motion to Adjourn at 9:10 pm by Councillor Tontar, seconded by Councillor Khan. So voted.

TRANSFERS

COMMUNICATIONS

RECEIVED
CLERK'S OFFICE
NEWBURYPORT, MA
2020 DEC -3 AM 10:53
THE COMMONWEALTH OF MASSACHUSETTS
City of Newburyport

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

I, the undersigned, duly authorized by the concern herein mentioned, hereby apply for a 2 class license, to Buy, Sell, Exchange or Assemble second hand motor vehicles or parts thereof, in accordance with the provisions of Chapter 140 of the General Laws.

1. What is the name of the concern? State Automotive Repair LLC

Business address of concern. No. 196 Route One St.,
Newburyport MA 01950 City — Town.

2. Is the above concern an individual, co-partnership, an association or a corporation? LLC (single member)

3. If an individual, state full name and residential address.
LLC Manager: Andrew J de Bernardo
16 Hickory Lane, Topfield MA 01983

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

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

President _____

Secretary _____

Treasurer _____

6. Are you engaged principally in the business of buying, selling or exchanging motor vehicles? No

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

Is your principal business the buying and selling of second hand motor vehicles? No

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

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

196 Route One, Newburyport is located just south of the Route One traffic circle. State Automotive Repair LLC occupies approximately 1/2 of a shared building with a retail vendor. Auto repair bays contain lifts, tools, and equipment consistent with any typical auto repair shop. Parking is in front, to the side, and to the rear of the building.

8. Are you a recognized agent of a motor vehicle manufacturer? No (Yes or No)

If so, state name of manufacturer _____

9. Have you a signed contract as required by Section 58, Class 1? N/A (Yes or No)

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

If so, in what city -- town Newburyport MA

Did you receive a license? Yes (Yes or No) For what year? 2016 - 2020

11. Has any license issued to you in Massachusetts or any other state to deal in motor vehicles or parts thereof ever been suspended or revoked? No (Yes or No)

Sign your name in full Andrew Ferber
(Duly authorized to represent the concern herein mentioned)

Residence 16 Hickory Lane, Topsfield MA

IMPORTANT

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

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

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

APPLICANT WILL NOT FILL THE FOLLOWING BLANKS

Application No. _____

Class _____ License No. _____

Name _____

St. and No. _____

City — Town _____

Date Issued _____

Remarks _____



CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)
12/02/2020

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).

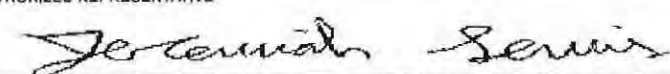
PRODUCER Bernard M. Sullivan Insurance Agency 12 Market St. P.O. Box 568 Ipswich MA 01938		CONTACT NAME: Jeremiah Lewis PHONE (A/C, No, Ext): (978) 356-5511 E-MAIL ADDRESS: jllewis@sullivaninsurance.com FAX (A/C, No): (978) 356-0214	
INSURED State Automotive Repair 196 Route One Newburyport MA 01950-3975		INSURER(S) AFFORDING COVERAGE INSURER A: Commerce Insurance Company NAIC # 34754 INSURER B: Travelers Indemnity Co of CT 25682 INSURER C: C N A Surety CNAS01 INSURER D: INSURER E: INSURER F:	

COVERAGES **CERTIFICATE NUMBER:** CL2012206205 **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
	COMMERCIAL GENERAL LIABILITY <input type="checkbox"/> CLAIMS-MADE <input type="checkbox"/> OCCUR GEN'L AGGREGATE LIMIT APPLIES PER: <input type="checkbox"/> POLICY <input type="checkbox"/> PRO-JECT <input type="checkbox"/> LOC OTHER:						EACH OCCURRENCE \$ DAMAGE TO RENTED PREMISES (Ea occurrence) \$ MED EXP (Any one person) \$ PERSONAL & ADV INJURY \$ GENERAL AGGREGATE \$ PRODUCTS - COMP/OP AGG \$ \$
A	AUTOMOBILE LIABILITY <input type="checkbox"/> ANY AUTO <input type="checkbox"/> OWNED AUTOS ONLY <input checked="" type="checkbox"/> SCHEDULED AUTOS <input checked="" type="checkbox"/> HIRED AUTOS ONLY <input checked="" type="checkbox"/> NON-OWNED AUTOS ONLY			BHTRGQ	12/28/2019	12/28/2020	COMBINED SINGLE LIMIT (Ea accident) \$ 1,000,000 BODILY INJURY (Per person) \$ BODILY INJURY (Per accident) \$ PROPERTY DAMAGE (Per accident) \$ PIP-Basic \$ 8,000
	UMBRELLA LIAB <input type="checkbox"/> OCCUR EXCESS LIAB <input type="checkbox"/> CLAIMS-MADE DED RETENTION \$						EACH OCCURRENCE \$ AGGREGATE \$ \$
B	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	UB-5K937614-20-42	07/01/2020	07/01/2021	PER STATUTE OTH-ER E.L. EACH ACCIDENT \$ 500,000 E.L. DISEASE - EA EMPLOYEE \$ 500,000 E.L. DISEASE - POLICY LIMIT \$ 500,000
C	Used Auto Dealer Bond			62659263	02/01/2020	02/01/2021	Bond Penalty \$25,000

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

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 
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Massachusetts



Western Surety Company

SECOND HAND MOTOR VEHICLE DEALER BOND

(Mass. Gen. Laws Ann. 140, § 58(c))

Bond No. 62659263

KNOW ALL PERSONS BY THESE PRESENTS:

Effective Date: February 1st, 2016

That we, State Automotive Repair, LLC.
as Principal, and WESTERN SURETY COMPANY, a corporation authorized to do surety business in the Commonwealth of Massachusetts, as Surety, are held and firmly bound unto persons who purchase a vehicle from the Principal and who suffer loss on account of a breach of the condition of this bond described below, in the sum of not to exceed TWENTY-FIVE THOUSAND AND NO/100 DOLLARS (\$25,000.00), for the payment of which well and truly to be made, we bind ourselves and our legal representatives, firmly by these presents.

WHEREAS, the Principal is a second hand motor vehicle dealer and is required to furnish a bond or equivalent proof of financial responsibility pursuant to Mass. Gen. Laws Ann. 140, § 58(c)(1).

NOW, THEREFORE, the condition of this obligation is such that if the Principal shall pay the amount of actual damages, not to exceed the amount of this bond, to any person who purchases a vehicle from the Principal and who suffers loss on account of: (a) the Principal's default or nonpayment of valid bank drafts, including checks drawn by the Principal for the purchase of motor vehicles; (b) the Principal's failure to deliver, in conjunction with the sale of a motor vehicle, a valid motor vehicle title certificate free and clear of any prior owner's interests and all liens, except a lien created by or expressly assumed in writing by the buyer of the vehicle; (c) the fact that the motor vehicle purchased from the Principal was a stolen vehicle; (d) the Principal's failure to disclose the vehicle's actual mileage at the time of sale; (e) the Principal's unfair and deceptive acts or practices, misrepresentations, failure to disclose material facts or failure to honor a warranty claim or arbitration order in a retail transaction; or (f) the Principal's failure to pay off a lien on a vehicle traded in as part of a transaction to purchase a vehicle when the Principal had assumed the obligation to pay off the lien, then this obligation to be void; otherwise to remain in full force and effect.

PROVIDED, that recovery against this bond may be made only by a person who obtains a final judgment in a court of competent jurisdiction against the Principal for an act or omission on which this bond is conditioned, if the act or omission occurred during the term of this bond. No suit may be maintained to enforce any liability on this bond unless brought within one (1) year after the event giving rise to the cause of action. This bond shall cover only those acts and omissions described above. The Surety shall not be liable for total claims in excess of the bond amount, regardless of the number of claims made against this bond or the number of years this bond remains in force.

This bond shall be continuous and may be cancelled by the Surety by giving thirty (30) days' written notice of cancellation to the municipal licensing authority at
60 Pleasant St, Newburyport, MA 01950

by First Class U.S. Mail.

Address

Dated this 1st day of February, 2016

State Automotive Repair,
LLC. Principal

By:

WESTERN SURETY COMPANY, Surety

By:
Paul T. Bruflat, Senior Vice President

Western Surety Company

POWER OF ATTORNEY

KNOW ALL MEN BY THESE PRESENTS:

That WESTERN SURETY COMPANY, a corporation organized and existing under the laws of the State of South Dakota, and authorized and licensed to do business in the States of Alabama, Alaska, Arizona, Arkansas, California, Colorado, Connecticut, Delaware, District of Columbia, Florida, Georgia, Hawaii, Idaho, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Montana, Nebraska, Nevada, New Hampshire, New Jersey, New Mexico, New York, North Carolina, North Dakota, Ohio, Oklahoma, Oregon, Pennsylvania, Rhode Island, South Carolina, South Dakota, Tennessee, Texas, Utah, Vermont, Virginia, Washington, West Virginia, Wisconsin, Wyoming, and the United States of America, does hereby make, constitute and appoint

Paul T. Brufal of South Dakota its regularly elected Vice President as Attorney-in-Fact with full power and authority hereby conferred upon him to sign, execute, acknowledge and deliver for and on its behalf as Surety and as its act and deed, the following bond:

One Demand Hard Motor Vehicle Tiesler

bond with bond number 61069091

for State Automotive Repair, LLC

as Principal in the penalty amount not to exceed \$ 25,000.00

Western Surety Company further certifies that the following is a true and exact copy of Section 7 of the by-laws of Western Surety Company duly adopted and now in force, to-wit:

Section 7 All bonds, policies, undertakings, Powers of Attorney, or other obligations of the corporation shall be executed in the corporate name of the Company by the President, Secretary, any Assistant Secretary, Treasurer, or any Vice President, or by such other officers as the Board of Directors may authorize. The President, any Vice President, Secretary, any Assistant Secretary, or the Treasurer may appoint Attorneys-in-Fact or agents who shall have authority to issue bonds, policies, or undertakings in the name of the Company. The corporate seal is not necessary for the validity of any bonds, policies, undertakings, Powers of Attorney or other obligations of the corporation. The signature of any such officer and the corporate seal may be printed by facsimile.

In Witness Whereof, the said WESTERN SURETY COMPANY has caused these presents to be executed by its Vice President with the corporate seal affixed this 1st day of February

2016

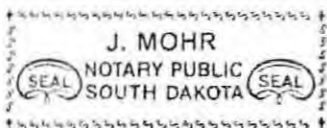
ATTEST

L. Nelson
L. Nelson, Assistant Secretary

WESTERN SURETY COMPANY
By Paul T. Brufal
Paul T. Brufal, Vice President

STATE OF SOUTH DAKOTA)
COUNTY OF MINNEHAHA) ss

On this 1st day of February, 2016, before me, a Notary Public, personally appeared Paul T. Brufal and L. Nelson who, being by me duly sworn, acknowledged that they signed the above Power of Attorney as Vice President and Assistant Secretary, respectively, of the said WESTERN SURETY COMPANY and acknowledged said instrument to be the voluntary act and deed of said Corporation.



J. Mohr
Notary Public

To validate bond authenticity, go to www.cnasurety.com > Owner/Obligee Services > Validate Bond Coverage.



THE COMMONWEALTH OF MASSACHUSETTS RECEIVED
City of Newburyport CITY CLERK'S OFFICE
OF NEWBURYPORT, MA

2020 DEC -8 PM 1:36

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

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

1. What is the name of the concern? LCA Motors

Business address of concern. No. 4 Lt. Leary Drive St.,
Newburyport City — Town.

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

3. If an individual, state full name and residential address.
Charles Ciavacco 4 Lt. Leary Drive Newburyport

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

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

6. Are you engaged principally in the business of buying, selling or exchanging motor vehicles? yes
If so, is your principal business the sale of new motor vehicles? No
Is your principal business the buying and selling of second hand motor vehicles? yes
Is your principal business that of a motor vehicle junk dealer? No

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

Sale of used automobiles conducted over the internet. Business is residential. No autos are kept at the location.

8. Are you a recognized agent of a motor vehicle manufacturer? No (Yes or No)

If so, state name of manufacturer _____

9. Have you a signed contract as required by Section 58, Class 1? No (Yes or No)

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

If so, in what city — town 2005 - Newburyport

Did you receive a license? Yes (Yes or No) For what year? 2005 - 2020

11. Has any license issued to you in Massachusetts or any other state to deal in motor vehicles or parts thereof ever been suspended or revoked? No (Yes or No)

Sign your name in full

Philip Cew
(Duly authorized to represent the concern herein mentioned)

Residence 4 St. Leary Drive Newburyport

IMPORTANT

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

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

APPLICANT WILL NOT FILL THE FOLLOWING BLANKS

Application after investigation _____
(Approved or Disapproved)

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

Signed _____

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

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

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

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

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

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

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

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

APPLICANT WILL NOT FILL THE FOLLOWING BLANKS

Application No. _____

Class _____ License No. _____

Name _____

St. and No. _____

City — Town _____

Date Issued _____

Remarks _____

Massachusetts

1

Western Surety Company

SECOND HAND MOTOR VEHICLE DEALER BOND

(Mass. Gen. Laws Ann. 140, § 58(c))

Bond No. 69823000

KNOW ALL PERSONS BY THESE PRESENTS:

Effective Date: June 9, 2005

That we, Charles Giovacco dba LCA Motors, as Principal, and WESTERN SURETY COMPANY, a corporation authorized to do surety business in the Commonwealth of Massachusetts, as Surety, are held and firmly bound unto persons who purchase a vehicle from the Principal and who suffer loss on account of a breach of the condition of this bond described below, in the sum of not to exceed TWENTY-FIVE THOUSAND AND NO/100 DOLLARS (\$25,000.00), for the payment of which well and truly to be made, we bind ourselves and our legal representatives, firmly by these presents.

WHEREAS, the Principal is a second hand motor vehicle dealer and is required to furnish a bond or equivalent proof of financial responsibility pursuant to Mass. Gen. Laws Ann. 140, § 58(c)(1).

NOW, THEREFORE, the condition of this obligation is such that if the Principal shall pay the amount of actual damages, not to exceed the amount of this bond, to any person who purchases a vehicle from the Principal and who suffers loss on account of: (a) the Principal's default or nonpayment of valid bank drafts, including checks drawn by the Principal for the purchase of motor vehicles; (b) the Principal's failure to deliver, in conjunction with the sale of a motor vehicle, a valid motor vehicle title certificate free and clear of any prior owner's interests and all liens, except a lien created by or expressly assumed in writing by the buyer of the vehicle; (c) the fact that the motor vehicle purchased from the Principal was a stolen vehicle; (d) the Principal's failure to disclose the vehicle's actual mileage at the time of sale; (e) the Principal's unfair and deceptive acts or practices, misrepresentations, failure to disclose material facts or failure to honor a warranty claim or arbitration order in a retail transaction; or (f) the Principal's failure to pay off a lien on a vehicle traded in as part of a transaction to purchase a vehicle when the Principal had assumed the obligation to pay off the lien, then this obligation to be void; otherwise to remain in full force and effect.

PROVIDED, that recovery against this bond may be made only by a person who obtains a final judgment in a court of competent jurisdiction against the Principal for an act or omission on which this bond is conditioned, if the act or omission occurred during the term of this bond. No suit may be maintained to enforce any liability on this bond unless brought within one (1) year after the event giving rise to the cause of action. This bond shall cover only those acts and omissions described above. The Surety shall not be liable for total claims in excess of the bond amount, regardless of the number of claims made against this bond or the number of years this bond remains in force.

This bond shall be continuous and may be cancelled by the Surety by giving thirty (30) days' written notice of cancellation to the municipal licensing authority at City Hall, 62 Pleasant St., Newburyport, MA 01950

by First Class U.S. Mail.

Address

Dated this 9th day of June, 2005.

Charles Giovacco dba LCA Motors, Principal

By: _____
WESTERN SURETY COMPANY, Surety

By: Paul T. Bruffat
Paul T. Bruffat, Senior Vice President



Western Surety Company

POWER OF ATTORNEY

KNOW ALL MEN BY THESE PRESENTS:

That WESTERN SURETY COMPANY, a corporation organized and existing under the laws of the State of South Dakota, and authorized and licensed to do business in the States of Alabama, Alaska, Arizona, Arkansas, California, Colorado, Connecticut, Delaware, District of Columbia, Florida, Georgia, Hawaii, Idaho, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Montana, Nebraska, Nevada, New Hampshire, New Jersey, New Mexico, New York, North Carolina, North Dakota, Ohio, Oklahoma, Oregon, Pennsylvania, Rhode Island, South Carolina, South Dakota, Tennessee, Texas, Utah, Vermont, Virginia, Washington, West Virginia, Wisconsin, Wyoming, and the United States of America, does hereby make, constitute and appoint

Paul T. Bruflat of Sioux Falls,
State of South Dakota, its regularly elected Senior Vice President,
as Attorney-in-Fact, with full power and authority hereby conferred upon him to sign, execute, acknowledge and deliver for and on its behalf as Surety and as its act and deed, all of the following classes of documents to-wit:

Indemnity, Surety and Undertakings that may be desired by contract, or may be given in any action or proceeding in any court of law or equity, policies indemnifying employers against loss or damage caused by the misconduct of their employees; official, bail, and surety and fidelity bonds; indemnity in all cases where indemnity may be lawfully given; and with full power and authority to execute consents and waivers to modify or change or extend any bond or document executed for this Company, and to compromise and settle any and all claims or demands made or existing against said Company.

Western Surety Company further certifies that the following is a true and exact copy of Section 7 of the by-laws of Western Surety Company duly adopted and now in force, to-wit:

Section 7. All bonds, policies, undertakings, Powers of Attorney, or other obligations of the corporation shall be executed in the corporate name of the Company by the President, Secretary, any Assistant Secretary, Treasurer, or any Vice President, or by such other officers as the Board of Directors may authorize. The President, any Vice President, Secretary, any Assistant Secretary, or the Treasurer may appoint Attorneys-in-Fact or agents who shall have authority to issue bonds, policies, or undertakings in the name of the Company. The corporate seal is not necessary for the validity of any bonds, policies, undertakings, Powers of Attorney or other obligations of the corporation. The signature of any such officer and the corporate seal may be printed by facsimile.

In Witness Whereof, the said WESTERN SURETY COMPANY has caused these presents to be executed by its Senior Vice President with the corporate seal affixed this 9th day of June, 2005.

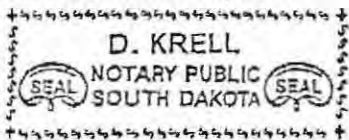
ATTEST

L. Nelson
Assistant Secretary

WESTERN SURETY COMPANY
By Paul T. Bruflat
Paul T. Bruflat, Senior Vice President

STATE OF SOUTH DAKOTA }
COUNTY OF MINNEHAHA } ss

On this 9th day of June, 2005, before me, a Notary Public, personally appeared Paul T. Bruflat and L. Nelson who, being by me duly sworn, acknowledged that they signed the above Power of Attorney as Senior Vice President and Assistant Secretary, respectively, of the said WESTERN SURETY COMPANY, and acknowledged said instrument to be the voluntary act and deed of said Corporation.



My Commission Expires November 30, 2006

D. Krell

Notary Public



RECEIVED
CITY CLERK'S OFFICE
NEWBURYPORT, MA

2020 NOV 25 AM 10:13

*Newburyport Retirement Board
16 Unicorn Street
Newburyport, MA 01950*

Board Members

*Joseph Spaulding, Chairman
Jeffrey Cutter, Vice-Chairman
Alexander Kravchuk, Board Appointee
Ethan Manning, City Auditor
John Moak, Mayor Appointee*

*Laurie Burton, Executive Director
LaurieBurton@NewburyportRetirement.org
Telephone
(978) 465-6619
FAX
(978) 462-4042*

Date: November 24, 2020

To: President and Members of the City Council

From: Newburyport Retirement Board

Re: Retirement Board Expense Budget C/Y 2021

Section 36 of Chapter 306 of the Acts of 1996 states that all Retirement Boards shall adopt an annual budget and supplemental budgets as deemed necessary by said Board. Said budgets shall be funded solely from the investment income account of each system and without any further appropriation from the municipality of said Board. The law states that at least 30 days prior to the adoption of said budget, the Board shall file said budgets with the appropriate legislative body.

This Budget is provided for informational purposes only and no action needs to be taken by the Council.

The Board will adopt its 2021 budget at the Board meeting on December 30, 2020.

Sincerely,



Joseph Spaulding, Chairman

Proposed Administrative Budget

January 1, 2021 - December 31, 2021

Administrative Office Expenses	10,609
Board Member Stipends	22,500
Conference & Travel	4,635
Contracts/Software	31,153
Education & Training	2,318
Fiduciary Insurance	4,486
Furniture & Equipment	3,090
Health Insurance Benefits	32,477
Legal	5,150
Rent	13,800
Salaries	175,177
Total Budget	305,395

Estimates C/Y 2020	
Management fees	418,630
Retiree Pensions	7,629,200

Estimates C/Y 2020	
Member's Deductions	2,054,028

Asset balance as of October 31, 2020	
Pension Reserve Investment Trust Asset Value	94,525,634

Retirees	266
Active & Inactive members	555

**APPOINTMENTS
FIRST READING**



CITY OF NEWBURYPORT

OFFICE OF THE MAYOR

DONNA D. HOLADAY, MAYOR

60 PLEASANT STREET - P.O. Box 550
NEWBURYPORT, MA 01950

978-465-4413 PHONE

978-465-4402 FAX

RECEIVED
CITY CLERK'S OFFICE
NEWBURYPORT, MA

2020 DEC -8 PM 12:38

To: President and Members of the
City Council

From: Donna D. Holaday, Mayor

Date: December 8, 2020

Subject: Appointment

I hereby appoint, subject to your approval, the following named individual as Assistant Harbormaster/Shellfish Constable and Special Police Officer for the purposes of local, State and Federal laws and regulations with respect to waterways, marine activities and boating. This term will expire on December 31, 2023.

Timothy Rooney
9 Marshview Circle
Seabrook, NH 03874

TIMOTHY M. ROONEY
9 MARSHVIEW CIRCLE
SEABROOK, NH 03874
603-686-9014
tmrooney23@gmail.com

OBJECTIVE

To utilize my skills and training as an Assistant Harbor Master for the City of Newburyport, MA

EXPERIENCE

CITY OF NEWBURYPORT, MA

Assistant Harbormaster

05/20 - Present

Oversee public waterways to insure safe boating laws, assist boaters as needed, provide a safe boating environment to make sure the public is complying with all state and federal regulations.

WHITTIER VOCATIONAL TECHNICAL SCHOOL, MA

10/20 - Present

Teacher Assistant

Teach exploratory electronics and engineering to incoming freshmen.

CITY OF LAWRENCE, MA

2/19 – 03/20

Lawrence Municipal Airport

Responsible for general aviation/airport maintenance.

CITY OF METHUEN, MA

06/19-12/19

Water Department

Assist in all water department functions in the area of water distribution.

HAVERHILL PUBLIC SCHOOLS, Haverhill, MA

03/13-4/19

Director of Transportation

Overall responsibility for the transportation of all Haverhill Public School students. Oversee a staff of over 65 employees, which includes CDL bus drivers, 7D drivers, bus monitors, all crossing guards, and an office staff of three. Coordinate the transportation of non-special education students with the school district's vendor, Cappola Bus Company. Oversee departmental budget responsibilities and responsible for acquiring new equipment to include buses/vans, two-way radios, and GPS devices. Initiated a new software routing system for both our special education students and our main vendor. Responsible for interviewing and hiring all staff. Collaborate with the local police department and department of public works in regards to school bus safety. Coordinate training activities for all staff. Responsible for RMV compliance and state guidelines.

Director of Human Resources / Staff and Student Services

Overall responsibility for staff and student services within Haverhill Public Schools (15 schools, 1,800 employees, 8,000 students, transporting 6,000 students per day in an urban setting). Coordinate the application process, schedule and conduct interviews, and refer candidates for employment. Direct, manage, and oversee the implementation of personnel policies and procedures, and internal fact-finding investigations. Assist in the identification and screening of qualified senior administrative applications. Advise and assist school principals and departmental supervisors in handling technical personnel issues. Oversee the maintenance of official personnel files and records. Complete oversight and budgetary responsibility for all of Human Resources and Transportation. Coordinate and assist eight union contracts, handle all contractual grievances, and assist the city solicitor in Department of Labor Relations activities and arbitrations, and implement positive and effective employee relations with all district employees.

NH STATE POLICE – MARINE PATROL, Gilford, NH

Marine Patrol Officer (Seasonal Position)

02/12 – 08/14

Responsible for enforcing all boating laws and regulations within the State of New Hampshire and all New Hampshire coastal waters. Perform boating accident investigations, complaints, and calls for service from the public. Arrest suspects forcibly if necessary, using handcuffs and other restraints, subdue resisting suspects using maneuvers, approved weapons, and hands and feet in self-defense. Write investigative and other reports including sketches, citations, affidavits, complaints and warrants. Respond to water emergencies on inland/coastal waters. Testify as a witness in court. Assist in traffic control at major waterborne events. Assist United States Coast Guard as necessary.

Timothy M. Rooney
Page 2

NEW HAMPSHIRE DEPARTMENT OF RESOURCES AND ECONOMIC DEVELOPMENT, Hampton, NH

State Park Patrol (Seasonal Position)

05/10 – 5/18

Seasonal position as Park Patrol Officer at Hampton Beach Park. Responsible for maintaining a positive environment for all guests, issue parking violations, assist with customer complaints, assist local law enforcement officers in maintaining a safe and secure State Park, assist customers with directional concerns, and communicate with multi-cultural customers.

NEW HAMPSHIRE DEPARTMENT OF TRANSPORTATION, Durham, NH

Highway Maintainer II

07/09 – 3/13

Responsible for the upkeep and maintenance of state highways within a designated district. Duties include maintaining proper drainage flow for catch basins and culverts and maintaining the integrity of the roads throughout my assigned area to include repair, replacement, and safety. Additional responsibilities include the upkeep and maintenance of state equipment and buildings. Also, coordinate with engineering and management on cost improvement issues to assist the D.O.T. in maintaining its state budget. Provide direction and assistance to new employees.

SEARS RETAIL DEALER STORE/BUDGET TRUCK DEALER, Seabrook, NH

Business Owner

08/04 - 12/08

Started business from ground floor to a high of \$2.4 million in sales. Responsible for overall operation to include profit and loss, inventory, warehousing, personnel, customer satisfaction, and sales. Operated Budget Truck dealership, coordinated truck rentals and returns. 100% customer satisfaction completion rate. Coordinated in-bound and out-bound trucks with deals throughout the country. Maintained trucks in accordance with safety regulations.

COMMUNICATIONS TEST DESIGN, INC., South Bend, IN

Human Resources Manager/Administration Manager

10/95 – 10/03

Directed, implemented, and oversaw all human resource functions to include employment, workers' compensation, employee relations, maintenance, security, and safety. Recruited, interviewed, and hired employees of all levels. Recruited, sourced, interviewed, and fully staffed personnel for two start-up locations (Tucson, AZ and Albuquerque, NM). Implemented compensation plans, conducted on-going performance reviews, and recommended annual increases where warranted. Implemented new benefit plans with various outside vendors and oversaw enrollment with all staff and provided direction and guidance to employees concerning PPOs and HMOs. Responsible for directing staff on all FMLA procedures and policies. Assisted employees with the understanding of FMLA laws and regulations. Set procedures in personnel policies for management teams to follow. Developed and set into practice new HR file system to include separation of personnel file, medical file, and disciplinary file. Provided guidance and advice and approved all disciplinary actions at my facilities. Reviewed all personnel paperwork for completeness and accuracy prior to submitting to corporate HR and to required government agencies. Developed and created monthly reports to be reviewed by corporate HR for their consolidation into their annual state-of-the-business report. Conducted supervisory training classes and created a written test in supervisory training for all new supervisors. Led local management team in conflict resolution classes and how to deal effectively with subordinates during annual review presentations. Responsibilities also included administrative and

personnel to encompass AP/AR and all other clerical functions. Accomplishments included development of safety committee and authorized the emergency response protocol. Initiated and compiled all federal/state required paperwork to include EEO/AA and OSHA 100 logs. Increased employment at facility by forty percent. Also responsible for two off-site facilities.

Timothy M. Rooney
Page 3

THERMOPLASTICS, Div. of Elco Industries, Mishawaka, IN

Human Resources Manager

01/95 – 08/95

Responsible for all Human Resource activities to include workers' compensation, common policies and procedures, health and safety, and interpretation of the union contract. Responsible for handling legal issues. Coordinated human resource activities for four separate business units. Oversaw a staff of five and responsible for annual

performance evaluations and any monetary increases. Initiated an emergency response team throughout the facility. Enhanced the return-to-work program. Assisted/responsible for training throughout the facility.

UNITED TECHNOLOGIES CORPORATION

12/86 – 12/94

UNITED TECHNOLOGIES AUTOMOTIVE, Div. of United Tech., Bourbon, IN

Human Resources Manager

12/93 – 12/94

Directed and managed entire department. Responsibilities included employee relations, environmental health and safety, and benefits for a manufacturing facility in a union environment with 350 employees. Accomplishments included a reduction in workers' compensation costs and development of positive employee relations. Successfully completed two surprise, comprehensive OSHA inspections. Implemented a 401K plan for hourly associates. Responsible for the collective bargaining agreement and handling all grievance procedures.

UNITED TECHNOLOGIES AUTOMOTIVE, Div. of United Tech., Edinburgh, IN

Human Resources Manager

01/92 – 12/93

Responsible for the overall function of the Human Resources department to include, but not limited to, benefits administration, employee relations, workers' compensation policy, and health and safety. Initiated and accomplished an early back-to-work program, thus reducing workers' compensation claims by 50 percent. Taught supervision training to all supervisors. Developed enhanced safety awareness programs to reduce total lost time accident to one day in the last year. Maintained positive employee relations to ensure facility remained management represented.

HAMILTON STANDARD, Div. of United Tech., Windsor Locks, CT

Personnel Consultant

02/90 – 10/91

Provided guidance and direction throughout the company in the administration of the collective bargaining agreement. Advised supervision on discipline, promotion, and contractual interpretation issues. Prepared company responses to union claims, testimony and argument. Assisted in the preparation of arbitrations and contract negotiations.

Senior Personnel Representative

08/89 – 02/90

Administered the Human Resources policies and procedures within an assigned business unit. Participated in the recruiting and selection of both exempt and non-exempt employees. Maintained effective employee/employer relationships. Facilitated the implementation of flexible benefits.

Government Security Specialist

12/86 – 02/89

Managed special access programs, conducted in-house self inspections, maintained special security briefings and debriefings of accessed personnel, and assisted in the overall administration of DISP. Trained security assistants.

DEFENSE INVESTIGATIVE SERVICE, Waltham, MA

Industrial Security Specialist

01/86 – 12/86

Administered the DISP to DOD contracting facilities. Assisted and advised management in the proper methodology of handling classified information and conducted survey inspections. Prepared written results on inspections with recommendations to the facilities management and assisted Senior Industrial Security Representatives in various capacities.

Timothy M. Rooney

Page 4

SANDERS ASSOCIATES, Manchester, NH

Production Controller II

08/83 – 10/85

Supervised production control personnel and maintained daily schedule. Planned master schedules with marketing personnel to coincide with sales forecasts.

RAYTHEON CORPORATION, Waltham, MA

Production Control

02/81 – 07/83

Responsible for all aspects of production control within an assigned profit center. Promoted to position from Supervisor/Foreman position. Interfaced with all levels of management and government officials.

EDUCATION

Bachelor of Science, Plymouth State College, Plymouth, NH

Police Standards and Training Council

THIS IS TO CERTIFY THAT

Timothy M. Rooney

is qualified pursuant to RSA 188-F to be a

Part Time Police Officer

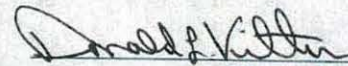
in the

STATE OF NEW HAMPSHIRE

Given under our hands and seal this 4th day of MAY, of 2012.



Chairman



Director

As per Administrative Rule Pol 402.01, above-noted certificate is the property of NH Police Standards & Training Council. Violations(s) of Pol 402.02, and failure to comply with Pol 404, can result in suspension or revocation of this certificate for a period of time to be designated by the Council, which would prevent this individual from serving in law enforcement in this state until such designated time had elapsed.



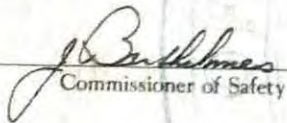
State of New Hampshire

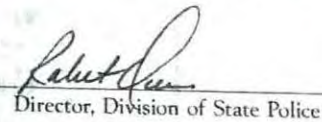
Department of Safety
Division of State Police
Bureau of Marine Patrol

May 15, 2012

CERTIFICATE OF APPOINTMENT

With powers invested in us by Chapter 270 of the Revised Statutes Annotated of The State of New Hampshire, we hereby appoint *Timothy M. Rooney* of *Seabrook, NH* a Marine Patrol Officer for The State of New Hampshire and to have general police powers to enforce all boating laws of the State and make arrests in all counties.


Commissioner of Safety

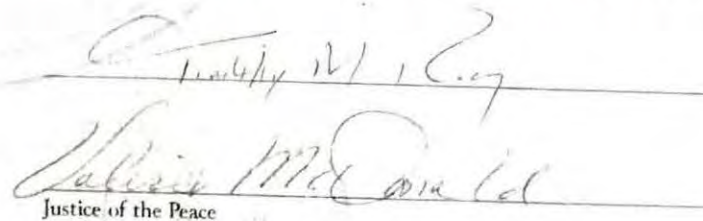

Director, Division of State Police

I, *Timothy M. Rooney* do solemnly swear, that I will bear faith and true allegiance to the United States of America and The State of New Hampshire, and will support the constitutions thereof. I further solemnly and sincerely swear and affirm that I will faithfully and impartially discharge and perform all the duties incumbent on me as a Marine Patrol Officer according to the best of my abilities, agreeably to the rules and regulations of this constitution and laws of the State of New Hampshire.

So help me God.

Subscribed and sworn before me on this

15th day of *May*, 20*12*
Belknap, ss


Justice of the Peace



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

RECEIVED
CITY CLERK'S OFFICE
NEWBURYPORT, MA

2020 DEC 8 PM 12:38

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: December 8, 2020

Subject: Re-Appointment

I hereby re-appoint, subject to your approval, the following
named individual as Electrical Inspector. This term will
expire on January 1, 2022.

David Zinck
6 Laurel Road
Newburyport, MA 01950

BIO

David Zinck

City Electrical Inspector

City of Newburyport, MA

A Newburyport resident, David Zinck came an electrician at the tender age of 12, and entered trade school at the age of 14. He graduated at 17 years old, and worked for three different contractors, before getting his license at the age of 21. Dave started his own business at age 29.

Dave became the wiring inspector for the City of Newburyport on April Fool's Day in 1994, and has been the wiring inspector and city electrician for nearly 27 years. His knowledge of the National Electrical Code is exemplary. David's knowledge and experience surpasses all in the trade.



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

RECEIVED
CITY CLERK'S OFFICE
NEWBURYPORT, MA

DEC -8 PM 4:02

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: December 8, 2020
Subject: Re-Appointment

I hereby re-appoint, subject to your approval, the following named individual as the Zoning Administrator for the City of Newburyport. This term will expire on December 31, 2022.

Jennifer Blanchet
4 Island Lane
Newbury, MA 01951

JENNIFER T. BLANCHET

4 ISLAND LN, NEWBURY, MA | 617-448-0794 | PLUMISLANDDOGS@AOL.COM

EXPERIENCE

May 2017-
Present

Zoning Administrator and Enforcement Officer, City of Newburyport
Newburyport, MA

Review proposed projects for zoning compliance and issue Building Permit Denials where applicable that indicate what planning review processes are required. Enforce the Zoning Ordinance and uphold decisions and permits that the Zoning Board of Appeals and the Planning Board issue. Respond to complaints, and issue penalties as they relate to violations to the Zoning Ordinance.

September 2016-
Present

Site Coordinator and Construction Supervisor, NES Grows (Volunteer)
Newbury, MA

Served as the technical advisor and job captain to the NES Grows Playground Committee and building committee prior to and during the construction of a brand new, custom designed, all volunteer constructed play yard at Newbury Elementary School. Assisted in securing individual and corporate volunteers from the surrounding communities to participate in this "community build" project.

August 1996 to
April 2005

Project Architect/Manager, Perry Dean Rogers and Partners Architects
Boston, MA

- At PDR|P I was involved with all aspects of the design of multi-million dollar educational and civic projects. In addition to my early conceptual work and interviews to win projects, my role included overseeing and participating in the production of design documents for project types including theaters, libraries, arts buildings, dormitories, student centers and historic buildings as well as master planning for private schools and universities. My role also included construction administration through owner occupancy.

May 1992-
August 1996

Landscape Gardener, TLC Landscape Design
Woodstock, NY

Summer position providing design, installation and maintenance of gardens to private homeowners and businesses in and around the Catskill Mountains

EDUCATION

August 1991- **Bachelors of Architecture - Syracuse University, Syracuse, NY**
May 1996 **Minor in Anthropology**

AWARDS

American School and University, Louis I Kahn Award -2007

Design Award for The "Kaleidoscope" Performing Arts Center at Ursinus College

American School and University Educational Interiors Silver Citation-2006

Design Award for The "Kaleidoscope" Performing Arts Center at Ursinus College

Boston Society of Architects K-12 Educational Facilities Design Excellence -2002

Awarded for Design excellence for the Groton School Arts Center

SKILLS

AutoCAD, Essential computer, phone and office functions , Basic Carpentry



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

RECEIVED
CITY CLERK'S OFFICE
NEWBURYPORT, MA
2020 DEC -8 PM 12:39

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

Donna D. Holaday

To: President and Members of the
City Council

From: Donna D. Holaday, Mayor

Date: December 8, 2020

Subject: Re-Appointment

I hereby re-appoint, subject to your approval, the following named individual as Assistant Harbormaster/Shellfish Constable and Special Police Officer for the purposes of local, State and Federal laws and regulations with respect to waterways, marine activities and boating. This term will expire on December 31, 2023.

Enrico Caruso
34 Russett Hill Road
Haverhill, MA 01830

November 24, 2020

To the City Counsel,

Hello my name is Enrico Caruso; I have been an Asst. Harbor Master for the past approx. 18 seasons.

I grew up in Lawrence & have lived in Haverhill for the past 22 yrs.

I am employed w/ the state of Massachusetts Probation Services for the past 26 yrs. 2 years ago, I was promoted to Asst. Chief Probation Officer. I have been assigned to Lawrence District Court for all of those 26 years. This has given me a world of challenges & life experiences to say the least. It is a fortunate thing to be able to utilize those experiences as an Asst. Harbor Master.

As a boater of almost 30 years on the Merrimack River I feel it's important to know how important the conditions can be & the people in the area you potentially can be dealing with. Fortunately, I am tri lingual which has been a major benefit when dealing with the increase of diversity boaters & jet skiers.

I have enjoyed being a part of the Newburyport Harbor Master's department watching it grow to what it is today. I hope to continue to be able to serve the people of Newburyport & all who boat there for another 3 years if I am appointed.

Thank you,

Sincerely Enrico Caruso



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

RECEIVED
CITY CLERK'S OFFICE
NEWBURYPORT, MA
2020 DEC -8 PM 12:35

A handwritten signature in black ink, appearing to read "Donna D. Holaday", is written vertically over the right side of the letterhead.

To: President and Members of the
City Council

From: Donna D. Holaday, Mayor

Date: December 8, 2020

Subject: Re-Appointment

I hereby re-appoint, subject to your approval, the following named individual as Assistant Harbormaster/Shellfish Constable and Special Police Officer for the purposes of local, State and Federal laws and regulations with respect to waterways, marine activities and boating. This term will expire on December 31, 2023.

James Maranto
167 Harper Ridge Road
E. Hampstead, NH 03826

James F Maranto

RESUME

DATE: NOVEMBER 24, 2020

TO:

City of Newburyport
60 Pleasant Street
Newburyport, MA 01950
ATT: Donna Musumeci

Born: July 3, 1956
Home: East Hampstead, NH
Self Employed: 1978 electrical contractor to present
Assistant harbor master Newburyport: 23 years
United states coast guard auxiliary: 24 years
United states coast guard certified boating instructor: 20 years
Massachusetts environmental police boating instructor: 15 years

Duties: patrol waterways, teach children and adult boating classes, inspect docks and had the pleasure of powering up the ship Galleon when it was in port



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

RECEIVED
CITY CLERK'S OFFICE
NEWBURYPORT, MA
DEC -8 PM 12:35

Handwritten signature of Donna D. Holaday

To: President and Members of the
City Council

From: Donna D. Holaday, Mayor

Date: December 8, 2020

Subject: Re-Appointment

I hereby re-appoint, subject to your approval, the following named individual as Assistant Harbormaster/Shellfish Constable and Special Police Officer for the purposes of local, State and Federal laws and regulations with respect to waterways, marine activities and boating. This term will expire on December 31, 2023.

Richard Puopolo
169 Apache Way
Tewksbury, MA 01876

RICHARD PUOPOLO

169 Apache Way Tewksbury, Ma. 01876 508-423-5892

rpop@comcast.net

EXPERIENCE

2016 – PRESENT

ASSISTANT HARBORMASTER/SHELLFISH CONSTABLE, NEWBURYPORT

Daily Patrol of the river.
Enforcement of Waterway Permits.
Maintenance of vessels and docks.

1985 – 2002

FIREFIGHTER/EMT, TOWN OF READING

Fire suppression.
Emergency Medical Care

2002-2015

Fire Lieutenant, Town of Reading

Fire suppression
Command engine company
Inspection of fire codes
Fire Safety Educator in the public schools grades K-6.
Team Leader for the Essex County Technical Rescue Team.

1977-1980

United States Army
Recovery and Evacuation Specialist.

EDUCATION

JUNE 1985

FIRE SCIENCE, BUNKERHILL C.C.

3.83 GPA

JUNE 1976

ELECTRICAL, NORTHEAST REGIONAL VOCATIONAL

Electrical Certificate

SKILLS

- 50-ton Master Captain USCG
-
- On-board Drill Instructor
-
- Able to operate inspected and non-inspected vessels.
- Certified in the following drill upon inspected vessels, MOB, Fire, Dewater ETC.
- List one of your strengths
- List one of your strengths

ACTIVITIES

Have been fishing and boating most of my life, mainly in Newburyport for the last 12 years. Enjoy the city and the river and assisting individuals in boat safety.

Any questions or referrals feel free to contact me.



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: December 8, 2020
Subject: Re-Appointment

I hereby re-appoint, subject to your approval, the following named individual as Assistant Harbor Master/Shellfish Constable and Special Police Officer for the purposes of local, State and Federal laws and regulations with respect to waterways, marine activities and boating. This term will expire on December 31, 2023.

Daniel Scott
16 Johnson Street
Windham, NH 03087

DANIEL J SCOTT

*16 Johnson Street
Windham NH, 03087*

Home: (603)824-6929

Cell: (978) 360-3429

Dan@scottcomp.com

PROFESSIONAL EXPERIENCE

SCOTT COMPANIES

2000 – Pres.

Vice President

- Management of 1,500,000 S/F of Commercial and Industrial property rentals by advertising and filling vacancies; negotiating and enforcing leases; maintaining and securing premises.

SCOTT COMMERCIAL AND INDUSTRIAL REAL ESTATE

2006-Pres.

Broker

- Locating properties for tenants and buyers
- Negotiating and enforcing leases.
- Overseeing agents' duties and responsibilities.

NEWBURYPORT HARBORMASTER DEPARTMENT

2006 – Pres.

Harbor Patrol/ Special Police Officer

- Management and safety on the waterways of Newburyport.
- Patrol Merrimack harbor and river while enforcing MA state and local laws.
- Provides wastewater pump out through vessel and shore facility at Cashman Park.

Assistant Harbormaster/ Shellfish Constable

- Collects fees and appropriates slips/dockage designating length of stay and time of visit.
- Coordinates vessel placement/movement to and from Merrimack River channel via VHS.
- Serves as an initial ambassador for the city of Newburyport.
- Enforces state and local laws, bylaws, ordinances, and regulations as they pertain to marine resources.

EDUCATION

Enrolled at Southern NH University 30 College Credits towards My Associates in Criminal Justice

Attending Northeast Regional Police Institute, 345 hr. Certification 20 HR. MPTC Firearm's Qualifications, Middlesex Community College, Bedford MA Graduation May 6, 2017



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

RECEIVED
CITY CLERK'S OFFICE
NEWBURYPORT, MA
7:20 DEC -8 PM 12:35

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

Donna D. Holaday

To: President and Members of the
City Council

From: Donna D. Holaday, Mayor

Date: December 8, 2020

Subject: Re-Appointment

I hereby re-appoint, subject to your approval, the following named individual as Assistant Harbormaster/Shellfish Constable and Special Police Officer for the purposes of local, State and Federal laws and regulations with respect to waterways, marine activities and boating. This term will expire on December 31, 2023.

Philip Stern
271 Merrimac Street
Apt. 2
Newburyport, MA 01950

Philip Stern

271 Merrimac Street Unit-2

Newburyport, MA 01950

Phone 978-462-1013

Professional experience

Assistant Harbormaster

City of Newburyport, MA. 1997 to Present

Primary responsibilities: While on patrol, establish and maintain good relations with the citizens while enforcing State and local laws on the waters ways. Also work closely with U.S. Coast Guard, Massachusetts Environmental Police and other law enforcement agencies to protect life and property. Respond to any vessel accident, people in distress in or on the water. Investigate criminal activity, prepare testimony for court proceedings and perform administrative duties as requested by the Harbormaster.

Environmental Health and Safety Manager 1990 to 2005

Siemens Medical Systems/Drager Medical

Environmental Health & Safety Manager
Danvers MA.

Primary responsibilities: Developed, implemented, and audited environmental and health and safety programs, including certain compliance programs covered by U.S. Environmental Protection Agency, U.S. Occupational Safety & Health Administration, U.S. Department of Transportation, state and local safety regulations and company requirements, conducted environmental health and safety training for company personnel, implemented strategic Siemens Medical Systems programs to reduce work related injuries and associated workers' compensation costs, selected hazardous and medical waste disposal contractors, coordinated waste shipments, implemented and maintain ISO 14001 Environmental Management System.

Police Officer Honolulu Hawaii 1987-1990

Primary responsibilities: Performed a wide variety of peace officer duties involving the protection of life and property, enforcement of laws and ordinances, criminal investigation, crime prevention and suppression, case preparation and testimony, and providing information and assistance to the public; performed related work as assigned.

Education: B.A. Sociology/Business, University of Buffalo 1968, Buffalo, New York

Specialized training:

Completed Certified Harbormaster Training Program for the Commonwealth of Massachusetts, 2003

Honolulu Police Academy Honolulu Hawaii 1987

University of North Florida: 2001, Watercraft Crash Investigation & Incident Reconstruction

American Medical Response: 2022, EMS First Responder

American Heart Association: 2022, CPR & AED

ISO -14001 Registration:

ISO 14001 is the conformance standard within the family of ISO 14000 documents developed by the International Organization for Standardization (ISO), in Geneva, Switzerland. ISO 14001 outlines key requirements companies should comply with in order to operate in an environmentally responsible manner.

Board of Environmental, Health & Safety Auditor Certifications “Certified Professional Environmental Health & Safety Auditor”

U.S. Air Force: 1960-1964

NORTH SHORE
HARBORMASTER ASSOCIATION
MASS CRIMINAL JUSTICE TRAINING
2003

This certifies that

Phil Sterns

*has successfully completed the
351 hours of MCJ Training to become a
Certified Massachusetts Harbormaster*



Paul G. Mc 8-13-03
Signature Date
Rosemary Koch 8-13-03
Signature Date
Scott W. Stog 8-13-03
Signature Date

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

**APPOINTMENTS
SECOND READING**

SECOND READING APPOINTMENTS

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

Motion to Approve Consent Agenda as Amended by Councillor Khan, seconded by Councillor Shand. So voted.

COMMUNICATIONS

MEMORANDUM

TO: Honorable Mayor Donna Holaday
Matthew Coogan, Chief of Staff
Andrew Port, Planning Director
Julia Godtfredsen, Conservation Administrator

FROM: Christine Wallace, P.E., Ward 4 Councillor

RE: Information Request for 57 Low Street

DATE: December 14, 2020

As a follow-up to the City Council committee meeting on December 10, here is a list of items I am requesting:

1. Attendance at a council committee meeting of the Licensed Site Professional (LSP) who performed the May 6, 2020 Phase I Environmental Site Assessment. It would be helpful to ask questions directly to the LSP to better understand the potential legal, environmental, and financial risks to the city, particularly if the property is ever developed or has a change of use.
2. Certification of the wetland boundary and resource areas on and around the site by the Conservation Commission in accordance with the Massachusetts Wetlands Protection Act (WPA).
3. Copies of any previous WPA filings and permits on the site including but not limited to:
 - a. The May 1997 Request for Determination of Applicability (RDA) for contamination removal.
 - b. Permit and wetland delineation for the construction of the gravel parking area at the southeastern corner of the parking lot that occurred sometime between 2016-2018 according to historical aerial imagery.
4. Plans or information from DPS of the drainage system on Low Street in the vicinity of the site.
5. NYS Low Street/Brown School Feasibility Report with all supporting documentation.

ORDERS

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 ORDR225_12_14_20, a gift acceptance of funding from the Mayor Gayden W Morrill Charitable Foundation, is time sensitive as the donor requires acceptance prior to the end of calendar year 2020.

Therefore, the City Council hereby affirmatively declares that an emergency exists such that ORDR225_12_14_20 may be voted upon at its first introduction to this Council.

Councillor Charles F. Tontar

CITY OF NEWBURYPORT



IN CITY COUNCIL

ORDERED:

December 14, 2020

THAT, The CITY COUNCIL of the City of Newburyport accepts with gratitude a gift from The Mayor Gayden W. Morrill Charitable Foundation in the amount of \$110,000.00 to be expended in accordance with the foundation's Funding Directive dated November 9, 2020. This gift is accepted in accordance with M.G.L. Chapter 44, Section 53A.

Councillor Charles F. Tontar

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

November 9, 2020

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

Re: Morrill Foundation Funding Directive

Dear Madam Mayor,

This letter is to advise the City that the trustees have reviewed the Parks Commission requests which were presented partially via Zoom due to the COVID-19 pandemic at the City Hall Meeting held on September 18, 2020. The 2021 allocation is \$110,000.00.

As a result of the COVID-19 pandemic, the City and the Parks Department had to work with limited resources. Some of the planned 2020 projects were not completed. Two noteworthy directives that were able to progress were the Atkinson Gazebo Restoration and the Learning Center on the front lawn of Newburyport High School.

Mrs. Reid, assured us that all the specified funds for the other projects that were not done are secure pending such a time when the work can commence.

The trustees have agreed upon the following projects for 2021 with the following financial allocations.

- 1. Fencing at Cashman and Cushing Parks - \$10,000.00. Mrs. Reid detailed the needs, benefits, and specific designs for both Parks which met with our approval.**
- 2. Joppa Park Brick Walkway - \$10,000.00. Mrs. Reid noted that previously allocated funds seemed adequate but that this year's delay and the potential of limited resources going forward necessitated additional funding. The additional monies will be specifically used to hire the same personnel that worked on phase one, to assure that the same structural procedure is applied. It is also understood that some of the funds will be used for essential equipment to expedite the process.**

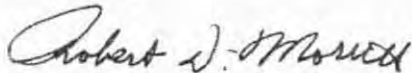
3. Irrigation Wells - \$53,000.00. It should be noted that no money was initially requested but during the summer, with a typical drought, the need surfaced specifically for Atkinson Common and Bradley Fuller Park. Mrs. Reid had on site preliminary discussions with a well driller familiar with the area regarding possible well locations and design requirements for both locations. It is projected that three or more wells will be needed. Mrs. Reid will work to negotiate a contract which should benefit all parties by having all the work done by one firm which will have the privilege of working on their own timetable throughout 2021. Once the details have been worked out the trustees will be advised of how much of the funds will be needed.

4. Bartlet Mall Restoration - \$37,000.00. These funds are to be held pending a proposal by the Park's Director to the trustees. Once the trustees have reviewed the application and approved the project in writing, the funds can then be used for the designated project. These funds were initially being considered for a large Gazebo and irrigation system at 270 Water Street until it was determined that the land was not under the City's control with a long term lease.

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

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

Sincerely,



Robert D. Morrill

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

CITY OF NEWBURYPORT



IN CITY COUNCIL

ORDERED:

December 14, 2020

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 ORDR225_12_14_20, a suspension of parking fees during the holiday period December 19, 2020 to December 26, 2020 is time sensitive as there is no Council meeting between December 19, 2020 and this date.

Therefore, the City Council hereby affirmatively declares that an emergency exists such that ORDR225_12_14_20 may be voted upon at its first introduction to this Council.

Councillor Sharif I. Zeid

CITY OF NEWBURYPORT

ORDR225_12_14_2020



IN CITY COUNCIL

ORDERED:

December 14th, 2020

ORDERED:

AN ORDER RELATIVE TO PARKING DURING THE 2020 HOLIDAY SEASON:

BE IT ORDERED, that:

Collection of parking fees in all parking lots and the parking garage participating in the city's paid parking program is suspended from December 19, 2020 to December 26, 2020.

A sign will be hung on the parking kiosks stating "Free Parking- Seasons Greetings from the Citizens of Newburyport".

Councillor Sharif I. Zeid

CITY OF NEWBURYPORT



IN CITY COUNCIL

December 14, 2020

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 ORDR226_12_14_20, an amendment to Order 197 is time sensitive inasmuch as the as *ad hoc* committee shall review responses to the RFP, and recommend a preferred bidder to the City Council and the Mayor for their approval no later than February 1, 2021.

Therefore, the City Council hereby affirmatively declares that an emergency exists such that ORDR226_12_14_20 may be voted upon at its first introduction to this Council.

Councillor Jared J. Eigerman



IN CITY COUNCIL

ORDERED:

December 14, 2020

AN ORDER AMENDING ORDER 197, ADOPTED ON AUGUST 10, 2020

WHEREAS, on August 10, 2020, the City Council adopted its Order 197, which implements Chapter 96 of the Acts of 2020, dissolving the Newburyport Redevelopment Authority ("Order197"); and

WHEREAS, pursuant to Order 197, to effectuate the design and construction of an expanded park consistent with Order 067, adopted by the City Council on May 30, 2017 (a copy of which is attached to Order 197), including, without limitation, the final disposition of all public ways to the river, the City Council President has established an *ad hoc* committee of five City Councillors plus other City officials, serving as *ex officio*, non-voting members, which *ad hoc* committee's stated purpose is to oversee a request for proposals (the "RFP") issued by the Office of Planning and Development, to review responses to the RFP, and to recommend a preferred bidder to the City Council and the Mayor for their approval;

NOW, THEREFORE, the City Council hereby orders that:

1. Order 197 shall be amended as follows:
 - a. The *ad hoc* committee of the City Council established pursuant to Order 197 shall be known as the "*Ad Hoc Committee on Market Landing Park Expansion*;" and
 - b. Said *ad hoc* committee shall review responses to the RFP, and recommend a preferred bidder to the City Council and the Mayor for their approval no later than February 1, 2021.
2. Except as specifically amended herein, Order 197 shall remain in effect.

Councillor Jared J. Eigerman

CITY OF NEWBURYPORT



IN CITY COUNCIL

December 14, 2020

ORDERED:

ORDERED:

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

THAT, upon the recommendation of the Mayor, the City Council of the City of Newburyport hereby appropriates from the *Waterfront Park Paid Parking Fund* the sum of \$75,000 to be used to compensate the qualified consultant team to be selected (the "Selected Consultant Team") through the *Request for Proposals: Market Landing Park Expansion* (the "RFP") issued by the City's Office of Planning and Development on November 17, 2020, pursuant to City Council Order 197_07_13_2020 entitled "An Order Implementing Chapter 96 of the Acts of 2020 Dissolving the Newburyport Redevelopment Authority" ("Order 197"); and

FURTHER, THAT, the Mayor is hereby authorized to execute and enter into any contracts or agreements with the Selected Consultant Team upon its selection through affirmative vote by the City Council and assent of the Mayor, pursuant to Order 197, as such order may be amended from time to time.

Councillor Jared J. Eigerman

CITY OF NEWBURYPORT



IN CITY COUNCIL

December 14, 2020

ORDERED:

AN ORDER RELATIVE TO DISPOSITION AND FUNDING FOR REHABILITATION OF THE FORMER BROWN SCHOOL, AND PURCHASE AND DISPOSITION OF THE PROSPECTIVE CITY PROPERTY KNOWN AS LOT A-1 LOCATED AT 57 LOW STREET

WHEREAS, pursuant to votes by the City Council of the Newburyport City Council (the "City Council") in 1922 and 1974, the City of Newburyport (the "City") acquired by eminent domain the former George W. Brown School with a street addresses of 40-42 Milk Street and 99-101 Prospect Street Newburyport, Massachusetts, containing the land and all buildings and structures thereupon, as shown on the City of Newburyport's Assessors Map as Parcel ID Nos. 21-26 and 21-3 (altogether, the "Brown School Site," a map of which is attached to this Order as **Attachment A**); and

WHEREAS, in 2013, the City Council ordered that upon the removal from service as a public school of any portion of the Brown School Site, the City shall dedicate and hold permanently for public park and playground uses under the meaning of M.G.L. c. 45 an area of such site at least equal in size to the schoolyard then located on the southeasterly portion of the Brown School Site, including the mulched area for play equipment, the basketball court, and the so-called amphitheater (the "2013 Playground Order," a copy of which is attached to this Order as **Attachment B**); and

WHEREAS, in 2014, the Newburyport Youth Services department ("NYS") relocated to the Brown School Site from the former Elbridge G. Kelley School, located at 151 High Street (the "Former Kelley School"), and since that time NYS has operated there continuously within the gymnasium and the ground floor of the schoolhouse building, together, as the "Newburyport Rec Center"; and

WHEREAS, also in 2014, in determining that the Former Kelley School was surplus, and authorizing the Mayor to sell it, the City Council ordered that the proceeds from such sale be used, at the discretion of the Mayor, for either supplementing the School Department budget or capital improvements required at the Former Brown School necessary for its partial conversion as the Newburyport Rec Center (the "2014 Proceeds Order," a copy of which attached to this Order as **Attachment C**); and

WHEREAS, in 2016, pursuant to M.G.L. c. 40, § 3, and Newburyport Charter Section 4-5, the Newburyport School Committee voted to designate the Brown School Site as surplus property, no longer required by the School Department, with express reference to the 2013 Playground Order (the "2016 School Committee Order"); and

WHEREAS, in 2019, pursuant to M.G.L c. 40, § 15A, the City Council voted to accept to itself the care, custody, management, and control, for general municipal purposes, of the Brown School Site (the "2019 Acceptance Order," a copy of which is attached to this Order as **Attachment D**); and

WHEREAS, the Commonwealth of Massachusetts, acting through its Division of Capital Asset Management and Maintenance ("DCAMM") has offered to convey to the City, for general municipal purposes, an approximately 2.17-acre portion of that certain property known as 57 Low Street in Newburyport, Massachusetts, and described in a deed recorded with the Essex South Registry of Deeds in Book 3799, Page 270, which portion is depicted as "Lot A-1" on that plan entitled "57 Low Street Plan of Land Located in Newburyport, Massachusetts (Essex County) Prepared for City of Newburyport", dated June 3, 2019, prepared by Meridian Associates (the "Lot A-1 Plan", a copy of which is attached to this Order as **Attachment E**; and

WHEREAS, the City Council, acting on behalf of the residents of Newburyport, wishes to authorize the acquisition of Lot A-1 upon the condition that the rearward portion of Lot A-1 depicted as "Area of Conservation Restriction" on Exhibit A to the Restriction and Transfer of Control (the "Form of Restriction," a copy of which is attached to this Order as **Attachment F**), which Form of Restriction is hereby adopted by the Council pursuant to its vote under this Order, and thereby incorporated herein, be acquired for, held, and forever thereafter dedicated to open space and conservation purposes in accordance with the terms of the Restriction, and by its vote to thereby establish the City's "clear and unequivocal intent" under the meaning of *Smith v. City of Westfield*, 478 Mass. 49 (2017) to subject said Area of Conservation Restriction and the City's use thereof to the protections of Article 97 of the Amendments to the Massachusetts Constitution;

THEREFORE, IT IS HEREBY ORDERED THAT:

Brown School Site

- 1) Pursuant to M.G.L c. 40, § 15A, the City Council of the City of Newburyport hereby transfers to the Newburyport Youth Services department the care, custody, management, and control of the entire ground level of the buildings at the Brown School Site, which buildings include the gymnasium, for the specific municipal purposes of such department.
- 2) Further pursuant to M.G.L c. 40, § 15A, the City Council hereby affirms transfer to the Newburyport Parks Commission of the care, custody, management, and control of the schoolyard located on the southeasterly portion of the Brown School Site, including the mulched area for play equipment, the basketball court, and the so-called amphitheater, for public park and playground uses under the meaning of M.G.L. c. 45.
- 3) Further pursuant to M.G.L c. 40, § 15A, the City Council hereby continues to retain to itself the care, custody, management, and control of the all remaining portions of the Brown School, which shall remain for general municipal purposes, pursuant to the 2019 Acceptance Order, subject to future transfer by the City Council by two-thirds vote at of all its members.
- 4) The City Council hereby appropriates the entire balance of money located in Special Revenue Fund No. 2760 (Sale of Municipal Buildings), which, as of June 30, 2020, was the sum of Six-Hundred and Ninety-Three Thousand, Five-Hundred Dollars (\$693,500), to pay the costs for

repair, maintenance, and/or capital improvements at that portion of the Former Brown School transferred to NYS pursuant to Section 1 of this Order, such monies having been available since 2016 pursuant to the 2014 Proceeds Order.

- 5) The sum of one million dollars and no cents (\$1,000,000.00) is appropriated to pay the costs for repair, maintenance, and/or capital improvements at that portion of the Former Brown School transferred to NYS pursuant to Section 1 of this Order. Further, to meet this appropriation the Treasurer is authorized to borrow said amount under and pursuant to M.G.L c. 44, § 7(1), or pursuant to any other enabling authority, and to issue bonds or notes of the City therefore, and that the Mayor and the Treasurer are authorized to take any other action necessary or convenient to carry out this vote. Any premium received upon the sale of any bonds or notes approved by this vote, less any such premium applied to the payment of the costs of issuance of such bonds or notes, may be applied to the payment of costs approved by this vote in accordance with M.G.L c. 44, § 20, thereby reducing the amount authorized to be borrowed to pay such costs by a like amount. This bond order is conditioned upon complete plans being submitted to the City Council and approved by a super-majority vote prior to any such bond being issued.

57 Low Street, Lot A-1

- 6) The City Council hereby approves and authorizes the purchase of Lot A-1: (a) for open space and conservation purposes in accordance with the terms of the Form of Restriction as to that portion of Lot A-1 depicted in the Form of Restriction as "Area of Conservation Restriction", it being the express intent of the Council by its vote to subject the said "Area of Conservation Restriction" to the protections afforded under Article 97 of the Amendments to the Massachusetts Constitution, and provided further that the Newburyport Conservation Commission shall assume the care, custody, control and management of the Area of Conservation Restriction for the purposes set forth in MGL c. 40, § 89C, and subject to the protections afforded under said Article 97; and (b) for general municipal purposes as to the remainder of Lot A-1.
- 7) The sum of Two-Hundred and Twenty Thousand Dollars (\$220,000) is appropriated to pay the costs to purchase Lot A-1 pursuant to that certain Letter of Intent dated July 10, 2020, from Warren A. Madden of DCAMM to Mayor Donna D. Holaday. Further, to meet this appropriation The Treasurer is authorized to borrow the sum of under and pursuant to M.G.L c. 44, § 7(1), or pursuant to any other enabling authority, and to issue bonds or notes of the City therefore, and that the Mayor and the Treasurer are authorized to take any other action necessary or convenient to carry out this vote. Any premium received upon the sale of any bonds or notes approved by this vote, less any such premium applied to the payment of the costs of issuance of such bonds or notes, may be applied to the payment of costs approved by this vote in accordance with M.G.L c. 44, § 20, thereby reducing the amount authorized to be borrowed to pay such costs by a like amount.
- 8) Upon acquisition of Lot A-1, pursuant to M.G.L c. 40, § 15A, the City Council hereby authorizes transfer of care, custody, management, and control of such Lot A-1 as follows: (a) two-thirds ($\frac{2}{3}$) of the office space within the existing building (the "Existing Building") shall be assigned to the School Committee for use as School Department offices, and the remaining portion of such

office space at the Existing Building shall be assigned to the Parks Commission for use as offices by the Parks Department; (b) both garage bays at the Existing Building shall be assigned to the Parks Commission for use by the Parks Department; and (c) use of the parking area at Lot A-1 shall be shared by the School Department and Parks Department. As a condition of the assignment to the Parks Commission, all office and storage activities of the Parks Department at Atkinson Common shall cease, excepting solely (i) those office and storage activities directly related to caring for Atkinson Park itself and (ii) enclosed storage within the shed located within Atkinson Park.

Councillor Sharif I. Zeid, Ward 1

Councillor Jared J. Eigerman, Ward 2

Attachment A: Map of Brown School Site



Source: <https://mimap.mvpc.org/map/index.html?viewer=newburyport>

Attachment B: 2013 Playground Order

CITY OF NEWBURYPORT



IN CITY COUNCIL

ORDERED:

DATE: September 30, 2013

THAT upon the sale, lease, or removal from service as a public school of any portion of the buildings and grounds of the G. W. Brown Early Elementary School (Map 21 - Parcels 3 and 26), the City of Newburyport shall dedicate and hold permanently for public park and playground uses under the meaning of Chapter 45 of the Massachusetts General Laws an area of such site that is at least equal in size to the school yard currently located on the southeasterly portion of the site, including the mulched area for play equipment, the basketball court, and the so-called amphitheater.

AND THAT this Order is subject to any and all votes as required by the Newburyport School Committee,

Gregory D. Earls
Councillor Gregory D. Earls

Ari B. Herzog
Councillor Ari B. Herzog

In City Council September 30, 2013

Motion to approve by Councillor Earls, seconded by Councillor Cameron. So voted.

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

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

Date: OCT 16 2013

ORIGINAL COUNCIL VOTE

CITY OF NEWBURYPORT



IN CITY COUNCIL

A TRUE COPY ATTEST

Rachel B. Juma
City Clerk
Newburyport, Massachusetts

ORDERED:

May 19, 2014

THAT pursuant to General Laws Chapter 40, Sections 15 and 15A the City Council of the City of Newburyport hereby designate the former Kelley School (*formally closed by the School Committee by vote of April 23, 2007, and now operating as the Newburyport Youth Services facility*) as surplus property, no longer needed by the City for such purposes or for other public purposes (*based upon the anticipated relocation of Newburyport Youth Services to the Brown School*), and further (*consistent with the April 7, 2014 vote of the School Committee*) that the Council hereby transfers the care, custody, management and control of said building and the land upon which it stands (*151 High Street, Assessors Map 35 Lot 161*) to the Mayor for the purposes of further conveyance, on such terms and conditions, and for such consideration, as the Mayor deems appropriate, provided that a condition of the sale or lease of said property shall be a duly recorded Preservation Restriction for the protection of the historic facades of said building, and provided that the City Council Planning and Development Committee shall have an opportunity to review and comment on the Request for Proposals (RFP) and Purchase and Sale (P&S) Agreement during the disposition process (including the minimum required bid and proposed purchase price, accordingly), and further that the proceeds from sale or lease of the property may be used, at the discretion of the Mayor, for either supplementing the School Department budget or for the purposes of funding capital improvements required at the Brown School necessary for the conversion of this facility to function (*in part*) as the Newburyport Youth Services facility. It is acknowledged herein that any further disposition (*lease or sale*) of the Brown School will be subject to transfer and approvals by both the School Committee and City Council, pending relocation of students and faculty to the new Bresnahan School.

Edward Cameron
Councillor Ed Cameron

Meghan Kinsey
Councillor Meghan Kinsey

In City Council April 15, 2014
Motion to approve by Councillor Cameron, seconded by Councillor Giunta. Motion withdrawn. Motion to refer to Planning & Development by Councillor Cameron, seconded by Councillor Cronin. Roll call vote, 10 yes, 1 absent (Kinsey). So voted.

ORDR108_05_13_19

MD

CITY OF NEWBURYPORT



IN CITY COUNCIL

ORDERED:

May 13, 2019

AN ORDER RELATIVE TO CITY OF NEWBURYPORT'S ACCEPTANCE OF THE FORMER GEORGE W. BROWN SCHOOL FROM THE NEWBURYPORT SCHOOL COMMITTEE

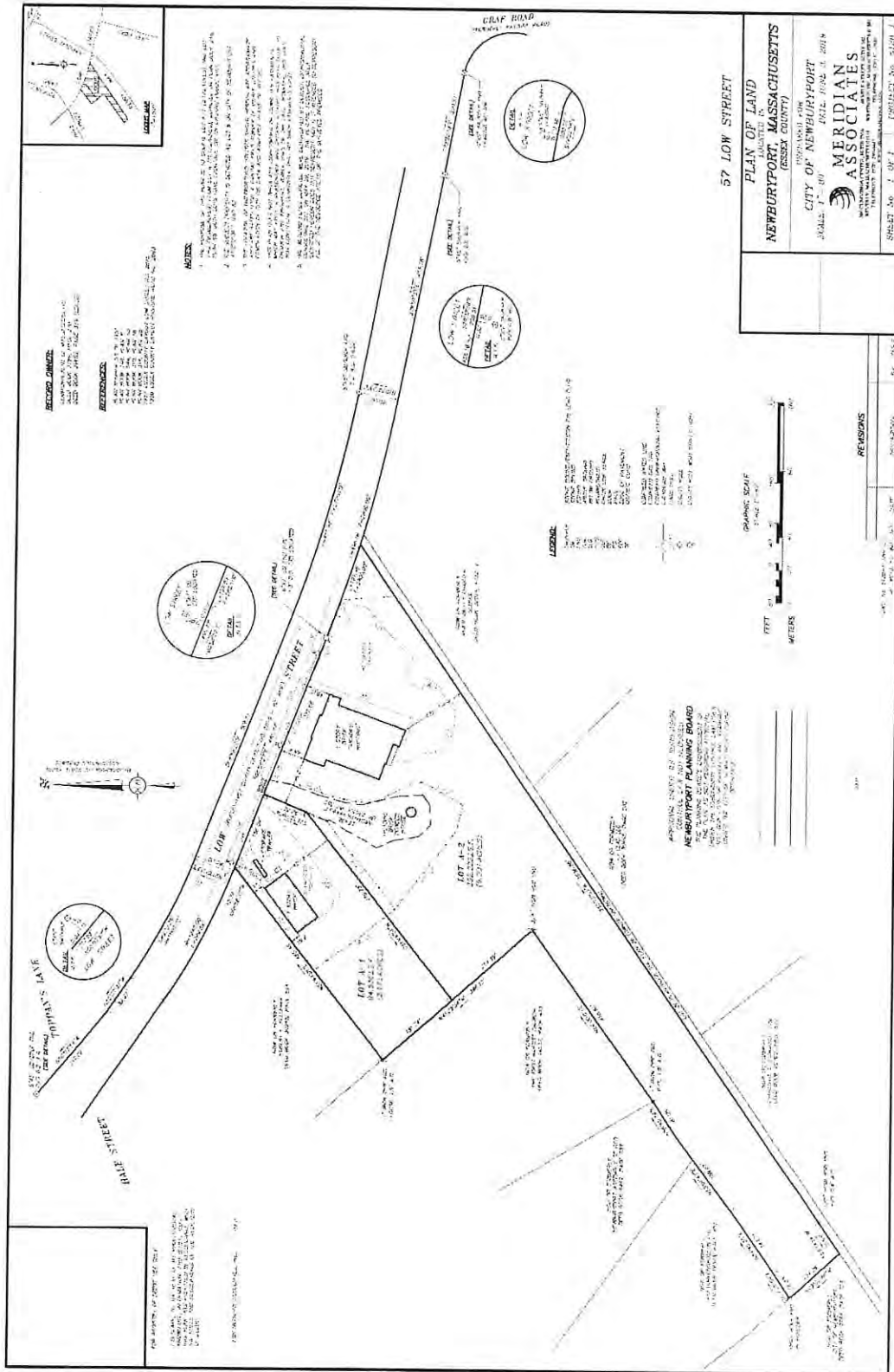
Pursuant to M.G.L. c. 40, § 15A of the Massachusetts General Laws and a vote of the Newburyport School Committee on March 7th, 2016 (minutes shown in appendix A), the City of Newburyport hereby transfers from the City of Newburyport (School Committee) to the City of Newburyport (City Council) the care, custody, management, and control, for general municipal purposes, of the former George W. Brown School with a street addresses of 40-42 Milk Street and 99-101 Prospect Street Newburyport, Massachusetts, containing the land and all buildings and structures thereupon, as shown on the City of Newburyport's Assessors Map as Parcel ID Nos. 21-26 and 21-3 (shown in Appendix B).

Respectfully Submitted,

Sharif I Zeid, Ward 1 City Councillor

- **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.

Attachment E: Lot A-1 Plan



RESTRICTION AND TRANSFER OF CONTROL

Pursuant to Order ___ approved by the Newburyport City Council on _____, the City Council hereby designates the care, custody, management, and control of that certain portion of "Lot A-1" depicted as "Area of Conservation Restriction (Transfer of Control)" on Exhibit A attached hereto to the Newburyport Conservation Commission, to be held, used, and preserved for open space and conservation purposes subject to the terms set forth below, and provided that such purposes shall include the authority to do all things necessary to preserve the land in its natural state and allow for public passive recreation,

No-Disturbance Zone (Outer 25 Feet):

Disturbance of any kind is prohibited within the twenty-five-foot-wide, no-disturbance zone indicated on Exhibit A (the "No-Disturbance Zone"), including but not limited to grading, landscaping, vegetation removal, pruning, cutting, filling, excavation, roadway construction, and/or driveway construction. Within such No-Disturbance Zone, no grading, planting, site work, construction, or storage of materials shall be allowed. Vegetation in the No-Disturbance Zone shall not be cut or trimmed in any manner unless authorized by the Grantee as part of regular maintenance required for man-made drainage systems (such as seasonal mowing).

Notwithstanding the above limitations, no activity that will result in the alteration of land within the No-Disturbance Zone shall be permitted with the following exceptions: (a) Planting of native vegetation or habitat management techniques designed to enhance the wetland values protected by this Restriction; (b) Construction and maintenance of unpaved pedestrian access paths not more than four (4) feet in width; (c) Maintenance of existing structures, utilities, stormwater management structures, and paved areas; (d) Construction of new utility lines where the proposed route is the best environmental alternative; and (e) Septic system maintenance and, if a system has failed, repair/replacement meeting state/local standards where the maximum feasible buffer is maintained.

This transfer of the right to administer and control said area is authorized by a vote by the Newburyport City Council, duly moved and seconded, at the City Council meeting held on December 14, 2020, an attested copy of which vote is attached hereto as Exhibit B.

Said area is transferred for the purposes as set forth in Massachusetts General Laws (MGL) Chapter 40, Section 8C and is hereby subject to the protections afforded under Article 97 of the Amendments of the Massachusetts Constitution.

Exhibit A

Plan of "Area of Conservation Restriction (Transfer of Control)"

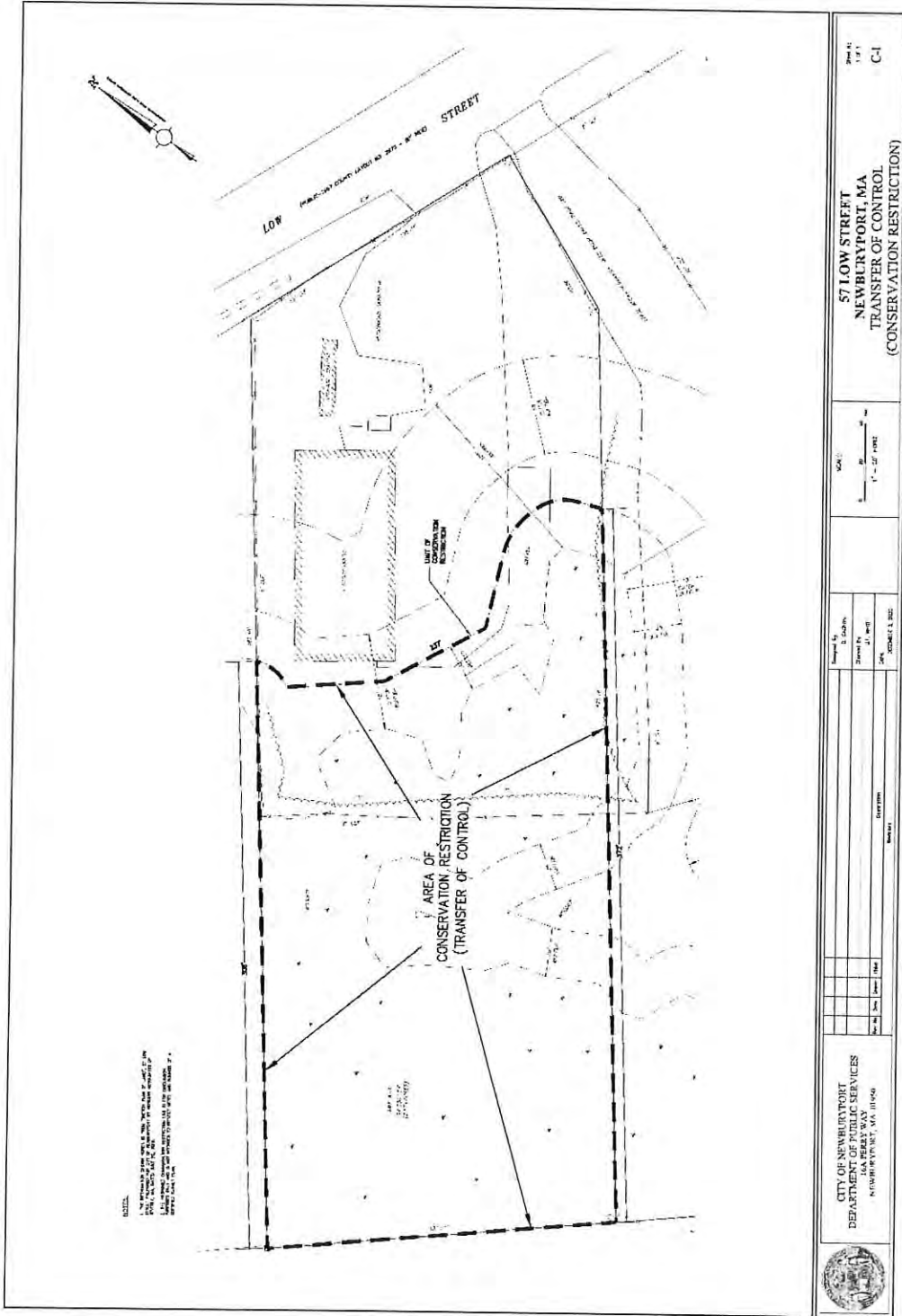


Exhibit B

Attested Copy of Vote on Order ____

(to be inserted behind)