

CITY COUNCIL MEETING

AGENDA

**January 8, 2024 7:00 pm
City Council Chambers, City Hall
60 Pleasant Street, Newburyport**

Zoom details for City Council Meeting:
<https://us02web.zoom.us/j/81299990548>

Or One tap mobile:

US: +19292056099,81299990548#

Or Telephone US: +1 929 205 6099

Webinar ID: 812 9999 0548

- 1. MOMENT OF SILENCE**
- 2. PLEDGE OF ALLEGIANCE**
- 3. CALL TO ORDER**
- 4. LATE FILE**
 - COMM00527_01_08_2024 Letter from Philip Cootey
- 5. PUBLIC COMMENT**
- 6. MAYOR'S COMMENT**

PW&S

CONSENT AGENDA

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

7. APPROVAL OF MINUTES

December 11, 2023

(Approve)

8. COMMUNICATIONS

- APPL00169_01_08_2024 5K & 13.1 YuKan Sports 6/9/24, 7/21/24, 9/29/24 Riverwalk Brewing L&P
- APPL00170_01_08_2024 LCA Motors Second Hand Vehicle License L&P
- APPL00171_01_08_2024 GNFD Inc. DBA Newburyport Sunoco Second Hand Vehicle License L&P
- COMM00524_01_08_2024 PERAC FY2025 Appropriation R&F
- COMM00525_01_08_2024 Letter from Joe Morgan re: Frog Pond Restoration Project CS
- COMM00526_01_08_2024 2024 Committee assignments R&F

9. TRANSFERS

10. APPOINTMENTS

- APPT00445_01_08_2024 Mark Spencer 129 Merrimac St. Water /Sewer Comm. 2/15/2026 PW&S
- APPT00446_01_08_2024 Elaine King Nickerson 16 Purchase St. Affordable Housing Trust 2/15/2026 P&D
- APPT00447_01_08_2024 Christine Chapman 28 Dorothy Lucey Dr. Council on Aging 2/15/2027 CS
- APPT00448_01_08_2024 Biff Bouse 6 Iona Ave. Historical Comm. Rep/CPC 2/15/2026 P&D
- APPT00449_01_08_2024 Thomas O'Brien 11 Moseley Ave. CPC rep/ Housing Authority 2/15/2027 P&D
- APPT00457_01_08_2024 Charles Griffin 3 Vernon St. CPC rep/Parks Comm. 2/15/2027 CS
- APPT00458_01_08_2024 Kimberly Emmons 9 Doe Run Dr. Waterfront Trust 2/15/2026 CS
- APPT00459_01_08_2024 Marianne Vesey 10 Kent St. Human Rights Comm. 2/15/2028
- APPT00460_01_08_2024 Timothy Rooney 9 Marshview Circle, Asst.Harbormaster/

Seabrook Shellfish Constable 2/15/2027 PW&S

Re-Appointments:

- APPT00450_01_08_2024 Thomas O'Brien 11 Moseley Ave. Housing Authority 2/15/2029 P&D
- APPT00451_01_08_2024 Paul Hogg 4 Wildwood Dr. Shellfish Constable 2/15/2027 PW&S
- APPT00452_01_08_2024 Jill Brennan 24 Webster St., Haverhill Assessor 2/15/2027 B&F
- APPT00453_01_08_2024 Dennis Morel, Jr. 83 Bow Ridge Rd., Lynn Building Inspector 2/15/2027 P&D
- APPT00454_01_08_2024 Enrico Caruso 34 Russett Hill Rd., Haverhill Asst. Harbormaster/Shellfish Constable 2/15/2027 PW&S
- APPT00455_01_08_2024 Joseph A. Sederquist 2 Wrightman Rd., Wilmington Asst. Harbormaster/Shellfish Constable 2/15/2027 PW&S
- APPT00456_01_08_2024 Charles Griffin 3 Vernon St. Parks Commission 2/15/2027 CS
- APPT00461_01_08_2024 Jeffrey Mattheson 12 Hart Rd. Electrical Inspector 2/15/2025 P&D

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

END OF CONSENT AGENDA

REGULAR AGENDA

9. MAYOR'S UPDATE

10. FIRST READING APPOINTMENTS

11. COMMUNICATIONS

12. TRANSFERS

13. SECOND READING APPOINTMENTS

14. ORDERS

- ORDR00526_01_08_2024 City Council Calendar
- ORDR00527_01_08_2024 Council Rules 2024
- ORDR00528_01_08_2024 Local Acceptance of G.L. 41 s.110A
- ORDR00529_01_08_2024 Gift Acceptance \$2500 David Volz to DPS Parks Bench Renovation Market Sq.
- ORDR00530_01_08_2024 FY2425 CVA Program Grant Acceptance \$16,000

15. ORDINANCES

16. COMMITTEE ITEMS

Budget & Finance

In Committee:

Community Services

In Committee:

- ORDR00515_11_27_2023 Gift Acceptance Morrill Foundation \$110,000
- ORDR00474_07_10_2023 Plan Approval Bartlett Mall Improvement Project (COTW)

General Government

- COMM00461_02_27_2023 Brown School Gymnasium Considerations (COTW)
- COMM00468_03_13_2023 Brown School Proposal (COTW)

Licenses & Permits

In Committee:

- APPL00167_12_11_2023 State Automotive Repair Second Hand Vehicle License
- APPL00168_12_11_2023 RL Currie Corp. Second Hand Vehicle License

Planning & Development

In Committee:

- ODNC00164_10_30_2023 Zoning-Amendment-Global-R3-Multi-Family (COTW)

Public Works & Safety

In Committee:

- ORDR00449_04_24_2023 Approving Shared Streets Grant, High Street Traffic Calming

17. GOOD OF THE ORDER

18. ADJOURNMENT

LATE FILE ITEMS

Phillips Dr. Neighborhood Committee

22 Phillips Drive
pcootey@hotmail.com
978 223 5303

06/01/2024

Dear Council President Cameron,

Greetings and Happy New Year to you and the council.

We appreciate the work that the city has done thus far for our neighborhood which has a long history of problems. Since 1999, homeowners of the Phillips Drive neighborhood have been issuing concerted complaints to the City about flooding, property damage, and other environmental and public safety hazards due to improper water drainage. Problems and complaints began to be filed over 30 years ago during Mayor Al Lavender's term. Work has finally begun, in 2023, over twenty years after our concerted advocacy for a solution began and we are so greatly appreciative of this focus on our neighborhood.

The project is taking longer than projected and we have become aware that more funding has been sought, for example, to supplement the budget for the neighborhood liaison. We are also aware of changes required to the plan after the original infrastructure was exposed, for example at the bridge in the lowest point of the neighborhood. *We are aware these requests are being met with resistance* and humbly request the council speak about their thoughts on this project.

We wish to advocate to the council for the completion of our project in a manner that addresses the problems we started with and not in a manner that simply brings the project to an end without fully addressing these problems.

We are looking forward to the update on the project which has been scheduled at the Sr. Center on January 17th, at 6PM. We cordially invite every councilor to come and hear about the project's progress, how the city is addressing the new timeline; as well as, to hear from the neighborhood.

Drainage issues continue to plague the neighborhood. We have had recent flooding, property damage and safety hazards due to the water volume in the streets this fall, winter, and now have freezing water on the street. We need the work to finish and to be done correctly to stay safe and dry in our own homes.

Regards/Sincerely/Best,

Philip Cootey

On behalf of: The Phillips Drive Neighborhood Committee

CONSENT AGENDA

CITY COUNCIL MEETING

MINUTES

**December 11, 2023 7:00 pm
City Council Chambers, City Hall
60 Pleasant Street, Newburyport**

Zoom details for City Council Meeting:
<https://us02web.zoom.us/j/81299990548>

Or One tap mobile:

US: +19292056099,81299990548#

Or Telephone US: +1 929 205 6099

Webinar ID: 812 9999 0548

- 1. MOMENT OF SILENCE**
- 2. PLEDGE OF ALLEGIANCE**
- 3. CALL TO ORDER**

7:20pm the City Clerk called the roll; the following City Councillors answered present: Zeid, Cameron, Donahue, Khan, Lane, McCauley, Preston, Vogel, Wallace, Wright, and Shand. 11 present

- 4. LATE FILE - ORDR00525_12_11_2023 Grant Acceptance 911 Training Grant**
Motion to waive the rules and accept the late files by Councillor Zeid, seconded by Councillor Cameron. So voted.

5. PUBLIC COMMENT

- Owen Smith 175 Storey Ave.
- Bryan Callahan 29 Warren St.
- Andrea Weetman 183 High St.
- Katharine Rocco 7 Myrtle Ave.
- Chris Cunningham 129 Low St.
- Bruce Menin 148 High St.
- Donna Holaday 6 Parsons St.
- Kristen Hunter 433 Merrimac St.
- Andrew Simpson 1½ Greenleaf St.
- Candace Mitchell 29 Jefferson St.
- Charlie Tontar 29 Jefferson St.

6. MAYOR'S COMMENT

CONSENT AGENDA

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

7. APPROVAL OF MINUTES

- November 27, 2023

(Approve)

8. COMMUNICATIONS

9. TRANSFERS

10. APPOINTMENTS

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

BUDGET & FINANCE

- ORDR00512_11_27_2023 Gift Acceptance PAARI \$1,000
- ORDR00513_11_27_2023 Gift Acceptance FoNT \$15,000
- ORDR00516_11_27_2023 Gift-Acceptance-Form-MLP-MAAF \$200,000
- ORDR00517_11_27_2023 Gift-Acceptance-Form-MLP-IFS \$50,000
- ORDR00518_11_27_2023 Gift-Acceptance-Form-MLP-NBank \$40,000
- ORDR00519_11_27_2023 Holiday Parking 2023
- ORDR00336_03_28_2022 ARPA Amesbury 250K (COTW)
- ORDR00504_10_30_2023 Local Acceptance of Community Impact Fee on Short Term Rentals
- ORDR00505_11_13_2023 Gift Acceptance Nock Tennis Courts \$21,195.00
- TRAN00153_05_08_2023 Mayor: Multiple \$3,483,773 to Multiple \$3,483,773 revised 6/15/2023
(Atkinson Common Request only all other matters adjudicated)

COMMUNITY SERVICES

- APPT00438_11_13_2023 Susan Chase 44 Oak St. Emma Andrews Lib. Comm. 12/15/2025
- APPT00439_11_13_2023 Aine Greaney Ellrott 43 Purchase St. Emma Andrews Lib. Comm. 12/15/2026
- APPT00440_11_13_2023 Elizabeth Valeriani 29 Oak St. Emma Andrews Lib. Comm. 12/15/2026
- APPT00441_11_13_2023 Virginia R. Champi 84 Purchase St. Emma Andrews Lib. Comm. 12/15/2025
- APPT00437_10_30_2023 Mary Louise Gagnon 126 Merrimac St. COA 12/1/2026
- APPT00443_11_27_2023 Jeanette Isabella 100 Water St. COA 01/01/2027
- ORDR00514_11_27_2023 Gift Acceptance City Improvement Society \$25,250
- ORDR00515_11_27_2023 Gift Acceptance Morrill Foundation \$110,000
- ORDR00474_07_10_2023 Plan Approval Bartlett Mall Improvement Project (COTW)
- ORDR00510_11_13_2023 Public Art Committee Rules and Regulations *Amended*

GENERAL GOVERNMENT

- COMM00461_02_27_2023 Brown School Gymnasium Considerations (COTW)
- COMM00468_03_13_2023 Brown School Proposal (COTW)
- ORDR239_02_08_2021 Council Rule 7 and 10B

PLANNING & DEVELOPMENT

- APPT00444_11_27_2023 Jennifer M. Bluestein 190A High St. CPC Rep from PB 12/10/2026
- COMM00494_07_10_2023 Planning Board Advisory Report STRU (COTW)
- COMM00500_08_28_2023 STRU Planning Board Final Report (COTW)
- ODNC00164_10_30_2023 Zoning-Amendment-Global-R3-Multi-Family(COTW)

PUBLIC WORKS & SERVICES

- COMM00462_02_27_2023 Ltr. From Kathleen O'Connor Ives re: drinking water concerns
- COMM00511_10_30_2023 Streets and Sidewalks Plan FY23-FY28 Update
- COMM00412_05_31_2022 Ltr Ann Jaronyk re: Traffic Safety
- COMM00459_01_30_2023 Ltr. Residents concerned with speeding on Arlington St.
- COMM00479_04_24_2023 Ward 4 Street Sidewalk Traffic Safety Priorities
- COMM00505_09_11_2023 Ltr from Kristen Hunter re Merrimac St. traffic safety progress
- ORDR00449_04_24_2023 Approving Shared Streets Grant, High Street Traffic Calming
- ODNC00103_01_10_2022 Streets, Sidewalks, and Other Public Places Alterations & Maintenance

END OF CONSENT AGENDA

Motion to approve the consent agenda by Councillor Zeid, seconded by Councillor Cameron. 10 yes, 1 present (Lane). So voted.

REGULAR AGENDA

9. MAYOR'S UPDATE

Motion to receive and file by Councillor Zeid, seconded by Councillor Cameron. 10 yes, 1 present (Lane). So voted.

10. FIRST READING APPOINTMENTS

11. COMMUNICATIONS

- APPL00167_12_11_2023 State Automotive Repair Second Hand Vehicle License
- APPL00168_12_11_2023 RL Currie Corp. Second Hand Vehicle License
Motion to collectively refer APPL00167 and APPL00168 to Licenses & Permits by Councillor McCauley, seconded by Councillor Zeid. Motion to amend to also invoke Rule 7H by Councillor McCauley, seconded by Councillor Zeid. 10 yes, 1 present (Lane). So voted.
- COMM00521_12_11_2023 Market Landing Park Maintenance Memo
- COMM00522_12_11_2023 Letter from Jared Eigerman
- COMM00523_12_11_2023 Letter from Andrew Simpson
Motion to collectively receive and file COMM00521, COMM00522, and COMM00523 by Councillor Zeid, seconded by Councillor Preston. 10 yes, 1 present (Lane). So voted.

12. TRANSFERS

13. SECOND READING APPOINTMENTS

14. ORDERS

- ORDR00520_12_11_2023 Gift Acceptance Central Congregational Church \$2000 SZ, MW
Motion to waive the rules, declare an emergency by Councillor Zeid, seconded by Councillor Wright. 10 yes, 1 present (Lane). So voted. Motion to approve by Councillor Zeid, seconded by Councillor Khan. 10 yes, 1 present (Lane). So voted.
- ORDR00521_12_11_2023 Establishing Impact Fee on Professionally-Managed Short-Term Rentals
Motion to waive the rules, declare an emergency by Councillor Zeid, seconded by Councillor Khan. 10 yes, 1 present (Lane). So voted. Motion to approve by Councillor Zeid, seconded by Councillor Khan. Roll call vote. 10 yes, 1 present (Lane). Motion passes.
- ORDR00522_12_11_2023 Establishing Impact Fee on Units Located within a Two- or Three-Family Dwelling That Includes the Operator's Primary Residence
Motion to waive the rules, declare an emergency by Councillor Zeid, seconded by Councillor Khan. 10 yes, 1 present (Lane). So voted. Motion to approve by Councillor Zeid, seconded by Councillor Khan. Roll call vote. 10 yes, 1 present (Lane). Motion passes.
- ORDR00523_12_11_2023 Dedication of Revenue from STRU Community Impact Fees
Motion to waive the rules, declare an emergency by Councillor Zeid, seconded by Councillor Khan. 10 yes, 1 present (Lane). So voted. Motion to approve by Councillor Zeid, seconded by Councillor Khan. Roll call vote. 10 yes, 1 present (Lane). Motion passes.
- ORDR00524EP_12_11_2023 Emergency Preamble for Whittier Building Project Letter.
- ORDR00524_12_11_2023 Whittier Building Project Letter
Motion to waive the rules and approve the emergency by Councillor Zeid, seconded by Councillor Preston. 10 yes, 1 present (Lane). So voted. Motion to approve by Councillor Zeid, seconded by Councillor Preston. Roll call 10 yes, 1 present (Lane). Motion passes
- ORDR00525_12_11_2023 Grant Acceptance 911 Training Grant
Motion to waive the rules and declare an emergency by Councillor McCauley, seconded by Councillor Khan. 10 yes, 1 present (Lane). So voted. Motion to approve by Councillor McCauley, seconded by Councillor Khan. 10 yes, 1 present (Lane). So voted.

15. ORDINANCES

16. COMMITTEE ITEMS

Budget & Finance

In Committee:

- **ORDR00512 11 27 2023 Gift Acceptance PAARI \$1,000**
Motion to approve by Councillor Zeid, seconded by Councillor Khan. 10 yes, 1 present (Lane). So voted.
- **ORDR00513 11 27 2023 Gift Acceptance FoNT \$15,000**
Motion to approve by Councillor Zeid, seconded by Councillor Wright. 10 yes, 1 present (Lane). So voted.
- **ORDR00516 11 27 2023 Gift-Acceptance-Form-MLP-MAAF \$200,000**
Motion to approve collectively ORDR00516 as amended in committee, ORDR00517 as amended in committee, and ORDR00518 as amended in committee by Councillor Zeid, seconded by Councillor Wright. Motion to amend by Councillor McCauley, seconded by Councillor Wright, to add “all amenities go through the municipal purchasing process starting now.” 10 yes, 1 present (Lane). So voted. Motion to approve as amended by Councillor Zeid, seconded by Councillor Wright. 10 yes, 1 present (Lane). So voted.
- **ORDR00517 11 27 2023 Gift-Acceptance-Form-MLP-IFS \$50,000**
Motion to approve collectively ORDR00516 as amended in committee, ORDR00517 as amended in committee, and ORDR00518 as amended in committee by Councillor Zeid, seconded by Councillor Wright. Motion to amend by Councillor McCauley, seconded by Councillor Wright, to add “all amenities go through the municipal purchasing process starting now.” 10 yes, 1 present (Lane). So voted. Motion to approve as amended by Councillor Zeid, seconded by Councillor Wright. 10 yes, 1 present (Lane). So voted.
- **ORDR00518 11 27 2023 Gift-Acceptance-Form-MLP-NBank \$40,000**
Motion to approve collectively ORDR00516 as amended in committee, ORDR00517 as amended in committee, and ORDR00518 as amended in committee by Councillor Zeid, seconded by Councillor Wright. Motion to amend by Councillor McCauley, seconded by Councillor Wright, , to add “all amenities go through the municipal purchasing process starting now.” 10 yes, 1 present (Lane). So voted. Motion to approve as amended by Councillor Zeid, seconded by Councillor Wright. 10 yes, 1 present (Lane). So voted.
- **ORDR00519 11 27 2023 Holiday Parking 2023**
Motion to approve by Councillor Zeid, seconded by Councillor Cameron 10 yes, 1 present (Lane). So voted.
- **ORDR00336 03 28 2022 ARPA Amesbury 250K (COTW)**
Motion to collectively receive and file ORDR00336, ORDR00504, and TRAN00153 by Councillor Zeid, seconded by Councillor Khan. 10 yes, 1 present (Lane). So voted.
- **ORDR00504 10 30 2023 Local Acceptance of Community Impact Fee on Short Term Rentals**
Motion to collectively receive and file ORDR00336, ORDR00504, and TRAN00153 by Councillor Zeid, seconded by Councillor Khan. 10 yes, 1 present (Lane). So voted.
- **ORDR00505 11 13 2023 Gift Acceptance Nock Tennis Courts \$21,195.00**
Motion to approve by Councillor Zeid, seconded by Councillor Cameron. Motion to amend by Councillor Zeid, seconded by Councillor Wright, to add “contingent upon CPA approval and with the understanding that the gift funds will be used consistent with municipal procurement law, including the selection of the design.” with friendly amendment by Councillor Preston re: DPS 10 yes, 1 present (Lane). So voted.
- **TRAN00153 05 08 2023 Mayor: Multiple \$3,483,773 to Multiple \$3,483,773 revised 6/15/2023 SZ**
(Atkinson Common Request only all other matters adjudicated)
Motion to collectively receive and file ORDR00336, ORDR00504, and TRAN00153 by Councillor Zeid, seconded by Councillor Khan. 10 yes, 1 present (Lane). So voted.

Community Services

In Committee:

- **APPT00438 11 13 2023 Susan Chase 44 Oak St. Emma Andrews Lib. Comm. 12/15/2025**
- **APPT00439 11 13 2023 Aine Greaney Ellrott 43 Purchase St. Emma Andrews Lib. Comm. 12/15/2026**
- **APPT00440 11 13 2023 Elizabeth Valeriani 29 Oak St. Emma Andrews Lib. Comm. 12/15/2026**
- **APPT00441 11 13 2023 Virginia R. Champi 84 Purchase St. Emma Andrews Lib. Comm. 12/15/2025**

Motion to collectively approve APPT00438, APPT00439, APPT00440, and APPT00441 by Councillor McCauley, seconded by Councillor Preston. Roll call. 11 yes. Motion passes.

- **APPT00437 10 30 2023** **Mary Louise Gagnon 126 Merrimac St. COA 12/1/2026**
- **APPT00443 11 27 2023** **Jeanette Isabella 100 Water St. COA 01/01/2027**

Motion to collectively approve APPT00437 and APPT00443 by Councillor McCauley, seconded by Councillor Preston. Roll call vote. 11 yes. Motion passes.

- **ORDR00514 11 27 2023** **Gift Acceptance City Improvement Society \$25,250**

Motion to approve by Councillor McCauley, seconded by Councillor Cameron. 10 yes, 1 present (Lane). So voted.

- **ORDR00515 11 27 2023** **Gift Acceptance Morrill Foundation \$110,000**
- **ORDR00474 07 10 2023** **Plan Approval Bartlett Mall Improvement Project (COTW)**

Motion to collectively invoke Rule 7H for ORDR00515 and ORDR00474 by Councillor McCauley, seconded by Councillor Preston. 10 yes, 1 present (Lane). So voted.

- **ORDR00510 11 13 2023** **Public Art Committee Rules and Regulations *AMENDED***

Motion to approve by Councillor McCauley, seconded by Councillor Preston. 10 yes, 1 present (Lane). So voted.

- **COMM00495_08_14_2023** **Ltr from Katherine Moore, Betty LaBaugh, and Brendan & Katy Banovic**
re: Landscaping noise and air pollution

General Government

- **COMM00461 02 27 2023** **Brown School Gymnasium Considerations (COTW)**
- **COMM00468 03 13 2023** **Brown School Proposal (COTW)**

Motion to invoke rule 7H collectively for COMM00461 and COMM00468 by Councillor Shand, seconded by Councillor Cameron. Motion to amend to receive and file by Councillor McCauley. 10 yes, 1 present (Lane). So voted.

- **ORDR239 02 08 2021** **Council Rule 7 and 10B**

Motion to receive and file by Councillor Shand, seconded by Councillor Cameron. 10 yes, 1 present (Lane). So voted.

Licenses & Permits

In Committee:

Planning & Development

In Committee:

- **APPT00444 11 27 2023** **Jennifer M. Bluestein 190A High St. CPC Rep from PB 12/10/2026**

Motion to approve by Councillor Cameron, seconded by Councillor Preston. Roll call vote. 11 yes. Motion passes.

- **COMM00494 07 10 2023** **Planning Board Advisory Report STRU (COTW)**
- **COMM00500 08 28 2023** **STRU Planning Board Final Report (COTW)**

Motion to collectively receive and file COMM00494 and COMM00500 by Councilor Cameron, seconded by Councilor Wright. 10 yes, 1 present (Lane). So voted.

- **ODNC00164 10 30 2023** **Zoning-Amendment-Global-R3-Multi-Family(COTW)**

Motion invoke Rule 7H by Councillor Cameron, seconded by Councillor Wright. 9 yes, 1 no (Zeid), 1 present (Lane). So voted.

Public Works & Safety

In Committee:

- **COMM00462 02 27 2023** **Ltr. From Kathleen O'Connor Ives re: drinking water concerns**

Motion to receive and file by Councillor Wallace, seconded by Councillor Preston. 10 yes, 1 present (Lane). So voted.

- **COMM00511 10 30 2023** **Streets and Sidewalks Plan FY23-FY28 Update**

Motion to receive and file by Councillor Wallace, seconded by Councillor McCauley. 9 yes, 1 no (Wallace), 1 present (Lane). So voted.

- **COMM00412 05 31 2022** **Ltr Ann Jaronyk re: Traffic Safety**

Motion to receive and file by Councillor Wallace, seconded by Councillor McCauley. 10 yes, 1 no (Lane). So voted.

- **COMM00459 01 30 2023** **Ltr. Residents concerned with speeding on Arlington St.**

Motion to receive and file by Councillor Wallace, seconded by Councillor McCauley. 10 yes, 1 present (Lane). So voted.

- **COMM00479 04 24 2023** **Ward 4 Street Sidewalk Traffic Safety Priorities**

Motion to receive and file by Councillor Wallace, seconded by Councillor McCauley. 10 yes, 1 present (Lane). So voted.

- **COMM00505 09 11 2023** **Ltr from Kristen Hunter re Merrimac St. traffic safety progress**
Motion to receive and file by Councillor Wallace, seconded by Councillor McCauley. 10 yes, 1 present (Lane). So voted.
- **ORDR00449 04 24 2023** **Approving Shared Streets Grant, High Street Traffic Calming**
Motion to invoke Rule 7H by Councillor Wallace, seconded by Councillor McCauley. 10 yes, 1 present (Lane). So voted.
- **ODNC00103 01 10 2022** **Streets, Sidewalks, and Other Public Places Alterations & Maintenance**
Motion to receive and file by Councillor Wallace, seconded by Councillor McCauley. 10 yes, 1 present (Lane). So voted.
- COMM00482_04_24_2023 Constructions projects at the Central Waterfront
- ODNC00152_05_08_2023 Amend Ch 13-181 Municipal Parking Facilities (COTW)

17. GOOD OF THE ORDER

18. ADJOURNMENT

Motion to adjourn at 9:49pm by Councillor Wright, seconded by Councillor Khan. 10 yes, 1 present (Lane). So voted.

COMMUNICATIONS

NEWBURYPORT SPECIAL EVENT APPLICATION

RECEIVED
CITY CLERK'S OFFICE
NEWBURYPORT, MA

Tel.

Fax.

(For Street Closure or Any Use of a Public Way - Please complete page 3 of this application) 2023 DEC 22 A 9:16

NAME OF EVENT: 5K & 13.1

Date: 6/9/24, 7/21/24, 9/29/24 Time: from 8:00am to 11:100am

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

2. Location*: 40 Parker St., Newburyport, MA 01950

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

3. Description of Property: Riverwalk Brewing Co Public _____ Private

4. Name of Organizer: YuKan Sports, LLC City Sponsored Event: Yes _____ No

Contact Person Rich Morrell

Address: PO Box 780, Rockport, MA 01966 Telephone: 978-879-9007

E-Mail: rmorrell@yukanrun.com Cell Phone: 978-879-9007

Day of Event Contact & Phone: 978-879-9007

5. Number of Attendees Expected: 500

6. MA Tax Number: 27-3695540

7. Is the Event Being Advertised? Yes Where? online

8. What Age Group is the Event Targeted to? 18-70

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

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

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

*If checked, signature from Health Director required (Page 3)

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

Performers _____ Dancing _____ Amplified Sound Stage _____

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

Other _____ Total # _____

Name of Carnival Operator: _____

Address: _____

Telephone: _____

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

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

If yes:

- a) How many trash receptacles will you be providing? 4
- b) How many recycling receptacles will you be providing? 2
- c) Will you be contracting for disposal of : Trash Yes ___ No X Recycling Yes ___ No ___
- i. If yes, size of dumpster(s): Trash ___ Recycling ___
- ii. Name of disposal company: Trash ___ Recycling ___
- iii. If no, will you remove trash & recycling with organizers' cars or trucks? Yes ___ No ___
- iv. If no, where will the trash & recycling be disposed ? _____

If no:

- a) # of trash container(s) to be provided by DPS n/a
- b) # of recycling container(s) to be provided by Recycling Office n/a

c) \$45.00/hr/DPS employee charge must be paid by the organizer to DPS in advance of the event (Fee for Special Events). The hours required for the event will be determined by DPS.

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

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

10 Standard # _____ ADA accessible

Name of company providing the portable toilets: United Site Services

FOR STREET CLOSURE OR ANY USE OF A PUBLIC WAY

PARADE _____ ROAD RACE X WALKATHON _____

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

YuKan Sports, LLC

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

Rich Morrell 978-879-9007

PO Box 780

Rockport, MA 01966

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

Rich Morrell 978-879-9007

PO Box 780

Rockport, MA 01966

4. Date of Event: 6/9/24, 7/21/24, 9/29/24 Expected Number of Participants: 500

5. Start Time: 8:00am Expected End Time: 11:00am

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

Start and finish at 40 Parker St., Newburyport, MA 01950

Parker St. to Mulliken Way to Malcom Hoyt Dr. to Scotland Rd.

Loop through Newbury and West Newbury before returning to Parker St. Please see attached maps.

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

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

9. Formation Location & Time for Participants: 40 Parker St. 7:00am

10. Dismissal Location & Time for Participants: 40 Parker St. 11:30am

11. Additional Parade Information:

• Number of Floats: n/a

• Locations of Viewing Stations: n/a

• Are Weapons Being Carried: Yes _____ No X

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

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

CITY MARSHAL

4 Green St.

FIRE CHIEF

12-14-23
0 Greenleaf St.

DEPUTY DIRECTOR

16A Perry Way

CITY CLERK

60 Pleasant St.

HEALTH DIRECTOR

60 Pleasant St. (only needed when Food & Beverage Vendors are included in the event)

DEPARTMENT APPROVAL (for Committee Member use only):

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

Approval Required Date: 11/14/23 Signature: 

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

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

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

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

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

(c) *Definitions.*

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

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

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

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

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

(d) *Limitations.*

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(e) *Enforcement.*

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

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

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

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

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

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

Signed:  Date: 11/14/23

RiverWalk IPA 5K

Newburyport, Massachusetts

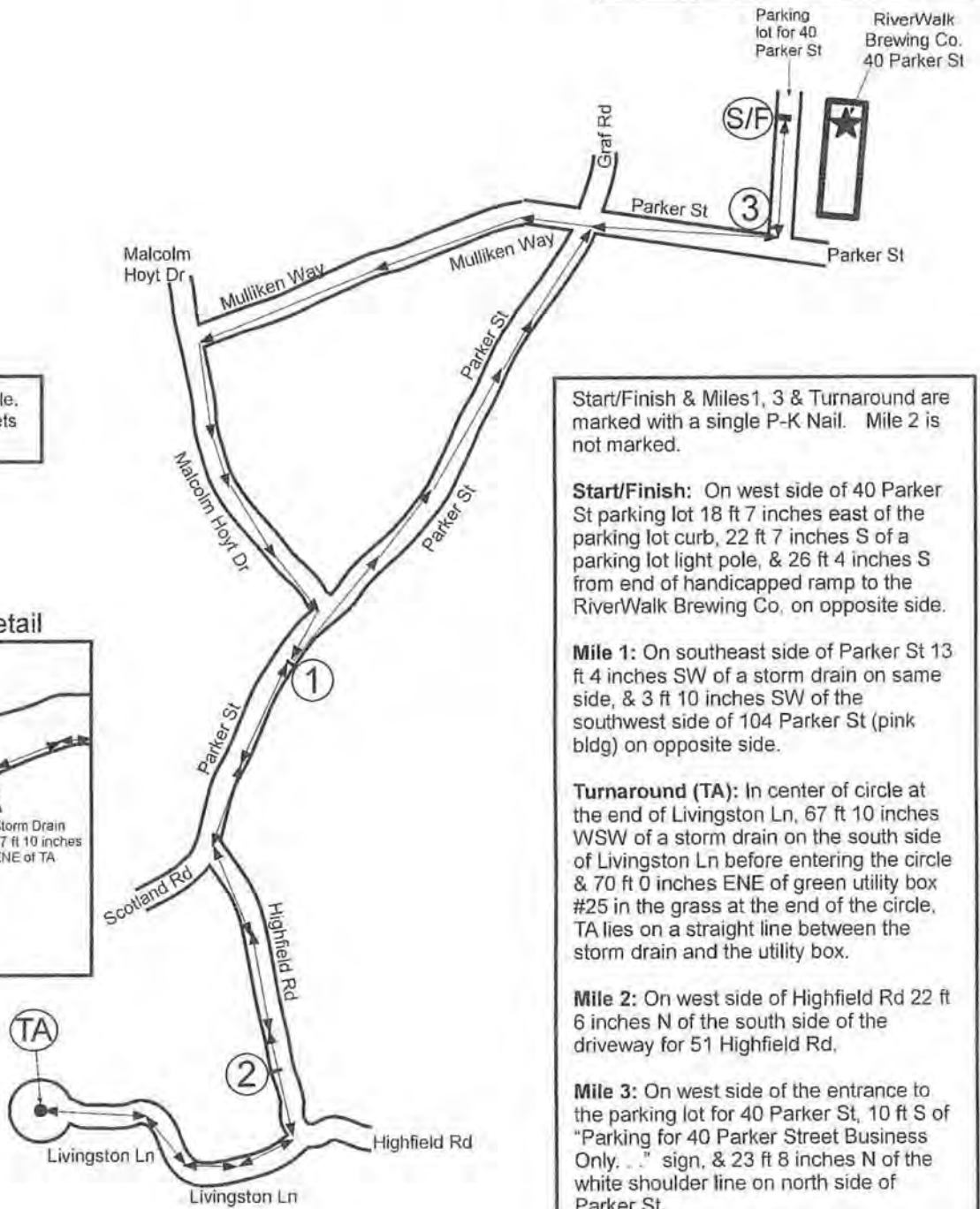


USATF Certificate MA18001BK
Effective March 5, 2018 to December 31, 2028

Start/Finish (S/F) Detail



Note: Map not drawn to scale.
Many streets and cross streets
not on map.



Start/Finish & Miles 1, 3 & Turnaround are marked with a single P-K Nail. Mile 2 is not marked.

Start/Finish: On west side of 40 Parker St parking lot 18 ft 7 inches east of the parking lot curb, 22 ft 7 inches S of a parking lot light pole, & 26 ft 4 inches S from end of handicapped ramp to the RiverWalk Brewing Co, on opposite side.

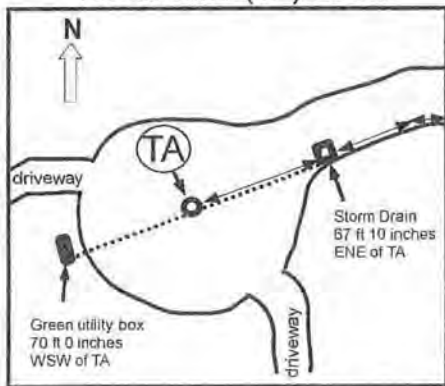
Mile 1: On southeast side of Parker St 13 ft 4 inches SW of a storm drain on same side, & 3 ft 10 inches SW of the southwest side of 104 Parker St (pink bldg) on opposite side.

Turnaround (TA): In center of circle at the end of Livingston Ln, 67 ft 10 inches WSW of a storm drain on the south side of Livingston Ln before entering the circle & 70 ft 0 inches ENE of green utility box #25 in the grass at the end of the circle, TA lies on a straight line between the storm drain and the utility box.

Mile 2: On west side of Highfield Rd 22 ft 6 inches N of the south side of the driveway for 51 Highfield Rd.

Mile 3: On west side of the entrance to the parking lot for 40 Parker St, 10 ft S of "Parking for 40 Parker Street Business Only." sign, & 23 ft 8 inches N of the white shoulder line on north side of Parker St.

Turnaround (TA) Detail



Measured February 28, 2018
By Bob Kennedy
Oyster River Running Company
osprey02554@yahoo.com
508-577-4105

Town & Country Half Marathon

(21.0975 km)

Newburyport, Massachusetts

Start/Finish & Turnaround marked with PK-Nail and a spot of blue paint (UP = Utility Pole).

Start/Finish: On west side of 40 Parker Road parking lot 18 ft 7 inches east of the parking lot curb, 22 ft 7 inches S of a parking lot light pole, & 26 ft 4 inches S from end of handicapped ramp to the RiverWalk Brewing Co. on opposite side.

Mile 1: On northwest side of Parker St 18 ft 3 inches SW of a storm drain on same side, & 8 ft 3 inches SW of the southwest side of 104 Parker St (pink bldg) on opposite side.

Mile 2: On north side of Scotland Rd 56 ft NE of UP 64 84 on same side but opposite northeast side of Scotland Heights Dr.

Mile 3: On northwest side Scotland Rd 27 ft NE of "Massachusetts State Police Newbury" sign in grass opposite driveway for 193 Scotland Rd.

Mile 4: On northwest side of South St 66 ft NE of UP 27 20 20 with "Speed Limit 30 & Caution Children" signs & about 130 ft NE of driveway for 50 South St.

Mile 5: On northeast side of Ash St even with southeast side of driveway for 220 Ash St.

Mile 6: On east side of Moulton St 9 ft S of UP 46 46 on opposite side, about 150 ft SW of unmarked driveway for a house high on hill.

Mile 7: On north side of Indian Hill St at the beginning of intersection with Garden St & 25 ft E of mailboxes for 55 & 57 Indian Hill.

Mile 8: On south side of Rogers St 35 ft W of UP 11 11, about 95 ft W of "Raw Milk Eggs" farm sign, & about 150 ft E of 40 Rogers mailbox.

Mile 9: On east side of Turkey Hill Rd at beginning of sharp curve about 75 ft SW of double yellow curve signs on opposite side.

Mile 10: On south side of South/Scotland Sts 38 ft W of I-95 West Exit Ramp & opposite I-95 West Entrance Ramp.

Mile 11: On south side of Scotland Rd 9 ft W of "Speed Limit 45" sign on same side & about 130 ft W of driveway for 105 Scotland.

Mile 12: On southeast side of Scotland/Parker Sts in the middle of the intersection with Highfield Rd.

Turnaround (TA): In middle of Perkins Way 17 ft 6 inches E of a red Fire Hydrant & 88 ft 10 inches E of UP with no # both on north side of Perkins Way, UP is opposite east side of driveway for 4 Perkins Way.

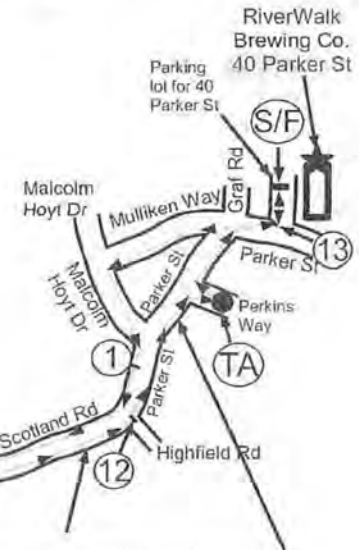
Mile 13: On west side of the entrance to the parking lot for 40 Parker St, 23 ft S of "Parking for 40 Parker Street Business Only..." sign, & 12 ft 6 inches N of the white shoulder line on north side of Parker St.

Start/Finish (S/F) Detail



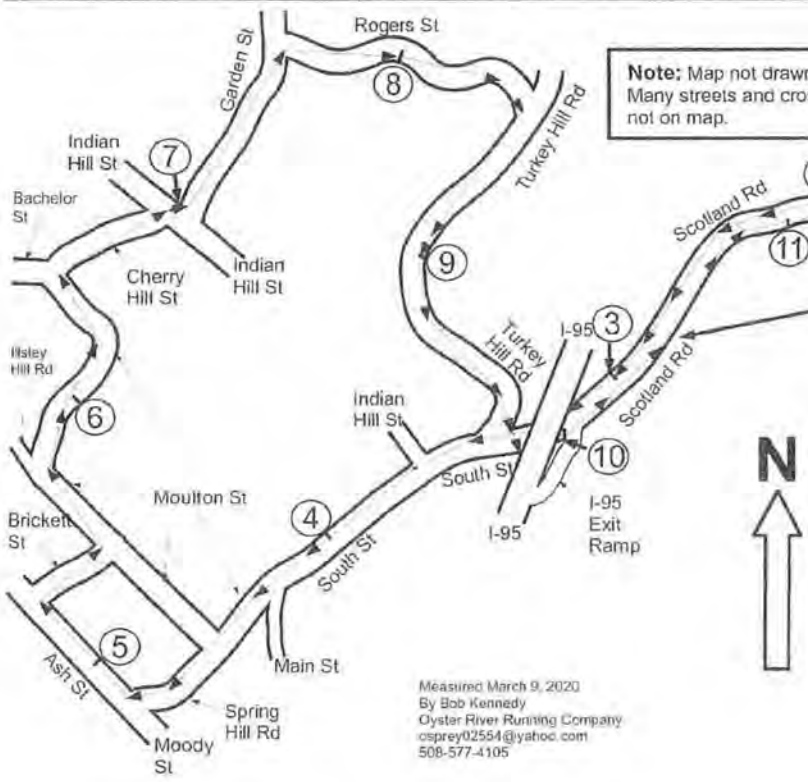
USATF Certificate

MA21002BK
Effective: 03/19/2020
Through: 12/31/2030



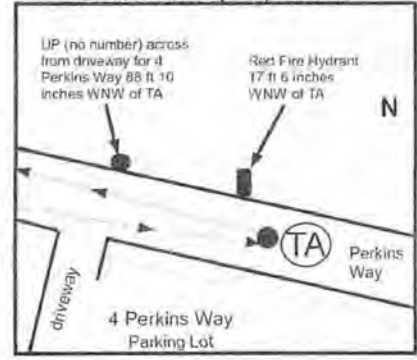
Note: Map not drawn to scale. Many streets and cross streets not on map.

Restrictions: Runners restricted to the wide shoulder to the right of the white shoulder line of Parker St, Scotland Rd & South St going out and returning.



Measured March 9, 2020
By Bob Kennedy
Oyster River Running Company
osprey02554@yahoo.com
508-577-4105

Turnaround (TA) Detail



CERTIFICATE OF INSURANCE

PRINT DATE: 10/26/2023

CERTIFICATE NUMBER: 202310261011462

AGENCY:

Edgewood Partners Insurance Center
5909 Peachtree Dunwoody Road, Suite 800
Atlanta, GA 30328
678-324-3300 (Phone), 678-324-3303 (Fax)

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW.

NAMED INSURED:

USA Track & Field, Inc. YuKan Sports, LLC
130 East Washington Street, Suite 800
Indianapolis IN 46204

INSURERS AFFORDING COVERAGE:

INSURER A: Accredited Surety and Casualty Company, Inc. NAIC# 26379
INSURER B: Allied World National Assurance Company NAIC# 19489

EVENT INFORMATION:

Town & Country Half Marathon (6/9/2024 - 6/9/2024)

POLICY/COVERAGE INFORMATION:

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. AGGREGATE LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INS	TYPE OF INSURANCE:	POLICY NUMBER(S):	EFFECTIVE:	EXPIRES:	LIMITS:
A	GENERAL LIABILITY				
	X Occurrence	1-TRE-IN-17-01338542-01	11/1/2023 12:01 AM	11/1/2024 12:01 AM	GENERAL AGGREGATE (Per Event) \$4,000,000
	X Participant Legal Liability				EACH OCCURRENCE \$2,000,000
	X Sexual Abuse & Molestation				DAMAGE TO RENTED PREMISES (Each Occ.) \$2,000,000 MEDICAL EXPENSE (Any one person) EXCLUDED PERSONAL & ADV INJURY \$2,000,000 PRODUCTS-COMP/OP AGG \$2,000,000 Abuse-Molestation - Each Occurrence \$2,000,000 Abuse-Molestation - Annual Aggregate \$4,000,000
A	UMBRELLA/EXCESS LIABILITY				
	X Occurrence	1-TRE-IN-17-01338543-01	11/1/2023 12:01 AM	11/1/2024 12:01 AM	EACH OCCURRENCE \$3,000,000 AGGREGATE \$3,000,000
B	OTHER				
	X EXCESS LIABILITY	0313-1301	11/1/2023 12:01 AM	11/1/2024 12:01 AM	EACH OCCURRENCE \$7,000,000 AGGREGATE \$7,000,000

DESCRIPTION OF OPERATIONS/LOCATIONS/VEHICLES/EXCLUSIONS ADDED BY ENDORSEMENT/SPECIAL PROVISIONS:

The City of Newburyport is an additional insured.

CERTIFICATE HOLDER:

City of Newburyport
60 Pleasant Street
Newburyport MA 01950

NOTICE OF 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:



CERTIFICATE OF INSURANCE

PRINT DATE: 11/10/2023

CERTIFICATE NUMBER: 202311091014448

AGENCY:

Edgewood Partners Insurance Center
 5909 Peachtree Dunwoody Road, Suite 800
 Atlanta, GA 30328
 678-324-3300 (Phone), 678-324-3303 (Fax)

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW.

NAMED INSURED:

USA Track & Field, Inc. YuKan Sports LLC
 130 East Washington Street, Suite 800
 Indianapolis IN 46204

INSURERS AFFORDING COVERAGE:

INSURER A: Accredited Surety and Casualty Company, Inc. NAIC# 26379
 INSURER B: Allied World National Assurance Company NAIC# 19489

EVENT INFORMATION:

IPA 5K & Half Marathon (7/21/2024 - 7/21/2024)

POLICY/COVERAGE INFORMATION:

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. AGGREGATE LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INS	TYPE OF INSURANCE:	POLICY NUMBER(S):	EFFECTIVE:	EXPIRES:	LIMITS:
A	GENERAL LIABILITY				
	X Occurrence	1-TRE-IN-17-01338542-01	11/1/2023 12:01 AM	11/1/2024 12:01 AM	GENERAL AGGREGATE (Per Event) \$4,000,000
	X Participant Legal Liability				EACH OCCURRENCE \$2,000,000
	X Sexual Abuse & Molestation				DAMAGE TO RENTED PREMISES (Each Occ.) \$2,000,000
					MEDICAL EXPENSE (Any one person) EXCLUDED
					PERSONAL & ADV INJURY \$2,000,000
					PRODUCTS-COMP/OP AGG \$2,000,000
					Abuse-Molestation - Each Occurrence \$2,000,000
					Abuse-Molestation - Annual Aggregate \$4,000,000
A	UMBRELLA/EXCESS LIABILITY				
	X Occurrence	1-TRE-IN-17-01338543-01	11/1/2023 12:01 AM	11/1/2024 12:01 AM	EACH OCCURRENCE \$3,000,000
					AGGREGATE \$3,000,000
B	OTHER				
	X EXCESS LIABILITY	0313-1301	11/1/2023 12:01 AM	11/1/2024 12:01 AM	EACH OCCURRENCE \$7,000,000
					AGGREGATE \$7,000,000

DESCRIPTION OF OPERATIONS/LOCATIONS/VEHICLES/EXCLUSIONS ADDED BY ENDORSEMENT/SPECIAL PROVISIONS:

The City of Newburyport is an additional insured.

CERTIFICATE HOLDER:

City of Newburyport
 60 Pleasant Street
 Newburyport MA 01950

NOTICE OF 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:

CERTIFICATE OF INSURANCE

PRINT DATE: 11/10/2023

CERTIFICATE NUMBER: 202311091014447

AGENCY:

Edgewood Partners Insurance Center
5909 Peachtree Dunwoody Road, Suite 800
Atlanta, GA 30328
678-324-3300 (Phone), 678-324-3303 (Fax)

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW.

NAMED INSURED:

USA Track & Field, Inc. YuKan Sports LLC
130 East Washington Street, Suite 800
Indianapolis IN 46204

INSURERS AFFORDING COVERAGE:

INSURER A. Accredited Surety and Casualty Company, Inc. NAIC# 26379
INSURER B. Allied World National Assurance Company NAIC# 19489

EVENT INFORMATION:

PortRun 5K & Half Marathon (9/29/2024 - 9/29/2024)

POLICY/COVERAGE INFORMATION:

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. AGGREGATE LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INS	TYPE OF INSURANCE:	POLICY NUMBER(S):	EFFECTIVE:	EXPIRES:	LIMITS:
A	GENERAL LIABILITY				
X	Occurrence	1-TRE-IN-17-01338542-01	11/1/2023 12:01 AM	11/1/2024 12:01 AM	GENERAL AGGREGATE (Per Event) \$4,000,000
X	Participant Legal Liability				EACH OCCURRENCE \$2,000,000
X	Sexual Abuse & Molestation				DAMAGE TO RENTED PREMISES (Each Occ.) \$2,000,000 MEDICAL EXPENSE (Any one person) EXCLUDED PERSONAL & ADV INJURY \$2,000,000 PRODUCTS-COMP/OP AGG \$2,000,000 Abuse-Molestation - Each Occurrence \$2,000,000 Abuse-Molestation - Annual Aggregate \$4,000,000
A	UMBRELLA/EXCESS LIABILITY				
X	Occurrence	1-TRE-IN-17-01338543-01	11/1/2023 12:01 AM	11/1/2024 12:01 AM	EACH OCCURRENCE \$3,000,000 AGGREGATE \$3,000,000
B	OTHER				
X	EXCESS LIABILITY	0313-1301	11/1/2023 12:01 AM	11/1/2024 12:01 AM	EACH OCCURRENCE \$7,000,000 AGGREGATE \$7,000,000

DESCRIPTION OF OPERATIONS/LOCATIONS/VEHICLES/EXCLUSIONS ADDED BY ENDORSEMENT/SPECIAL PROVISIONS:

The City of Newburyport is an additional insured.

CERTIFICATE HOLDER:

City of Newburyport
60 Pleasant Street
Newburyport MA 01950

NOTICE OF 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:



THE COMMONWEALTH OF MASSACHUSETTS

_____ OF _____

RECEIVED
CITY CLERK'S OFFICE
NEWBURYPORT, MA

2023 DEC 29 A 11: 59

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? yes

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

Charles Cioracco

4 Lt. Leary Drive Newburyport MA 01958

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

APPLICANT WILL NOT FILL THE FOLLOWING BLANKS

Application after investigation _____
(Approved or Disapproved)

License No. _____ granted _____ 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.

SELECTMEN

MA 16 2004
RECEIVED

Memorandum

To: Municipal Licensing Authorities of Motor Vehicle Dealers

From: William E. McVey, Deputy General Counsel

Date: May 2004

Re: Issues Relating to Class 2 Dealers under G.L. 140, Section 58

1. Purpose

The primary purpose of this Memorandum is to provide information to Cities and Towns about the amendments relative to Class 2 dealers that were made to G.L. c. 140, §58 by Chapter 422 of the Acts of 2002 (a copy of which is enclosed). The Legislature amended Section 58 to require Class 2 dealers to post and maintain a bond (or, if permitted, equivalent proof of financial responsibility, e.g., certificate of deposit or letter of credit) with the municipal licensing authority in the amount of \$25,000. The amendments also authorize the licensing of two additional types of businesses engaged in used vehicle sales. The amendment became effective almost a year ago, on March 24, 2003, but some municipalities may be unaware of it and some other issues remain to be clarified.

2. Bond Requirement

The bond requirement is only applicable to Class 2 dealers. It is not applicable to a Class 1 dealer who buys and sells used vehicles and it is not applicable to a Class 3 dealer who sells used vehicles. The bond is for the benefit of a person who purchases a vehicle from the Class 2 licensee and suffers a financial loss. The list of intended beneficiaries is contained within the Act. The bonding requirement modifies the municipal licensing process for Class 2 dealers (and affects the dealer's ability to retain the license). It also affects the RMV, since the agency is prohibited from knowingly issuing or renewing Dealer Plates if it becomes aware that a Class 2 dealer lacks the legally required bond. The RMV will revoke the General Registration and Dealer Plates when it becomes aware the dealer does not have a bond or when it is informed by a municipality that it has revoked a Class 2 license. The RMV has become aware that some municipalities are not enforcing the bond requirement and have been licensing Class 2 dealers without a bond. A municipality that fails to enforce the bond requirement faces potential liability from claimants under the bond.

3. Dealers Subject to Bond Requirement

All Class 2 dealer-licensees (no exceptions) renewing or obtaining a new license in 2004 (and in future years) are subject to the bonding requirement of \$25,000. This is true even if the dealer is not selling vehicles covered by the warranty requirements of G.L. c.90, §7N ¼. G.L. c.140, §58 (c)(1) states:

The person shall obtain a bond, or equivalent proof of financial responsibility as described in paragraph (5), and continue in effect a surety bond or other equivalent proof of financial responsibility satisfactory to the municipal licensing authority in the amount of \$25,000 executed by a surety company authorized by the insurance department to transact business in the commonwealth.

The law prohibits a city or town licensing authority from issuing or renewing a Class 2 license unless it is satisfied that a bond or the equivalent meeting the requirements of the law is in effect during the term under which the license shall be issued or renewed. Note also that if a dealer has more than one location in a City or Town and goes by a different name at the other location(s), the dealer needs a separate bond for each location

at which it uses a different name. If a dealer has locations in more than one City or Town, separate bonds must be obtained for each municipality.

4. Bond Issue Clarifications

Two issues needing clarification have recently been raised as to the bond/equivalent requirement.

(a) **Certificates of Deposit and Letters of Credit:** The first has to do with the place where certificates of deposit or irrevocable letters of credit may be deposited. Section 58 (c)(1) states, in part:

In lieu of the bond required by this section, the municipal licensing authority may allow the dealer to deposit collateral in the form of a certificate of deposit or irrevocable letter of credit, as authorized by the banking laws of the commonwealth... The collateral may be deposited with or executed through any authorized state depository designated by the commissioner...

The statute does not define "authorized state depository" but the Massachusetts Commissioner of Banks has issued an opinion to the Registrar, dated March 5, 2004, stating that "the definition covers any state or federally chartered bank or credit union with a banking office in the Commonwealth which has federal deposit insurance." The Commissioner has recommended that if a "Certificate of Deposit" is used, it should be titled:

"Commonwealth of Massachusetts, name of municipality, In Trust for (dealer) under Massachusetts General Laws chapter 140, section 58"

The Commissioner also recommends that an assignment should be executed, and that a municipality wishing to do so should contact the State Treasurer's Office to discuss the mechanics of that option. The Treasurer's Office is familiar with Certificates of Deposit and other alternative collateral since that office holds such collateral for certain licensees of the Commissioner of Banks.

(b) **Filing the Bond with Licensing Authorities:** The second issue relates to the manner in which the bond should be filed and filled out. The original of the bond needs to be filed with the City or Town when an initial Class 2 license is issued. On renewal, the licensing authority should insist on either a new original bond with power of attorney attached or an original continuation certificate showing that the existing bond is valid through the end of the next license period. Bonds may be written for more than one year so a municipality should be sure the bond covers the whole period during which the Class 2 license will be in effect. The amended statute does not specify the manner in which the bond should be filled out. However, a bond should clearly identify the parties and the purpose of the bond. For example:

Town of Willingboro, as obligee for the benefit of a person who purchases a vehicle from (name of dealer) and suffers a loss as defined by G.L. 140, Section 58.

5. Class 2 Licensee Definition Expanded

The definition of a Class 2 dealer was expanded to include two additional categories of used vehicle sellers that were not previously required to obtain a Class 2 license. A Class 2 licensee had always been defined as a person whose principal business is the buying or selling of second hand motor vehicles. The amended law allows a license to be issued even though it is not the applicant's principal business or he/she is not actually a seller. G.L. c. 140, §58 (c) now reads, in part:

(c) Class 2. A person whose principal business is the buying or selling of second hand motor vehicles, a person who purchases and displays second hand motor vehicles for resale in retail transactions, and any other person who displays second hand motor vehicles not owned by him pursuant to an agreement in which he receives compensation, whether solely for displaying the vehicles, upon the sale of each vehicle, or otherwise, may be granted a used car dealer's license

6. Comment on the Expanded Definition of Class 2 Licensee

(i) "... a person who purchases and displays second hand motor vehicles for resale in retail transactions."

This seller is a dealer of motor vehicles at retail even though it may not be his/her principal business and buys vehicles in order to sell them at retail to make a profit. A person who is selling or negotiating the casual sale of his/her own vehicle (one registered to him/her or to a spouse, another relative, a friend, etc.) is not required to obtain a Class 2 license, in the view of the RMV. Nor is a company that leases

vehicles for the use of its employees and then allows the employee to purchase the vehicle at the expiration of the lease. This provision may be applicable to a local garage or other business that purchases vehicles at auction (or from other sources) and repairs or reconditions them and offers them for sale. Any vehicles this licensee sells to a consumer will be subject to the state-mandated warranty protection of G.L. c.90, §7N¼, and the dealer must maintain or demonstrate access to repair facilities sufficient to enable him/her to satisfy the warranty repair obligations imposed by that section. The licensee must comply with the Consumer Protection Act, G.L. 93A and the Regulations of the Attorney General, and must post the required warranty notices on vehicles offered for sale. As a Class 2 licensee, this dealer is also required to maintain a Used Vehicle Record Book pursuant to G.L. 140, §62. The "authorized officers" identified in G.L. c.140, §66 (State Police, Attorney General, Chief of Police, Police Commissioner in Boston, the Selectmen of a Town, or police officers authorized by said officials) "may at any time enter upon any premises used by any person licensed under section fifty-nine for the purpose of carrying on his licensed business, ascertain how he conducts the same and examine all second hand motor vehicles or parts thereof kept or stored in or upon the premises, and all books, papers and inventories relating thereto."

(ii) "... any other person who displays second hand motor vehicles not owned by him pursuant to an agreement in which he receives compensation, whether solely for displaying the vehicles, upon the sale of each vehicle, or otherwise." This is a person who does not own the vehicles he displays on his property but he receives compensation for the display or the sale from the vehicle's owner. These are usually consignment sales and they should only involve privately owned vehicles. RMV regulations prohibit the holder of a dealer plate from offering vehicles for sale anywhere other than the licensed premises of the dealer (except for sales at recognized automobile auction facilities or at combined-dealer special sale events). Therefore, a dealer who has been issued Dealer Plates may not display other dealer's vehicles on his/her own lot or display his own vehicles on other dealers' lots. However, any licensed Class 2 dealer who has received Dealer Plates from the RMV may display vehicles for sale on the dealer's lot that are owned by a private party and held for consignment, but the vehicle must be entered in the dealer's Used Vehicle Record Book as a consignment vehicle. (The dealer cannot, however, attach its own Dealer Plate to allow a test drive of the consigned vehicle because the dealer does not own the vehicle. If a test drive is contemplated, the vehicle's owner may opt to leave his/her own valid registration plates on the vehicle if the owner's liability insurance will cover a test drive). The record keeping and inspection requirements as contained in 6.(i) (above) are applicable here also.

7. **Local Review Needed** Municipalities are urged to review the Class 2 licenses they have issued in 2004 to ensure that the bond requirement has been met for each license.

8. **A Note About Licensees Working From Home**

The RMV is aware that some municipalities have been issuing Class 2 licenses even though the applicant is doing business from his/her home. Class 2 licensees almost always apply to the RMV for Dealer Plates. The process is that the RMV asks the State Police to perform a site visit to determine if the dealer has a facility that is appropriate for the issuance of such plates. After the visit, the Trooper makes a report and recommendation to the RMV. If the licensed premises do not comply with the relevant provisions of G.L. c.90 and the Regulations of the Registrar at 540 CMR 18.00, the application for plates will be denied.

Definition of "Dealer." M.G.L. c. 90, 1, defines a "dealer" as: "any person who is engaged principally and substantially in the business of buying, selling or exchanging motor vehicles or trailers or motor vehicle bodies who maintains a facility dedicated to carrying out said business...." (Emphasis added). An applicant for General Registration Dealer Plates must be principally and substantially engaged in the business and have the required dedicated facility. Even a dealer who sells solely on a "wholesale basis" (although no such Class 2 license category exists) must have the required dedicated facility. The RMV will not issue Dealer Plates to an applicant if his/her business is located within the personal living

CNA SURETY

CNA Plaza, Chicago IL 60685-0001

Jennifer B. Schaller

Counsel

Telephone 312-822-7049

Facsimile 312-755-3737

Re: **Second Hand Motor Vehicle Dealer Bond Certificate of
Continuance for Western Surety Bonds**

Western Surety is an underwriting company of CNA Surety and we are contacting your office because several of our bond principals received correspondence indicating the need for a Certificate of Continuance for their Second Hand Motor Vehicle Dealer Bonds issued by Western Surety.

Western Surety's standard bond form expressly states: "This bond shall be continuous and may be cancelled by the Surety by giving (30) days' written notice of cancellation to the municipal licensing authority at (address) by First Class Mail." (emphasis added)." Since, Western Surety's bond form is continuous, it would be inappropriate for Western Surety to issue a Continuation Certificate.

The Commonwealth of Massachusetts, Registry of Motor Vehicles has reviewed Western Surety's bond form and has clearly stated that municipalities do not need to require additional evidence that the bond is in effect. (See attached letter from Attorney William McVey dated November 19, 2004).

If you have any questions, or we can be of any further assistance, please feel free to contact me at (312) 822-7049.

Sincerely,

Jennifer B. Schaller

Jennifer B. Schaller

Massachusetts

Western Surety Company

SECOND HAND MOTOR VEHICLE DEALER BOND (Mass. Gen. Laws Ann. 140, § 58(c))

Bond No. 69923000

1

KNOW ALL PERSONS BY THESE PRESENTS:

Effective Date: June 9, 2005

That we, Charles Ciovacco 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, 60 Pleasant St., Newburyport, MA 01950

by First Class U.S. Mail.

Address

Dated this 9th day of June, 2005.



Charles Ciovacco dba LCA Motors, Principal

By: _____
WESTERN SURETY COMPANY, Surety

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

JAN-25-2008 FRI 11:51 AM

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. Bruffat 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

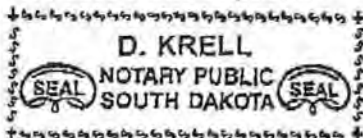
L. Nelson
Assistant Secretary

WESTERN SURETY COMPANY

By Paul T. Bruffat
Paul T. Bruffat, 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. Bruffat 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, 2008

D. Krell
Notary Public





Katherine Hinden
Registrar

The Commonwealth of Massachusetts

Registry of Motor Vehicles

One Copley Place, Boston 02116

Mail
P.O. Box 199108
Boston, MA 02119-0108
www.ria.gov/riov

November 19, 2004

Jennifer B. Schaller, Esq.
Law Department
CNA Surety, 13th Floor
CNA Plaza 13 South
Chicago, IL 60685

Re: Western Surety Company Bond for Massachusetts

Dear Attorney Schaller:

1. This is in response to your inquiry concerning the bond required by Class 2 motor vehicle dealers in Massachusetts. You have indicated that licensing authorities in some municipalities have insisted that dealers attempting to renew a "Class 2 Dealer's License" must provide proof that the dealer's existing bond is still valid and will remain so throughout the renewal term of one calendar year (January 1, to December 31).

2. Chapter 422 of the Acts of 2002 does state that:
A municipal licensing authority shall not issue or renew a Class 2 license unless it is satisfied that a bond or equivalent proof of financial responsibility meeting the requirements of this section is in effect during the term under which the license shall be issued or renewed....

3. I have reviewed a copy of a bond you have provided which is issued by Western Surety Company (apparently a related company to CNA). The Form Number of the Western Surety Second Hand Motor Vehicle Dealer Bond is F6333-7-2003 and you have provided oral assurance that this is the only bond form used in Massachusetts by Western Surety Company for Class 2 dealers.

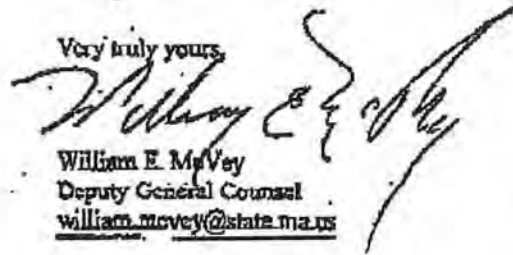
4. The last paragraph of the Western Surety Second Hand Motor Vehicle Dealer Bond states:

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 _____ by First Class U.S. Mail.

5. Based upon the wording contained in the Bond as stated in paragraph #4, the Registrar is satisfied that the above identified Western Surety Second Hand Motor Vehicle Dealer Bond (F6333-7-2003) provides continuous coverage under the law (unless the municipality is notified of cancellation). As such, a municipality in Massachusetts that is processing a renewal for a Class 2 Dealer License from a dealer who has a Western Surety Second Hand Motor Vehicle Dealer Bond (F6333-7-2003) on file with the municipality, should not require additional evidence that the bond is still valid.

6. I trust this is responsive to your inquiry.

Very truly yours,



William E. McVey
Deputy General Counsel
william.mcvey@state.ma.us

RECEIVED
CITY CLERK'S OFFICE
NEWBURYPORT, MA

THE COMMONWEALTH OF MASSACHUSETTS

City OF Newburyport 2024 JAN -2 A 10: 04

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 11
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? GNE D Inc DBA Newburyport
Sumoco

Business address of concern. No. 59 Storey Avenue St.,
Newburyport MA, 01950 City - Town.

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

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

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

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

President George Daaboul

Secretary George Daaboul

Treasurer George Daaboul

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? No

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

Elias Fani 6037608441

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

Gas station, Auto Repair Facility, parking lot,
Massachusetts Vehicle inspection Station.
All mentioned facilities will be used as part of
the car dealer business.

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

If so, state name of manufacturer _____

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

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

If so, in what city — town Newburyport MA.

Did you receive a license? Yes (Yes or No) For what year? 201994 -> 2023

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 _____
(Duly authorized to represent the concern herein mentioned)

Residence _____

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 _____ 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 in 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 _____

SELECTMEN

MAY 18 2004

Memorandum

To: Municipal Licensing Authorities of Motor Vehicle Dealers
From: William E. McVey, Deputy General Counsel
Date: May 2004
Re: Issues Relating to Class 2 Dealers under G.L. 140, Section 58

1. Purpose

The primary purpose of this Memorandum is to provide information to Cities and Towns about the amendments relative to Class 2 dealers that were made to G.L. c. 140, §58 by Chapter 422 of the Acts of 2002 (a copy of which is enclosed). The Legislature amended Section 58 to require Class 2 dealers to post and maintain a bond (or, if permitted, equivalent proof of financial responsibility, e.g., certificate of deposit or letter of credit) with the municipal licensing authority in the amount of \$25,000. The amendments also authorize the licensing of two additional types of businesses engaged in used vehicle sales. The amendment became effective almost a year ago, on March 24, 2003, but some municipalities may be unaware of it and some other issues remain to be clarified.

2. Bond Requirement

The bond requirement is only applicable to Class 2 dealers. It is not applicable to a Class 1 dealer who buys and sells used vehicles and it is not applicable to a Class 3 dealer who sells used vehicles. The bond is for the benefit of a person who purchases a vehicle from the Class 2 licensee and suffers a financial loss. The list of intended beneficiaries is contained within the Act. The bonding requirement modifies the municipal licensing process for Class 2 dealers (and affects the dealer's ability to retain the license). It also affects the RMV, since the agency is prohibited from knowingly issuing or renewing Dealer Plates if it becomes aware that a Class 2 dealer lacks the legally required bond. The RMV will revoke the General Registration and Dealer Plates when it becomes aware the dealer does not have a bond or when it is informed by a municipality that it has revoked a Class 2 license. The RMV has become aware that some municipalities are not enforcing the bond requirement and have been licensing Class 2 dealers without a bond. **A municipality that fails to enforce the bond requirement faces potential liability from claimants under the bond.**

3. Dealers Subject to Bond Requirement

All Class 2 dealer-licensees (no exceptions) renewing or obtaining a new license in 2004 (and in future years) are subject to the bonding requirement of \$25,000. This is true even if the dealer is not selling vehicles covered by the warranty requirements of G.L. c.90, §7N ¼. G.L. c.140, §58 (c)(1) states:

The person shall obtain a bond, or equivalent proof of financial responsibility as described in paragraph (5), and continue in effect a surety bond or other equivalent proof of financial responsibility satisfactory to the municipal licensing authority in the amount of \$25,000 executed by a surety company authorized by the insurance department to transact business in the commonwealth.

The law prohibits a city or town licensing authority from issuing or renewing a Class 2 license unless it is satisfied that a bond or the equivalent meeting the requirements of the law is in effect during the term under which the license shall be issued or renewed. Note also that if a dealer has more than one location in a City or Town and goes by a different name at the other location(s), the dealer needs a separate bond for each location

at which it uses a different name. If a dealer has locations in more than one City or Town, separate bonds must be obtained for each municipality.

4. Bond Issue Clarifications

Two issues needing clarification have recently been raised as to the bond/equivalent requirement.

(a) **Certificates of Deposit and Letters of Credit:** The first has to do with the place where certificates of deposit or irrevocable letters of credit may be deposited. Section 58 (c)(1) states, in part:

In lieu of the bond required by this section, the municipal licensing authority may allow the dealer to deposit collateral in the form of a certificate of deposit or irrevocable letter of credit, as authorized by the banking laws of the commonwealth.... The collateral may be deposited with or executed through any authorized state depository designated by the commissioner....

The statute does not define "authorized state depository" but the Massachusetts Commissioner of Banks has issued an opinion to the Registrar, dated March 5, 2004, stating that "the definition covers any state or federally chartered bank or credit union with a banking office in the Commonwealth which has federal deposit insurance." The Commissioner has recommended that if a "Certificate of Deposit" is used, it should be titled:

"Commonwealth of Massachusetts, name of municipality, In Trust for (dealer) under Massachusetts General Laws chapter 140, section 58"

The Commissioner also recommends that an assignment should be executed, and that a municipality wishing to do so should contact the State Treasurer's Office to discuss the mechanics of that option. The Treasurer's Office is familiar with Certificates of Deposit and other alternative collateral since that office holds such collateral for certain licensees of the Commissioner of Banks.

(b) **Filing the Bond with Licensing Authorities:** The second issue relates to the manner in which the bond should be filed and filled out. The original of the bond needs to be filed with the City or Town when an initial Class 2 license is issued. On renewal, the licensing authority should insist on either a new original bond with power of attorney attached or an original continuation certificate showing that the existing bond is valid through the end of the next license period. Bonds may be written for more than one year so a municipality should be sure the bond covers the whole period during which the Class 2 license will be in effect. The amended statute does not specify the manner in which the bond should be filled out. However, a bond should clearly identify the parties and the purpose of the bond. For example:

Town of Willingboro, as obligee for the benefit of a person who purchases a vehicle from (name of dealer) and suffers a loss as defined by G.L. 140, Section 58.

5. Class 2 Licensee Definition Expanded

The definition of a Class 2 dealer was expanded to include two additional categories of used vehicle sellers that were not previously required to obtain a Class 2 license. A Class 2 licensee had always been defined as a person whose principal business is the buying or selling of second hand motor vehicles. The amended law allows a license to be issued even though it is not the applicant's principal business or he/she is not actually a seller. G.L. c. 140, §58 (c) now reads, in part:

(c) Class 2. A person whose principal business is the buying or selling of second hand motor vehicles, a person who purchases and displays second hand motor vehicles for resale in retail transactions, and any other person who displays second hand motor vehicles not owned by him pursuant to an agreement in which he receives compensation, whether solely for displaying the vehicles, upon the sale of each vehicle, or otherwise, may be granted a used car dealer's license

6. Comment on the Expanded Definition of Class 2 Licensee

(i) "... a person who purchases and displays second hand motor vehicles for resale in retail transactions."

This seller is a dealer of motor vehicles at retail even though it may not be his/her principal business and buys vehicles in order to sell them at retail to make a profit. A person who is selling or negotiating the casual sale of his/her own vehicle (one registered to him/her or to a spouse, another relative, a friend, etc.) is not required to obtain a Class 2 license, in the view of the RMV. Nor is a company that leases

vehicles for the use of its employees and then allows the employee to purchase the vehicle at the expiration of the lease. This provision may be applicable to a local garage or other business that purchases vehicles at auction (or from other sources) and repairs or reconditions them and offers them for sale. Any vehicles this licensee sells to a consumer will be subject to the state-mandated warranty protection of G.L. c.90, §7N¼, and the dealer must maintain or demonstrate access to repair facilities sufficient to enable him/her to satisfy the warranty repair obligations imposed by that section. The licensee must comply with the Consumer Protection Act, G.L. 93A and the Regulations of the Attorney General, and must post the required warranty notices on vehicles offered for sale. As a Class 2 licensee, this dealer is also required to maintain a Used Vehicle Record Book pursuant to G.L. 140, §62. The "authorized officers" identified in G.L. c.140, §66 (State Police, Attorney General, Chief of Police, Police Commissioner in Boston, the Selectmen of a Town, or police officers authorized by said officials) "may at any time enter upon any premises used by any person licensed under section fifty-nine for the purpose of carrying on his licensed business, ascertain how he conducts the same and examine all second hand motor vehicles or parts thereof kept or stored in or upon the premises, and all books, papers and inventories relating thereto."

(ii) "...any other person who displays second hand motor vehicles not owned by him pursuant to an agreement in which he receives compensation, whether solely for displaying the vehicles, upon the sale of each vehicle, or otherwise." This is a person who does not own the vehicles he displays on his property but he receives compensation for the display or the sale from the vehicle's owner. These are usually consignment sales and they should only involve privately owned vehicles. RMV regulations prohibit the holder of a dealer plate from offering vehicles for sale anywhere other than the licensed premises of the dealer (except for sales at recognized automobile auction facilities or at combined-dealer special sale events). Therefore, a dealer who has been issued Dealer Plates may not display other dealer's vehicles on his/her own lot or display his own vehicles on other dealers' lots. However, any licensed Class 2 dealer who has received Dealer Plates from the RMV may display vehicles for sale on the dealer's lot that are owned by a private party and held for consignment, but the vehicle must be entered in the dealer's Used Vehicle Record Book as a consignment vehicle. (The dealer cannot, however, attach its own Dealer Plate to allow a test drive of the consigned vehicle because the dealer does not own the vehicle. If a test drive is contemplated, the vehicle's owner may opt to leave his/her own valid registration plates on the vehicle if the owner's liability insurance will cover a test drive). The record keeping and inspection requirements as contained in 6.(i) (above) are applicable here also.

7. **Local Review Needed** Municipalities are urged to review the Class 2 licenses they have issued in 2004 to ensure that the bond requirement has been met for each license.

8. **A Note About Licensees Working From Home**

The RMV is aware that some municipalities have been issuing Class 2 licenses even though the applicant is doing business from his/her home. Class 2 licensees almost always apply to the RMV for Dealer Plates. The process is that the RMV asks the State Police to perform a site visit to determine if the dealer has a facility that is appropriate for the issuance of such plates. After the visit, the Trooper makes a report and recommendation to the RMV. If the licensed premises do not comply with the relevant provisions of G.L. c.90 and the Regulations of the Registrar at 540 CMR 18.00, the application for plates will be denied.

Definition of "Dealer." M.G.L. c. 90, 1, defines a "dealer" as: "any person who is engaged principally and substantially in the business of buying, selling or exchanging motor vehicles or trailers or motor vehicle bodies who maintains a facility dedicated to carrying out said business...." (Emphasis added). An applicant for General Registration Dealer Plates must be principally and substantially engaged in the business and have the required dedicated facility. Even a dealer who sells solely on a "wholesale basis" (although no such Class 2 license category exists) must have the required dedicated facility. The RMV will not issue Dealer Plates to an applicant if his/her business is located within the personal living

quarters of a residential building, whether or not the dealer or someone else actually resides there or whether no one resides there. The law regarding the issuance of dealer plates is clear and plates will not be issued even if the municipality has issued a dealer's license for that location.

Further, the regulations at 540 CMR 18.02(2)(a) were adopted under the Registrar's authority and contain the requirements that a dealer must meet to receive or retain Dealer Plates. These requirements indicate the nature of the required "facility." Generally, the following are relevant to a used vehicle dealer:

- > The dealer's business is situated within a permanent building or permanently affixed structure, including an office trailer, owned or leased by the dealer for his exclusive use and located at the address of record noted on the dealer's license issued under the provisions of M.G.L. 140, §59. Except for a dealer who exchanges vehicles or trailers solely on a wholesale basis, the dealer shall be open to the public.
- > The building, structure or office trailer must have adequate office space to conduct the business.
- > If more than one business is located within the same building or structure, the dealer shall maintain a separate and exclusive entrance, unless the multiple businesses are owned or controlled by the same principals.
- > Subject to local law, and except for a dealer who exchanges vehicles or trailers solely on a wholesale basis, the dealer shall display a permanently affixed exterior sign of sufficient size and design, to give the general public notice of the name and nature of the business.
- > The dealer must have a display area/lot to display the vehicles being offered for sale unless the dealer exchanges vehicles or trailers solely on a wholesale basis.

9. Summary

Personal living quarters cannot be the site of a Class 2 dealer's business because the law requires a dealer to maintain a facility dedicated to carrying out that business and that facility must be used exclusively for the dealer's business. It is possible that a dealer may have premises either attached to or detached from a residential building that could be deemed suitable by the RMV. The State Police site inspection may help to determine suitability. The premises would have to be separate and distinct from any personal living quarters (e.g., it would have to be a secure facility with solid floor-to-ceiling walls, adequate office space to conduct the business, direct access from the outside of the building, not be used or shared with any other person or with any portion of personal living quarters and be licensed by the municipality at that location). The licensee must post and maintain reasonable business hours so that State and local police can accomplish the required facility and record book checks when required.

10. New License Application in Draft Stage G.L. 140, §59 states, in part: ...“application for license shall be made in such form as shall be approved by the registrar of motor vehicles...” The RMV is drafting a proposed new version of an *Application for a License as a Motor Vehicle Dealer*. The purpose is to update and standardize the *Application* to include significantly more information about the applicant (including background information on all principals) so that licensing authorities are better informed before issuing or renewing a license. The RMV is willing to receive and discuss suggestions for the proposed new *Application* that local licensing officials may wish to provide. Please email me with your suggestions at: william.mcvey@state.ma.us or write to me at the above address.

Thank you. If you have any questions about this Memorandum you may email or write. You may also call me at: 617-351-9950.



UTICA MUTUAL INSURANCE COMPANY
 NEW HARTFORD, NEW YORK
EXECUTION REPORT FOR BOND

U/W Code

CODING SOURCE 0# Acct Number:	EFFECTIVE DATE 12/19/2023	
POLICY NUMBER SU4490005	EXPIRATION DATE 12/19/2024	
<input type="checkbox"/> NEW <input checked="" type="checkbox"/> RENEWAL <input type="checkbox"/> ENDORSEMENT	TRANS. EFFECTIVE DATE	
INSURED GNFD, Inc. dba Newburyport Sunoco ADDRESS 59 Storey Avenue Newburyport MA 01950	BOND AMOUNT \$25,000.00	
	TOTAL PREMIUM \$250.00	
	CSP/POLICY TYPE	
	TRANS. 2111	POLICY CT 1 UND. 4
	SIC # 55211	BILL CODE 1
OBLIGEE (FULL ADDRESS REQUIRED) Commonwealth of MA, Registry of Motor Vehicles One Copley Place Boston MA 02119	LINE 2273	
	STATE OR FOREIGN COUNTRY 20	
	TAX TOWN (Required for AL, FL, GA, KY, LA, SC)	
	PLAN 01	
NATURE OF RISK Dealer Bond	PLAN WITH SURCHARGE (Required for KY)	
SERIES X COMPANY CODE 1	COMMISSION 30%	
REG. OFF. 04 AGENT NO. 70135	CLASS CODE 927	
AGENT MACDONALD & PANGIONE ADDRESS 104 MAIN ST NORTH ANDOVER MA 01845	FIDELITY FORM (Col. 48)	
	SURETY TYPE OF CONTRACT (Col. 50)	
	GROSS LIMIT 000	TREATY LIMIT
	ENDORSEMENT	
RENEWAL METHOD: <input checked="" type="checkbox"/> COLLECTION OF PREMIUM <input type="checkbox"/> CONTINUATION CERTIFICATE <input type="checkbox"/> NEW BOND		
BOND APPROVED BY:	BOND SIGNED BY: Lauri A. Emmerich (Attorney-in-Fact)	DATE 11/21/2023
REMARKS:		

PERAC

COMMONWEALTH OF MASSACHUSETTS | PUBLIC EMPLOYEE RETIREMENT ADMINISTRATION COMMISSION

PHILIP Y. BROWN, ESQ., *Chair*

JOHN W. PARSONS, ESQ., *Executive Director*

Auditor DIANA DIZOGLIO | KATHLEEN M. FALLON | KATE FITZPATRICK | JAMES J. GUIDO | RICHARD MACKINNON, JR. | JENNIFER F. SULLIVAN, ESQ.

MEMORANDUM

TO: Newburyport Retirement Board
 FROM: John W. Parsons, Esq., Executive Director
 RE: Appropriation for Fiscal Year 2025
 DATE: December 4, 2023



RECEIVED
 CITY CLERK'S OFFICE
 NEWBURYPORT, MA
 2023 DEC 11 P 2:03

Required Fiscal Year 2025 Appropriation: **\$6,548,612**

This Commission is hereby furnishing you with the amount to be appropriated for your retirement system for Fiscal Year 2025 which commences July 1, 2024.

Attached please find the portion of the Fiscal Year 2025 appropriation to be paid by each of the governmental units within your system.

The current schedule is due to be updated by Fiscal Year 2025.

If you have any questions, please contact PERAC's Actuary, John Boorack, at (617) 666-4446 Extension 935.

JWP/jfb
 Attachment

cc: Office of the Mayor
 City Council
 c/o City Clerk

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Newburyport Retirement Board
 Appropriation by Governmental Unit

Fiscal Year 2025 - July 1, 2024 to June 30, 2025

Aggregate amount of appropriation: **\$6,548,612**

UNIT	Percent of Aggregate Amount	Funding Schedule (excluding ERI)	ERI	Total Appropriation
City of Newburyport	97.11%	\$6,359,357	\$0	\$6,359,357
Newburyport Housing Authority	2.89%	\$189,255	\$0	\$189,255
UNIT TOTAL	100%	\$6,548,612	\$ 0	\$6,548,612

The Total Appropriation column shown above is in accordance with your current funding schedule and the scheduled payment date(s) in that schedule. Whenever payments are made after the scheduled date(s), the total appropriation should be revised to reflect interest at the rate assumed in the most recent actuarial valuation. Payments should be made before the end of the fiscal year.



Re: Frog Pond Restoration Project - Questions and Comments

1 message

Joseph Morgan <jmadisonmorgan@gmail.com>

Fri, Dec 22, 2023 at 10:42 AM

To: Kimberly Turner <KTurner@cityofnewburyport.com>

Cc: Andrew Levine <ALevine@cityofnewburyport.com>, James J. McCauley <JMcCauley@cityofnewburyport.com>, Connie Preston <CPreston@cityofnewburyport.com>, Jennie Donahue <JDonahue@cityofnewburyport.com>

Dear Ms. Turner,

Thank you for your response to my November 14 email regarding the proposed alterations to the Bartlet Mall and Frog Pond. Per your recommendations I have watched the recordings of the Conservation Commission and Planning Board meetings and reviewed the responses to questions from the Community Services Committee. The following are my findings relative to the questions that I asked you in my email:

1) Pond habitat: based on comments offered by Professor Vladimir Novotny, there was no survey of pond habitat performed by environmental biologists to determine the impact on aquatic wildlife in and around the pond. Without that information it seems that no one would be able to report on damage that might be inflicted on amphibian populations when the pond is de-watered and the sediment graded and capped. Why was such a survey not conducted prior to project design?

I found no answer to, and very little discussion of, this question from the Conservation Commission. The Notice of Intent was drafted without including habitat impact. Consequently, the City did not conduct a survey of animal and plant habitat so that it could be included with other “scientific evidence” used in the basis of design for alterations to the Frog Pond. Professor Novotny states in his September 5 presentation to the Community Services Committee that turtles inhabit the pond and are considered an endangered and protected species. I did hear concern expressed by the CC for the turtle population (hence an acknowledgement of animal habitat) once dewatering commences, but not enough to recommend an action plan such as a survey or rescue/relocation. Furthermore, The Secretary of the Interior Standards “Guidelines for Rehabilitating Cultural Landscapes” recommends documentation of plant and animal life during the survey of water feature existing conditions. <https://www.nps.gov/crps/tps/landscape-guidelines/preserve/water.htm>

2) Pumphouse: the original approved design for water recirculation was a pump housed in a concealed vault. Since that time the equipment scope has grown to the point where a 14-foot by 14-foot equipment room is needed to accommodate it. Moreover, that expanded footprint must now be housed in an architecturally designed pumphouse to make it compatible with the courthouse, as was discussed with the Planning Board. Based on a conversation with Professor Vladimir Novotny, I am concerned that the current equipment scope is overdesigned. The nanobubbler certainly seems excessive for natural pond restoration of this scale. Can examples be provided of other pond habitats that have been restored using a similar pumphouse design with similar equipment?

I found no answers to this question either from the meetings of the Conservation Commission, the Planning Board or the Community Services Committee. The latter asked the question about the design team’s experience but I noted no response giving other similar projects as examples. I have not found on the GEI and Aqueous Consultant websites examples of similar historical urban pond restorations (or any environmental pond restoration) demonstrating documented success with the proposed design and equipment. Nor did I once hear the GEI and Aqueous team members at the meetings refer to other projects to demonstrate proposed design principles or successful application of same. Based on my professional experience, I find it highly unusual to have hired

engineering consultants without having verified project-relevant experience. The engineering consultants appear to have considerable experience with environmental remediation caused by industrial pollution, larger civil projects and new park or recreational water features – but not with sensitive existing natural pond habitat within historic cultural landscapes.

3) Granite bench wall: I have been perplexed by the granite bench wall since I read the specification in the August bid documents. What had been originally reviewed and approved as a granite edge curb has become a raised basin wall. There appears to be no reason, functional, aesthetic, or historic as to why this change was made nor any consideration for the budget impact that it carries. How does this granite wall contribute to the project goals of pond water remediation?

There was a brief reference to the granite bench wall by Carol Wagan in the Conservation Commission’s meeting of May 16. Apparently, it was changed from the flush granite curb of earlier presentations (see rendering) to a raised granite block wall to keep out geese and ducks. This seems like an extreme solution to a problem for which other far less costly solutions are available – the granite wall has a \$600,000 price tag. It will deter other amphibian wildlife from returning to the pond since it forms a barrier between the beach and water. Finally, it is incompatible with the original Charles Eliot design for the pastoral landscape around the pond.



4) Dock: why is there a dock and how does it contribute to pond water remediation? The dock poses a drowning hazard for children; there is a playground just above it on the embankment.

Much discussion centered on the dock in the Conservation Commission meetings. Most seemed to be concerned with its weight, the details for rolling it in and out of the pond, and how it fits over the recirculation pump inlet pipe. One commissioner mentioned the public safety hazard but there was no serious response or follow up discussion concerning controlled dock access, rails, life vest storage, lighting, etc.

Also, the boating program is mentioned in Question 33 from the Community Services Committee. Your response refers to the 2016 pro forma report. In that document it assumes that revenues will be able to offset pond operating cost and maintenance. However, the “comparables” cited are much larger bodies of water in more dense communities (e.g. Manhattan’s Central Park) and in no way guarantee sufficient market analysis to suggest that there is sustainable interest in a boating program on a small historical green.

My general impression is that the dock idea has not been well thought out either from the public amenity side nor from the City finance/revenue side.

5) Historical landmark status: has the Massachusetts Historical Commission reviewed the project? The project intends to considerably alter this historic and cultural landscape that is cited both as a State and National landmark and recorded in their landmark registries. MHC is required to review any project that receives funding, licensing or permits by State or Federal agencies.

I reviewed your August 30 document summarizing project permits and do not see the Massachusetts Historical Commission cited. Whereas the project may have been exempted from permitting by MEPA and the US Army Corps of Engineers, it will be receiving State funds through the CPA which should trigger review by MHC. The MHC website states "...However, MEPA's thresholds do not apply to MHC's review of state funded or licensed projects. In general, all projects that require a permit, license or funding from any state agency must file a Project Notification Form (PNF) with the MHC, regardless of whether they trigger a MEPA threshold."

Based on my further review of the project, it is clear that there has been a change of project scope. In presenting the project to the Historical Commission in early 2022 there was little or no discussion of the intended recreational use. Indeed, the fact that the parks department was seeking CPA funds in the Historical Preservation category implied that the project goals were a sensitive and light-touch remediation of the pond while respecting the historical park design and existing plant and animal habitat. The Newburyport CPC evaluation criteria for this category states "Protect, preserve, enhance, restore and/or rehabilitate city-owned properties, features or resources of historical significance." The current solution does not conform to the requirements of historical preservation assuming that the pond was to remain a city park water feature for contemplation and passive enjoyment.

Since early 2022 there has been a shift away from the historic preservation goal toward recreational use of the pond. This would explain the heavy-handed approach to the engineering solution of capping the pond and adding complicated recirculation, a deep well and excessive aeration, thus destroying the existing pond ecology. The Parks and Conservation Commissions are used to working in tandem to provide much needed and valuable recreational amenities to the citizens of Newburyport. However, the current design, emphasizing recreation over preservation, threatens the historical town green in ways that are disrespectful of the peace, dignity and tradition of a much beloved community landmark.

Regards,
Joe Morgan
55 Hill Street

On Tue, Nov 28, 2023 at 11:40 AM Kimberly Turner <KTurner@cityofnewburyport.com> wrote:

Mr. Morgan,

I am in receipt of the email describing your concerns regarding the Bartlet Mall Restoration Project. I hope you can appreciate the time and effort that has gone into this project: looking at this centuries-old problem from every angle and assessing the proposed solution based on scientific evidence obtained by months of on-site testing and current technologies available to us, and ensuring that all regulatory agencies are satisfied that the solution balances ecological, historical and recreational needs against costs, long-range success and maintenance burden. No design decision has been taken lightly with regard to this project.

Indeed, every one of your proposed questions have been answered, in some cases multiple times, in public meetings and public documents. I encourage you to look on the City's website, under the Parks Commission page, where there is a tab dedicated to the [Bartlet Mall Restoration Project](#). There you should find answers to your questions. In particular, I point you to the responses to the 33 questions that the Community Services Committee posed to the design team. A recording of that meeting can also be found [on-line](#). I also encourage you to read the minutes or watch the meetings of the Conservation Commission's 5/2, 5/16, 6/6 and 7/18 meetings as well as the Planning Board's 7/19 and 8/16 meetings.

It is false that the originally approved granite edge was 6" height. From the earliest application to the Community Preservation Committee (as was sent to you via Historical Commission Chair Richards on 9/14), you can see that all renderings and application documents refer to a seat-height edge.

Sincerely,

Kim D Turner (*she/her*)

Manager of Special Projects

City of Newburyport

60 Pleasant Street

Newburyport, MA 01950

Office 978-465-4413

Cell 978-572-6767

KTurner@CityofNewburyport.com

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The Commonwealth of Massachusetts considers most electronic communications to and from public employees to be public records and disclosable under the Massachusetts Public Records Law and its implementing regulations.

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From: Joseph Morgan <jmadisonmorgan@gmail.com>

Sent: Tuesday, November 14, 2023 7:36 PM

To: Kimberly Turner <KTurner@CityofNewburyport.com>

Cc: Andrew Levine <ALevine@CityofNewburyport.com>; James J. McCauley <JMcCauley@CityofNewburyport.com>; Connie Preston <CPreston@CityofNewburyport.com>; Jennie Donahue <JDonahue@CityofNewburyport.com>

Subject: Frog Pond Restoration Project - Questions and Comments

Dear Ms. Turner,

After being introduced to the Frog Pond Restoration Project via my volunteer work with the Historical and Community Preservation Commissions, I most recently have followed the project by attending Planning Board and Community Services Committee meetings and reviewing the design documents issued for bidding. Whereas I am a supporter of the project's goals to clean the pond water, abate any serious source(s) of contamination and restore a healthy ecosystem, I am perplexed at certain aspects of the design, which I feel are extraneous to these goals. I have spoken to many others of my concerns but, as project manager, you are the best source for responding to my specific questions and comments since you know the entire history of the project. I would be most grateful for any further details you might provide regarding the following issues:

1) Pond habitat: based on comments offered by Professor Vladimir Novotny, there was no survey of pond habitat performed by environmental biologists to determine the impact on aquatic wildlife in and around the pond. Without that information it seems that no one would be able to report on damage that might be inflicted on amphibian populations when the pond is de-watered and the sediment remediated through dredging and capping. Why was such a survey not conducted prior to project design?

2) Pumphouse: the original approved design for water recirculation was a pump housed in a concealed vault. Since that time the equipment scope has grown to the point where a 14-foot by 14-foot equipment room is needed to accommodate it. Moreover, that expanded footprint must now be housed in an architecturally designed pumphouse to make it compatible with the courthouse, as was discussed with the Planning Board. Based on a conversation with Professor Vladimir Novotny, I am concerned that the current equipment scope is overdesigned. The nanobubbler certainly seems excessive for natural pond restoration of this scale. Can examples be provided of other pond habitats that have been restored using a similar pumphouse design with similar equipment?

3) Granite bench wall: I have been perplexed by the granite bench wall since I read the specification in the August bid documents. What had been originally reviewed and approved as a granite edge curb has become a raised basin wall. There appears to be no reason, functional, aesthetic, or historic as to why this change was made nor any consideration for the budget impact that it carries. How does this granite wall contribute to the project goals of pond water remediation?

4) Dock: why is there a dock and how does it contribute to pond water remediation? The dock poses a drowning hazard for children; there is a playground just above it on the embankment.

5) Historical landmark status: has the Massachusetts Historical Commission reviewed the project? The project intends to considerably alter this historic and cultural landscape that is cited both as a State and National landmark and recorded in their landmark registries. MHC is required to review any project that receives funding, licensing or permits by State or Federal agencies.

In general, from my perspective, there appears to have been substantial scope creep associated with the Frog Pond Restoration Project. Without survey data of the pond's habitat and clear project goals for accommodating an existing ecosystem, I am concerned that the pond has been labeled as a "toxic site" to be decontaminated and sterilized by the design team. I have heard remarks about the lack of relevant experience on the part of the engineering consultants, and it alarms me to think that the City may be implementing the wrong solution for "restoring" this cultural and historic landmark. I hope that there might still be an opportunity to circle back, review the project goals with all stakeholders, and have the entire design reviewed by experienced consultants in aquaculture restoration. A simpler, more cost effective, and eco-friendly solution may be identified that will save Newburyport, as well as Massachusetts, taxpayers a lot of money.

I thank you in advance for your knowledgeable assistance in this matter.

Respectfully,

Joe Morgan

55 Hill Street

Committees 2024

Budget and Finance

* Councillor Sharif Zeid
Councillor Ben Harman
Councillor Afroz Khan

Community Services

* Councillor Connie Preston
Councillor Jennie Donahue
Councillor Ben Harman

General Government

* Councillor Ed Cameron
Councillor Heath Granas
Councillor Afroz Khan

License and Permits

* Councillor Mark Wright
Councillor Byron Lane
Councillor Jim McCauley

Planning and Development

* Councillor Heather Shand
Councillor Connie Preston
Councillor Mark Wright

Public Works and Safety

* Councillor Jim McCauley
Councillor Jennie Donahue
Councillor Heath Granas

* Signifies Chair of the Committee

**APPOINTMENTS
FIRST READING**



CITY OF NEWBURYPORT
OFFICE OF THE MAYOR
SEAN R. REARDON, MAYOR

60 PLEASANT STREET - P.O. Box 550
NEWBURYPORT, MA 01950
978-465-4413 PHONE
MAYOR@CITYOFNEWBURYPORT.COM

To: President and Members of the City Council
From: Sean R. Reardon, Mayor
Date: January 8, 2024
Subject: Appointment

I hereby appoint, subject to your approval, the following named individual as a member of the Water/Sewer Commission. This term will expire February 15, 2026.

Mark Spencer, PhD
129 Merrimac Street, Unit 5
Newburyport, MA 01950

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2023 DEC 21 P 3: 53

Curriculum Vitae for Mark Spencer

Mark Spencer, PhD
100 School Street
Andover, MA 01810
978-309-0703
mspencer@wateranalytics.net

Professional Experience

- Water Analytics**, Andover MA 2010 to Present
President and owner
- Established Water Analytics to hold assets of AquaMetrix
 - Tripled revenue in 10 years.
 - Revamped entire sensor and controller product portfolio.
 - Authored textbook, *Water Quality Instrumentation, Principles and Practice*, (<http://www.wef.org/publications/publications/books/waterquality/>)
 - Chair of Water Environment Federation Innovation Award Committee
- Agiltron**, Woburn, MA 2008 to 2009
Director of Technology
- Oversee over 20 SBIR (Small Business Innovation Research Program) projects from proposal writing to management to commercialization.
 - Successfully assembled interdisciplinary team involving university and commercial partner for NIST \$8.5 million proposal.
 - Wrote and won SBIR proposal with Army for standoff detection of chemical and biological explosives using infrared emission.
 - Achieved over 50% winning percentage of several SBIR Phase I and Phase II proposals.
- (Midlife Crisis) Carriage House Portraits**, Andover, MA 1995 to 2008
Owner, photographer
- Started high-end studio to produce photographic portraits that would be displayed on a large scale and rival oil paintings in their level of artistry.
 - Earned a reputation as the one of the country's leading exponent of classically oriented portraiture.
 - Developed a unique hybrid film-digital workflow that provides an unmatched combination of resolution, color fidelity and archival longevity.

NASA Ames Research Center, Moffett Field, CA

1987 to 1995

Research scientist

- Measured the infrared absorption spectra of gases of atmospheric interest (mainly ozone and nitric oxide) to be used in conjunction with the HITRAN database to measure concentrations of atmospheric species.
- Created software model for extracting molecular parameters from high-resolution spectra. Several NASA groups adapted this software (*LeFit*) for analyzing spectra of molecules of atmospheric interest.
- Measured pressure-broadened line shapes of ozone and nitric oxide used in HITRANS database.
- Collaborated with research group of Professor Jeffrey Steinfeld of MIT and Robert Gamache of University of Massachusetts at Lowell to understand the relaxation pathways that underlie the broadened spectra of atmospheric gases as measured in the laboratory.

Physical Sciences, Andover, MA

Principal Scientist 1986 to 1987

- Spectroscopic analysis of lanthanum oxide electronic spectra needed for identification of re-entry vehicles.
- Development of three-wavelength temperature sensor that offered high temperature measurement capability.
- Initial development of technique for desorption of ice from cryogenic mirrors for use in space based imaging systems.

Education

- Massachusetts Institute of Technology, Mid-Career Acceleration Program, Experimental Atmospheric Chemistry 2008 to 2009
- NASA Ames Research Center, NRC Fellowship 1987 - 1989
- SRI International, Post-doctoral fellow 1984-1986
- Massachusetts Institute of Technology, PhD in Molecular Spectroscopy 1983
- University of Pennsylvania, Bachelor of Arts in Physical Chemistry 1978

Other Awards and Recognitions

- Board member of Merrimack Valley Habitat for Humanity, Memorial Hall Library, Andover Cultural Council, Mistral Music
- Rotarian of the Year 1996 and 2005
- Heritage Award for Community Service Award 2009
- Chabad of Merrimack Valley Annual Breakfast Honoree of the Year 2017



CITY OF NEWBURYPORT
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NEWBURYPORT, MA 01950
978-465-4413 PHONE
MAYOR@CITYOFNEWBURYPORT.COM

To: President and Members of the City Council
From: Sean R. Reardon, Mayor
Date: January 8, 2024
Subject: Appointment

I hereby appoint, subject to your approval, the following named individual
as a member of the Affordable Housing Trust. This term will expire on
February 15, 2026.

Elaine King Nickerson
16 Purchase Street
Newburyport, MA 01950

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NEWBURYPORT, MA
2024 JAN 21 P 3:53

ELAINE KING NICKERSON
16 Purchase Street
Newburyport, Massachusetts 01950
Elaine.Nickerson223@gmail.com 617-543-2204

November 4, 2022

Christine Jackson
Executive Assistant to the Mayor
Mayor's Office, City Hall
60 Pleasant Street
Newburyport, MA 01950

Dear Ms. Jackson,

Please consider this my letter of interest to be considered for membership on the Affordable Housing Trust for Newburyport. I am including a brief resume and will be happy to answer any questions you, the current Trust members or Mayor Reardon may have as to my background or readiness to serve on this important committee.

I have extensive experience in affordable housing and I am eager to get involved and help address the challenges folks face here in Newburyport as related to their housing situations. I also think that there are many misunderstandings about affordable housing in general and I'd love to be part of an effort to help people understand the basics of affordable housing and its importance to the overall health of our community.

Thank you for taking the time to review my resume and letter and for considering me for this position. I look forward to hearing from you.

Sincerely,


Elaine King Nickerson

ELAINE KING NICKERSON
16 Purchase Street
Newburyport, Massachusetts 01950
Elaine.Nickerson223@gmail.com 617-543-2204

30+ years' career experience in the field of affordable housing.

Focus and experience: post-development rental housing in general and Housing Program Compliance specifically.
Retired in March 2022.

EXPERIENCE

1990– 2007

- JUNIOR CONSULTANT
- CONSULTANT
- COMPLIANCE ANALYST,
- CONTRACT MANAGER,
- MANAGER OF HOUSING PROGRAM COMPLIANCE, *OKM ASSOCIATES, INC BOSTON MA*

Having previously served as Director of Property Management for eight years at OKM Associates, Inc, I transferred into the Consulting Division for the last 10 years of my tenure. I served in these roles listed above. The work most pertinent to Newburyport was compliance monitoring of HOME and Housing Stabilization Fund (HSF) as well as a lesser role with Community Development Block Grant (CDBG). The US Dept of HUD, The Commonwealth of Massachusetts' DHCD, and various HOME Consortia were the clients that I worked with during those years. Other work, less pertinent to Newburyport, but interesting was our work on the privatization of housing with Ukraine and Russia in the early 1990s for our client; USAID.

2007–2022

FOUNDING MEMBER, PARTNER, FINEPOINT ASSOCIATES, LLC, WESTFORD, MA

In 2007 I started FinePoint Associates LLC with a partner and began providing services to public and private clients in Affordable Housing and Economic Development. Our Affordable Housing consulting work was services and training related to Compliance Monitoring of HOME, HSF, and the other Massachusetts Bond Funds and all our work was with DHCD and various HOME Consortia.

EDUCATION

- **B.A. Middlebury College, Middlebury, Vermont**

PREVIOUS EXPERIENCE ON BOARDS AND COMMITTEES

- Westford Affordable Housing Committee, Westford, Massachusetts
 - Chair 2005- 2007
 - Member 2001-2005
- Westford Affordable Housing Trust, Westford, Massachusetts – approx. 2002-2006



CITY OF NEWBURYPORT
OFFICE OF THE MAYOR
SEAN R. REARDON, MAYOR

60 PLEASANT STREET - P.O. BOX 550
NEWBURYPORT, MA 01950
978-465-4413 PHONE
MAYOR@CITYOFNEWBURYPORT.COM

To: President and Members of the City Council
From: Sean R. Reardon, Mayor
Date: January 8, 2024
Subject: Appointment

I hereby appoint, subject to your approval the following named individual as a member of the Council on Aging. This term will expire on February 15, 2027.

Christine Chapman
28 Dorothy E. Lucey Drive
Newburyport, MA 01950

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CITY CLERK'S OFFICE
NEWBURYPORT, MA
2023 DEC 21 P 3:52

Dear Ms. Jackson,

A friend, Elaine Paglia, mentioned that there is an opening on the Board of the Council on Aging. I am interested in filling that role. I am currently retired from InterSystems, a company based in Cambridge.

My husband and I moved from Bethesda, Maryland to Newburyport in 2002, when my company acquired a company in Wakefield. I stayed with that company a few years and was then recruited to join InterSystems. Because I worked in Cambridge and travelled considerably, I didn't really have a chance to explore and appreciate this wonderful town until my retirement. Since that time, I have been walking a lot, taking advantage of classes at the Senior Center and helping out during the Library twice annual book sales. But I'd like to contribute more to the community.

I have attached a brief overview of my career. I look forward to hearing from you about next steps.

Regards,
Christine Chapman
978-457-3158

Christine Chapman

October 2023

Ms. Chapman retired from InterSystems Inc (ISC) in June 2020. During the last 3 years she has served on the Board of the National Tay Sachs and Allied Diseases organization (NTSAD) where she served on the Communications and Family Services committees. During her tenure at ISC from 2004 to 2020, Ms. Chapman was Chief Operating Officer of a subsidiary of ISC and then a Vice President at ISC, overseeing TrakCare, an international Electronic Medical Record system. Before joining ISC she was Executive Vice President and Chief Operating Officer of Picis Inc., an international healthcare company focused on critical care, operating theater and emergency services. At Picis, she was responsible for managing business direction and day-to-day operations. Previously, Christine Chapman served as Vice President of the eHealth Services Division at Superior Consultant, a US healthcare consulting firm, where, among other duties, she was responsible for defining strategy and delivering solutions to the healthcare marketplace. Prior to Superior Consultant, Ms. Chapman served in several executive capacities at Compucare, which was acquired by Quadramed. She managed all product functions and was also responsible for overseeing acquisitions and assimilation of new technology and service companies and implementing a strategy to integrate the managed care, physician, and hospital applications of Compucare. Prior to that, Ms. Chapman held a variety of positions in development, marketing, product management, and customer service. Ms. Chapman holds a BA in mathematics from Mount Holyoke College.



CITY OF NEWBURYPORT
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SEAN R. REARDON, MAYOR

60 PLEASANT STREET - P.O. Box 550
NEWBURYPORT, MA 01950
978-465-4413 PHONE
MAYOR@CITYOFNEWBURYPORT.COM

To: President and Members of the
City Council

From: Sean R. Reardon, Mayor

Date: January 8, 2024

Subject: Appointment

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I hereby appoint, subject to your approval, the following named individual as the Newburyport Historical Commission representative to the Community Preservation Act Committee. This term will expire on February 15, 2026.

Biff Bouse
6 Iona Avenue
Newburyport, MA 01950

BIFF BOUSE

6 Iona Avenue
Newburyport, MA 01950
biffbouse@gmail.com
510-551-8658

CHRISTINE JACKSON

EXECUTIVE ASSISTANT TO THE MAYOR • CITY OF NEWBURYPORT •
MAYOR'S OFFICE, CITY HALL • 60 PLEASANT STREET, NEWBURYPORT, MA
01950

Friday, March 25, 2022

Dear Christine Jackson,

I was excited to see that volunteers were needed as members of the Historical Commission, as I've long been interested in historical architecture.

About 4 years ago, I had the chance to move anywhere in the country when my employer allowed me to work remotely full-time. We settled on Newburyport for many reasons: the quality of life, good schools, proximity to water, etc. But the abundance and quality of historic architecture in Newburyport is what really excited me.

Since moving here, I've joined several of the local and regional historical organizations and worked with many members of the community to help bring important pieces of history to light, for the public to enjoy.

I studied architecture and urban planning in school and had intended to work in those fields before I got sidetracked into Television and Web Design. So, instead, architecture has become my hobby, and Newburyport has been a great source of inspiration. I'm motivated to do my part to ensure that the essence of that history is preserved for generations to come.

I also started an Instagram account, [@NewburyportArchitecture](#), dedicated to capturing the historic buildings and homes in Newburyport. I research, compile and share historical anecdotes and ephemera about the buildings. In doing so, I've been able to really understand a lot about the fabric of the city, in such a short time.

I've attached my resume, and my full CV can be found on my [LinkedIn profile](#). I would love to be considered for a position on the Historical Commission, and I thank you for your time.

Sincerely,
Biff Bouse



BIFF BOUSE

WEB DESIGNER & DEVELOPER
NEWBURYPORT, MA

EDUCATION

HARVARD GRADUATE SCHOOL OF DESIGN, CERTIFICATE OF URBAN DESIGN, 1996

VASSAR COLLEGE, B.A. OF URBAN STUDIES, 1996

EXPERIENCE

DIRECTOR, WEB DESIGN & DEVELOPMENT • KINESSO • 2013 - PRESENT

Responsible for the design, development, and maintenance of 50+ individual WordPress sites, and other various web technologies. Manages small team of web developers and works with various partners across a network of agencies, to develop and maintain web sites.

SENIOR WEB DEVELOPER • NAVEX • 2009 - 2013

Responsible for the development and delivery of custom ethics and compliance related web interfaces for some of the best-known brands in the world, including the production and creation of custom graphics and code for client user interfaces and web forms.

NEWS PROMOTION PRODUCER • WFSB-TV & WTIC-TV • 2005 - 2008

Wrote, produced, and edited topical news promotions and proof-of-performance spots, that effectively attracted potential news viewers to nightly newscasts. Oversaw promotional events for trade shows and conventions and coordinated public appearances/signing events with the station's talent.

CREATIVE SERVICES DIRECTOR • KLKN-TV • 2003 - 2005

Responsible for the development and delivery of custom ethics and compliance related web interfaces for some of the best-known brands in the world, including the production and creation of custom graphics and code for client user interfaces and web forms.



BIFFBOUSE@GMAIL.COM



@NEWBURYPORTARCHITECTURE



510-551-8658



LINKEDIN.COM/IN/BIFF-BOUSE



CITY OF NEWBURYPORT
OFFICE OF THE MAYOR
SEAN R. REARDON, MAYOR

60 PLEASANT STREET - P.O. BOX 550
NEWBURYPORT, MA 01950
978-465-4413 PHONE
MAYOR@CITYOFNEWBURYPORT.COM

To: President and Members
of the City Council

From: Sean R. Reardon, Mayor

Date: January 8, 2024

Subject: Appointment

I hereby appoint, subject to your approval, the following named individual as the Community Preservation Act Committee representative on the Newburyport Housing Authority. This term will expire on February 15, 2027.

Thomas O'Brien
11 Moseley Avenue
Newburyport, MA 01950

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NEWBURYPORT, MA

2023 DEC 21 P 3:53

Thomas O'Brien
11 Moseley Avenue
Newburyport MA 01950

City of Newburyport

City Council

Board of Water/Sewer Commission

Newburyport Housing Authority

Community Preservation Act Committee



CITY OF NEWBURYPORT
OFFICE OF THE MAYOR
SEAN R. REARDON, MAYOR

60 PLEASANT STREET - P.O. BOX 550
NEWBURYPORT, MA 01950
978-465-4413 PHONE
MAYOR@CITYOFNEWBURYPORT.COM

To: President and Members of the City Council
From: Sean R. Reardon, Mayor
Date: January 8, 2024
Subject: Re-Appointment

I hereby re-appoint, subject to your approval, the following named individual as a member of the Newburyport Housing Authority. This term will expire on February 15, 2029.

Thomas O'Brien
11 Moseley Avenue
Newburyport, MA 01950

A handwritten signature in black ink, appearing to read 'S. R. Reardon'.

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Thomas O'Brien
11 Moseley Avenue
Newburyport MA 01950

City of Newburyport

City Council

Board of Water/Sewer Commission

Newburyport Housing Authority

Community Preservation Act Committee



CITY OF NEWBURYPORT
OFFICE OF THE MAYOR
SEAN R. REARDON, MAYOR

60 PLEASANT STREET - P.O. Box 550
NEWBURYPORT, MA 01950
978-465-4413 PHONE
MAYOR@CITYOFNEWBURYPORT.COM

To: President and Members of the City Council
From: Sean R. Reardon, Mayor
Date: January 8, 2024
Re: Re-Appointment

I hereby re-appoint, subject to your approval, the following
named individual as the Shellfish Constable. This term
shall expire on February 15, 2027.

Paul Hogg
4 Wildwood Drive
Newburyport, MA 01950

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NEWBURYPORT, MA
2023 DEC 21 P 3:53



CITY OF NEWBURYPORT OFFICE OF THE HARBORMASTER

PAUL HOGG
HARBORMASTER

NEWBURYPORT CITY HALL
60 STATE STREET
NEWBURYPORT, MA 01950

TEL: 978-462-3746

Objective To protect the safety of all boaters and management of the Newburyport Waterways. The Harbormaster works to protect life, property and the Civil rights or individuals through enforcement of laws and ordinances and regulations

Experience **Harbormaster City of Newburyport** 04/01 2010 – Present

Responsible for 55 employees maintaining schedules, weekly meetings and monthly trainings. I am accountable for collections of water related City approved fees and fines and keep accurate and up to date reports for the Mayor and Harbor Commission. Responsible for management and personnel at Cashman Park, Plum Island parking lot, central waterfront docks, lifeguards and City owned Harbormaster Department vessels and property.

Assistant Harbormaster 11/01 2001- 4/2010

Enforce State, Federal and local Maritime Laws
Patrol the waterways of the Merrimack River
Assist Coast Guard, Police, Fire, Environmental
Maintain safety of all vessels
Assist in the maintenance and upkeep of docks and gangways

Shellfish Constable 4/01 2016- Present

Protection of the City's shellfish. I work through a variety of environmental, ecological and law enforcement duties.
Enforce all policies, statutes, ordinances and regulations relating to shellfish, marine fisheries, lobsters, wetlands, water quality and natural resources.
Protect the public health and assist with all aspects of environmental and ecological management including administration of the shellfish propagation program and research.

Police Officer 3/2002- 5/2017
Merrimac Police Department

Patrol the streets of Merrimac and community relations
Respond to all 911 and medical calls
Accurately prepare and complete reports, records and logs
Enforce all laws in accordance with Mass law and testify in court when required



CITY OF NEWBURYPORT OFFICE OF THE HARBORMASTER

PAUL HOGG
HARBORMASTER

NEWBURYPORT CITY HALL
60 STATE STREET
NEWBURYPORT, MA 01950

TEL: 978-462-3746

Education

Newburyport High School
Northern Essex Community College
Harbormaster Training Program
Reading Police Academy
North Shore Harbormaster Training
Yamaha University
Boat wise Marine Training
Essex Tech

Certifications, Trainings and Licenses

Certified Police Officer through the Criminal Justice Training Council
United States Coast Guard Master 100 Ton Captain
Certified through FEMA for Port and Vessel Security
Nationally Certified as a Boat Operator and Crewman
Attended Marine Firefighting and Marina Fire Training
Commercial Boat offshore safety training
United States Merchant Marine Officer
Certified Massachusetts Harbormaster
Search and Rescue Certified
CPR / First Aid and AED Certified
First Responder Certified
Taser Certified
Certified in Marine Outboard Engine Repair
Shellfish, Marine Fisheries and BUI Certificate of completion



CITY OF NEWBURYPORT
OFFICE OF THE MAYOR
SEAN R. REARDON, MAYOR

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60 PLEASANT STREET - P.O. BOX 550
NEWBURYPORT, MA 01950
978-465-4413 PHONE
MAYOR@CITYOFNEWBURYPORT.COM

To: President and Members of the City Council
From: Sean R. Reardon, Mayor
Date: January 8, 2024
Subject: Re-Appointment

I hereby re-appoint, subject to your approval, the following named individual as Assessor. This term will expire on February 15, 2027.

Jill Brennan
24 Webster Street #7
Haverhill, MA 01830

JILL M. BRENNAN, MAA

CITY OF NEWBURYPORT 1997 – PRESENT

City Assessor – December 2016 – Present

- Responsible for maintaining a 7.3 billion dollar portfolio consisting of 9,239 real estate and personal property tax accounts for the purpose of establishing equitable assessments.
- Meets all DOR reporting deadlines for certification in assessments, new growth, tax levy and classification when producing a tax rate each fiscal year.
- Reviews and determines a finding on all abatement and statutory exemption applications, and represents the city at Appellate Tax Board court hearings.
- Oversees daily operation of the department, serving as department head.
- Responsible for all duties performed as Assistant Assessor.
- Prepares departmental budget each fiscal year.

Assistant Assessor – August 1997 – December 2016

- Process all deeds and property transfers. Properly code all sales transactions in the Vision cama database to be used for analyzing sales ratios. Program and run comparable sales reports for the counter.
- Produce real and personal property tax commitments and tax billing files. This includes bridging the Vision database with the Munis tax billing programs. Balance and verify the tax billing file, create an accounts receivable file on the Munis software server and extract the two computer generated files to be sent to the tax billing vendor.
- Produce and bridge the Motor Vehicle excise tax billing file on Munis. Balance and verify the bridged data, and create an accounts receivable file.
- Process accounts payable warrant for the department.
- Process payroll submission for the department.
- Responsible for maintaining the Assessors data layers in the GIS system. Produce GIS assisted maps when applicable.
- Program and process all public information requests.
- Create new subdivisions, condominium conversions, and lot splits. Producing new parcels on the cama database for each lot, valuing each parcel, and making sure all applicable changes to the Assessors maps are recorded.

VISION APPRAISAL TECHNOLOGY INC.

Assistant Manager of Customer Support 1993-1997 – Responsibilities included the onsite training of over 75 assessing clients on the latest cama database releases, and supervising staff employees on daily work assignments.

Senior Technical Support Representative 1990-1993 – Responsibilities included telephone technical support for all clients.

Data entry operator Residential field appraiser 1984-1990 – Responsible for inspecting and measuring residential property and the data entry of field card changes into a cama based computer system.

ACCOMPLISHMENTS

Massachusetts Accredited Assessor (#928)

Member of the Massachusetts Association of Assessing Officers (MAAO) 2001 to present

Member of the Essex County Assessors Association 2001 to present

President of the Essex County Assessors Association 2007.

Elected member of the Essex County Assessors Association Executive Board in 2001 and served for nine years.

Member of the International Association of Assessing Officers (IAAO) 2007 to present



CITY OF NEWBURYPORT
OFFICE OF THE MAYOR
SEAN R. REARDON, MAYOR

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2023 DEC 29 A 10:43

60 PLEASANT STREET - P.O. BOX 550
NEWBURYPORT, MA 01950
978-465-4413 PHONE
MAYOR@CITYOFNEWBURYPORT.COM

To: President and Members of the City Council
From: Sean R. Reardon, Mayor
Date: January 8, 2024
Subject: Re-appointment

I hereby re-appoint, subject to your approval, the following named individual as Building Inspector. This term will expire on February 15, 2026.

Dennis Morel Jr.
83 Bow Ridge Road
Lynn, MA 01904

DENNIS MOREL JR.

83 Bow Ridge Road, Lynn MA, 01904 · 781-664-8389

dennis@grconstruction.net · linkedin.com/in/dennis-morel-jr-021870153

dennismoreljr@outlook.com

Over 20 years' experience in the commercial construction industry and over 8 years' experience in a supervisory role; holding various positions from laborer to Carpenter Forman to Construction Superintendent with an unrestricted Construction Supervisor License.

EXPERIENCE

CONSTRUCTION SUPERINTENDENT, G&R CONSTRUCTION

JANUARY 2020 – PRESENT

Essex Public Safety Complex | Essex, MA

Building size: 35,000sqft

In charge of overall scheduling, quality control inspections, plan reading, coordinating self-performed work and subcontractors, owners, project managers and architects.

HIGHLIGHTS – Two level, public safety complex with police on lower level and fire department on upper level with second level apparatus bay with 5000sqft heated, suspended structural slab, able to support weight of fire trucks.

NOVEMBER 2018 – JANUARY 2020

Norwood Electric Light Department | Norwood, MA

Building size: 175,000sqft

In charge of overall scheduling, quality control inspections, coordinating self-performed work and subcontractors, owners, project managers and architects.

HIGHLIGHTS – Structural retrofit of existing, pre-engineered, metal building with CMU back-up wall and brick veneer administration building; complete overhaul on both buildings which included new structural steel, foundations and retrofitting existing structural steel; totaling over \$14 million.

MARCH 2018 – NOVEMBER 2018

Northern Essex Community College-Dimitry Building | Lawrence, MA

Exterior improvement job. Installed new siding, windows and hard/landscape. Maintained a water tight/heated, semi-occupied building during construction.

DECEMBER 2016 – MARCH 2018

Steamship Authority General Offices | Falmouth, MA

Building size: 40,000sqft

In charge of overall scheduling, quality control inspections, coordinating self-performed work and subcontractors, owners, project managers and architects.

HIGHLIGHTS – Exposed glue laminated beams and glue laminated structural decking; 3 stories above ground with full basement below grade in water table; dewatering during construction for foundation work (ground water drains with ejector pumps)

APRIL 2016 – DECEMBER 2016

Medfield Public Safety Building | Medfield, MA

Building size: 40,000sqft

In charge of overall scheduling, quality control inspections, coordinating self-performed work and subcontractors, owners, project managers and architects.

HIGHLIGHTS – Mixed use building for Police and Fire; 8 bay drive through apparatus bay with 16 glass panel overhead garage doors tied into integrated alerting system; 5 prisoner holding cell with interrogation room; three 32ft towers: two training towers for firefighters and one clock tower at entrance.

MARCH 2015 – APRIL 2016

Chatham Fire & Rescue Station | Chatham, MA

Building size: 18,000sqft

In charge of overall scheduling, quality control inspections, coordinating self-performed work and subcontractors, owners, project managers and architects.

HIGHLIGHTS - Structural Wood framed admin building & structural steel with CMU wall apparatus bay; 20ft High x 25ft wide bifolding garage doors with hurricane specifications; 911 memorial with a piece of structural steel from the Twin Towers

FEB 2014 – DEC 2014

Westborough Fire Station | Westborough, MA

Building size: 15,000sqft

In charge of overall scheduling, quality control inspections, coordinating self-performed work and subcontractors, owners, project managers and architects.

HIGHLIGHTS – 10,000sqft of polished concrete, radiant heated slabs in apparatus bays; 40 ft. communication tower with integrated alerting system; demolition of existing building

ASSISTANT CONSTRUCTION SUPERINTENDENT, G&R CONSTRUCTION

APRIL 2013 – FEB 2014

Medford High School Science Labs | Medford, MA

Building size: 80,000sqft

Oversaw, scheduled and coordinated all field operations, subcontractors, owners project managers and architects; Worked alongside the Vice President of G&R Construction

NOV 2012 – SEPT 2013

Glover School | Marblehead, MA

Building size: 80,000sqft

Oversaw, scheduled and coordinated all field operations, subcontractors, owners project managers and architects; Worked alongside the Vice President of G&R Construction

2008 – 2012

CARPENTER FORMAN, G&R CONSTRUCTION

Foundation work to framing walls to finish trim and cabinets. Oversaw and responsible for 3-man crew. Projects included: The Needham Town Hall, Highrock Elementary School (Needham), Milton Library, Franklin Fire Station, John D. Runkle Elementary School (Brookline).

EDUCATION

2004 - 2006

CONTINUING ED FOR CONSTRUCTION, WENTWORTH INSTITUTE OF TECHNOLOGY

Courses:

- Advanced Blueprint Reading
- Basic framing
- Construction of roof and stairs
- Surveying
- Methods of Construction

SEPTEMBER 1999 - JUNE 2003

HIGH SCHOOL DIPLOMA, WILMINGTON HIGH SCHOOL

SKILLS

- Advanced Blueprint Reading in all aspects of construction (included but not limited to civil, mechanical, structural, architectural, plumbing, electric)
- Carpentry
- Coordination/Scheduling
- Microsoft Office (Word, Excel)
- Problem solving
- Leadership
- Communication
- Attention to detail



CITY OF NEWBURYPORT
OFFICE OF THE MAYOR
SEAN R. REARDON, MAYOR

RECEIVED
CITY CLERK'S OFFICE
NEWBURYPORT, MA

2023 DEC 29 A 9:01

60 PLEASANT STREET - P.O. Box 550
NEWBURYPORT, MA 01950
978-465-4413 PHONE
MAYOR@CITYOFNEWBURYPORT.COM

To: President and Members of the
City Council
From: Sean R. Reardon, Mayor
Date: January 8, 2024
Subject: Re-Appointment

I hereby re-appoint, subject to your approval, the following
named individual as Assistant Harbormaster/Shellfish
Constable for the purposes of local, State and Federal
laws and regulations with respect to waterways, marine
activities and boating. This term will expire on February
15, 2027.

Enrico Caruso
34 Russett Hill Road
Haverhill, MA 01830

Enrico Caruso

34 Russett Hill Rd. Haverhill Ma. (978) 423 3701 mobile ejccaruso@comcast.net

PROFESSIONAL EXPERIENCE

Commonwealth of Massachusetts, @ Lawrence District Court Probation Dept. **1997 – Present**

First Assistant Chief Probation Officer **2020 – Present**

- Work hand in hand w/ the department chief of probation.
- Oversee that the department runs smoothly supervising a staff of 45 employees
- Supervising department work performance on a daily basis.

Assistant Chief Probation Officer **2018 – 2020**

- In charge of a team of line Probation Officers & Sr. Probation Officers
- supervising their work performance & reviewing case work on a daily basis.

Probation Officer II **2012 – 2018**

- Supervising a specialized caseload mainly sex offenders and highly violent offenders for a number of years.
- Created a special sex offender filing system prior to the newly implemented retention system to better fit the needs of the State's Sex Offender Registry Board.
- Applied the Ohio Risk Assessment System to better address offender's behavioral change and risk assessment.
- Supervising, mentor and training student interns.
- Assisted in training and mentor newly hired Assistant Probation Officers.
- Coordinated and developed a retention filing system implemented by O.C.P. for Lawrence District Court Probation Dept.
- Supervised P.O.'s & A.P.O.'s in organizing the Retention filing system within in the Lawrence probation dept. in compliance with O.C.P. retention standards.
- Assisted probation officers & assistant probation officers in case load violation and daily case load supervision recommendations.

Probation Officer
1997 - 2012

- Supervised and enforced all court ordered conditions of offenders placed on probation by the court.
- Conducted home & employment field contacts of defendants.
- Conducted random in office drug and alcohol screens.
- GPS installations and any corrective action in reference to GPS noncompliance issues.
- Referred and monitor all court ordered conditions and any further treatment needed.
- Conducted pre-sentence investigations on numerous sex offenders.
- Evaluated, suggest an appropriate recommendation to the court.

- Scheduled in office contacts as per standards and to address any noncompliance, or positive re-enforcement to the defendant.
- Developed a working relationship w/ local police departments and Parole to better monitor sex offenders in a community supervision role.

City of Newburyport, Newburyport, Ma.

2002-

Present

Assistant Harbor Master

- Enforce all Mass. Water way chapt. 90-b laws & Newburyport's city ordinances.
- Training officer for new appointed Assistant Harbor Master officers for the dept.

EDUCATION

HAWTHORNE COLLEGE, Antrim, N.H.

Bachelor of Science, Business Management 1987



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To: President and Members of the City Council
From: Sean R. Reardon, Mayor
Date: January 8, 2024
Subject: Re-Appointment

I hereby re-appoint, subject to your approval, the following named individual as Assistant Harbormaster/Shellfish Constable for the purposes of local, State and Federal laws and regulations with respect to waterways, marine activities and boating. This term will expire on February 15, 2027.

Joseph A. Sederquist
2 Wightman Road
Wilmington, MA 01887

Joseph A. Sederquist
2 Wightman Road
Wilmington, MA 01887
508-574-4742

Experience:

Assistant Harbormaster **12/2017 - Present**
Newburyport, MA

Regular patrols in Newburyport Harbor

Enforcing boating laws and rules for safety

Responsible for Cashman Park boat ramp

Shellfish Constable

Operation of pump out boat

Service Manager **2009 – 2016**
Amesbury Chevrolet

Amesbury, MA

All store operations

Hiring and training of all personnel

Service Manager **1992 – 2009**

Commonwealth Motors

Lawrence, MA

All store operations

Hiring and training of all personnel

Responsible for 46% increase in service

Consistently maintained high customer satisfaction levels

Certifications:

USCG Licensed 100 Ton Master Captain

Certified CPR

References and other certifications available upon request.



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MAYOR@CITYOFNEWBURYPORT.COM

To: President and Members of the City Council
From: Sean R. Reardon, Mayor
Date: January 8, 2024
Subject: Re-Appointment

I hereby re-appoint, subject to your approval, the following named individual as a member of the Parks Commission. This term will expire on February 15, 2027.

Charles Griffin
3 Vernon Street
Newburyport, MA 01950

A handwritten signature in black ink, appearing to read 'Sean R. Reardon'.



CHARLES O. GRIFFIN

cogriffin@mac.com

PROFESSIONAL EXPERIENCE

Charles Griffin received a Bachelor of Architecture degree in 1966 from Iowa State University. The following year he joined Mark Engelbrecht as the second employee of what is now known as EGA, P.C. Chuck began as a designer with EGA and ended as Chairman and managing partner of the firm. Information below was the condition of his firm prior to the sale of the company to employees of long standing.

EDUCATION

Iowa State University; Bach. of Arts in Architecture; 1966

PROFESSIONAL HISTORY

EGA, PC., Newburyport, MA
Chairman 2005-2022

EGA, PC., Newburyport, MA
President/Principal 1985-2005

Engelbrecht & Griffin Architects, Des Moines, IA
Vice-President 1979-1985

Engelbrecht, Rice and Griffin, Des Moines, IA
Partner 1975-1979

Engelbrecht, Rice, Des Moines, IA
Associate 1971-1975

Hunter, Rice and Engelbrecht, Des Moines, IA
Designer 1968-1971

Savage and VerPloeg, Des Moines, IA
Designer 1967-1968

Rollo Burgesson, Des Moines, IA
Designer: Living History Farms 1966-1967

FORMER STATE REGISTRATIONS

Arizona, Connecticut, Florida, Georgia, Illinois, Indiana, Iowa, Maine, Massachusetts, Michigan, Missouri, Nebraska, Nevada, New Hampshire, New Jersey, New York, North Carolina, Ohio, Oklahoma, Pennsylvania, Rhode Island, Texas
Emeritus Architect in Massachusetts

FORMER PROFESSIONAL MEMBERSHIPS

American Association of Homes for the Aging (AAHSA)

American Institute of Architects (AIA)

National Council on Architectural Registration Boards (NCARB)

Boston Society of Architects (BSA)

National Association of Home Builders (NAHB)

Society of Architectural Historians (SAH)

Mr. Griffin was a regular speaker on senior housing at national conferences and university seminars. He was active in many senior services associations and was a founding Board member of Mass ALFA. Chuck was a member of the "Services Housing Accessibility Task Force" which funds new or independent research that will guarantee a rewriting of the codes as it relates to accessibility. Mr. Griffin served as a jury member for AIA Designs for Aging Review in 2000 and most recently spoke at the ALFA National Conference in May 2008 and the Gerontological Society of America "Deinstitutionalization Shifting the Nursing Home Paradigm to Home" in November 2008.

PROFESSIONAL PRESENTATIONS & JURIES

NATIONAL ASSOCIATION FOR SENIOR LIVING INDUSTRIES -
Phoenix, AZ

Session #1 "Making Nursing Homes Residential"
Session #2 "Affordable Retirement Housing"

BOSTON UNIVERSITY CONFERENCE:
"Housing Design for Frail Elderly"

MASSACHUSETTS INSTITUTE OF TECHNOLOGY
"Retirement Housing Options"

AMERICAN ASSOCIATION OF HOMES FOR THE AGED -
San Francisco, CA
"Ten Mistakes Sponsors Make"

NASLI - Jacksonville, FL
Design Roundtable - "Vernacular Design"

AIA - Washington, DC
"Senior Housing: The Architect's Role"

NASLI - Denver, CO
Chaired Architect's Roundtable

NEW ENGLAND COUNCIL ON SENIORS HOUSING
"Design Case Studies in Senior Housing"

NASLI Expo - Anaheim, CA
"Opportunities in Affordable Housing for the Elderly"

MASS ALFA - Newton, MA
"Assisted Living Design"

NASLI EXPO 95 - Fort Lauderdale, FL
"Design of Residential Assisted Living Communities"

AAHSA 34TH ANNUAL MEETING & EXPOSITION -
San Antonio, TX
"Demystifying the Development Process"

NAHB NATIONAL COUNCIL ON SENIORS' HOUSING
52ND ANNUAL CONVENTION & EXPOSITION - Houston, TX
"Award Winning Design - Critical Elements of Success in
Architecture and Interior Design for Seniors"

HERBERT J. SIMS AND COMPANY - Ponte Vedra Beach, Florida
2nd Annual Mid-Winter Conference

During his fifty six years at EGA, a national practice, over two hundred major projects for the elderly containing sixteen thousand residents in retirement communities, nursing homes, and hospices. The focus on deinstitutionalization of healthcare and design using historic references appropriate to the project location.



CHARLES O. GRIFFIN

cogriffin@mac.com

ADDITIONAL PURSUITS

HISTORICAL RESTORATION

Sherman Hill Historic District Des Moines, IA
Founding Commissioner

CROWELL APARTMENTS,

Des Moines, IA

1977-PRESENT

Restoring Important Proudfoot and Bird 1904 Apartment Building, plus adding additional Building Components to make project sustainable.



ESSEX COUNTY GAOL

Newburyport, MA.



1987-PRESENT

Restored property to Stuart Park Architect's 1825 appearance. Gaol converted to residence with small addition using appropriate ancient Greek design elements. Five non contributing adjacent properties were developed and designed to tell the history of "How Classical Design came to America."

MINOAN : CLASSICAL GREECE : ITALY : ENGLAND

BARTLET MALL

Newburyport, MA

2021-PRESENT

Through research, artwork, signage, and presentations, advocating the return of the city's pioneer park to its status in 1889 under the Mall Improvement Association. Landscape Architect Charles Eliot, important partner of Fredrick Law Olmstead and Arthur A. Shurcuff were the primary forces in creating Pioneer Park. Completed is the Pond Street Promenade. The North East corner with playground and extended promenade is in progress. Frog Pond upgrades anticipated : 2021 through 2024.



ESSEX COUNTY COURTHOUSE

Newburyport, MA



2017-PRESENT

Advocating by research and schematic architectural concepts proposing removing the changes Essex County commissioned in 1854, such that the original 1805 building by Charles Bullfinch is allowed to show. This work also proposes to restore the adjacent landscape.

Approval process : 2017 through 2023.

HISTORIC RESEARCH

HISTORICAL RESTORATION

An interest in ancient history informed indepth studies of: first the history of the Mayan in Central America. Then to the Renaissance, and Roman Italy. Finally focused on Ancient Greece from the Archaic Minoans thru the Classical Period. The teachers for this interest were led by prominent Archaeologist, most importantly by Professor John Camp, Director of the Agora excavations for the American School of Classical Studies at Athens. Besides being involved in the dig from 2008 thru 2023, Griffin and Camp visited historic Greek sites in Italy, Greece, Turkey, Egypt, Ethiopia, and Sudan. As for the Essex County Gaol and Bartlet Mall, The collection of Essex County Records then at the Peabody Essex Museum (PEM) in Salem, the Archival Center in Newburyport Library and The Museum of Old Newbury (MOON) were crucial to an understanding of the history of the two properties, Bartlet Mall and Essex County Gaol.



PUBLICATIONS

IN PREPUBLICATION

Hubris: The Persian Wars against the Greeks and the Athenian Hero Themistocles.

COMPLETED

Produced and edited by Mr. Griffin, the author, and artists.

The written work is by Robert J. Lenardon, Scholar of an ancient Greece and Rome.

The artwork and maps are completed.

As of 2023 the work is in "Page Proofs"



DEC. 2023



CITY OF NEWBURYPORT
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60 PLEASANT STREET - P.O. BOX 550
NEWBURYPORT, MA 01950
978-465-4413 PHONE
MAYOR@CITYOFNEWBURYPORT.COM

To: President and Members of the City Council
From: Sean R. Reardon, Mayor
Date: January 8, 2024
Subject: Appointment

I hereby appoint, subject to your approval, the following named individual as the Community Preservation Act Committee representative on the Parks Commission. This term will expire on February 15, 2027.

Charles Griffin
3 Vernon Street
Newburyport, MA 01950

A handwritten signature in cursive script, appearing to read 'Sean R. Reardon'.



CHARLES O. GRIFFIN

cogriffin@mac.com

PROFESSIONAL EXPERIENCE

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Iowa State University; Bach. of Arts in Architecture; 1966

PROFESSIONAL HISTORY

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Hunter, Rice and Engelbrecht, Des Moines, IA Designer	1968-1971
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CHARLES O. GRIFFIN

cogriffin@mac.com

ADDITIONAL PURSUITS

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Founding Commissioner

CROWELL APARTMENTS,

Des Moines, IA

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Newburyport, MA

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Newburyport, MA



2017-PRESENT

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MAYOR@CITYOFNEWBURYPORT.COM

To: President and Members of the City Council
From: Sean R. Reardon, Mayor
Date: January 8, 2024
Subject: Appointment

I hereby appoint, subject to your approval, the following named individual as a member of the Newburyport Waterfront Trust. This term will expire on February 15, 2026.

Kimberly Emmons
9 Doe Run Drive
Newburyport, MA 01950

A handwritten signature in black ink, appearing to read "S. R. Reardon".

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CITY CLERK'S OFFICE
NEWBURYPORT, MA
2024 JAN - 2 A 11: 25

KIMBERLY EMMONS

Boston, MA

Ksloan01@gmail.com 978-476-1046

Account Management | Sales Leader | Launching Unknown Brands

Contract Negotiation

Exceeding Quota

Managing Remote Teams

Merger & Acquisition

Emerging Technology Training

Business Development

Industries : Emerging Technologies, Telecommunications

Degree : BA, Business and Communications, Baldwin-Wallace College

PROFESSIONAL EXPERIENCE

Regional Sales Manager, Samsung, North East

(2016 – current)

Launched Wayfair.com as a premier partner of Samsung Digital Appliances. Negotiated with BJ's Warehouse to launch test cities to sell premium products.

- Manage comprehensive sales process and generated incremental sales revenue to exceed budget by developing and utilizing targeted programs. Managed the daily flow/exchange of information between the customer and multiple marketing teams in order to determine appropriate pricing/placement. Developed and maintained long term business relationships.
- Conceptualized and developed original/customized program for newly launched channels to maximize revenue and profit.

Area Sales Manager, HTC, East Coast

(2012 – 2015)

Regional Sales Manager, HTC, Northeast Territory

(2006 – 2012)

Launched unknown "HTC Brand" and product within Verizon and Sprint by tenaciously pursuing decision makers, aligning goals and creating opportunities to ensure that HTC was top of mind within Enterprise, Small Business, Indirect, COR and Marketing channels.

- Solved lack of supply issue by closing non-traditional points of distribution.
- First to establish exclusive product trainings by coordinating efforts with various levels of internal and external organizations. Sold trainings by developing partner solutions.
- Acted as subject matter expert for HTC products, operating systems, and relevant 3rd party applications to be able to deliver a complete evaluation to clients.
- Accelerated sell-through and overcame objectives in a highly competitive environment by creating solutions and a need for HTC.
- Managed multiple accounts which included Verizon, T-Mobile, Sprint, Circuit City and TELUS.
- Sales Person of the Year 2008, 2010 and Sales Leader Q1 – Q2 2010

Senior Manager - Strategic Partner, Sprint, Boston, MA

(2003 – 2006)

Lead the East and Midwest Indirect Sales Channel. Promoted to the Affiliate Integration team. Emphasis included, developing sales strategies with senior staff, marketing and promotional implementation, sales manager training and relationship building.

- Integrated multi-billion dollar acquisitions into Sprint's organization by leading the indirect sales strategy. Approach included contract conversion, compensation analysis, process solutions, organizational alignment and working with various functional senior leaders to ensure inclusion into Sprint's culture.

Senior Manager - Strategic Partner, Sprint, Boston, MA (cont') (2003 – 2006)

- Viewed as a partner during Franchise litigation and was able to ensure targets were met while growing their business.
- Formulated strategic sales and business development plans with Affiliates which resulted in attainments of corporate performance goals.
- Improved Affiliate/Sprint relationship at all levels through consistent contact, issue resolution and involvement in sales activities during litigation

Regional Indirect Sales Manager, Sprint, Chicago, IL (2000 – 2003)

Implemented quarterly sales strategies to indirect sales makers and took responsibility for execution. As an interface between field personnel and corporate developers, areas of opportunities were corrected by developing process improvements. Simultaneously maintained relationships at key National Retailers to establish, nurture, and maintain strong working relationships at all levels.

- Oversaw Indirect Managers and guided them in maintaining relationships with over 900 retail partners
- Consulted newly hired Indirect Managers on operational activities, relationship management and initiated Merchandising Sales Manager training
- Achieved over 110% of Region quota for 2001, 2002 and 2003

Indirect Account Executive, Sprint, Cleveland, OH (1998 - 2000)

Identified new points of distribution as well as maintained relationships with National Distributors which resulted in a successful market entry strategy into Cleveland, OH. Assisted distributors in the development of sales strategies, incentive programs, product mix, promotions, and effective use of co-op advertising funds.

- Developed distribution channel strategy that increased sales by over 300% within two months
- Continuously managed dealer distribution to ensure market share and profitable results
- Executed and maintained distribution agreements and compensation plans

AWARDS

HTC Sales Leader Q1 – Q2 2010, HTC Salesperson of the Year 2010 & 2008, Strategic Planning Award 2005, Fast Growth Award 2005, Regional Employee Recognition 2003 & 2002, Sprint PCS Team Player, Sprint PCS Sales Achievement Award 125% of quota 2000



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MAYOR@CITYOFNEWBURYPORT.COM

To: President and Members of the City Council
From: Sean R. Reardon, Mayor
Date: January 8, 2024
Subject: Appointment

I hereby appoint, subject to your approval, the following named individual as a member of the Human Rights Commission. This term will expire on February 15, 2028.

Marianne Vesey
10 Kent Street
Newburyport, MA 01950

A handwritten signature in cursive script, reading 'S. R. Reardon'.

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CITY CLERK'S OFFICE
NEWBURYPORT, MA
2024 JAN -2 A 11:25

MARIANNE VESEY

10 Kent St.
Newburyport, MA 01950
(978) 518-9710

OBJECTIVE

Continue to utilize skills gained from a long-term career in mental health to address social justice concerns.

CAREER SUMMARY

More than 40 years experience in supervision and management, helping systems plan for and adapt to change.

Demonstrated strengths in:

- written and oral communication
- program and staff development
- leadership and empowerment of staff
- systems thinking and problem-solving
- managing complex projects, along with the details
- flexibility and humor

EXPERIENCE

MASSACHUSETTS DEPARTMENT OF MENTAL HEALTH

Consultant

March, 2020-June, 2023

Responsibilities: Supported newly established Young Adult SAMSHA funded programs in Gloucester and Lowell with training for staff in learning model and approach for services described below. Also provided regular consultation around clinical and systems challenges.

CHILDREN'S FRIEND & FAMILY SERVICES, a Division of Justice Resource Institute

Clinical Director

Feb., 2016 – March, 2020

Responsibilities: YouForward – SAMHSA funded program for 16-25 yr. old young adults with mental health challenges who are “falling through the cracks” and need support to move into adulthood. Program is youth-driven, low barrier, safe & welcoming, and helps YA work on their individual goals in basic life domains such as housing, employment & education, and health. Special outreach was made to homeless, LGBTQ+, and young parents within a Drop-In Center with a restorative practices approach. Oversaw risk management, supervised staff, and was very involved in helping to design and implement program environment.

MASSACHUSETTS DEPARTMENT OF MENTAL HEALTH

Sup. for Case Management, Child/Adolescent Services + Systems Integration Specialist

Oct., 1998 – July, 2015

Responsibilities: Linking DMH services to clients, supervising Case Managers to facilitate quality care, monitoring DMH vendor contracts, acting as resource on risk management, recovery principles, mental health theory, counseling techniques, documentation practices, and assisting in the development of new programs (e.g., Young Adult Case Management Services); interfacing with Community Service Agencies around CBHI and DMH services, consulting with families, providers and community agencies within the cities and towns of the Merrimack Valley on services and treatment options.

BRIDGEWELL (formerly Greater Lynn Mental Health & Retardation Association)

Program Director for the Lynn Friendship Club

April, 1996 – Oct., 1998

Responsibilities: Facilitated the operations of a psychosocial day program with a vocational emphasis (a model known as a Clubhouse) for mentally ill adults. Supervised staff (who work as full partners with members), sought and maintained licensing and contracts, managed budgets and participated in fundraising initiatives. Promoted adherence to Clubhouse Standards which advocate a member-run and driven program where people are fully accepted, respected, empowered to make their own choices, plus have opportunities to develop a full range of personal, social, and vocational skills.

FOUNDATION FOR SEACOAST HEALTH, Portsmouth, NH

Consultant

Nov., 1994 - June, 1995

Responsibilities: Helped the Board of Trustees consider a plan for multiple nonprofit agencies and services that serve children & families in the Seacoast area to locate in a facility called The Community Campus. This undertaking included assessing community needs and gaps in services, and collaborating with local agencies.

PORTSMOUTH REGIONAL HOSPITAL, Portsmouth, NH

Dir. of Network Development, Behavioral Services

1994

Dir. of Adolescent Services

1988-1994

Responsibilities: Managed a 24-bed psychiatric unit, plus Partial Hospitalization Program. Developed the treatment philosophy and program structure for an acute and longer-term (up to 1 yr.) inpatient psychiatric service; responsible for budget, supervision and training of a multidisciplinary staff, community outreach, implementing satisfaction and outcome studies, planning new health care services, and working actively with senior management to provide quality care.

BOSTON REGIONAL MEDICAL CENTER, Stoneham, MA

Team Coordinator on inpatient psychiatric unit

1983-1988

Responsibilities: Supervision and training of nursing staff, family therapy/case management/discharge planning for patients on the adolescent and adult teams, worked closely with referring agencies, collaborated with attending psychiatrists around patient care in a multidisciplinary milieu.

HERITAGE HOSPITAL, Somerville, MA

Team Coordinator, Milieu Therapist on an inpatient psychiatric unit for adults

1979-1983

ALTERNATIVES UNLIMITED, INC., Whitinsville, MA

Consultant

1979-1980

Responsibilities: Utilized the principles of Normalization to evaluate all aspects of residential programs for people who are mentally retarded, plus those who are mentally ill.

House Director

1977-1979

Responsibilities: Established a community residence for 8 mentally retarded young adults coming out of institutions, using the principles of Normalization.

YOUTH HOMES, INC., Walnut Creek, CA

Houseparent

1975-1977

Responsibilities: Was primary staff in group home for 6 adolescent girls with severe emotional problems.

RAPID CITY YOUTH SERVICES, Rapid City, SD

VISTA Volunteer

1974

Responsibilities: Youth outreach worker with court-involved adolescents, and their families. Co-led workshops on communication skills and personal growth.

EDUCATION and TRAINING

M.Ed. in Counseling Psychology, 1979

Boston University, Boston, MA

B.A., double major of Psychology and Religion, 1973

The Catholic University of America, Washington, D.C.

Licensing

Registered as a Licensed Clinical Social Worker in MA (lapsed after leaving DMH).

Special Training-Sampling of Topics

Multiple trainings over time in areas such as suicide prevention, risk management, motivational interviewing, young adult development, transformative justice, impact of trauma and white supremacy, bystander intervention, and collective liberation.

REFERENCES available on request.



CITY OF NEWBURYPORT
OFFICE OF THE MAYOR
SEAN R. REARDON, MAYOR

RECEIVED
CLERK'S OFFICE
NEWBURYPORT, MA
2023 DEC 29 A 9:01

60 PLEASANT STREET - P.O. Box 550
NEWBURYPORT, MA 01950
978-465-4413 PHONE
MAYOR@CITYOFNEWBURYPORT.COM

To: President and Members of the
City Council

From: Sean R. Reardon, Mayor

Date: January 8, 2024

Subject: Appointment

I hereby appoint, subject to your approval, the following
named individual as Assistant Harbormaster/Shellfish
Constable for the purposes of local, State and Federal
laws and regulations with respect to waterways, marine
activities and boating. This term will expire on February
15, 2027.

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.

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.

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



CITY OF NEWBURYPORT
OFFICE OF THE MAYOR
SEAN R. REARDON, MAYOR

60 PLEASANT STREET - P.O. BOX 550
NEWBURYPORT, MA 01950
978-465-4413 PHONE
MAYOR@CITYOFNEWBURYPORT.COM

To: President and Members of the
City Council
From: Sean R. Reardon, Mayor
Date: January 8, 2024
Subject: Re-appointment

I hereby re-appoint, subject to your approval, the following
named individual as Electrical Inspector. This term will start
on January 8, 2024 and expire on February 15, 2025.

Jeffrey Mattheson
12 Hart Road
Newburyport, MA 01950

RECEIVED
CITY CLERK'S OFFICE
NEWBURYPORT, MA
2024 JAN - 2 A 11: 25

Jeffrey R. Mattheson

Licensed Master Electrician: MA, ME, NH VT

12 Hart Road, Newburyport MA | 978-479-0915 | jeff@matthesonelectric.com | [linkedin.com/in/jeffreymattheson](https://www.linkedin.com/in/jeffreymattheson)
www.matthesonelectric.com

Objective

To obtain a professional and successful management position utilizing my electrical and HVAC skills, experience, and expert knowledge. As well as to provide a safe electrical environment for all stakeholders within my community.

Education and Certifications

MASTER ELECTRICIAN LICENSE | 2005 | WOBURN ELECTRICAL SCHOOL OF CODE AND THEORY IN WOBURN, MA.

JOURNEYMAN'S LICENSE | 2002 | WOBURN ELECTRICAL SCHOOL OF CODE AND THEORY IN WOBURN, MA.

ATTENDED GOULD INSTITUTE FROM 1997-2000

Silent Knight Fire Alarm Course Certification
Fork truck/Scissor Lift Operator License
Fiber Optics Splicing and Training Certification
OSHA 30 Hazard Awareness Certification
Microsoft Office
QuickBooks
NEC 3 year updates
MA 6 Hr Update
CPR Certified 2018 & 2022

Experience

OWNER | MATTHESON ELECTRIC | 2020-PRESENT

- Receive and answer job related questions and estimate requests in a timely manner via email, text and phone.
- Schedule and estimate small and large electrical jobs.
- Ordering of materials and parts per estimate.
- Troubleshoot existing customer electrical problems and correct.
- Complete estimated work in a neat and workmanlike manner within estimated amount.
- Install of residential EV car chargers (Tesla/Chargepoint).
- Invoicing and billing collection, permit and inspection fulfillment.

- Coordination of numerous remodel and new build projects with other sub-contractors as well as homeowners to complete projects.
- Regularly maintain company truck, trailer and excavator maintenance, inspections and insurances.

ELECTRICAL FOREMAN/PROJECT MANAGER | JEM ELECTRICAL AND HVAC CORP. | 2008-2019

- Supervise daily scheduling of employees and ordering of ongoing and coming jobs on a day to day week to week basis maintaining a steady and efficient work flow and profitability.
- Jobs ranging from \$10K-\$180K: Residential, Commercial, Industrial, & Cellular.
- Installed Electrical/HVAC for Cellular Communication Shelters/Homes/Businesses.
- Supervise, educate & train new hired licensed & apprentice electricians.
- Service HVAC Tech 24/7 on call, servicing all of New England – specific details available upon request.
- Managed more than 800 HVAC Preventative Maintenance Cellular Sites, 24/7 response, next day service upgrades.
- Xfinity Center Shelter work. Mansfield MA
- SAI Commercial Working Building/Warehouse Salem NH
- Vast experience in job bid walks, proposal write-ups and pricing.
- General Contracted to build 5 Tesla SuperCharging Stations in the state of Maine to bridge the gap between Canada and Maine/East Coast.
- Oversee and Supervise entire project and all locations from start to finish.

JOURNEYMAN ELECTRICIAN/ FOREMAN | G & B ELECTRICAL SERVICES, INC. | 2002-2008

- Foreman & Supervisor on jobs ranging from small residential to large commercial jobs at locations in Boston to Southern NH.

JOURNEYMAN ELECTRICIAN/ FOREMAN | METRIC ELECTRIC | 2000-2002

- Foreman & Supervisor on jobs ranging from small residential additions to large commercial renovations.
- Had a large responsibility in the layout of the plans prior to the start of the job.
- Working knowledge of (Honeywell) HVAC controls and others.

ELECTRICAL APPRENTICE | INTERSTATE ELECTRICAL | 1996-2000

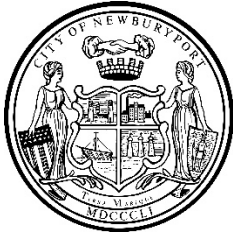
- Met daily with the job foreman to obtain the work orders for the day and assisted in planning the appropriate delegation of tasks for the team of 8-10 men.
- Working knowledge of reading architectural blueprints with the ability to assess the electrical needs for the construction project.
- Self-directed and able to take a job from rough to finish.
- Working knowledge of Romax wire, BX, MC and AC cable.
- Familiar with installing hard-wire fire alarm systems in both residential and commercial settings.
- Experience with the installation of switchgear, transformers, and panels.
- Familiar with all requirements of EMT conduit installation and Rigid conduit benders ½" -4".

END OF CONSENT AGENDA

BEGINNING OF REGULAR AGENDA

ORDERS

CITY OF NEWBURYPORT



IN CITY COUNCIL

ORDERED:

January 8, 2024

January 8, 2024
January 29, 2024

February 12, 2024
February 26, 2024

March 11, 2024
March 25, 2024

April 8, 2024
April 29, 2024

May 13, 2024
May 28, 2024 (May 27th Memorial Day)

June 10, 2024
June 24, 2024

July 8, 2024
July 29, 2024

August 12, 2024

September 9, 2024
September 30, 2024

October 15, 2024 (October 14th Indigenous People's Day)
October 28, 2024

November 12, 2024 (November 11th Veterans Day)
November 25, 2024

December 16, 2024

Councillor Heather L. Shand

CITY OF NEWBURYPORT



IN CITY COUNCIL

ORDERED:

NEWBURYPORT CITY COUNCIL RULES (2024)

PURPOSE

Pursuant to the City of Newburyport Home Rule Charter (Charter), except as otherwise provided by the General Laws of the Commonwealth of Massachusetts (General Laws) or by the Charter, the legislative powers of the City Council of the City of Newburyport (Council) may be exercised in a manner determined by it. The purpose of these rules of the Council (Rules) is to establish in writing the manner in which the Council shall exercise its legislative powers.

ORGANIZATION

Rule 1. No later than December 31 after each regular municipal election, the City Clerk (Clerk) shall provide notice to each member of the Council for the coming two-year legislative session of the date, time, and place of the first meeting of the Council in the next calendar year, to be known as the Inaugural Meeting.

Rule 1A. At the Inaugural Meeting, the Council shall, by majority vote of all its 11 members, notwithstanding any vacancies (Full Council), elect a President from within its membership. The City Clerk (Clerk) shall preside at the Inaugural Meeting until such time as a President is elected. The Full Council shall vote to set the date of its next regular meeting before it may vote to adjourn the Inaugural Meeting.

Rule 1B. No later than at its next meeting after the Inaugural Meeting, the Council shall, by majority vote of the Full Council, adopt its Rules for such calendar year.

Rule 1C. No later than at its next meeting after the Inaugural Meeting, the Council shall, by majority vote of the Full Council, adopt a schedule of regular meetings of the Council for the remainder of such calendar year.

Rule 1D. In the second year of each two-year legislative session, no Inaugural Meeting shall occur. Instead, at its first meeting of such calendar year, the Council shall, by majority vote of the Full Council: (1) elect a President from within its membership; (2) adopt its Rules for such calendar year; and (3) adopt a schedule of regular meetings of the Council for the remainder of such calendar year.

MEETINGS

Rule 2. Council meetings shall be held in the Council Chamber of City Hall or as a hybrid meeting, unless the President, or a majority of the Full Council, determine by any means reasonable and practicable, and give written notice to all members, that such meeting will be held in an alternate location or as a remote meeting.

Rule 2A. Special meetings of the Council shall be held at the call of the President, or any six (6) or more members, for any lawful purpose, by causing a notice of such special meeting to be delivered in hand or by email to residence of each member. This notice shall, except in an emergency of which the President shall be the sole judge, be delivered at least forty-eight (48) hours in advance of the time set, and shall specify the purpose or purposes for which the special meeting is to be held. The Clerk shall cause a copy of each such notice to be posted immediately, including on the City's Website, in accordance with applicable laws.

Rule 2B. If any meeting of the Council is in session at 10:30 pm, said meeting shall be adjourned until 7:30pm of the following evening, unless another date and time is voted by a majority of the Full Council. The regular Council meeting shall start at 7:00 pm.

HOLIDAYS

Rule 3. Except as otherwise provided in the Charter, whenever the day set by these Rules for any meeting of the Council, regular or special, shall fall upon a holiday, then such meeting shall be canceled or postponed to a date certain by majority vote of the Full Council.

PRESIDING OFFICER

Rule 4. The President, if present, shall preside at all meetings. In the absence of the President, the senior-most member in terms of consecutive, uninterrupted service on the Council shall serve during the absence of the President. If more than one member has served the same length of time, the Council shall elect a President Pro Tem by majority vote from the most senior Councillors in terms of consecutive, uninterrupted service on the Council.

DUTIES AND POWERS OF THE PRESIDING OFFICER

Rule 5. The presiding officer shall: preserve decorum and order; speak to points of order in preference to other members; decide all questions of order, subject to appeal to a super-majority of the Full Council; declare all votes, or permit the Clerk to do so; and perform any other duties consistent with the office that may be provided by charter, ordinance, or by other vote of the Council.

Rule 5A. If any member doubts a vote as declared, the presiding officer, without further debate on the question, shall require that a count be taken by roll call of the membership.

Rule 5B. During any meeting, whether regular or special, the presiding officer may, at any time, call for a five-minute recess.

RELINQUISHING THE CHAIR

Rule 6. When the presiding officer desires to relinquish the Chair, they may call upon any Councillor to take the Chair, but such call to the Chair shall not continue beyond the will of the presiding officer so relinquishing the Chair, or beyond an adjournment of the Council, except as hereafter provided. If the presiding officer wishes to express an opinion on any subject under debate, they shall relinquish the Chair as above provided, and shall not resume the Chair until they are through speaking, and all points of order arising therefrom have been decided by the Councillor presiding in their place. Notwithstanding the foregoing, the presiding officer may, however, state facts and give opinions upon questions of order without relinquishing the Chair.

COMMITTEES AND COMMITTEE BUSINESS

Rule 7. The President shall appoint all members to all City Council Committees, both standing and ad hoc, designate the Chair of each such Committee, who shall serve as its presiding officer, and fill any vacancies thereon as they arise. Likewise, the President may establish, dissolve, and/or reconfigure ad hoc Committees in his or her discretion, provided that such ad hoc Committees shall be re-established each two-year legislative session. Ad hoc committees may include members other than members of the Council for purposes of deliberation, but they may not vote. Except as otherwise provided in Rule 12, the Council shall, by a majority vote, refer each matter newly introduced through the Council agenda (Agenda) to a single Committee, either standing or ad hoc, for review at a public meeting of such Committee, before such matter may be acted upon again by the Council. Notwithstanding the foregoing, a Councillor may make all parliamentary motions, including a motion to receive and file the newly introduced matter.

Rule 7A. Pursuant to the Newburyport Code (Code), there shall be six (6) standing committees of the Council, as follows, each consisting of three (3) members of the Council, and concerned with the matters specified for it in the Code:

- Committee on Budget & Finance
- Committee on General Government
- Committee on Licenses & Permits
- Committee on Community Services
- Committee on Planning & Development
- Committee on Public Works & Safety

Rule 7B. Except as provided expressly otherwise in these Rules, a matter shall not be referred to more than one Committee, either separately or jointly, nor may a matter be referred to the Full Council sitting as the Committee-of-the-Whole except by super-majority vote.

Rule 7C. Committees may meet at any time, in open and/or executive session, at any place within the City of Newburyport, subject to the Massachusetts General Laws, the City Charter, and the Newburyport Code.

Rule 7D. Committees shall meet and review each matter referred to them by the Council no later than thirty (30) calendar days after such referral.

Rule 7E. Committee meetings may be cancelled when scheduled during any time when a declared snow emergency is in effect.

Rule 7F. During a meeting of the Council, the Chair of a Committee, whether regular or ad hoc, may remove any matter from such Committee to bring it to the floor for discussion by the Council, upon making a motion to do so, receiving a second from any other Councillor, regardless of Committee membership, and upon affirmative vote of the Full Council. Once such matter is before the Council (on the floor), any Councillor may then make a motion regarding such matter to approve it, not approve it, or refer it back to the original or to another Committee, and all parliamentary rules, including motions to amend, to table, and so on, shall be available, subject to these Rules.

Rule 7G. In the event that either: (a) the Committee has failed to meet and review a matter within the required 30 days under Rule 7D; or (b) the Chair of a Committee has failed to remove any matter from such Committee after (6) weeks of its original referral to such Committee, such matter may be removed from such Committee to bring it to the floor for discussion by the Council, provided that a petition signed by no fewer than two Councillors has been filed with the City Clerk--with copies to both the President and the relevant Committee Chair -- in accordance with Rule 16.

Rule 7H. Any matter that remains in Committee at the end of the Council's two-year legislative session shall die, unless a majority of the Full Council votes at its last meeting of such session to carry such item into the succeeding session. Any item that remains on the table at the end of the Council's two-year legislative term shall die, and may not be carried on.

Rule 7I. For any Committee item relating to the disposition of any real property, including, without limitation, purchase or sale, an appraisal of the fair market value of said real property, performed by a duly licensed professional based upon the requirements and guidelines of the current Uniform Standards of Professional Appraisal Practice (USPAP), shall be presented to the Council no fewer than seven (7) calendar days before such Committee item can be brought to the floor. The appraisal must be dated within twelve (12) calendar months of the date the relevant item is removed from Committee. The appraisal may be presented in Executive Session and/or may otherwise remain confidential in accordance with the City's Charter, and applicable law.

Rule 7J. Any Measure to authorize the issuance of a bond in an amount over \$500,000 shall not be removed from the committee to which it is first referred until the greater of thirty (30) calendar days or one (1) regular meeting of the City Council has elapsed since such referral.

SUFFICIENCY OF VOTE

Rule 8. The affirmative vote of a majority of the members present shall be sufficient to adjourn any meeting of the Council or its Committees.

Rule 8A. Except as expressly provided in these Rules, the affirmative vote of a majority or super-majority, as may be required by law, of the Full Council, rather than of the quorum present, shall be required to adopt any ordinance, order, or other vote or proceeding adopted, or which might be adopted

(Measure). Consistent with the Charter, Measures include, without limitation, all transfers, expenditures, and acceptance of funds, which shall be put into effect by an order of the Full Council.

MANNER OF VOTING

Rule 9. The Council and each of its Committees, standing and ad hoc, shall vote at a duly noticed public meeting, unless otherwise permitted under the Open Meeting Law.

Rule 9A. A vote to confirm Mayoral Appointments on a second reading shall be by roll call of the Full Council.

Rule 9B. Approval of any ordinance shall require two (2) readings and two (2) roll-call votes to be held at separate City Council meetings, while approval of any other Measure requires one (1) reading and one (1) vote, which, except in the case of bond order, may be by voice vote. Amendments to any motion to approve, not approve, or to refer back to Committee may be recorded by voice vote, including such parliamentary motions in regard to an ordinance. Following its passage on first reading, such ordinance shall be timely posted to the City's Website, as defined in the Charter, in a manner prescribed by the City Clerk. Notwithstanding the foregoing, pursuant to the Charter, votes regarding Mayoral Appointments shall be treated specially under Rule 20.

Rule 9C. At the Inaugural Meeting, the Clerk shall begin the order of roll-call voting throughout such meeting with that Councillor whose last name is first in alphabetical order. At each successive meeting that requires a roll call vote or votes, the Clerk shall begin roll calls throughout such meeting with the Councillor whose last name follows the previous Councillor in alphabetical order until the last meeting of the two-year legislative term. Notwithstanding the foregoing, the Clerk shall, for all votes at all meetings, call the President to vote last.

Rule 9D. In the event that a member of the Council or one of its Committees wishes to have his or her vote recorded differently after announcement of the results of a roll call vote by the Clerk or presiding officer, the member must receive unanimous consent from every other present member of the Council or the Committee, as the case may be.

Rule 9E. A motion to table once seconded is not debatable, but clarifying points of information shall be allowed for the purpose of understanding the effects of such proposed tabling.

GAINING THE FLOOR

Rule 10. All Councillors, when desiring to speak on a matter, shall raise their hands and respectfully address the President, and wait until recognized by the presiding officer.

Rule 10A. Once recognized by the President, the Councillor shall stand to speak on the matter. A Councillor shall remain standing while speaking, and shall sit down to indicate to the President the conclusion of the Councillor's speech.

Rule 10B. No Councillor shall speak a second time on any motion until each Councillor has the opportunity to speak once, however the President may permit a Councillor to speak out of turn to respond to questions directed to them by another Councillor.

Rule 10C. In speaking, members shall at all times confine themselves to the motion in order, shall use parliamentary language and appropriate demeanor, and shall strive to refer to all other members by their ward or as an At-Large Councillor, or as the Chair or a member of a particular Committee, etc., rather than by their first or last names.

Rule 10D. No member shall leave a Council or Committee meeting while it is in session to seek or accept counsel, nor may such member while away from such meeting exchange information pertaining to an item on the meeting agenda, nor to conduct any other city business.

Rule 10E. The Council President and Committee Chairs, as the case may be, shall have the responsibility and discretion for recognizing speakers other than Council or Committee members. Any member of the Council or a Committee may request of the presiding officer recognition of a speaker other than a member, but the presiding officer's determination whether to grant such recognition shall not be appealed.

SPONSORSHIP OF MATTERS

Rule 11. With the sole exception of a Mayoral Appointment, as described in Rule 20, no Measure or other matter beside a Communication, of any kind, shall be placed on the Agenda by any City official or other person, including, without limitation, the Mayor, nor may it be acted upon by the Council, unless it is sponsored by a member of the Council. Each such matter carried over from a previous, two-year legislative term must be sponsored by a current member of the Council.

Rule 12. Except in the case of an Emergency Measure, as regulated under the Charter, the Council shall not pass or otherwise adopt any Measure until it has first been reviewed at a public meeting of a Committee in accordance with Rule 7.

Rule 12A. Failure of by any person, including, without limitation, an applicant or a city official, to meet a deadline, specified by law, regulation, or rule shall not constitute an Emergency. For example, and without limitation, the Council shall not approve a license or permit, or otherwise authorize, any person to use public property for a road race or other event by Emergency Measure solely because such event is scheduled to occur before the Council's next meeting.

Rule 12B. Pursuant to the Charter, no Measure making a grant, renewal, or extension, whatever its kind or nature, or a franchise or special privilege, shall be passed as an emergency measure, and, except as provided by the laws of the Commonwealth, no such grant, renewal, or extension shall be made otherwise than by ordinance.

Rule 12C. Pursuant to the Charter, an Emergency Measure shall become effective immediately upon its adoption without signature by the Mayor, or at such later time as the emergency measure expressly provides.

Rule 12D. In the event that a sponsor of any Measure or other matter is not present physically or telephonically at a meeting of the Council when the Clerk reads such Measure or other matter, then the Council shall not consider such Measure or other matter, unless all sponsors of such measure have presented a written statement requesting the Council to proceed in the absence of such sponsor.

WITHDRAWING ITEMS FROM THE AGENDA

Rule 13. After a Measure or other matter is reached on the Agenda and read aloud by the Clerk, it shall be deemed to be in possession of the Council, and shall be disposed of in some matter by vote. At any time prior to a Measure or other matter being brought before the Council through such reading, it may be withdrawn provided all sponsors so notify the President or the Clerk.

RECONSIDERATION

Rule 14. Notwithstanding Rule 9D, after a vote has been taken on a Measure or other matter, it shall be in order for any member voting with the prevailing side to move reconsideration thereof at the same meeting at which the vote was taken, and such motion shall be disposed of accordingly. Alternatively, such member may file with the Clerk, not later than noon of the next business day following such meeting, written notice of a motion to reconsider such vote. After receiving such written notification from a member, the Clerk shall place the motion for reconsideration on the Agenda for the next regular meeting of the Council, and the Clerk shall forthwith, either verbally or in writing, notify the Full Council of such filing.

DUTIES OF THE CLERK

Rule 15. The Clerk shall attend and keep all records of all meetings of the Council, shall record the names of the members present, shall record the vote of members on roll calls, and shall have the care and custody of the City records, and all documents, plans, and papers pertaining to the business of the Council. The Clerk shall also, at the request of a member, assist in the drafting of items to be presented at the meetings of the Council. The Clerk shall cause notice to be made to each Councillor of each meeting of the Council, regular and special, and of Committee meetings, and shall also post notice on the City Website at least 48 hours prior to commencement.

DEADLINE FOR AGENDA ITEMS

Rule 16. Printed materials regarding any matter, including, without limitation, the full text of new Measures, to be considered by the Council at its next regular meeting shall be presented in complete form to the Clerk not later than 9:00 am on the Wednesday preceding such regular meeting. Notwithstanding the preceding sentence, not later than 4:00pm on the Wednesday preceding a regular meeting, Committee Chairs shall submit to the Clerk the text of any Measures they intend to remove from Committee and put into the possession of the full Council. Except as otherwise provided under Rule 18A, papers presented after these times shall be considered Late-Filed Items, which shall not be taken up without a suspension of these Rules, which requires a super-majority vote of the Council. The provisions of this Rule 16 apply to all persons, and in all cases, without exception, including to all members and other City officials, such as the Mayor and Department heads, as well as the public.

AGENDA AND PACKET

Rule 17. For each meeting of the Council, the Clerk in consultation with the President shall compile the Agenda of all matters to come before the Council at such meeting, in accordance with the order of business listed below, and shall make available to the public such Agenda and all supporting documents (together, Packet) to be considered by the Council by 5:00 pm of the fourth (4th) calendar day prior to such meeting; provided, however, that in the case of a special meeting the Agenda shall be made available as otherwise provided by law and these Rules, and no Packet shall be required. The Clerk shall cause a digital copy of the Packet to be

delivered to each Councillor by their email, and to be posted on the City Website at least 48 hours prior to commencement.

Items that are to be added to the Agenda as Late-Filed Items must be submitted for approval to be placed on the Agenda immediately following the Call to Order.

The order of business for the Agenda shall be as follows:

- Moment of Silence

- Pledge of Allegiance

- Call to Order

- Late-Filed Items

- Public Comment

- Proclamations

- Mayors Comment

- Consent Agenda

 - Approval of Minutes

 - Communications (including Applications)

 - Transfers

 - First Reading of Mayoral Appointments

 - Items to be removed from Committees with approval of the Consent Agenda

- Regular Agenda

 - Second Reading of Mayor's Appointments

 - Communications

 - Transfers

 - Orders and Resolutions

 - Ordinances

 - Committee Reports

 - (including all Measures with any amendments or revisions for the Council to consider)

 - Good of the Order

 - Adjournment

Rule 17A. The Consent Agenda shall be reserved for routine and non-controversial matters that may be considered apart from the rest of the Agenda and approved collectively and without debate.

The President has the sole discretion to place matters on the Consent Agenda excepting Committee Measures. Pursuant to the deadlines set in Rule 16, Committee Chairs may ask the Clerk to place Committee Measures on the Consent Agenda. This rule shall not be construed to limit or alter other rules relating to removing measures from Committee including, without limitation, Rules 7F and 7G. The retention thereon of any measure in the Consent Agenda is subject to the unanimous consent of the members present when the Council reaches the Consent Agenda during its meeting. Committee items removed from the Consent Agenda shall be handled during the regular agenda under the measure's respective Committee report, under Rule 7F.

The Clerk shall read matters on the Consent Agenda by title only. At any time before the Council acts upon the Consent Agenda, any member of the Council may cause any matter or matters listed upon the Consent Agenda to be removed and then placed into the appropriate portion of the regular Agenda, either by providing written notice to the President and/or the Clerk, or, alternatively, by rising and so requesting by motion. The Council shall then, without debate permitted, vote collectively on all matters remaining on the Consent Agenda, by simple majority of the Full Council. Such vote may be conducted by voice vote at the discretion of the presiding officer.

Rule 17B. Supporting documents for Council agenda items shall be digitally placed in the

Packet and provided to Council members. Notwithstanding the foregoing, the electronic version of the packet, posted on the website, shall be complete.

PUBLIC COMMENT

Rule 18. There shall be designated a Public Comment time during each meeting of the City Council. The procedure for this comment time is listed below:

1. Individuals who wish to speak before the Council, whether on their own behalf or on behalf of a group, must sign in on the door of the Council Chamber prior to the start of the Public Comment segment of the meeting. Each speaker must provide his or her name and the address where they reside permanently (i.e. legal domicile), and indicate which Agenda item they will be speaking on. The President will advise attendees of their right to speak and responsibility to sign-up.
2. Two minutes allotted to each speaker.
3. One opportunity per individual to speak.
4. Comment must be related to an Agenda item.
5. Speakers who are attorneys shall disclose the identity of all clients whose interests are materially affected by the Agenda item upon which they speak.

Rule 18A. There shall be designed a Mayor's Comment time during each regular meeting of the City Council. The procedure for this comment time is listed below:

1. To address the Council during the Mayor's Comment period, the Mayor may provide notice to the President at any time prior to the Call to Order.
2. The Mayor will be allowed to speak for a total of seven (7) minutes.
3. The Mayor will be offered reserved seating on the front bench of the Council Chambers
4. Notwithstanding the normal deadline for written materials to be submitted to the City Clerk under Rule 16, the Mayor may submit a written report to the Full City Council not later than 11:00am on the day of the Council meeting, and such report shall not be deemed a Late-Filed item.
5. Nothing in this rule prohibits the Mayor from speaking otherwise in compliance with the Charter and these Rules.

PRESENTATIONS

Rule 19. To be included on the Council Agenda, presentations by individuals or groups must be sponsored by a Councillor in writing pursuant to Rule 16, and approved by the President, in which case such presentation shall be placed in the Communications segment of the Agenda, for a period not longer than twenty (20) minutes.

MAYORAL APPOINTMENTS

Rule 20. Mayoral Appointments do not require sponsorship by a member of the Council, but shall require two (2) readings and two (2) votes by the Council, the second such vote by roll call. For its first reading, each such appointment, including reappointments, shall be accompanied by submittal to the Clerk of the appointee's resume in accordance with Rule 16. The first reading shall be placed in the Consent segment of the Council's Agenda for referral to the Council's next meeting, sitting as the Committee of the Whole.

Rule 20A. As with any Consent Agenda item, a single member of the Council may move such item to the regular Agenda. As provided in the Charter, the Council may elect to refer any proposed Mayoral Appointment to a standing or ad hoc Committee, which shall review such appointment and may make a recommendation to the Full Council not fewer than seven (7) nor more than 45 days after such referral. Such Committee may require any person whose name has been referred to it to appear before such Committee, or before the Full Council, to give any information relevant to the appointment that the Committee of the Full Council may require. Notwithstanding the optional referral of proposed appointments provided for in this Rule 20A, appointments and reappointments of the following officers shall always be referred through the Consent Agenda to the standing committee with oversight over such board or commission:

- Members of the Board of Health
- Building Commissioner;
- Building Inspector;
- City Auditor/Director of Finance;
- City Librarian;
- City Treasurer;
- Director of the Department of Public Services;
- Members of the Conservation Commission and Conservation Agent;
- Harbormaster;
- Members of the License Commission;
- Members of the Newburyport Waterfront Trust board;
- Members of the Planning Board, Planning Director, and Zoning Administrator;
- Members of the Water and Sewer Commission; and
- Members of the Zoning Board of Appeal.

Rule 20B. The Health Director, upon appointment by the Board of Health, shall be placed in the packet for referral to the Committee on Public Works & Safety for review and recommendation to the full Council as a receive and file.”

MID-YEAR BUDGET REVIEW

Rule 21. Each calendar year, the Committee on Budget & Finance shall schedule and hold a public meeting to conduct a Mid-Year Budget Review as soon as practical after six (6) months of actual expenditures are available in written form, but no later than February 28. The Chair of the Committee shall cause the Finance Director to attend, pursuant to the Charter, the Chair shall invite all members of the Council, as well. Pursuant to the Charter, the Chair shall ask the Finance Director to distribute to the Full Council documentation in support of the Mid-Year Budget Review no less than two (2) weeks before such meeting, including a year-to-date actual budget summary. Further pursuant to the Charter, any member of

the Council may request that a Department Head be present at the Mid-Year Budget Review meeting, by making a request through the Chair of Budget & Finance.

ELECTRONIC COMMUNICATION DEVICES

Rule 22. The audible use of mobile phones, radios, and other electronic communication devices by any person, including members of the Council, but excepting on-duty public safety officers, is strictly prohibited within the Council Chamber while the Council is in session, and all such devices shall be turned off or otherwise made to be silent.

Rule 22A. Members of the Council may read from or listen to or otherwise obtain information from a computer, tablet, or other electronic device within the Council Chamber while the Council is in session, such as by conducting computer searches online.

Rule 22B. Except as otherwise permitted under the Open Meeting Law, no member of the Council shall, at any time while the Council is in session, be permitted to communicate with other people, either located within or without the Chamber, using such any electronic device, whether verbally or otherwise, audibly or inaudibly.

PARLIAMENTARY PRACTICE

Rule 23. In all matters of parliamentary practice not provided for in these rules, the Council shall use Robert's Rules of Order as a guide.

RECUSAL

Rule 24. Upon his or her recusal regarding a matter, a member of the Council or a Committee shall leave the room where the meeting is being conducted, and such member shall not be counted as part of the quorum on that matter. Notwithstanding the foregoing, a recused member may, if permitted under applicable law, remain in the room solely if they wish to give testimony on the matter.

Rule 24A. If the matter is to be addressed in open session, then the recusal shall be made orally and shall be included as part of the official public record. The recused member may obtain and review any records of such public discussions and/or action by the Council or Committee on the matter.

Rule 24B. If the matter is to be addressed in executive session, then the recusal must be made orally during the open session before the Council or Committee goes into such executive session and shall be included as part of the official public record. A member so recused shall not knowingly obtain or review a recording, minutes, or any other non-public information regarding such matter, other than the fact of his or her own recusal.

AMENDING THE RULES

Rule 25. Any amendment of these Rules shall require successful passage of an order by the Full Council, by simple majority, as provided in these Rules.

SUSPENDING THE RULES

Rule 26. Except as otherwise, expressly provided in these Rules, a motion to suspend the rules shall require a two-thirds super-majority vote of the Full Council.

REMOTE PARTICIPATION**Rule 27.**

THAT, The CITY COUNCIL of the City of Newburyport hereby authorizes remote participation in meetings held by all City of Newburyport public bodies subject to the Open Meeting Law and pursuant to 940 CMR 29.10. For the purposes of this order, remote participation shall be permitted under the following terms and conditions:

Media: Telephone, internet, satellite enabled audio/video conferencing, or other similar technology may be used for remote participation provided that the participant and all in attendance can hear each other. If videoconferencing is used, the member participating remotely must be visible to all in attendance.

Quorum: A quorum of the public body, including the chair or, in the chair's absence, the person authorized to chair the meeting, must be physically present at the meeting location before an absent member may participate remotely.

Votes: If any member of the public body is participating remotely, all votes of the body, including those taken in open session, are required to be by roll call and the results of the roll must be recorded in the minutes.

Status: A member participating remotely may vote, and is not deemed to be absent from the meeting, including for purposes of MGL Chapter 39 Section 23D.

Reasons: Acceptable reasons for participating remotely include one or more of the following: personal illness, personal disability, emergency, military service or geographic distance. A member cannot participate remotely for convenience.

Notification: A member who will not be present at a meeting must notify the chair as far in advance as possible. The chair must announce at the beginning of the meeting the name of the person participating remotely and the reason. The categories listed above under Reasons may be used for this announcement such that a member's privacy rights are protected, especially with respect to illness or disability.

Technical Issues: If technical issues arise with the media connection, the chair must decide how to address them. Deliberations shall be suspended while the difficulties are addressed. If the remote member is disconnected during the meeting, the minutes must reflect this fact.

Use of Plans and Other Visuals: The chair or, in the chair's absence, the person authorized to chair the meeting, shall distribute to remote participants, in advance of the meeting, copies of all relevant documents, exhibits, and presentation materials used during the meeting. If a member of the public body is remotely participating in a public hearing relative to the issuance of any permit involving a site plan or architectural drawings, that member must utilize video conferencing such that all maps, plans or other presentation materials used or referenced during the meeting are visible. This requirement for video conferencing is not necessary where the member has already received a copy of all relevant maps, plans, or other presentation materials and no new materials are introduced during the meeting.

Executive Session: There shall be no remote participation in any executive session including, but not limited to, any vote to go into or out of said executive session.

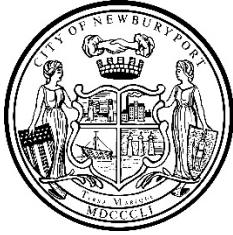
FURTHER, any City of Newburyport public body utilizing remote participation is required to comply with all provisions of 940 CMR 29.10 as summarized above, as well as all other requirements of the Open Meeting Law and all of the Massachusetts Attorney General's Division of Open Government's regulations.

COUNCIL GROUP EMAIL

Rule 28. There shall be a group council email with an address of citycouncil@cityofnewburyport.com. The intended use is for the public to contact all councillors without the use of individual emails. It is not to be used for any deliberation as defined in G.L. 30A et al. =

Councillor Heather L. Shand

CITY OF NEWBURYPORT



IN CITY COUNCIL

ORDERED:

January 8, 2024

THAT, the City Council of the City of Newburyport votes to accept the provisions of M.G.L. c.41, §110A which provides that any public office in any city or town may remain closed on any or all Saturdays as may be determined from time to time, in a city by the city council, subject to the provisions of the city charter.

Councillor Heather L. Shand



CITY OF NEWBURYPORT
GIFT ACCEPTANCE FORM

Ordered, that, the City of Newburyport accepts the following gift in accordance with M.G.L. Chapter 44, Section 53A:

Date of Gift:	12/18/2023	
City Department:	DPS Parks	
Staff Contact:	Michael Hennessey	
<i>Gift Overview</i>		
Gift Type:	Monetary	
Donor:	David Volz	
Purpose:	Renovation of park bench in Market Square.	
Gift Amount:	\$2,500.00	
<i>For Office Use Only</i>		
City Council Packet Date:	1/8/2024	
Emergency Measure?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No

Councillor Sharif I. Zeid



CITY OF NEWBURYPORT
GRANT ACCEPTANCE FORM

Ordered, that, the City of Newburyport accepts the following grant in accordance with M.G.L. Chapter 44, Section 53A:

Date of Award:	12/27/2023	
City Department:	Harbormaster	
Staff Contact:	Paul Hogg	
<i>Grant Overview</i>		
Grant Type:	State Grant (Federal Pass-Through)	
Funding Agency:	MA Department of Fish & Game, Division of Marine Fisheries https://www.mass.gov/orgs/division-of-marine-fisheries	
Program Name:	Clean Vessel Act (CVA) https://www.mass.gov/info-details/clean-vessel-act	
Project Name:	CVA Pumpout Program	
Project Description:	The Massachusetts Clean Vessel Act (MA-CVA) Program provides free pumpout service to recreational boaters along the coast. 75% of the program is funded by this grant and 25% is funded by the Harbormaster budget.	
Award Amount:	\$16,000.00	
Payment Method:	Cost Reimbursement	
Length of Grant:	1 year	
Start Date:	1/1/2024	
End Date:	12/31/2024	
Award Acceptance Deadline:	Award acceptance deadline	<input checked="" type="checkbox"/> N/A
<i>Local Match/Required Resources</i>		
Local Match (City Funds):	The CVA program is a match-reimbursement program based on Federal funds obtained by the Commonwealth for the needs of existing and prospective pumpout facilities. Approved applicants are required to match a minimum of 25% of the cost for CVA equipment and keep CVA equipment operational according to the terms of the program.	
Local Match (In-Kind):	Limited staff time dedicated to tracking and administering grant funds.	
Resources Required When Grant Program Ends:	N/A - This is an annual grant program.	
<i>For Office Use Only</i>		
City Council Packet Date:	1/8/2024	
Emergency Measure?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No

Councillor Sharif I. Zeid

COMMONWEALTH OF MASSACHUSETTS ~ STANDARD CONTRACT FORM



This form is jointly issued and published by the Office of the Comptroller (CTR), the Executive Office for Administration and Finance (ANF), and the Operational Services Division (OSD) as the default contract for all Commonwealth Departments when another form is not prescribed by regulation or policy. The Commonwealth deems void any changes made on or by attachment (in the form of addendum, engagement letters, contract forms or invoice terms) to the terms in this published form or to the **Standard Contract Form Instructions and Contractor Certifications**, the **Commonwealth Terms and Conditions for Human and Social Services** or the **Commonwealth IT Terms and Conditions** which are incorporated by reference herein. Additional non-conflicting terms may be added by Attachment. Contractors are required to access published forms at CTR Forms: <https://www.macomptroller.org/forms>. Forms are also posted at OSD Forms: <https://www.mass.gov/lists/osd-forms>.

CONTRACTOR LEGAL NAME: Newburyport (and d/b/a):		COMMONWEALTH DEPARTMENT NAME: Dept of Fish & Game, Div Marine Fisheries MMARS Department Code: FWE	
Legal Address: (W-9, W-4): 106 Co-op Wharf Newburyport MA 01950		Business Mailing Address: 30 Emerson Ave Gloucester MA 01930	
Contract Manager: Paul Hogg	Phone: 978-462-3746	Billing Address (if different):	
E-Mail: phogg@cityofnewburyport.com	Fax: 508-385-3938	Contract Manager: Cecil French	Phone: 978-491-6240
Contractor Vendor Code: VC 6000 192119		E-Mail: Cecil.French@mass.gov	Fax:
Vendor Code Address ID (e.g. "AD001"): AD _____ (Note: The Address ID must be set up for EFT payments.)		MMARS Doc ID(s): NEWBURYPORTCVAFY2024	
		RFR/Procurement or Other ID Number: BD-19-1046-DMF-FWE20-32647	
<input checked="" type="checkbox"/> NEW CONTRACT		<input type="checkbox"/> CONTRACT AMENDMENT	
PROCUREMENT OR EXCEPTION TYPE: (Check one option only) <input type="checkbox"/> Statewide Contract (OSD or an OSD-designated Department) <input type="checkbox"/> Collective Purchase (Attach OSD approval, scope, budget) <input checked="" type="checkbox"/> Department Procurement (includes all Grants - 815 CMR 2.00) (Solicitation Notice or RFR, and Response or other procurement supporting documentation) <input type="checkbox"/> Emergency Contract (Attach justification for emergency, scope, budget) <input type="checkbox"/> Contract Employee (Attach Employment Status Form, scope, budget) <input type="checkbox"/> Other Procurement Exception (Attach authorizing language, legislation with specific exemption or earmark, and exception justification, scope and budget)		Enter Current Contract End Date Prior to Amendment: _____, 20____ Enter Amendment Amount: \$ _____ (or "no change") AMENDMENT TYPE: (Check one option only. Attach details of amendment changes.) <input type="checkbox"/> Amendment to Date, Scope or Budget (Attach updated scope and budget) <input type="checkbox"/> Interim Contract (Attach justification for Interim Contract and updated scope/budget) <input type="checkbox"/> Contract Employee (Attach any updates to scope or budget) <input type="checkbox"/> Other Procurement Exception (Attach authorizing language/justification and updated scope and budget)	
The Standard Contract Form Instructions and Contractor Certifications and the following Commonwealth Terms and Conditions document are incorporated by reference into this Contract and are legally binding: (Check ONE option): <input checked="" type="checkbox"/> Commonwealth Terms and Conditions <input type="checkbox"/> Commonwealth Terms and Conditions For Human and Social Services <input type="checkbox"/> Commonwealth IT Terms and Conditions			
COMPENSATION: (Check ONE option): The Department certifies that payments for authorized performance accepted in accordance with the terms of this Contract will be supported in the state accounting system by sufficient appropriations or other non-appropriated funds, subject to intercept for Commonwealth owed debts under 815 CMR 9.00. <input type="checkbox"/> Rate Contract. (No Maximum Obligation) Attach details of all rates, units, calculations, conditions or terms and any changes if rates or terms are being amended.) <input checked="" type="checkbox"/> Maximum Obligation Contract. Enter total maximum obligation for total duration of this contract (or new total if Contract is being amended). \$16,000.00			
PROMPT PAYMENT DISCOUNTS (PPD): Commonwealth payments are issued through EFT 45 days from invoice receipt. Contractors requesting accelerated payments must identify a PPD as follows: Payment issued within 10 days ___% PPD; Payment issued within 15 days ___% PPD; Payment issued within 20 days ___% PPD; Payment issued within 30 days ___% PPD. If PPD percentages are left blank, identify reason: ___agree to standard 45 day cycle ___ statutory/legal or Ready Payments (M.G.L. c. 29, § 23A); ___ only initial payment (subsequent payments scheduled to support standard EFT 45 day payment cycle. See Prompt Pay Discounts Policy.)			
BRIEF DESCRIPTION OF CONTRACT PERFORMANCE or REASON FOR AMENDMENT: Provision of services pursuant to the Clean Vessel Act. The disbursement of funds under this contract is contingent upon the availability of federal funding. "See Attached"			
ANTICIPATED START DATE: (Complete ONE option only) The Department and Contractor certify for this Contract, or Contract Amendment, that Contract obligations: <input checked="" type="checkbox"/> 1. may be incurred as of the Effective Date (latest signature date below) and no obligations have been incurred prior to the Effective Date. <input type="checkbox"/> 2. may be incurred as of _____, 20____, a date LATER than the Effective Date below and no obligations have been incurred prior to the Effective Date. <input type="checkbox"/> 3. were incurred as of _____, 20____, a date PRIOR to the Effective Date below, and the parties agree that payments for any obligations incurred prior to the Effective Date are authorized to be made either as settlement payments or as authorized reimbursement payments, and that the details and circumstances of all obligations under this Contract are attached and incorporated into this Contract. Acceptance of payments forever releases the Commonwealth from further claims related to these obligations.			
CONTRACT END DATE: Contract performance shall terminate as of <u>December 31, 2024</u> , with no new obligations being incurred after this date unless the Contract is properly amended, provided that the terms of this Contract and performance expectations and obligations shall survive its termination for the purpose of resolving any claim or dispute, for completing any negotiated terms and warranties, to allow any close out or transition performance, reporting, invoicing or final payments, or during any lapse between amendments.			
CERTIFICATIONS: Notwithstanding verbal or other representations by the parties, the "Effective Date" of this Contract or Amendment shall be the latest date that this Contract or Amendment has been executed by an authorized signatory of the Contractor, the Department, or a later Contract or Amendment Start Date specified above, subject to any required approvals. The Contractor certifies that they have accessed and reviewed all documents incorporated by reference as electronically published and the Contractor makes all certifications required under the Standard Contract Form Instructions and Contractor Certifications under the pains and penalties of perjury, and further agrees to provide any required documentation upon request to support compliance, and agrees that all terms governing performance of this Contract and doing business in Massachusetts are attached or incorporated by reference herein according to the following hierarchy of document precedence, the applicable Commonwealth Terms and Conditions, this Standard Contract Form, the Standard Contract Form Instructions and Contractor Certifications, the Request for Response (RFR) or other solicitation, the Contractor's Response (excluding any language stricken by a Department as unacceptable, and additional negotiated terms, provided that additional negotiated terms will take precedence over the relevant terms in the RFR and the Contractor's Response only if made using the process outlined in 801 CMR 21.07, incorporated herein, provided that any amended RFR or Response terms result in best value, lower costs, or a more cost effective Contract.			
AUTHORIZING SIGNATURE FOR THE CONTRACTOR: X: _____ Date: <u>12-27-23</u> (Signature and Date Must Be Captured At Time of Signature) Print Name: <u>Paul Hogg</u> Print Title: <u>Harbormaster</u>		AUTHORIZING SIGNATURE FOR THE COMMONWEALTH: X: _____ Date: _____ (Signature and Date Must Be Captured At Time of Signature) Print Name: <u>Kevin Creighton</u> Print Title: <u>DMF Chief Fiscal Officer</u>	

ATTACHMENT A

(FY24/25)

Scope of Services

Newburyport

In consideration of a Clean Vessel Act grant by the Commonwealth of Massachusetts Division of Marine Fisheries, hereinafter called the Division, in the amount of sixteen thousand (\$16,000.00) dollars, Newburyport, hereinafter called the Town, shall, service the resident and transient boaters of Newburyport and environs by providing a program to collect and legally dispose of sewage from vessel holding tanks and portable toilets. In order to provide said program the Town shall acquire and/or operate and maintain the following equipment:

Section 1

- A. Appended to this document and identified as Addendum A is a list of equipment acquired by the Town, which shall be incorporated by reference herein.
- B. Such sewer connection materials transfer stations fittings etc. as are necessary to make the equipment identified in Addendum A operational.
- C. Miscellaneous safety equipment and gear as is necessary for the safe operation of the pumpout equipment.
- D. Such supplies including, but not limited to, fuel and oil as are necessary to operate and maintain the equipment identified above.
- E. Replacement or repair of motors and equipment including new outboard engines for pumpout boats if necessary to continue pumpout operations.

Section 2

The Town shall be responsible for providing the personnel necessary to operate and maintain the pumpout equipment identified in Section 1 above.

Section 3

The Town agrees that the use of the equipment funded under this contract and the pumpout services provided by the employees funded under this contract shall be at no cost to the boater (i.e. no per-pumpout fee). Pumpout services shall be available to the boater during reasonable business hours in the boating season. The Town further agrees that the equipment funded under this contract will remain in use and be dedicated to the purpose of providing pumpout service to the general boating public for the useful life of such equipment notwithstanding the expiration of this contract.

Section 4

The Town shall secure such legally binding agreements with all collaborators utilizing such equipment as are necessary to assure that the provisions of Section 3 above are carried out; shall secure and safely preserve a copy of same in the Town and shall attach a copy of all such agreements to this contract.

Section 5

The Town agrees that it will collect, hold, transport, and dispose of the sewage generated from this program in accordance with all applicable federal, state, and local laws and regulations. The Town shall secure an agreement with a properly licensed waste hauler or with a person having charge of a properly licensed wastewater Treatment facility to assure that the waste collected by this pumpout program will be properly disposed of. A copy of said Agreement shall be attached to this contract.

Section 6

The Town agrees to erect a sign to be provided by the Division at each pumpout facility wherein funding is received under this grant which will acknowledge that the facility was constructed or improved with funds from the Clean Vessel Act.

ATTACHMENT B

(FY24/25) Budget

Newburyport

Section 1

Payments not to exceed seventy-five percent (75%) of the cost of items in Section 1 of Attachment A shall be made by the Commonwealth upon receipt of invoices, bills of lading or other such documentation from vendors doing business with the Town. The Town shall hold and safely preserve the original invoice or other documentation in the Town and shall sign one copy of same and send it together with a narrative describing what is being purchased to the Division of Marine Fisheries, 30 Emerson Ave, Gloucester, Massachusetts 01930. The Town understands and agrees that the grant amount of sixteen thousand (\$16,000.00) dollars provided by this contract represents the Federal share of the total project cost and that the Town shall be responsible for providing the non-Federal share of not less than 25% of the total project costs.

Section 2

The Commonwealth will make no payments unless the invoices, bills of lading or other such acceptable material are accompanied by a copy of the log identified in Section 8, Addendum A of this contract, giving the number of boats and approximate gallons pumped for the period represented by the invoices and other documentation of pumpout expenses.

Section 3

Payments not to exceed seventy-five (75%) percent of the operation and maintenance cost including sewage disposal fees, vaccinations, slip and storage fees, supplies and other items and services necessary and reasonable for the operation of the pumpout project shall be made by the Commonwealth upon receipt of proper invoices as provided above.

Section 4

Payments not to exceed seventy-five (75%) of the cost of personnel identified in Section 2 of Attachment A shall be made by the Commonwealth upon receipt of (1) a copy of a Town payroll warrant, (2) a Daily Narrative Report provided by the Division of Marine Fisheries and signed by a supervisor having responsibility for such employees, and (3) an affidavit signed by the Town's chief financial officer affirming that pumpout duties described on the time sheet were performed in accordance with this contract. The Town shall be responsible for the payment of the remaining non-Federal twenty-five (25%) percent of the cost of the personnel identified in Section 2 of Attachment A. Payments to reimburse Town employees for operating pumpout equipment cannot exceed \$12 per hour, regardless of the employee's actual salary, but can be less if the employee is paid less than \$16 per hour.

The Commonwealth shall pay the Town the reasonable and necessary fringe and indirect costs for those Town employees hired pursuant to Section 2 of Attachment A in an amount computed in the following manner:

Indirect costs: Payment of not more than ten percent (10%) times the salaries paid to the Town personnel necessary to operate and maintain the pumpout equipment identified in Section 1 of Attachment A; unless a federally approved indirect rate agreement has been provided.

Fringe costs. An amount equal to the amount paid by the Town for health insurance and retirement for the Town personnel necessary to operate and maintain the pumpout equipment identified in Section 1 of Attachment A.

No fringe or indirect costs shall be paid by the Commonwealth for employees hired by a collaborator.

Section 5

The Commonwealth shall reimburse the Town for items of equipment owned by the Town or its collaborators and for services rendered by the Town or its collaborators if such equipment or services are (a) necessary, reasonable and directly related to the pumpout program (b) not funded by any other Federal grant or program and are adequately documented as determined by the Division.

contribution against the current market value of the vessel (e.g., a vessel with a current market value of \$20,000 would require the operator to reimburse the CVA Program the sum of \$15,000).

- 3) The Department of Fish and Game shall conduct an adjudicatory proceeding in accordance with the relevant provisions of G.L. c.30A and 801 CMR 1.01 prior to the assessment of any reimbursement of the federal contribution against the current market value of the vessel as provided for in paragraph 2.c. An independent marine surveyor shall be contracted by the Division to provide all necessary and appropriate valuations.

Section 11

When acquiring replacement equipment, the Town may use the equipment to be replaced as a trade-in or the Town may sell the property and use the proceeds to offset the cost of the replacement property, subject to the approval of the Division. If the Town is authorized or required to sell the property, proper sales procedures must be established to ensure the highest possible return.

When original or replacement equipment acquired under this grant is no longer needed or the Town is no longer able to support the pumpout program, disposition of the equipment shall be made as follows:

- 1) The equipment may be transferred at no cost to another CVA-funded facility (e.g., marina, yacht club, or governmental agency) if such equipment will remain in use and be dedicated to the pumpout program. The conditions for such transfer shall be stipulated by the Division and shall include the same requirements as those imposed in the original grant. Any cash or in-kind match paid when the equipment was originally purchased will be forfeited in total.
- 2) If the equipment cannot be transferred to another CVA-funded facility, it must be sold at the discretion of the Division, and the Town shall pay the Division the proceeds of the sale or the fair market value of the equipment, whichever is the greatest.
- 3) In compliance with the Executive Office of Environmental Affairs' "Clean Boat Engine" policy, all boat motors purchased with CVA funding must be "clean" (i.e., 4-stroke or DFI 2-stroke) motors.

ADDENDUM A

1. Pumpout boat and fixed-location pumpout station previously purchased with CVA.