

# CITY COUNCIL MEETING

## AGENDA

January 9, 2023 7:00 pm  
City Council Chambers, City Hall  
60 Pleasant Street, Newburyport

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### Executive Session

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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. ELECTION OF THE CITY COUNCIL PRESIDENT

#### 2. MOMENT OF SILENCE

#### 3. PLEDGE OF ALLEGIANCE

#### 4. CALL TO ORDER

#### 5. LATE FILE

- APPL00119\_01\_09\_2023 2nd Hand Motor Vehicle License LCA Motors (L&P)
- APPL00120\_01\_09\_2023 2nd Hand Motor Vehicle License Plum Autoworks (L&P)

#### 6. PUBLIC COMMENT

#### 7. 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.

#### 8. APPROVAL OF MINUTES

- December 12, 2022 (Approve)

#### 9. COMMUNICATIONS

- APPL00118\_01\_09\_2023 29<sup>th</sup> Annual Frigid Fiver 2/12/2023 11am-1pm (L&P)

#### 10. TRANSFERS

- TRAN00145\_01\_09\_2023 Finance: General Fund-Free Cash \$10,741 to (B&F)  
Essex North Shore Tech School \$10,741 APPOINTMENTS
- TRAN00146\_01\_09\_2023 DPS: Receipts Reserved for Appr. Fuel \$125,000 to (B&F)  
DPS Highway Fuel & Oil \$125,000

#### 11. APPOINTMENTS

- APPT00361\_01\_09\_2023 Alice Sheridan 11 Beck St. Council on Aging 2/1/2028 (CS)
- APPT00362\_01\_09\_2023 Paul E. Bushey 1Dennett Dr. Council on Aging 2/1/2028 (CS)
- \**Re-Appointment*
- \*APPT00363\_01\_09\_2023 Jennifer Blanchet 4 Island Ln., Newbury Zoning Admin. 12/31/23 (P&D)
- APPT00364\_01\_09\_2023 Ben Harman 298 High St. Human Rights Comm. 1/30/2026
- APPT00365\_01\_09\_2023 Shane Cough 70 High St. Human Rights Comm. 1/30/2026
- APPT00366\_01\_09\_2023 Christopher Sawtelle 20 Summer St. Historical Commission 2/1/2026 (P&D)
- APPT00367\_01\_09\_2023 Lina Matta 7 Everett Dr. Board of Health 2/1/2026 (PS&W)

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

**COMMUNITY SERVICES**

- COMM299\_02\_08\_2021 Phillips Dr. Neighborhood Committee Ltr
- ODNC00103\_01\_10\_2022 Streets, Sidewalks, and Other Public Places Alterations & Maintenance
- COMM00406\_04\_11\_2022 Pioneer League Letter re: Pickleball

**END OF CONSENT AGENDA**

**REGULAR AGENDA**

**9. MAYOR'S UPDATE**

**10. FIRST READING APPOINTMENTS**

**11. COMMUNICATIONS**

- COMM00457\_01\_09\_2023 Ltr. Re: temporary appt. of Jamie Tuccolo as Dir. DPS

**12. TRANSFERS**

**13. SECOND READING APPOINTMENTS**

- APPT0360\_12\_12\_2022 Jeffrey Mattheson 12 Hart Rd. Electrical Inspector 2/1/2024

**14. ORDERS**

- ORDR00404\_01\_09\_2023 Pay Prior Year Bills
- ORDR00405\_01\_09\_2023 FoNT Gift Acceptance
- ORDR00406\_01\_09\_2023 SAGA Gift Acceptance
- ORDR00407\_01\_09\_2023 Goldy Sculpture Gift Acceptance
- ORDR00408\_01\_09\_2023 3 Cardinals in a Tree Sculpture Gift Acceptance
- ORDR00409\_01\_09\_2023 Cutter West End Fire Station Loan Order
- ORDR00410\_01\_09\_2023 Screening Cmte Fire Chief
- ORDR00411\_01\_09\_2023 FY2023 COLA Increase
- ORDR00412\_01\_09\_2023 COLA Base Increase

**15. ORDINANCES**

- ODNC00125\_10\_11\_2022 2<sup>nd</sup> Reading Amend to Ch 5 Buildings
- ODNC00133\_01\_09\_2023 Amend to Ch 13-180 Inn Street
- ODNC00134\_01\_09\_2023 Amend to Municipal Fees Schedule Passport Photos

**16. COMMITTEE ITEMS**

**Ad Hoc Committee on Adaptive Reuse of Brown School Property**

*In Committee:*

**Ad Hoc Committee on Market Landing Park and COTW**

*In Committee:*

- ORDR00389\_11\_01\_2022 Naming Rights Market Landing Park

**Budget & Finance**

*In Committee:*

- ORDR00336\_03\_28\_2022 ARPA Amesbury 250K (COTW)
- ODNC00129\_11\_01\_2022 Defining Conflict Rule for Dept. Heads (COTW)
- ODNC00130\_11\_01\_2022 Grants, Gifts, and Fees (COTW)
- ODNC00132\_11\_14\_2022 Mandated Reporting
- ORDR00388\_11\_01\_2022 NYS Facility Bond Order (COTW)
- COMM00443\_11\_01\_2022 59 Low St. FAQs (COTW)
- ORDR00400\_12\_12\_2022 Morrill Foundation Gift Acceptance
- ORDR00401\_12\_12\_2022 Karen Jones Cashman Multi-Sport Court Gift Acceptance
- ORDR00402\_12\_12\_2022 Belleville Improvement Society Gift Acceptance
- ORDR00403\_12\_12\_2022 Central Congregational Church Gift Acceptance

**General Government**

*In Committee:*

- ORDR239\_02\_8\_2021 Council Rule 7 and 10B

**License & Permits**

*In Committee:*

- ODNC047\_01\_27\_2020 General Ordinance - Short Term Rental Units Rules

**Community Services (previously Neighborhood & City Services)**

*In Committee:*

- COMM299 02 08 2021 Phillips Dr. Neighborhood Committee Ltr
- ODNC00103 01 10 2022 Streets, Sidewalks, and Other Public Places Alterations & Maintenance
- COMM00406 04 11 2022 Pioneer League Letter re: Pickleball

**Planning & Development**

*In Committee:*

- COMM00445\_11\_14\_2022 59 Low Street Plan (COTW)
- COMM00455\_12\_12\_2022 Net Zero report West End Fire Station

**Public Works & Safety (previously Public Safety)**

*In Committee:*

- COMM00412\_05\_31\_2022 Ltr Ann Jaronyk re: Traffic Safety
- COMM00414\_05\_31\_2022 Ltr. Emily Dunn re: Traffic on Merrimac Street
- ORDR00398\_12\_12\_2022 Snow Emergency Parking Auburn St
- ORDR00399\_12\_12\_2022 Asphalt sidewalk waiver request package - West End Fire Station project
- COMM00456\_12\_12\_2022 Letters re: Curb Cut 4 Wilkinson Dr. & 34 Hale St.

**17. GOOD OF THE ORDER**

**18. EXECUTIVE SESSION:** Pursuant to MGL c. 30A s. 21 there will be an executive session for the purpose of discussing strategy with respect to potential litigation involving roadways, buildings and land use including but not limited to Doyle Drive, Newburyport, MA.

**19. ADJOURNMENT**

**LATE FILE ITEMS**

THE COMMONWEALTH OF MASSACHUSETTS

RECEIVED  
CITY CLERK'S OFFICE  
NEWBURYPORT, MA

OF

2023 JAN - 5 P 12: 53

**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 \_\_\_\_\_ class license, to Buy, Sell, Exchange or Assemble second hand motor vehicles or parts thereof, in accordance with the provisions of Chapter 140 of the General Laws.

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

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

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

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

Charles J. Ciovacco 4 Lt. Leary Drive Newburyport

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

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

President \_\_\_\_\_

Secretary \_\_\_\_\_

Treasurer \_\_\_\_\_

6. Are you engaged principally in the business of buying, selling or exchanging motor vehicles? yes

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

Is your principal business the buying and selling of second hand motor vehicles? yes

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

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

This is a home based business. All transactions are completed online. No vehicles are stored on the premises.

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? \_\_\_\_\_

(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

Did you receive a license? Yes

(Yes or No)

For what year? 2005 to present

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

Clay Jew

(Duly authorized to represent the concern herein mentioned)

Residence 4 Lt. Leary Drive Nbpt.

### IMPORTANT

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

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

**APPLICANT WILL NOT FILL THE FOLLOWING BLANKS**

Application after investigation \_\_\_\_\_  
(Approved or Disapproved)

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

Signed \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

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

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

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

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

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

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

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

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

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APPLICANT WILL NOT FILL THE FOLLOWING BLANKS

Application No. \_\_\_\_\_

Class \_\_\_\_\_ License No. \_\_\_\_\_

Name \_\_\_\_\_

St. and No. \_\_\_\_\_

City — Town \_\_\_\_\_

Date Issued \_\_\_\_\_

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Remarks \_\_\_\_\_

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# Western Surety Company

## POWER OF ATTORNEY

### KNOW ALL MEN BY THESE PRESENTS:

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

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

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

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

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

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

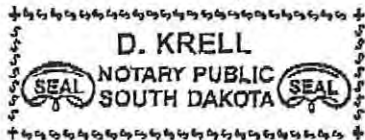
ATTEST

L. Nelson  
Assistant Secretary

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

STATE OF SOUTH DAKOTA }  
COUNTY OF MINNEHAHA } ss

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



My Commission Expires November 30, 2008

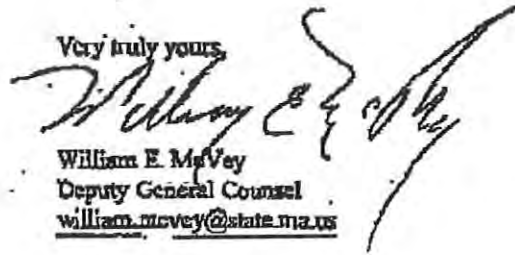
D. Krell  
Notary Public



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](mailto:william.mcvey@state.ma.us)



Knobbsy Hinds  
Registry

*The Commonwealth of Massachusetts*  
*Registry of Motor Vehicles*  
*One Bayley Place, Boston 02116*

Mail  
PO. Box 199100  
Boston, MA 02119-0100  
www.mass.gov/rmv

November 19, 2004

Jennifer B. Schaller, Esq.  
Law Department  
CNA Surety, 13<sup>th</sup> 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.

**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 MeVey 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

\_\_\_\_\_ OF \_\_\_\_\_

RECEIVED  
CITY CLERK'S OFFICE  
NEWBURYPORT, MA

LATE FILE

2023 JAN -5 P 4:11

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 \_\_\_\_\_ 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? Plum Autoworks Inc

Business address of concern. No. 71 Storey Ave St.,

Newburyport MA 01950 City — Town.

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

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 Nancy London 11 Warrenton Rd Haverhill MA 01832

Secretary " "

Treasurer " "

6. Are you engaged principally in the business of buying, selling or exchanging motor vehicles? yes

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

Is your principal business the buying and selling of second hand motor vehicles? yes

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

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

Approx 100 Ft Frontage Located at  
71 Storey Ave Newburyport MA  
Building Approx 30 x 60 Consisting of  
2 offices

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? Past 15 yrs

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 \_\_\_\_\_

John Powers G.M.  
(Duly authorized to represent the concern herein mentioned)

Residence 11 Waverston Rd Haverhill MA 0183.

### 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 \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

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**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:

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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 licenses within class 3 as defined in section fifty-eight, and all licenses and permits issued hereunder to persons within said class 3 shall be subject to the provisions of ordinances and by-laws which are hereby authorized to be made. No license or permit shall be issued hereunder to a person within said class 3 until after a hearing, of which seven days' notice shall have been given to the owners of property abutting on the premises where such license or permit is proposed to be exercised. All licenses granted under this section shall be revoked by the licensing board or officer if it appears, after hearing, that the licensee is not complying with sections fifty-seven to sixty-nine, inclusive, or the rules and regulations made thereunder; and no new license shall be granted to such person thereafter, nor to any person for use on the same premises, without the approval of the registrar. The hearing may be dispensed with if the registrar notifies the licensing board or officer that a licensee is not so complying. Any person aggrieved by any action of the licensing board or officer refusing to grant, or revoking a license for any cause may, within ten days after such action, appeal therefrom to any justice of the superior court in the county in which the premises sought to be occupied under the license or permit applied for are located. The justice shall, after such notice to the parties as he deems reasonable, give a summary hearing on such appeal, and shall have jurisdiction in equity to review all questions of fact or law and may affirm or reverse the decision of the board or officer and may make any appropriate decree. The decision of the justice shall be final.

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

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APPLICANT WILL NOT FILL THE FOLLOWING BLANKS

Application No. \_\_\_\_\_

Class \_\_\_\_\_ License No. \_\_\_\_\_

Name \_\_\_\_\_

St. and No. \_\_\_\_\_

City — Town \_\_\_\_\_

Date Issued \_\_\_\_\_

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Remarks \_\_\_\_\_

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SELECTMEN

MAY 16 2004

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REC-138

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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

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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](mailto: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.

# A.A. DORITY COMPANY, INC.



## SURETY BONDS & INSURANCE

Instant Service and Delivery

226 LOWELL ST., SUITE B-4  
[www.aadorty.com](http://www.aadorty.com)

WILMINGTON, MA 01887

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BONDS--(everything except criminal)

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12/12/2022

Plum Auto Works, Inc.  
71 Storey Ave  
Newburyport, MA 01950

PAY ONLINE AT  
[WWW.AADORTY.COM](http://WWW.AADORTY.COM)

When paying, please put  
Invoice Number on your check

Returned Check will incur a \$30 Fee.

All Invoices are due and payable as of the date of charge unless satisfactory cancellation evidence has been furnished.

DATE OF CHARGE	Invoice No.	DESCRIPTION	
12/31/2022	571402	MA Used Car Dealer (\$25,000.00) 12/31/2022 - 12/31/2023 City of Newburyport, MA NGM Bond No. 148623 Renewal	\$250.00

Plum Auto Works, Inc.  
71 Storey Ave  
Newburyport, MA 01950



You must be a current member of MIADA to receive bond discount.

Issued Through:

# A.A. Dority Company, Inc.

## CONTINUATION CERTIFICATE

The **NGM Insurance Company**, hereinafter called the Company, hereby continues in force its **MA Used Car Dealer, Bond Number 148623**

in the sum of **Twenty-Five Thousand dollars (\$25,000.00)**

on behalf of

**Plum Auto Works, Inc.**

located at

71 Storey Ave  
Newburyport, MA 01950

in favor of **City of Newburyport, MA**

for the term beginning **December 31, 2022** and ending on **December 31, 2023**, subject to all covenants and conditions of said bond.

This Continuation is executed upon the express condition that the Company's liability shall not be cumulative and shall be limited at all times by the amount of the penalty stated in the bond.

In witness whereof, the Company has caused this instrument to be signed by its duly authorized Attorney-in-Fact and its Corporate Seal to be hereto affixed this day, December 12, 2022

**NGM Insurance Company**

By: 

Katie E. Connor

Attorney-in-Fact

Producer:

A.A. Dority Company, Inc.  
226 Lowell Street; Suite B-4  
Wilmington, MA 01887  
617-523-2935 Fax: 617-523-1707

# **CONSENT AGENDA**

# CITY COUNCIL MEETING

## MINUTES

December 12, 2022 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** Remembering Robert “Bubba” Hanson

2. **PLEDGE OF ALLEGIANCE**

**CALL TO ORDER** The City Council President Heather Shand called the meeting to order at 7:00 pm and asked Clerk Jones to call the roll. The following City Councillors answered present: Preston, Vogel, Wallace, Wright, Zeid, Cameron, Donahue, Khan, Lane, McCauley and Shand. 11 present.

3. **LATE FILE**

4. **PUBLIC COMMENT**

Rick Taintor 10 Dexter St.  
Dawn Brandmark 36 Hale St.  
Ronald Dienstmann 36 Hale St.  
Owen Smith 175 Storey Ave.

5. **MAYOR'S COMMENT**

### CONSENT AGENDA

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

6. **APPROVAL OF MINUTES**

- November 28, 2022 (Approve)

7. **COMMUNICATIONS**

- COMM00455\_12\_12\_2022 Net Zero report West End Fire Station (P&D)
- COMM00456\_12\_12\_2022 Letters re: Curb Cut 4 Wilkinson Dr. & 34 Hale St. (PS)

8. **TRANSFERS**

9. **APPOINTMENTS**

- APPT0360\_12\_12\_2022 Jeffrey Mattheson 12 Hart Rd. Electrical Inspector 1/1/2024

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

### BUDGET & FINANCE

- COMM00449\_11\_28\_2022 Letter Jim McCarthy re: Conservancy check for a crab apple tree
- COMM00448\_11\_28\_2022 Emails re: bench and plaque updates
- ORDR00336\_03\_28\_2022 ARPA Amesbury 250K (COTW)
- TRAN00140\_11\_01\_2022 P&D: Waterfront Park Paid Parking Fund \$40,000 & Harbormaster Retained Earnings \$20,000 to Market Landing Park Expansion Project \$60,000
- TRAN00141\_11\_01\_2022 Mayor: General Fund Free Cash \$500,000 to Stabilization Trust Fund \$500,000



## GENERAL GOVERNMENT

- APPT00358\_11\_28\_2022 Paul S. Cardaci 135 Beach Rd., Salisbury Constable for City Business

## LICENSE & PERMITS

- COMM00385\_01\_31\_2022 STRU Fire Sprinkler Systems
- COMM00388\_01\_31\_2022 UPDATED STRU Fire Sprinkler Systems
- COMM00442\_11\_01\_2022 A Frame New England Sketch Book 1R Water St.
- APPL00116\_11\_28\_2022 State Automotive Repair, LLC 2nd Hand Vehicle License

## NEIGHBORHOOD & CITY SERVICES

- APPT00351\_11\_14\_2022 Jean L. Berger 33 Middle St. Tree Commission 12/1/2025
- APPT00352\_11\_14\_2022 Stephanie Pellegrini 11 Lois St. Tree Commission 12/1/2025
- APPT00359\_11\_28\_2022 Robert Uhlig 174 Merrimac St. Tree Commission 12/15/2025
- COMM00439\_11\_01\_2022 Owen Smith letter re: Parks Dept
- COMM00446\_11\_14\_2022 Snow and Ice Plan 2022-2023

## PLANNING & DEVELOPMENT

- ORDR00394\_11\_28\_2022 Hancock Street Tree Maintenance Access Easement
- ODNC00125\_10\_11\_2022 Amend to Ch 5 Buildings
- COMM00444\_11\_01\_2022 Planning & Development Net Zero Memo
- APPT00353\_11\_14\_2022 Andrew Shapiro 20 Eagle St. Affordable Housing Trust 12/1/2024
- APPT00357\_11\_28\_2022 Jamison Gagnon 17 Daniel Lucy Way Comm. Preservation Act Cmte. 12/15/2025

## PUBLIC SAFETY

- APPL00115\_11\_28\_2022 Winter Shanties behind Custom House 12/4/22-3/5/23
- ORDR00396\_11\_28\_2022 Cherry Street Signage
- COMM00454\_11\_28\_2022 Ltr from Robert and Susan True re: ORDR00396
- ORDR00387\_11\_01\_2022 Signage Forrester St.

## END OF CONSENT AGENDA

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

## REGULAR AGENDA

### 9. MAYOR'S UPDATE

### 10. FIRST READING APPOINTMENTS

### 11. COMMUNICATIONS

- APPL00117\_12\_12\_2022 Firehouse Ctr for the Arts Singalong Parade Sat. 12/17 12-1pm  
Merrimac, State, High, Green Streets

Motion to waive the rules and declare an emergency by Councillor Zeid, seconded by Councillor Cameron. So voted.

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

### 12. TRANSFERS

### 13. SECOND READING APPOINTMENTS

ODNC00128\_11\_01\_2022 2<sup>nd</sup> Reading Amending Ch. 2 Committees (COTW)

Motion to waive the rules to take ORDR00128 out of order and move up on the agenda by Councillor Zeid, seconded by Councillor Preston. So voted. Motion to approve on 2<sup>nd</sup> reading by Councillor Zeid, seconded by Councillor Preston. Roll call vote. 10 yes, 1 no (BL). Motion passes.

#### 14. ORDERS

- ORDR00397\_12\_12\_2022 City Council Meetings 2023

Motion to approve by Councillor Zeid, seconded by Councillor Vogel. So voted.

- ORDR00398\_12\_12\_2022 Snow Emergency Parking Auburn St

Motion to refer to Public Works & Safety by Councillor Zeid, seconded by Councillor Donahue. So voted.

- ORDR00399\_12\_12\_2022 Asphalt sidewalk waiver request package - West End Fire Station project

Motion to refer to Public Works & Safety by Councillor Zeid, seconded by Councillor Donahue. So voted.

- ORDR00400\_12\_12\_2022 Morrill Foundation Gift Acceptance

Motion to refer ORDR00400, ORDR00401, ORDR00403 collectively to Budget & Finance by Councillor Zeid, seconded by Councillor Lane. So voted.

- ORDR00401\_12\_12\_2022 Karen Jones Cashman Multi-Sport Court Gift Acceptance

Motion to refer ORDR00400, ORDR00401, ORDR00403 collectively to Budget & Finance by Councillor Zeid, seconded by Councillor Lane. So voted.

- ORDR00402\_12\_12\_2022 Belleville Improvement Society Gift Acceptance

Councillor Wallace recused. Motion to refer collectively to Budget & Finance by Councillor Zeid, seconded by Councillor Preston. 10 yes, 1 recused (CW). So voted.

- ORDR00403\_12\_12\_2022 Central Congregational Church Gift Acceptance

Motion to refer ORDR00400, ORDR00401, ORDR00403 collectively to Budget & Finance by Councillor Zeid, seconded by Councillor Lane. So voted.

#### 15. ORDINANCES

- ODNC00128\_11\_01\_2022 2<sup>nd</sup> Reading Amending Ch. 2 Committees (COTW)

Motion to refer APPT00360\_12\_12\_2022 to Public Works & Safety by Councillor McCauley, seconded by Councillor Preston. Motion withdrawn.

- ODNC00131\_11\_14\_2022 2<sup>nd</sup> Reading Amended Pleasant Street 15 min parking space

Motion to approve on 2<sup>nd</sup> reading by Councillor McCauley, seconded by Councillor Preston. Roll call vote. 10 yes, 1 no (SZ). Motion passes.

#### 16. COMMITTEE ITEMS

##### Ad Hoc Committee on Adaptive Reuse of Brown School Property

*In Committee:*

##### Ad Hoc Committee on Market Landing Park and COTW

*In Committee:*

- ORDR00389\_11\_01\_2022 Naming Rights Market Landing Park

##### Budget & Finance

*In Committee:*

- **COMM00449 11 28 2022 Letter Jim McCarthy re: Conservancy check for a crab apple tree**

Motion to receive and file COMM00449 and COMM00448 collectively by Councillor Zeid, seconded by Councillor Khan. 10 yes, 1 no (BV). So voted.

- **COMM00448 11 28 2022 Emails re: bench and plaque updates**

Motion to receive and file COMM00449 and COMM00448 collectively by Councillor Zeid, seconded by Councillor Khan. 10 yes, 1 no (BV). So voted.

- **ORDR00336 03 28 2022 ARPA Amesbury 250K (COTW)**

Motion to refer back to Budget & Finance and COTW by Councillor Zeid, seconded by Councillor Wright. So voted.

- **TRAN00140 11 01 2022 P&D: Waterfront Park Paid Parking Fund \$40,000 & Harbormaster Retained Earnings \$20,000 to Market Landing Park Expansion Project \$60,000**

Motion to approve by Councillor Zeid, seconded by Councillor Vogel. Motion to amend to refund equally among the three contributing funds should the cost be less than \$60,000 by Councillor Zeid, seconded by Councillor Khan. So voted.

Motion to approve as amended by Councillor Zeid, seconded by Councillor Wright. So voted.

- **TRAN00141 11 01 2022 Mayor: General Fund Free Cash \$500,000 to Stabilization Trust Fund \$500,000**

Motion to approve by Councillor Zeid, seconded by Councillor McCauley. So voted.

- ODNC00129\_11\_01\_2022 Defining Conflict Rule for Dept. Heads (COTW)
- ODNC00130\_11\_01\_2022 Grants, Gifts, and Fees (COTW)
- ODNC00132\_11\_14\_2022 Mandated Reporting
- ORDR00388\_11\_01\_2022 NYS Facility Bond Order (COTW)
- COMM00443\_11\_01\_2022 59 Low St. FAQs (COTW)

## Education

### *In Committee:*

## General Government

### *In Committee:*

- **APPT00358 11 28 2022 Paul S. Cardaci 135 Beach Rd., Salisbury Constable for City Business**

Motion to approve on 2<sup>nd</sup> reading by Councillor Shand, seconded by Councillor Zeid. Roll call vote. 11 yes. Motion passes.

## License & Permits

### *In Committee:*

- **COMM00385 01 31 2022 STRU Fire Sprinkler Systems**

Motion to receive and file COMM00385 and COMM00388 collectively by Councillor Lane, seconded by Councillor McCauley. So voted.

- **COMM00388 01 31 2022 UPDATED STRU Fire Sprinkler Systems**

Motion to receive and file COMM00385 and COMM00388 collectively by Councillor Lane, seconded by Councillor McCauley. So voted.

- **COMM00442 11 01 2022 A Frame New England Sketch Book 1R Water St.**

Motion to approve by Councillor Lane, seconded by Councillor Cameron. So. Voted.

- **APPL00116 11 28 2022 State Automotive Repair, LLC 2nd Hand Vehicle License**

Motion to approve by Councillor Lane, seconded by Councillor McCauley. So voted.

- ODNC047\_01\_27\_2020 General Ordinance - Short Term Rental Units Rules

## Neighborhoods & City Services

### *In Committee:*

- **APPT00351 11 14 2022 Jean L. Berger 33 Middle St. Tree Commission 12/1/2025**

Motion to approve on 2<sup>nd</sup> reading by Councillor Wallace, seconded by Councillor Preston. Roll call vote. 11 yes. Motion passes.

- **APPT00352 11 14 2022 Stephanie Pellegrini 11 Lois St. Tree Commission 12/1/2025**

Motion to approve on 2<sup>nd</sup> reading by Councillor Wallace, seconded by Councillor Donahue. Roll call vote. 11 yes. Motion passes.

- **APPT00359 11 28 2022 Robert Uhlig 174 Merrimac St. Tree Commission 12/15/2025**

Motion to approve on 2<sup>nd</sup> reading by Councillor Wallace, seconded by Councillor Cameron. Motion to amend to require appointment to provide proof of residency to the clerk in the form of vehicle registration and license by Councillor McCauley, seconded by Councillor Donahue. 9 yes, 2 no (EC, BV). Motion passes. Motion to approve on 2<sup>nd</sup> reading amended by Councillor Wallace, seconded by Councillor Cameron. Roll call vote. 9 yes, 2 no (SZ, BV). Motion passes. Roll call vote. 11 yes. Motion passes. Motion to reconsider by Councillor Preston, seconded by Councillor Vogel. Roll call vote. 4 yes (CP, BV, MW, EC), 7 no (CW, SZ, JD, AK, BL, JM, HS). Motion fails.

- **COMM00439 11 01 2022 Owen Smith letter re: Parks Dept**

Motion to receive and file by Councillor Wallace, seconded by Councillor Zeid. 10 yes, 1 no (BV). Motion passes.

- **COMM00446 11 14 2022 Snow and Ice Plan 2022-2023**

Motion to receive and file by Councillor Wallace, seconded by Councillor Zeid. Motion to amend to update the plan to what is posted on city website by Councillor Preston, seconded by Councillor McCauley. So voted. Motion to receive and file as amended by Councillor Wallace, seconded by Councillor Zeid. 10 yes, 1 present (SZ). Motion passes.

- COMM299\_02\_08\_2021 Phillips Dr. Neighborhood Committee Ltr
- ODNC00103\_01\_10\_2022 Streets, Sidewalks, and Other Public Places Alterations & Maintenance
- COMM00406\_04\_11\_2022 Pioneer League Letter re: Pickleball

## Planning & Development

### *In Committee:*

- **ORDR00394 11 28 2022 Hancock Street Tree Maintenance Access Easement**

Councillor Cameron recused. Motion to approve by Councillor Wallace, seconded by Councillor Donahue. Roll call vote. 9 yes, 1 no (SZ), 1 recused (EC). Motion passes.

- **ODNC00125 10 11 2022 Amend to Ch 5 Buildings**

Motion to approve on 1<sup>st</sup> reading by Councillor Cameron, seconded by Councillor Preston. Motion to amend to accept the changes made in committee to include the language **bottom of** and strike **grade**. Motion to amend to strike **OpenGov** by Councillor Zeid, seconded by Councillor Cameron. So voted. Friendly amendment by Councillors Wallace and Khan to add to the second to last line **Civil** to MA Licensed Engineer. Motion to approve on 1<sup>st</sup> reading as amended by Councillor Cameron, seconded by Councillor Preston. Roll call vote. 11 yes. Motion passes.

- **COMM00444 11 01 2022 Planning & Development Net Zero Memo**

Motion to receive and file by Councillor Cameron, seconded by Councillor Vogel. So voted.

- **APPT00353 11 14 2022 Andrew Shapiro 20 Eagle St. Affordable Housing Trust 12/1/2024**

Motion to approve on 2<sup>nd</sup> reading by Councillor Cameron, seconded by Councillor Preston. Roll call vote. 11 yes, Motion passes.

- **APPT00357 11 28 2022 Jamison Gagnon 17 Daniel Lucy Way Comm. Preservation Act Cmte. 12/15/2025**

Motion to approve on 2<sup>nd</sup> reading by Councillor Cameron, seconded by Councillor Lane. Roll call vote. 11 yes, Motion passes.

- COMM00445\_11\_14\_2022 59 Low Street Plan (COTW)

## Public Safety

### *In Committee:*

- **APPL00115 11 28 2022 Winter Shanties behind Custom House 12/4/22-3/5/23**

Motion to receive and file by Councillor McCauley, seconded by Councillor Preston. So voted.

- **ORDR00396 11 28 2022 Cherry Street Signage**

Motion to approve by Councillor McCauley, seconded by Councillor Preston. So voted

- **COMM00454 11 28 2022 Ltr from Robert and Susan True re: ORDR00396**

Motion to receive and file collectively COMM00454 and ORDR00387 by Councillor McCauley, seconded by Councillor Wright. So voted.

- **ORDR00387 11 01 2022 Signage Forrester St.**

Motion to receive and file collectively COMM00454 and ORDR00387 by Councillor McCauley, seconded by Councillor Wright. So voted.

- COMM00412\_05\_31\_2022 Ltr Ann Jaroneyk re: Traffic Safety
- COMM00414\_05\_31\_2022 Ltr. Emily Dunn re: Traffic on Merrimac Street

## Public Utilities

### *In Committee:*

## **Rules**

### ***In Committee:***

- ORDR239\_02\_8\_2021 Council Rule 7 and 10B

Motion to move to General Government by Councillor Vogel, seconded by Councillor Khan. So voted.

## **17. GOOD OF THE ORDER**

Councillor Donahue thanked her colleagues for their assistance in a rewarding first year on the Council.

Councillor McCauley requested the consideration of an Executive Session on January 9<sup>th</sup>. Council President Shand noted that the Council should be prepared to do so.

## **18. ADJOURNMENT**

Motion to adjourn at 8:45pm by Councillor Preston, seconded by Councillor Donahue. So voted.

# COMMUNICATIONS

## NEWBURYPORT SPECIAL EVENT APPLICATION

Tel.

Fax.

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

**NAME OF EVENT:** 29<sup>th</sup> Annual Newburyport Frigid Fiver (5k Rail Trail)

Date: 2/12/23 Time: from 11:00 AM to 1:00 PM

Rain Date: N/A Time: from \_\_\_\_\_ to \_\_\_\_\_

2. Location: 40 Parker St, Newburyport Ma, (Riverwalk Brewery)

3. Description of Property: Riverwalk Brewery Public \_\_\_\_\_ Private

4. Name of Organizer: Newburyport Rotary Club & Joppa Flats Running Club City Sponsored Event: Yes \_\_\_\_\_ No

Contact Person Bob Manning Or (Nikki Misenheimer)

Address: 1 Lorum St, NBPT Telephone: \_\_\_\_\_

E-Mail: Robert.F.Manning@comcast.net Cell Phone: 978 270 7455 or (978-270-9282)

Day of Event Contact & Phone: \_\_\_\_\_

5. Number of Attendees Expected: 200

6. MA Tax Number: 21938749

7. Is the Event Being Advertised? yes Where? Social media

8. What Age Group is the Event Targeted to? 4-75

9. Have You Notified Neighborhood Groups or Abutters? Yes \_\_\_\_\_ No  /no? Will do prior to event

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

A. Vending: Food \_\_\_\_\_ Beverages \_\_\_\_\_ Alcohol \_\_\_\_\_ Goods \_\_\_\_\_ Total # of Vendors \_\_\_\_\_

B. Entertainment: (Subject to City's Noise Ordinance.) Live Music yes 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 \_\_\_\_\_





**FOR PARADE, ROAD RACE AND WALKATHON EVENTS ONLY**

PARADE \_\_\_\_\_ ROAD RACE \_\_\_\_\_ <sup>x</sup> \_\_\_\_\_ WALKATHON \_\_\_\_\_

1. Name of the Group or Person Sponsoring the Road Race, Parade, Walkathon: \_\_\_\_\_  
Riverwalk Brewery & Joppa Flats Running Club

2. Name, Address & Daytime Phone Number of Organizer: \_\_\_\_\_  
Bob Manning, 1 Lorum St, NBPT , 978 270 7455  
Nikki Misenheimer 978-270-9282

3. Name, Address & 24/7 Telephone Number of Person Responsible for Clean Up \_\_\_\_\_  
Bob Manning, 1 Lorum St, NBPT , 978 270 7455

4. Date of Event: 2/12/22 Expected Number of Participants: 200

5. Start Time: 11:00 AM Expected End Time: 1:00 pm

6. Road Race, Parade or Walkathon Route: (List street names & attach map of route): \_\_\_\_\_  
Course Map attached as last page to this permit request

7. Locations of Water Stops (if any): Yes , Cashman Park

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

9. Formation Location & Time for Participants: Riverwalk Brewery, Parker St

10. Dismissal Location & Time for Participants: Riverwalk Brewery , Parker St

11. Additional Parade Information:

• Number of Floats: \_\_\_\_\_

• Locations of Viewing Stations: \_\_\_\_\_

• Are Weapons Being Carried: Yes \_\_\_\_\_ No \_\_\_\_\_

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

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

CITY MARSHAL \_\_\_\_\_ 4 Green St. FIRE CHIEF \_\_\_\_\_ 0 Greenleaf St.

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

## DEPARTMENT APPROVAL (for Committee Member use only):

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

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

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

### Limitations

- (a) "Procedure" All road racing, walkathon, bicycle, or swimming events shall, through that event's organizer, board of directors, charity foundation or designee apply for authorization to hold the event through the Office of the City Clerk. The City Clerk upon review of the completed form will place the application on the regular City Council agenda. 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 event will name one person responsible on the application and shall provide contact information to include name, address and telephone number.
- (b) "Exemptions" Each event organizer or organization shall comply with this ordinance and no exemptions will be permitted.
- (c) "Course map", All applications shall be accompanied by a course map showing the event route, water stops, refreshment stops, and so-called "porta-potties". The course map shall also include any road closures, detours and parking areas. The course map shall be approved by Police, Fire, Department of Public Services, Parks Commission and Harbormasters Departments prior to submission to the City Clerk.
- (d) "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 be used for public address announcements or music before 9:00 AM. This shall be deemed a requirement for all permitted events regardless of type or location.

- (e) "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 ten (10) days in advance that neighborhood roads will be closed if no alternate route is available to those residents.
- (f) "Insurance" All events shall have an insurance policy or rider in effect for the event naming the "City of Newburyport" as an insured. The policy shall be no less than two million dollars (\$2,000,000.00).
- (g) "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.
- (h) "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 oversee the safety and security of the event. All special duty assignments will be paid by the event organizers.
- (i) "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.

### 13-101 Enforcement

- (a) "Regulations" Consistent with this ordinance, the city shall promulgate regulations to enforce and otherwise implement the provisions of this ordinance upon passage by the City Council. Any event previously approved by City Council shall be deemed permitted.
- (b) "Warning" In the circumstance that this ordinance 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.
- (c) "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 Subsection 1-17 of Chapter 1 of the Code or Ordinances of the City of Newburyport in the amounts set herein in 13-101(d)
- (d) "Violation" The non-criminal violation shall be \$100.00 for the first offense and \$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.

***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.***

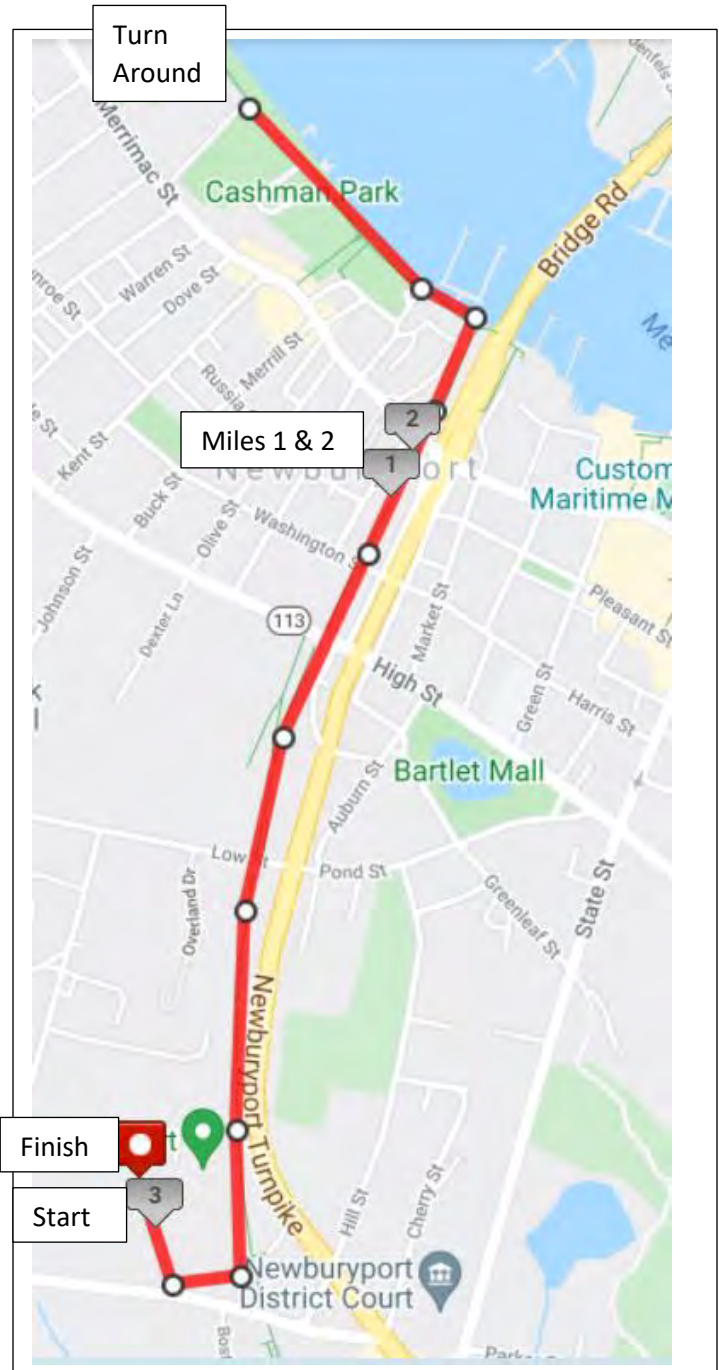
**Signed:** \_\_\_\_\_ **Date:** \_\_\_\_\_

# Frigid Fiver 5K Course Map

- Course starts in Riverwalk Parking Lot (close to Parker St)
- Run on Mark Richie's property, Parker St to rail trail via Parker St
- Left / North on rail trail to the Merrimac River
- Turn Left at the River Junction towards Cashman Park
- Turn around point is in Cashman Park (1.5 mile point)
- Return to the Riverwalk Brewery returning via the Rail Trail
- Turn Right on Parker St
- Turn right into Riverwalk parking lot
- Finish-line is at Tap Room ramp

Note: The only street crossing is Washington St which will be manned with crossing guards

Note: Mile markers 1 & 2 are at the same location





# **TRANSFERS**



# CITY OF NEWBURYPORT FY 2023

RECEIVED  
CITY CLERK'S OFFICE  
NEWBURYPORT, MA

## TRANSFER/APPROPRIATION REQUEST

JAN 13 2023 3:15

**Department:** Finance

**Submitted by:** Ethan R. Manning, Finance Director

**Date Submitted:** 1/9/2023

**Transfer From:**

Account Name:	<u>General Fund - Free Cash</u>	Balance:	<u>\$ 2,436,288.00</u>
Account Number:	<u>01-35910</u>	Category:	<u>n/a</u>
Amount:	<u>\$10,741.00</u>	Trans I/O:	<u>\$ (1,880,349.00)</u>

**Why Funds Are Available:**

The Massachusetts Department of Revenue certified Free Cash for FY2023 at \$4,316,637. These funds are available for any legal expenditure with the approval of the Mayor and a vote of the City Council.

**Transfer To:**

Account Name:	<u>Essex North Shore Tech School</u>	Balance:	<u>\$ 54,629.00</u>
Account Number:	<u>01398002-53202</u>	Category:	<u>\$ -</u>
Amount:	<u>\$10,741.00</u>	Trans I/O:	<u>\$ -</u>

**Why Funds Are Needed:**

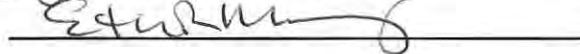
Final tuition and transportation costs for the 2022-2023 school year came to \$130,741 compared to the \$120,000 that was assumed in the FY2023 budget. There are currently six students from Newburyport attending Essex North Shore Agricultural and Technical School.

Sean R. Reardon, Mayor:



Date: 1/3/2023

Ethan R. Manning, Auditor:



Date: 1/3/2023

City Council Action:



# CITY OF NEWBURYPORT FY 2023

RECEIVED  
CITY CLERK'S OFFICE  
NEWBURYPORT, MA  
773 JAN -3 PM 3:15

## TRANSFER/APPROPRIATION REQUEST

**Department:** Department of Public Services

**Submitted by:** Jamie Tuccolo, Acting Director

**Date Submitted:** 1/9/2023

**Transfer From:**

Account Name:	Receipts Reserved for Appr. Fuel	Balance:	\$ 144,364.20
Account Number:	2722-59600	Category:	\$ -
Amount:	\$125,000.00	Trans I/O:	\$ -

**Why Funds Are Available:**

This is the standard method of funding the DPS fuel and oil account. As City departments pay for gasoline, the funds are deposited into this reserve for appropriation account and then transferred into the fuel and oil expenditure account within the Highway budget to purchase more fuel.

**Transfer To:**

Account Name:	DPS Highway Fuel & Oil	Balance:	\$ (815.24)
Account Number:	01421004-54801	Category:	\$ 100,255.96
Amount:	\$125,000.00	Trans I/O:	\$ -

**Why Funds Are Needed:**

Funds are required to buy gasoline and oil that is used by City vehicles.

Sean R. Reardon, Mayor:

\_\_\_\_\_

Date:

1/3/2023

Ethan R. Manning, Auditor:

\_\_\_\_\_

Date:

1/3/2023

City Council Action:



**APPOINTMENTS  
FIRST READING**



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

RECEIVED  
CITY CLERK'S OFFICE  
NEWBURYPORT, MA

21 DEC 21 PM 12:17

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 9, 2023  
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 1, 2028.

Alice Sheridan  
11 Beck Street  
Newburyport, MA 01950

Hello Christine,

I would like to submit my name for consideration for a position on the Newburyport Council on Aging Board.

I believe that my professional experience would make me a very strong candidate for this position. Throughout my career I have had the opportunity to work with seniors around housing placement and adjustment, as well as socialization and recreation opportunities and issues, health and wellness programs, and financial management programs. I have attached a copy of my resume for your review.

Thank you very much for your consideration.

Sincerely,

Alice Sheridan  
11 Beck Street  
Newburyport, MA 01950

## **Alice Sheridan**

---

**Objective** To obtain a position that best utilizes my extensive experience in Administration, Housing, Budgeting, Technology, Training and Planning.

### **Professional Experience**

- Gloucester Housing Authority** - Assistant Executive Director 2010 to 2022
- Chief Operating Officer assisting the Executive Director with the administration of the agency and its 1350 Public Housing, Rental Assistance and Homeownership units
  - Human Resource head with extensive hiring experience
  - Development and implement of all policies
  - Supervision of Housing Management, Finance, Maintenance, Inspection and Administrative employees
  - Hearing, Fair Housing, harassment, employment and collective bargaining officer
  - Chief author of \$100,000 ABL (A Better Life) Planning Grant and subsequent implementation grant
- Topsfield Housing Authority** - Executive Director 2002 – 2010  
Extensive budget, financial, operations and management experience. Knowledge of principals and practices of housing management, finances and maintenance systems.
- Groveland Housing Authority** - Executive Director 2010

### **Other Relevant Experience**

- 1993 - 2000 Topsfield School Committee - Chairperson 1995 – 2000
- North Shore Education Consortium - Coordinator - Responsible for developing paid work experience for students, implementing appropriate work skills training and goals and scheduling work support and transportation.
- Long Island Oil Company - Office Manager - General Ledger Accounting, AP and AR, Customer Service and Management Liaison.
- Chemical Bank, New York, NY - Training Specialist- including curriculum development, interdepartmental coordination, and instruction.

**Education** Providence College, Providence, RI B.A.  
Rhode Island College, Providence, RI M.Ed.

**Professional Affiliations** - Public Housing and Section 8 Management Certifications  
MassNAHRO, Section 8 Administrators Association, NERCNAHRO

**Additional Course Work** - Computer Applications in Accounting, Financial and Managerial Accounting,  
Excellent written and oral communication skills, analytical abilities and a very high competency with Microsoft Office Products.



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

RECEIVED  
CITY CLERK'S OFFICE  
NEWBURYPORT, MA  
2022 DEC 21 PM 12:17

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 9, 2023  
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 1, 2028.

Paul E. Bushey  
1 Dennett Drive  
Newburyport, MA 01950

Mayor Reardon,

Paul Burke, the Executive Director of the Newburyport Council on Aging, (COA), has mentioned to me there is presently a board vacancy on the COA Board.

I am writing to you, to express my interest in serving on this Board. I have attached a resume. I retired from the Social Security Administration, (SSA), after 39 years, in 2016 in the position of Area Director for Maine, New Hampshire, Vermont and Northern Massachusetts. I oversaw 24 SSA offices and 453 employees.

Wherever I have lived, I have felt it to be vitally important that I become involved in the community where I live. To this end, upon retirement I have been involved in numerous Newburyport community organizations, which I have listed in my attached resume.

I am serving this year as the General Chair for Yankee Homecoming, and have been the impetus in adding the YHC event at the senior/Community Center, "Know Your Community", which will be hosted by the COA next week.

I would be honored to be considered for this position on the Newburyport COA Board.

Thank you.

**Paul E. Bushey**  
**1 Dennett Drive, Newburyport, MA**  
**860-428-8045 cell**

**Career Summary:** A caring, dedicated professional with 39 years of experience with the Social Security Administration working in many areas, including, customer service, public relations, policy analysis and employee supervision, as a Boston Region executive.

**Recent Work Experience Professional Qualification**

**Area Director, Social Security Administration** **08/2014 – 01/2018**  
**Retired**

With 39 years with the Social Security Administration (SSA), I held progressively more responsible positions, working as Claims Representative, Operations Supervisor, Programs Analyst, Administrative Aide to the Area Director, District Manager and Area Director for Maine, New Hampshire, Vermont, and Northern Massachusetts. I was responsible for twenty-two Social Security offices, with three hundred and seventy-nine employees. I monitored workloads, labor management relations issues, human resources issues, including hiring, terminations, and performance and conduct issues and budgets.

**Recent Professional Qualification and Volunteer Activities**

- 2002-2005            Committee member establishing No Freeze Shelter in Willimantic, CT.
- 2002- 2011           Board member Windham Regional United Way, Board Chair 2006-2008.
- 2004-2006           Board member - Windham Chamber of Commerce, Chair of Leadership Development Committee.
- 2003-2010           Board member – Community Prevention and Addiction Services, Board Chair 2005-2010. Merged with Community Health Resources in 2010.
- 2010 –2014           Board member Community Health Resources.
- 2006 -2014           Member of Steering Committee – Southeastern CT Ten-Year Plan to End Homelessness. Chair of the Employment and Income subcommittee.
- 2011, 12, 13           Presenter - CT Coalition to End Homelessness Training
- 2018 – present       Volunteer at, “Among Friends”, serving a weekly meal at St. Paul’s Episcopal Church in Newburyport, MA
- 2018-2019           Chairperson on the Yankee Homecoming Parade in Newburyport, Ma, responsible for all aspects of the parade.
- 2019- present       Board Member Link House, Treasurer 2021- present
- 2020- present       Board Member Yankeehomecoming, General Chair 2022

**Honors and Awards**

- 2011 -                 Recipient of the 2011 Ewell T. Bartlett Humanity in Government Award, given each year, nationwide to one SSA employee, by the Commissioner of Social Security, to recognize an SSA employee who espouses humanitarian values and reflects those values in carrying out SSA programs. My citation reads, “In recognition of sustained outreach and services to the homeless citizens of Connecticut through the SOAR program and volunteer efforts in the community”.



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 9, 2023  
Subject: Re-Appointment

---

I hereby re-appoint, subject to your approval, the following named individual as the Zoning Administrator for the City of Newburyport. This term will expire on December 31, 2023.

Jennifer Blanchet  
4 Island Lane  
Newbury, MA 01951

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



# JENNIFER T. BLANCHET

---

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

## EXPERIENCE

---

- May 2017-  
Present      **Zoning Administrator and Enforcement Officer, City of Newburyport**  
Newburyport, MA
- Review proposed projects for zoning compliance and issue Building Permit Denials where applicable that indicate what planning review processes are required. Enforce the Zoning Ordinance and uphold decisions and permits that the Zoning Board of Appeals and the Planning Board issue. Respond to complaints, and issue penalties as they relate to violations to the Zoning Ordinance.
- September 2016-  
April 2017      **Site Coordinator and Construction Supervisor, NES Grows (Volunteer)**  
Newbury, MA
- Served as the technical advisor and job captain to the NES Grows Playground Committee and building committee prior to and during the construction of a brand new, custom designed, all volunteer constructed play yard at Newbury Elementary School. Assisted in securing individual and corporate volunteers from the surrounding communities to participate in this “community build” project.
- November 2008-  
Present      **Architectural Designer, Self Employed**  
Newbury, MA
- Provide design and drafting services for single family homes to both homeowners and contractors. Performed all aspects of design and production from site documentation and zoning analysis to design development and permit and construction documents while working in conjunction with consulting structural and civil engineers.
- April 2005-  
November 2008      **Project Architect/Manager, EGA Architects**  
Newburyport, MA
- While at EGA Architects, a full-service firm that specializes in the design or continuing care retirement communities, I was responsible for overseeing the development and coordination of design and construction documents for these large scale residential projects as well as meeting and reviewing projects with owners and municipalities.

## EXPERIENCE CONT.

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August 1996 to  
April 2005

**Project Architect/Manager, Perry Dean Rogers and Partners Architects**

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

May 1992-  
August 1996

**Landscape Gardener, TLC Landscape Design**

Summer position providing design, installation and maintenance of gardens to private homeowners and businesses in and around Woodstock NY

## EDUCATION

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August 1991-  
May 1996

**Bachelors of Architecture - Syracuse University, Syracuse, NY**  
Minor in Anthropology

## PROFESSIONAL AWARDS

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**American School and University, Louis I Kahn Award -2007**

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

**American School and University Educational Interiors Silver Citation-2006**

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

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

Awarded for Design excellence for the Groton School Arts Center

## SKILLS

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AutoCAD, Microsoft office programs, Essential office functions, basic carpentry



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

RECEIVED  
CITY CLERK'S OFFICE  
NEWBURYPORT, MA  
JAN -3 PM 2:14

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 9, 2023  
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 January 30, 2026.

Ben Harman  
298 High Street  
Newburyport, MA 01950

Dear Ms. Jackson,

I moved to Newburyport in 2018 with my husband who was born and raised here. It had been 20 years since he graduated from Newburyport High School and 12 years since my first visit, but his parents who were a small business owner and local educator had always been an anchor for us to this wonderful city. Besides being one of the most beautiful places in the world, what really drove our decision to move here was the strong community and history of Newburyport. The past few years have been a whirlwind of global, political, and social developments giving me the itch to become more active locally, but working full time and volunteering on the board of a national nonprofit felt like all I could take on at the time. I recently saw the Mayor's request for applicants to fill city boards and commissions though, and I could not sit by and not raise my hand to do my part for our wonderful community as a member of the Human Rights Commission.

As you will see from the attached resume, my work experience has largely been in the Boston-area tech sector where I have grown my career over the past 16+ years. I remember my first month at Yahoo! when they celebrated National Coming Out Day and how it made me comfortable being my authentic self at work. Over the years I have had other positive experiences and some not-so-positive, too related to being a member of the LGBTQ+ community in the evolving world of corporate America - and as a citizen of our country - as rights and norms have changed. As a senior leader at CarGurus in 2017, I started not only the first LGBTQ+ employee group, but the beginning of an entire slate of employee resource groups for the 1000+ company. It was my turn to pay it forward and provide the representation and space for others like my own experience 10 years earlier. In my current role at Owl Labs I have broader responsibility for our diversity, equity and inclusion initiatives among overall culture and employee engagement duties. Respect for and celebration of diversity is something I care deeply about.

Serving as a volunteer, donor, director, and now treasurer of the board of Point Foundation has been among the most rewarding and educational experiences of my adult life. At Point Foundation we are enabling a new generation of LGBTQ+ leaders to get an education, gain a vast network of mentors and alums, and feel the acceptance of a community many of them would otherwise have been denied. Our diverse scholars (84% are people of color) and their stories inspire me to challenge my own biases, be more inclusive, and more vigorously advocate for the rights of all.

Although I know I have a lot to learn about the operations of the Human Rights Commission in Newburyport, I believe I bring valuable experience as an active LGBTQ+ member of our community as well as executive leadership and advocacy skills that would prove useful to the Mayor's administration. As a member of the commission, I will work hard to support the sense of welcome and respect for residents and visitors to our city. Thank you very much for your consideration.

Best regards,

Ben Harman (he/him)  
298 High Street  
Newburyport, MA  
(617) 959-4612

# BEN HARMAN

Chief of Staff at Owl Labs

(617) 959-4612

<https://www.linkedin.com/in/bjharman/>

[bjharman@gmail.com](mailto:bjharman@gmail.com)

Greater Boston Area



## SUMMARY

Seasoned technology startup leader. Adaptable and collaborative. Focused on growing businesses and developing people. Committed to creating a diverse and welcoming work environment.

## EXPERIENCE

### Chief of Staff

#### Owl Labs

08/2019 - Ongoing Boston, MA

Innovative video conferencing technology

- Partner with CEO to oversee day-to-day operations of executive team and lead the execution of strategic initiatives for growing \$100M startup
- Integrate enterprise business operations platforms including Salesforce and Netsuite as well as business intelligence tools Domo and Looker
- Influence and champion strong company culture managing logistics of hybrid workforce, curating employee programming and communication, and serving as eyes and ears for the overall health of the organization
- Advocate for customers by directing the customer care and technical support teams and create critical feedback loop to internal product and technology leaders to inform roadmap

### Senior Director, Ad Solutions & Operations

#### CarGurus

11/2014 - 07/2019 Cambridge, MA

Global automotive marketplace

- Implemented advertising and data technology infrastructure and business strategy to support new \$75MM business
- Built Ad Solutions & Operations department of 17 employees including individual contributors and managers
- Cultivated strong cross-functional relationships with engineering, product, marketing, sales, and business development to deliver results
- Established culture of autonomy, collaboration, accountability, and empowerment

### Director, Business Operations

#### Millennial Media

03/2013 - 11/2014 Boston, MA

Mobile advertising & marketing technology

- Initiated business transformation through process analysis, workflow improvement, and program management
- Served as internal consultant for key stakeholders and senior leadership enabling successful client experiences and enhanced productivity for internal teams
- Key contributor in M&A transaction resulting in sale of earlier stage startup (Jumtap) and subsequent integration into public company

## VOLUNTEERING

### Board of Directors, Treasurer

#### Point Foundation

01/2018 - Ongoing

Point Foundation is the nation's largest scholarship-granting organization for LGBTQ students of merit.

- Chair of the Finance and Technology committee (2019 - present)
- During my tenure we have expanded community college program, introduced BIPOC scholarships, and grown the overall number of scholarship recipients from ~100 in 2017 to over 500 in 2022

### Co-Founder

#### Boston LGBTQ Professionals Meetup

2018 - Ongoing

Established networking group for LGBTQ professionals in the Boston area with over 750 members

## PUBLICATIONS

### Strategies to Boost Employee

### Engagement in the Hybrid Workplace

#### Bravely Webinar

Sara Aharon

04/2022

<https://learn.workbravely.com/employee-engagement-hybrid>

Now more than ever, infusing a culture of connection is key to retention, growth, and productivity.

### Owl Labs Announces Hiring Of Key

### Executives

#### Insider

PR Newswire

11/2019 <https://www.insider.com/>



These new additions to the company and leadership team occur as Owl Labs further invests in its company as part of its recent Series B funding round.

## EXPERIENCE

---

### Senior Manager, Advertising Account Management & Operations

#### Yahoo!

 10/2007 - 06/2012  Boston, MA

Digital media & technology

- Directed team of account managers planning and executing major advertiser and agency ad campaigns on the Yahoo! network
- Contributed deep domain expertise and client knowledge to exceed revenue goals every quarter
- Built high touch campaign management team supporting \$400MM in annual sales, scaling to complete 10,000 service requests annually
- Awarded company recognition for global platform development and integration

### Operations Manager

#### Luggage Forward

 01/2006 - 10/2007  Boston, MA

Personal & professional travel services


- Supervised customer operations during critical early growth period for innovative service and logistics startup
- Wrote the operations and customer success playbook and trained team of associates

## EDUCATION

---

### Bachelor of Music, Vocal Performance

#### Boston University

 2000 - 2004



## PUBLICATIONS

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### CarGurus Shifts Its Programmatic Business Into High Gear

#### AdExchanger

*Sarah Sluis*

 08/2016  <https://adexchanger.com/>

"Between March and April... revenue increased 160%. CPMs for private marketplaces averaged 20% higher after making the adjustments."

## STRENGTHS

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#### Hidden talent:

Event planning! Whether it's an executive dinner for 4 or an off-site for 100, delivering meaningful experiences.



#### Hidden talent:

Oversaw Covid-19 response for global company of over 150 including research and creation of health policies and procedures as well as communication, implementation, and revision over time.



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

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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 9, 2023  
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 January 30, 2026.

Shane Cough  
70 High Street  
Newburyport, MA 01950

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

January 3, 2023

Shane Cough  
70 High Street  
Newburyport, MA 01950

Mayor Sean Reardon  
The Office of the Mayor  
Newburyport, MA

Dear Mr. Mayor:

I am writing to ask for your consideration of me as a candidate for the human rights commission. I have been a citizen of Newburyport for close to ten years, now, and I'd like to get involved in the community in a deeper way. I see the HRC as a place where I think I can contribute.

Social and economic justice is a passion of mine. I believe strongly that all people are created equally and should enjoy equal protections—not only under the law, but within our culture and society universally. I also believe that we should all actively stand up for individuals and fight for those rights wherever and whenever necessary. I have seen a lot of positive change in some areas during my lifetime and others where much work is to be done, and I do fear there is a risk of regression in societal attitudes and even laws. I would like to get involved to help ensure our community strives to proactively lead in areas of diversity, equity, and inclusion, and that when incidents of hate, discrimination, and exclusion do occur, that we are responding forcefully and appropriately.

When I was 11 years old, a 23-year-old man who identified as gay was thrown off of a bridge to his death by three teenage boys in my hometown of Bangor, Maine. The event and some of the public responses were horrifying. That was 1984. Fast forward to when I was 31 and living in Cambridge, MA, I witnessed the first ever marriage license issued to a gay couple at the stroke of midnight on May 17, 2004. And just last year, I watched my fellow Newburyport citizens rally to support the teen LGBTQ+ community by reversing a decision to cancel a dance with a theme of inclusion. That feels like progress that I'd like to see continue. At the same time, I have friends here in our city that are people of color who share stories that convey that they do not feel welcome or safe at times here, in Newburyport. Nationally and locally, incidents of hate crimes against Asian-Americans and the Jewish community are on the rise.

I am not an academic, lawyer, social worker, or community activist by trade, but I believe my years leading with empathy and problem solving as a senior leader in a business setting, my knowledge of the subject matter from educating myself, and experience as a father of two young daughters will add value to the committee. I want to get involved beyond what I've been doing---attending Black Lives Matter protests and donating to charities and politicians doing the hard work. I'd like to contribute in a bigger way, and that's my motivation for seeking the post. I appreciate your consideration.

Yours truly,

Shane Cough



# Shane Cough

70 High Street  
Newburyport, MA 01950

617-275-3675  
[smcough@gmail.com](mailto:smcough@gmail.com)

## PROFILE

### Strategic Senior Sales Executive and Go-To-Market Leader

*Software, Software-as-a-Service, Professional Services*

Experienced senior executive with proven ability to drive business growth and positive strategic outcomes. Senior Manager who has designed, planned and implemented go-to-market strategies, built successful teams and driven territory and product launches in the US and abroad in high growth arenas. Experience in software, SaaS, hardware, and professional services sales across B2C and B2B enterprise and mid-market clients. Launched a European office, managed two successful M&A processes and onboarding post-merger. Experience in building channel and OEM partnerships with technology providers, systems integrators and marketing agencies to scale growth and in managing product marketing and evangelizing new technology.

## PROFESSIONAL EXPERIENCE

### Genesys/Pointillist, Inc

Boston, MA

*Customer Experience Software-as-a-Service*

- **VP Global Sales, CX Transformation** **Jan 2018-Dec 2021**
  - Report to EVP Global Sales (reported to CEO at Pointillist)
  - Led Go To Market Strategy and Customer Relationships
  - Drove Revenue through New Sales and Growth that Resulting in 28x Strategic Exit via Acquisition by Genesys in 2021
  - Grew the Company along with Co-founders CEO and CTO from \$200,000 to \$10mm in four years
  - Built Sales Team and Co-Owned Account Based Marketing Strategy with VP Marketing

### QuickPivot

Boston, MA

*SaaS Cross-Channel Campaign Management Platform*

- **VP Sales** **July 2016-present**
  - Reported to Chief Revenue Officer
  - Consistently Exceeded Quota
  - Responsible for Direct Sales and Channel Partner Recruitment
  - Building OEM revenue stream with global CRM technology provider
  - Clients include B2C and B2B mid-tier to enterprise
  - Partners include marketing agencies and service providers

**OpFocus, Inc.**

Burlington, MA

*Business Operations Consulting Firm (Salesforce.com Consulting Partner)***• SVP Sales & Marketing****2014 - 2016**

- Reported to CEO
- Built Sales Team and Go-To-Market Strategy for growing services business
- Sold Salesforce, Marketo and Pardot Systems Integration and Consulting Services
- Grew Business from \$1.8 million (2013) to \$4.5 million (2015)
- Typical Clients: COO, CRO, CMO, SVP Sales Operations at Mid-Market Organizations across High Tech, Manufacturing, FINS, HLS, Media and Pro Services Verticals
- Re-launched Website, Transformed Business Model to Drive Margin Growth
- Created Sales Process & Methodology, and Pricing & Packaging Models from the Ground up
- Managed Relationship with Strategic Partners: Salesforce, Marketo

**Zeta Global**

Boston, MA &amp; London, UK

*Customer Lifecycle Marketing***Zeta CRM****VP Product Marketing and Strategic Alliances (Boston)****2014**

- Reported to SVP Sales & Marketing
- Responsible for Global Channel Partner Development
- Key Member of Organization Integration Team Post-Merger
- Managed Product Marketing for CCCM SaaS Platform & Professional Services
- Subject Matter Expert Seller for Cross-Channel Campaign Management Solutions

**ClickSquared (acquired by Zeta January 2014)****VP Global Sales & Business Development (London & Boston)****2013-2014**

- Reported to CEO
- With CEO and CFO Led Company Strategy and Supported M&A effort to successful result for VC investors
- Designed and Implemented Channel Partner Program
- Grew Channel from 0 to 20% of revenues in 3 years

**Director of Sales & Marketing, EMEA (London, UK)****2009-2013**

- Reported to CEO
- Led EMEA Go To Market Strategy
- Launched London office and Built UK Sales & Marketing Team
- Grew UK Business from \$800,000 to \$5 million in 3 Years

**1996-2008**

- A number of successful tech Sales Roles in SaaS, Software, Hardware mostly in the marketing tech space. Started as individual contributor at ClickSquared in 2005 before moving to London and into management (Xchange, Inc., Lanier, MarketSoft, Apple, others).



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

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NEWBURYPORT, MA

2023 JAN -5 A 11:45

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 9, 2023

Subject: Appointment

-----  
I hereby appoint, subject to your approval the following named individual as a member of the Historical Commission. This term will expire on February 1, 2026.

Christopher Sawtelle  
20 Summer Street  
Newburyport, MA 01950

---

**Christopher Sawtelle**

29 Summer Street, Newburyport, Ma 01950  
(617) 957-1389  
csawtelle@hotmail.com

November 28, 2022

**Mayor Sean Reardon**

Newburyport City Hall  
60 Pleasant Street  
Newburyport, Ma. 01950

Dear Mayor Reardon,

I write today to express my interest in becoming a member of Newburyport's Historic Commission. I would consider it a privilege to be nominated.

I have lived in Newburyport since 1974, went to The Kelley School, Nock Middle School, and graduated Newburyport High School in 1986. I now own a home on Summer Street, with my wife Jennifer, and my three children, Benjamin 9 yrs, Isaac 7 yrs, and Julia 5 yrs.

My family moved from a beautiful first period house in Ipswich, Ma. to Newburyport in search of an old home to restore. We first lived on 23 Lime Street where she completed a basic restoration herself. We later moved to 19 Summer Street, and began another restoration project. I grew up in 17th and 18th century homes in various states of restoration. This was the base of my passion and appreciation of old homes. Now I have my own project of restoring a home from 1762 on Summer Street.

As I wrote, I've been in Newburyport since the early days of its redevelopment. I've witnessed historic homes return to their original beauty. It was done by people, not developers, who had a passion for preserving the city's architecture. They did the research, and they did the work. They contributed immensely to Newburyport's historic preservation. The next generation is moving into these homes, and I believe in the importance of conservation of the city's architectural history.

Sincerely,

Christopher Sawtelle

# Christopher Sawtelle

29 Summer Street  
Newburyport, Ma. 01950  
(617) 957-1389  
csawtelle@hotmail.com

## EXPERIENCE

### **Motion Pictures, Studio Mechanic IATSE 481, New England** — *Leadman/Set Dresser/SFX*

2005- PRESENT

I decorate movie sets, as well as a member of The Special Effects Team. I've worked on approximately 50 television shows and movies. Three of which have won Academy Awards.

### **The Rockfish, Newburyport— Head Chef**

2001 - 2005

Responsible for daily kitchen operations and menu design..

### **Norratull, Gavle, Sweden — Antique Broker**

1989-1994

Located and secured antique items. Procured museum visas and packed shipping containers to the United States.

## EDUCATION

### **Mass Art, Boston**

1987-1998

Majored in Graphic Design and minors in drawing and blacksmithing.

### **Newburyport High School, Newburyport — HS Diploma**

1984-1986

Teachers assistant Graphic Arts Dept. Wrote a student text book about Newburyport architecture for extra credit.

## PROJECTS

### **29 Summer Street — Home Restoration**

Returning my home to its 1762 appearance, investigations into its deed history, returning the details which were removed by the previous owner.

## SKILLS

Graphic Design

Movie Set Decorations

Carpentry

Osha 10

AWP Certified

Hotworks Certified

## AWARDS

Set Decorators Society of  
America

Nomination for BEST  
ACHIEVEMENT IN  
DECOR/DESIGN IN A  
CONTEMPORARY FILM

SOUND OF METAL 2020

## LANGUAGES

Swedish

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CITY OF NEWBURYPORT

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978-465-4413 PHONE  
MAYOR@CITYOFNEWBURYPORT.COM

To: President and Members of the City Council  
From: Sean R. Reardon, Mayor  
Date: January 9, 2023  
Subject: Appointment

-----  
I hereby appoint, subject to your approval, the following named individual as a member of the Board of Health. This term will expire on February 1, 2026.

Lina Matta, Pharm.D., MPH, BCPS  
7 Everett Drive  
Newburyport, MA 01950

October 18, 2022

Newburyport City Hall, Office of the Mayor

Dear Mayor Reardon:

I am writing to share my strong interest in the upcoming open position on the Newburyport Board of Health.

At an early age, I was witness to the power of actions in public health. Some of my earliest childhood memories are that of my father setting out for long trips into foreign countries to help combat malaria, a scourge for many around the world. As I grew into young adulthood, I chose a career with the express desire to help others navigate the complexity that is medication management and with the clear understanding that medication errors and overprescribing are a public health danger to many in our country.

Several years after becoming a pharmacist, I decided to pursue a degree in public health, with my early childhood recollections being the impetus for that interest. After all, there is no other discipline focused entirely on preventing disease and improving health (traditional healthcare professionals focus on treating illnesses). My career has provided me with many opportunities to create and implement programs that are entirely focused on improving health and preventing illness. These include a hospital-wide flu vaccination program for our high-risk patients complicated by flu vaccine shortage, improvement of high cholesterol and high blood pressure in patients who are high risk of a future heart attack or stroke, development of a program that improves medication adherence and accurate medication prescribing, and growth of several other initiatives, such as emergency response programs, in a variety of hospital and clinic settings that are aimed at creating quality improvement changes.

My work has required extensive collaboration with world-renowned physicians, esteemed hospital leaders, exceptionally passionate nurses, and other essential and dedicated professionals, including respiratory therapists, dieticians, and information systems personnel. I have led teams through change and have been able to establish programs with minimal resources.

Newburyport is an extraordinary place and history tells us that this is a city with an inherent ability to create long-lasting impact. With the recent pandemic, the general population has become much more aware of the power of public health and the Board of Health is poised to lead the city through continued creation of health-related programs and initiatives. I hope to have an opportunity to speak with you further and am most grateful for your consideration.

Respectfully submitted,



Lina Matta, Pharm.D. , MPH, BCPS

# Lina Matta

7 Everett Drive, Newburyport, MA 01950

617.216.2117

linamatta@post.harvard.edu

## Expertise

Successfully leading teams during change  
Implementing cost containment efforts  
Extensive experience in clinical, project and people management

Strong knowledge of hospital-wide systems  
Team-building and integration  
Breakthrough new program development

## Education

**Harvard School of Public Health**  
Masters in Public Health- Management and Policy

Boston, MA  
May 2013

**Rutgers University College of Pharmacy**  
Doctor of Pharmacy, Bachelor of Science

Piscataway, NJ  
May 1999

## Leadership and Clinical Experience

**Brigham and Women's Hospital**  
Department of Pharmacy

Boston, MA

### **Director of Ambulatory Pharmacy (25 indirect and direct reports)**

Dec 2016-present

This position seeks to build an ambulatory care service line that establishes gold-standard pharmacotherapy services in clinics and across populations. In this role, new to the hospital, the goal is to establish team building within current ambulatory infrastructure and identify areas of improvement, expand the role of ambulatory and transition of care pharmacists throughout the institution, and develop the breadth of services offered by the ambulatory pharmacy team to improve patient care outcomes.

### **Director of PGY2-Cardiology Pharmacy Residency Program (2-3 direct reports)**

Jul 2015-Jun 2020

This position required implementation of, and subsequent growth of a program focused on training highly capable and motivated pharmacists in the area of cardiac pharmacotherapy with oversight throughout program's first accreditation process.

### **Clinical Pharmacy Practice Manager (20-25 direct reports)**

Oct 2004- Nov 2020

The focus of this pioneer position was to establish and lead a strong departmental clinical practice model. As the role evolved, it required an ability to apply creative solutions to patient care challenges, to build and integrate efforts across hospital multidisciplinary teams, to thrive under increasing cost-containment pressures, and to lead highly visible institutional quality improvement programs.

### **Transitions of Care Residency Director (2 direct reports)**

July 2015-July 2016

This was a time-limited role that required orchestration of a collaborative care redesign project between the pharmacy and cardiology departments that targets medication related needs for patients transitioning between the inpatient and ambulatory settings. This role created and managed a new pharmacy residency training program with a goal to address hospital needs for improved medication-based transitions of care processes.

### **Pharmacy PGY1 Residency Coordinator Manager (5-7 direct reports)**

Oct 2012-Aug 2015

This role required mobilization of the pharmacy residency program coordinator team to facilitate the growth of a robust program. It required providing strong mentorship through its first accreditation process and achieved the maximum permitted length of accreditation from the national accrediting organization.



**Pharmacy and Therapeutics Committee, Leadership Member**

Sep 2005-Dec 2020

This role required coordination, facilitation, and communication of committee activities to hospital leadership while supervising and coordinate medication formulary initiatives at the hospital-level.

**Clinical Pharmacy Specialist**

Jul 2001-Sep 2004

This was a pioneer role focused on initiating a pharmacy-based cardiac services team. Efforts led to establishment of the pharmacist role in the cardiac surgery intensive care unit and coronary care unit with a three-fold increase in the size of the pharmacist team.

**Senior Pharmacist**

Jun 1999-Jul 2001

Several activities within this role were new to the institution and required consultation on appropriate drug therapy for inpatients and provided educational seminars to pharmacy staff and cardiac surgery service members.

**Massachusetts General Brigham  
Digital Care Transformation**

Boston, MA

**Director of Pharmacy**

Jun 2017- Oct 2022

This position requires strong collaboration with the Cardiovascular Innovation Department and strategic planning on initiatives related to chronic disease management. Through leveraging digital care, we were able to establish several programs geared at population-based management of chronic disease states.

**Teaching and Consulting Experience**

**Harvard Medical School**

Boston, MA

**Course Co-Director**

Oct 2020- Jan 2022

Established an educational program geared towards an international audience on the topics of contemporary pharmacotherapy and multidisciplinary-team building.

**Harvard School of Public Health  
Department of Health Policy & Management**

Boston, MA

**Independent Researcher, Advisor: Dr. Nancy Kane**

*Project title: Physician Perceptions on the Role of Cost in Clinical Decision Making*

Sep 2012-Oct 2013

Investigated the healthcare reform-related change in the institutional culture of healthcare delivery by surveying physicians, and analyzing and summarizing subsequent data

**Research Consultant, Advisor: Dr. Nancy Kane**

*Project title: Case Study: Optimizing Medication Management*

Oct 2012-Feb 2013

Co-wrote an educational case with physician collaborator that focused on medication management and quality improvement efforts with the goal of identifying gaps in institutional culture that inhibit collaborative approach to quality improvement and accountability

**Partners International/Brigham and Women's Hospital Pharmacy**

Boston, MA

**In-House Consultant**

May 2012-Jun 2013

Conducted on-site strategic analysis of outpatient anticoagulation services at Heart Hospital in Doha, Qata and assessed strengths, limitations, and resources for completion of a business plan for implementation of new service line. The team subsequently launched a new anticoagulation service in spring 2014

**Avation Health, Inc.**

Lexington, MA

**Consultant**

Jan-Nov 2012

Evaluated new software application (FamilyTouch®) for start-up health innovation company and reviewed functionality of product and recommended improvements to company CEO and President Richard Siegrist. In addition, the role involved advising a team of nurses conducting pre and post nursing surveys and identifying and recommending solutions to systemic problems

**Selected Certifications**

**Harvard Business School**

Cambridge, MA

**Brigham and Women's Hospital**

Oct 2015 - May 2016

*The Brigham Leadership Program*

*Harvard Business School Executive Education*

**Brigham and Women's Hospital**

Boston, MA

*Clinical Process Improvement Leadership Program*

Sep 2014-Jan 2015

Certificate of Achievement

**Harvard Law School**

Cambridge, MA

*Leadership and Negotiation Conference*

April 2014

Certification of Completion

**Harvard Business School**

Cambridge, MA

*Institute of Strategy and Competitiveness*

January 2013

Completion of Professor Porter's Value Based Healthcare Seminar

**Brigham and Women's Hospital**

Boston, MA

*LEAN Practitioner Training Program*

Aug 2012-Jan 2013

Certificate of Achievement

**Board of Pharmaceutical Specialties**

Washington DC

Board Certified Pharmaceutical Specialist

January 2005-present

**Professional and Academic Affiliations**

- Massachusetts Society of Health Systems Pharmacists-Nominating Committee
- Rho Chi Pharmaceutical Honor Society
- Phi Lambda Sigma Pharmaceutical Leadership Society
- Rutgers College of Pharmacy Honors Program

## Awards

Brigham and Women's Hospital Starfish Award

Brigham and Women's Hospital Partners in Excellence Award

2014 Annual Hematology Specialty Award, Society of Critical Care Medicine (*citation: #3*)

## Selected Committees

- MGB Practice Standardization Subcommittee
- Department of Pharmacy Peer Review Committee
- Department of Pharmacy Rapid Cycle Improvement Committee
- BWH Drug Administration Guidelines Committee
- BWH Pain Management Committee
- BWH Pharmacy and Therapeutics Committee
- BWH ACTIVE Heart Failure Working Group
- MGB Pharmacy and Therapeutics Committee
- Brigham-Lipid Optimization Committee
- BWH Pharmacy Ambulatory and Transitions of Care Committee
- Anticoagulation Leadership Committee
- BWH Clinical Care Redesign Committee
- MGB Ambulatory Committee
- Digital Care Transformation Clinical Meeting

## Selected Publications and Poster Presentations

1. Scirica BM, Cannon CP, Fisher ND, Gaziano TA, Zelle D, Chaney K, Miller A, Nichols H, **Matta L**, Gordon WJ, Murphy S, Waghlikar KB, Plutzky J, MacRae CA. Digital Care Transformation: Interim Report From the First 5000 Patients Enrolled in a Remote Algorithm-Based Cardiovascular Risk Management Program to Improve Lipid and Hypertension Control. *Circulation*. 2021 Feb 2; 143(5):507-509.
2. Fisher ND, Fera LE, Dunning JR, Desai S, **Matta L**, Liquori V, Pagliaro J, Pabo E, Merriam M, MacRae CA, Scirica BM (2018). Development of an Entirely Remote, Non-Physician Led Hypertension Management Program. *Clin Cardiol*. 2019 Feb; 42(2):285-291. doi:10.1002/clc.23141
3. Gillis G, Dempsey J, Sibicky S, **Matta L**, MacRae C, Kirshenbaum J, Faxon D, Churchill W. Development of a Pharmacy Resident-Run Transitions of Care Service in a High-Risk Cardiovascular Patient Population. *J Pharm Prac Edu*. 2018 Oct; 1(3):14.
4. Cook BM, Carter DM, Dell'Orfano H, **Matta L**. Potassium Chloride Sustained Release Dosing Pathway in an Academic Medical Center. *Crit Pathw Cardiol*. 2017 Dec; 16(4):158-160.
5. Dempsey J, **Matta L**, Carter D, Stevens C, Stevenson L, Desai A, Cheng J. Assessment of Drug Therapy-Related Issues in an Outpatient Heart Failure Population and the Potential Impact of Pharmacist-Driven Intervention. *J of Pharm Prac*. 2017 Jun; 30(3):318-323.
6. Buckley LF, Seoane-Vazquez E, Cheng JW, Aldemerdash A, Cooper IM, **Matta L**, Medina DS, Mehra MR, Navarro-Velez K, Shea EL, Weintraub JR, Stevenson LW, Desai AS. Comparison of Ambulatory, High-Dose, Intravenous Diuretic Therapy to Standard Hospitalization and Diuretic Therapy of Treatment of Acute Decompensated Heart Failure. *Am J Cardiol*. 2016 Nov 1; 118(9):1350-1355.
7. Buckley LF, Carter DM, **Matta L**, Cheng JW, Stevens C, Belenkiy RM, Burpee LM, Young MA, Weiffenbach CS, Smallwood JA, Stevenson JW, Desai AS. Intravenous Diuretic Therapy for the Management of Heart Failure and Volume Overload in a Multidisciplinary Outpatient Unit. *JACC Heart Fail*. 2016; Jan 4 (1):1-8. doi: 10.1016/j.jchf.2015.06.017
8. Gilmore J, Adams C, Blum R, Fanikos J, Hirning B, **Matta L**. Evaluation of a multi-target direct thrombin inhibitor dosing and titration guideline for patients suspected heparin-induced thrombocytopenia [Letter to the Editor]. *Am J of Hematol*. 2015; 90 (8): E143-E145.
9. Stevens C, Dell'Orfano H, Reardon DP, **Matta L**, Greenwood B, Atay J. Management of Bleeding Complications in Patients Taking Direct Oral Anticoagulants at a Large Tertiary Medical Center. *Curr Emerg Hosp Med Rep*. 2015; 3(3):162-167
10. Gilmore J, Adams C, Blum R, Fanikos J, Hirning BA, **Matta L**. Evaluation of a Direct Thrombin Inhibitor Dosing and Titration Guideline. *2014 Annual Hematology Specialty Award*. Society of Critical Care Medicine, San Francisco, CA. January 2014.
11. Aday AW, Dell'Orfano H, Hirning BA, **Matta L**, O'Brien MH, Scirica BM, Avery KR, Morrow DA. Evaluation of a clinical pathway for sedation and analgesia of mechanically ventilated patients in a cardiac intensive care unit (CICU): The Brigham

- and Women's Hospital Levine CICU sedation pathways. *European Heart Journal: Acute Cardiovascular Care*. 2013;2:299-305.
12. Sylvester KW, Fanikos J, Anger KE, **Matta L**, Southard RA, Beik N, Lemire S, Dorfman DM, Berliner N. Impact of an Immunoglobulin G-Specific Enzyme-Linked Immunosorbent Assay on the Management of Heparin-Induced Thrombocytopenia. *Pharmacotherapy*. 2013; 33(11):1191-1198.
  13. Implementation of a Clinical Pathway for Sedation and Analgesia for Mechanically Ventilated Patients in an Academic Tertiary Center Cardiac Intensive Care Unit. Dell'Orfano H, Hirning B, **Matta L**, Avery KR, Aday A, O'Brien M, Morrow D. Poster Presentation. Society of Critical Care Medicine Congress, Puerto Rico. January 2013.
  14. Meeting its Match: Nonspecific versus IGG-Specific PF4 Antibody Testing in the Management of Heparin-Induced Thrombocytopenia. Sylvester K, Anger K, **Matta L**, Southard R, Beik N, Fanikos J, Lemire S, Dorfman D. Poster Presentation. American College of Cardiology, Chicago, Illinois. March 2012.
  15. *Evaluation of potassium sparing diuretics on renal function in decompensated heart failure patients: an exploratory pilot study at a tertiary medical center.* Cornblower A, Dell'Orfano H, **Matta L**, Cheng J. Poster Presentation American Society of Health-Systems Conference, New Orleans, Louisiana. December 2011.
  16. Yu-Chen Y, McDonnell A, Klinger E, Fowler B, **Matta L**, Voit D, Reddy P. Comparison of healthcare resource use between patients receiving ondansetron or palonosetron as prophylaxis for chemotherapy induced nausea and vomiting. *J Oncol Pharm Practice* 2010; 0(0): 1-7.
  17. Fanikos J, Cina JL, Baroletti S, Fiumara K, **Matta L**, Goldhaber SZ. Adverse Drug Events in Hospitalized Cardiac Patients. *Am J Cardiol*. 2007; 100: 1465-1469.
  18. *Pharmacist Managed Influenza Vaccination Clinic at a Tertiary Academic Medical Center.* Kronk C, Stevens R, Vaidya A, Fiumara K, **Matta L**, Churchill W. Poster Presentation American Society of Health-Systems Conference, San Francisco, California, June 2007.

## Selected Presentations

1. *"Emergency Crisis Response: Boston Marathon Bombing"*. Spanish Society of Hospital Pharmacy 65<sup>th</sup> National Congress and Virtual Congress. October 2020
2. *"Integrating Advances Clinical Pharmacy Practice into Patient Care Services"*. Harvard Medical School Pharmacy Leadership Seminar. Boston, Massachusetts July 2019.
3. *"Cross Discipline Playbook-Insights from ACO Stakeholders to Achieve Operational Excellence"*. Panel presenter. CBI ACO Population Health Conference. Tampa, FL. December 2016.
4. *"How to make the BWH iHub More Innovative"*. Brigham and Women's Hospital Leadership Program. Boston, Massachusetts, May 2016.
5. *Managing the Patient with Heart Failure: Panel Discussion.* Brigham and Women's Department of Cardiology. Boston, Massachusetts October 2016.
6. *"Principles of Process Improvement"; A Multidisciplinary Team Approach to Quality Improvement: Preventing Hospital-Acquired Venous Thromboembolism Workshop;* Millenium Hotel. Doha, Qatar. February 2013.
7. *"Oral Anticoagulation Management"; Heart Hospital and National Center for Cancer Care and Research Departments of Pharmacy: A Joint Workshop.* Doha, Qatar. May 2012.
8. *"Implementing New Standards for the Prevention and Treatment of VTE" Workshop Facilitator;* Four Seasons Hotel, Boston, Massachusetts. September 2009.
9. *"Preventing and Treating Venous Thromboembolism: Guideline-based Strategies for Improving Patient Outcomes" Workshop Facilitator;* Four Seasons Hotel, Boston, Massachusetts. January 2009.
10. *"Implementing Updated ACC/AHA Guidelines for ACS: Achieving New Standards of Care" Workshop Facilitator* for the STRIVE Critical Pathways Workshop; Four Seasons Hotel, Boston, Massachusetts. January 2008.
11. *"Heparin Induced Thrombocytopenia"* New England Cardiology Symposium for Pharmacists at Sheraton Hotel, Boston, Massachusetts. September 2007.
12. *"Warfarin Therapy: Facts and Tips. Presented at The National Alliance for Thrombosis and Thrombophilia (NATT) Conference;* Boston Marriot Quincy, Massachusetts. October 2006.
13. *"The Causes and Consequences of QT Prolongation"* Presented at Johnson & Johnson PRD, Inc Conference at the Bridgewater Marriot, New Jersey. February 2006.
14. *"Heparin-Induced Thrombocytopenia: Management and Challenges"*. Presented at Proactive Venous Thromboembolism Prophylaxis Conference, Brigham and Women's Hospital, Boston, Massachusetts. February 2006.

**END OF CONSENT AGENDA**

**BEGINNING OF REGULAR AGENDA**

# COMMUNICATIONS



CITY OF NEWBURYPORT RECEIVED  
OFFICE OF THE MAYOR CITY CLERK'S OFFICE  
SEAN R. REARDON, MAYOR NEWBURYPORT, MA

2022 DEC 19 AM 11:08

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

December 16, 2022

Dear Clerk Jones,

I am extending my temporary appointment of Jamie Tuccolo to perform the duties of the office of Director of the Department of Public Services on a temporary basis until the office can be filled. This extension is retroactive to November 16, 2022. Today, this first 30 day extension expires, and I am further extending this temporary appointment by the second allowable 30 day extension through January 16, 2023. I am engaged in a search process which includes a screening committee comprised of City Councillors and other qualified representatives and have engaged a search firm to assist with this process. I certify that Mr. Tuccolo is qualified to perform the duties which will be required and that I make this designation solely in the interests of the city of Newburyport.

Sincerely,

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

Sean R. Reardon  
Mayor

**APPOINTMENTS  
SECOND READING**





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

RECEIVED  
CITY CLERK'S OFFICE  
NEWBURYPORT, MA  
DEC 21 PM 12:17

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: December 12, 2022  
  
Subject: Appointment

-----  
I hereby appoint, subject to your approval, the following  
named individual as Electrical Inspector. This term will start  
on January 1, 2023 and expire on February 1, 2024.

Jeffrey Mattheson  
12 Hart Road  
Newburyport, MA 01950

# ORDERS

# CITY OF NEWBURYPORT



IN CITY COUNCIL

**ORDERED:**

January 9, 2023

**THAT** the City Council of the City of Newburyport authorizes the payment of the following prior year bills in accordance with M.G.L. Chapter 44, Section 64:

<b>Department</b>	<b>Vendor</b>	<b>Amount</b>
DPS	Amesbury Industrial Supplies	\$671.59
DPS	Red's Restrooms	\$1,075.00
DPS	Brox Industries	\$625.95
DPS	Brox Industries	\$468.33
DPS	Rockingham Electrical	\$36.72
DPS	Daigle Enterprises	\$360.00
	<b>Total:</b>	<b>\$3,237.59</b>

---

Councillor Sharif I. Zeid

# CITY OF NEWBURYPORT



IN CITY COUNCIL

**ORDERED:**

January 9, 2023

**THAT, The CITY COUNCIL of the City of Newburyport** accepts with gratitude the following gift:

Donor: Friends of Newburyport Trees (FoNT)

Amount: \$9,000.00

Purpose: Purchasing, planting and caring for city street streets at the recommendation of the Newburyport Tree Commission.

This gift is accepted in accordance with M.G.L. Chapter 44, Section 53A.

---

Councillor Sharif I. Zeid

# CITY OF NEWBURYPORT



**IN CITY COUNCIL**

**ORDERED:**

January 9, 2023

**THAT, The CITY COUNCIL of the City of Newburyport** accepts with gratitude the following gift:

Donor: Kevin Hudson

Amount: \$500.00

Purpose: Support for SAGA (Sexuality and Gender Acceptance) events and programming occurring in or around Pride month (June) in the City of Newburyport.

This gift is accepted in accordance with M.G.L. Chapter 44, Section 53A.

---

Councillor Sharif I. Zeid

# CITY OF NEWBURYPORT



**ORDERED:**

**IN CITY COUNCIL**

January 9, 2023

**THAT, The CITY COUNCIL of the City of Newburyport** accepts with gratitude the following gift:

Donor: Charles & Olin Burkhart

Item: 'Goldy' by Dale Rogers Sculpture

Approximate Value: \$4,000.00

Purpose: Sculpture to be placed in Patrick Tracy Square as approved by the Parks Commission.

This gift is accepted in accordance with M.G.L. Chapter 44, Section 53A½.

---

Councillor Sharif I. Zeid

# CITY OF NEWBURYPORT



**ORDERED:**

**IN CITY COUNCIL**

January 9, 2023

**THAT, The CITY COUNCIL of the City of Newburyport** accepts with gratitude the following gift:

Donor: Charles & Olin Burkhart

Item: '3 Cardinals in a Tree' by Dale Rogers Sculpture

Approximate Value: \$6,000.00

Purpose: Sculpture to be placed in Patrick Tracy Square as approved by the Parks Commission.

This gift is accepted in accordance with M.G.L. Chapter 44, Section 53A½.

---

Councillor Sharif I. Zeid

# CITY OF NEWBURYPORT



IN CITY COUNCIL

**ORDERED:**

January 9, 2023

**THAT**, a loan order in the amount of \$5,930,000 for the Cutter West End Fire Station project (ORDR00280\_09\_13\_2021), which was approved by City Council on November 29, 2021 and signed by the Mayor on December 3, 2021, is hereby rescinded and replaced with the following:

**ORDERED THAT:** \$9,190,000 is appropriated to pay costs of design, bidding, construction administration, owner's project manager/clerk of the works, construction, furnishing, and outfitting of an approximately 6,800 square foot new Cutter West End Fire Station, substantially similar to the plans prepared by Winter Street Architects dated March 2021 and presented in concept form to the Council on August 9<sup>th</sup>, 2021, including the payment of all costs incidental and related thereto, and that to meet this appropriation, the Treasurer with the approval of the Mayor, is authorized to borrow said amount under and pursuant to M.G.L. c. 44, §7(1), or pursuant to any other enabling authority, and to issue bonds or notes of the City therefor; and that the Mayor and the Treasurer are authorized to take any other action necessary or convenient to carry out this vote. Any premium received upon the sale of any bonds or notes approved by this order, less any such premium applied to the payment of the costs of issuance of such bonds or notes, may be applied to the payment of costs approved by this vote in accordance with M.G.L. c. 44, §20, thereby reducing the amount authorized to be borrowed to pay such costs by a like amount.

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Councillor James J. McCauley

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Councillor Sharif I. Zeid





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

SEAN REARDON  
MAYOR

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MEMORANDUM

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TO: NEWBURYPORT CITY COUNCIL

FROM: GEORDIE VINING, SENIOR PROJECT MANAGER

CC: MAYOR SEAN REARDON; ANDREW LEVINE; KIM TURNER; ANDY PORT; STEVE BRADBURY; BARRY SALT; DENNIS MOREL; MOLLY ETTEBOROUGH; JAMES POPE; MICHAEL BARTLETT; ETHAN MANNING

SUBJECT: NEWBURYPORT WEST END FIRE STATION PROJECT

DATE: 1/3/23

We are writing to provide an update on the West End Fire Station project and request authorization of supplementary funding due to significant inflation-driven cost escalations in order to stay on track for bidding the project in the spring of 2023.

During 2022, the project team developed the design and permitting for this safe, new, modern facility as directed and authorized by the City Council on 11/29/21. The process to acquire the \$400K adjacent property and record it at the Registry took approximately three months subsequent to the City Council's funding authorization, and then the design team began work on the plans in the spring of 2022. Since the August 2022 project update to the City Council, the team has completed the following milestones:

- Planning Board Site Plan Review – applied for and received permit
- MassDOT Highway Access permit – submitted application, review pending
- National Grid – met with National Grid re. power supply to new building; draft easement pending
- Owner's Project Manager – hired CBRE as OPM to aid with design phase and oversee construction
- Energy – managed consultants' energy modeling, Net Zero alternatives analysis, and development of Net Zero Energy Report
- Design Development plans – developed architectural, structural, civil, mechanical, plumbing, fire protection, electrical, solar, and communications plans
- Cost estimates – worked with professional cost estimator to generate detailed itemized cost estimate

In November 2022, we worked with the professional cost estimator Rider Levett Bucknall (RLB) to generate a detailed itemized cost estimate based on the plan set. The overall design and construction project cost is estimated to be \$9,191,892, which includes a 4.5% escalation to the start of construction in April 2023, a 5% construction contingency, cost of construction supervision and an Owners Project Manager, all design phase costs, and owner-supplied items. These cost estimates have been reviewed and agreed upon by multiple

subconsultants, the Building Inspector and other city staff, and CBRE, the OPM. These stakeholders were not able to identify additional opportunities for further value engineering. A funding gap exists of \$3,262,000 between the bonding authorization in the fall of 2021 (based on a schematic design estimate from early 2021) and the current projected cost of the new facility.

It is important to note that the funding gap is driven not by any change in the facility's program or design but by unprecedented nationwide/worldwide inflation-driven increases in material costs, supply chain bottlenecks, a tight labor market, fuel, and escalations in every sector. Costs are volatile and are generally rising at a higher rate than the Consumer Price Index. The Associated General Contractors of America (AGC) has noted that as demand for construction heated up in 2021-2022, inflation became established throughout the economy, and contractors' bid prices increased to match higher input costs. A number of factors are likely to keep costs high for the foreseeable future.

The project cost includes a \$350K solar photovoltaic panel system which is anticipated to generate as much power as consumed by the new facility, making it "net zero." The West End Fire Station should be eligible for a direct pay solar investment credit of 30% for this system, which has not been incorporated into the cost estimate as the procedures to implement the federal Inflation Reduction Act continue to be sorted out. Such a credit should reimburse a portion of the project cost. In addition, the annual savings on energy costs will pay for the capital cost in a few years and provide annual credits thereafter.

The project team is currently working on the details of the final Construction Documents. We expect to have final plans with complete design information submitted by the consultants and reviewed by the city and the OPM by the end of February 2023. We anticipate advertising the project in March 2023 with the target of receiving bids in late April 2023, contracting, and initiating the construction phase in May 2023. The construction phase is anticipated to take approximately 13 months with completion in the spring of 2024.

Please see the attached three-page budget summary along with the rendering and site plan. In addition, please see the associated revised loan order from Finance Director Ethan Manning. Thank you for your consideration.



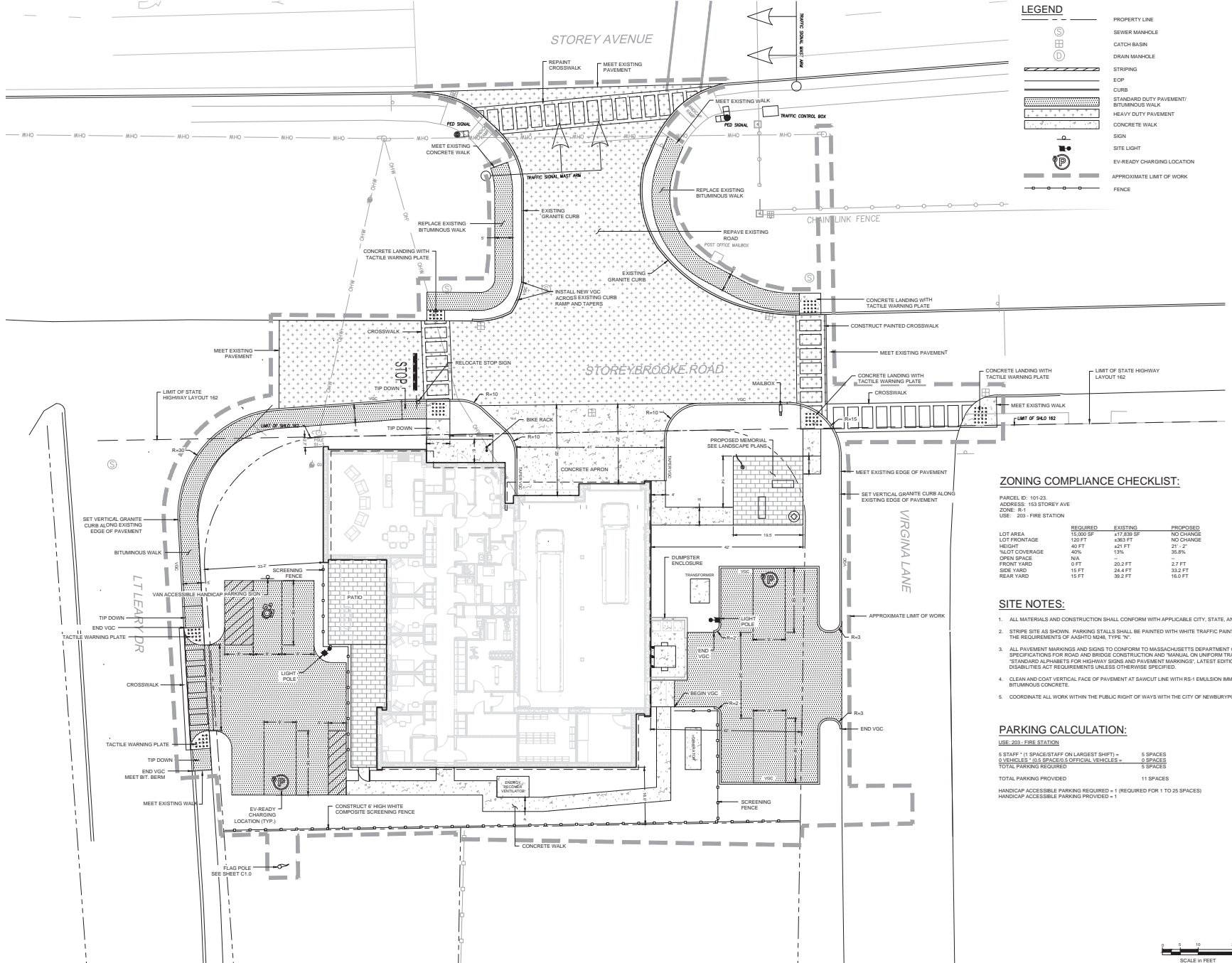


NO.	DESCRIPTION	DATE
1	Revised 02%	12-05-2022



**LEGEND**

- PROPERTY LINE
- SEWER MAN-HOLE
- CATCH BASIN
- DRAIN MAN-HOLE
- STRIPING
- EOP
- CURB
- STANDARD DUTY PAVEMENT
- BITUMINOUS WALK
- HEAVY DUTY PAVEMENT
- CONCRETE WALK
- SIGN
- SITE LIGHT
- EV-READY CHARGING LOCATION
- APPROXIMATE LIMIT OF WORK
- FENCE



**ZONING COMPLIANCE CHECKLIST:**

PARCEL ID: 10123  
 ADDRESS: 153 STOREY AVE  
 ZONE: R-1  
 USE: 203 - FIRE STATION

	REQUIRED	EXISTING	PROPOSED
LOT AREA	15,000 SF	17,830 SF	NO CHANGE
LOT FRONTAGE	150 FT	430 FT	NO CHANGE
HEIGHT	40 FT	42' 1"	2' - 2"
%LOT COVERAGE	40%	13%	35.8%
OPEN SPACE	N/A	-	-
FRONT YARD	0 FT	20.2 FT	2.7 FT
SIDE YARD	15 FT	24.4 FT	33.2 FT
REAR YARD	15 FT	39.2 FT	16.0 FT

**SITE NOTES:**

- ALL MATERIALS AND CONSTRUCTION SHALL CONFORM WITH APPLICABLE CITY, STATE, AND FEDERAL CODES.
- STRIPES SITE AS SHOWN. PARKING STALLS SHALL BE PAINTED WITH WHITE TRAFFIC PAINT. ALL TRAFFIC PAINT SHALL MEET THE REQUIREMENTS OF ASTM D 4484, TYPE "I".
- ALL PAVEMENT MARKINGS AND SIGNS TO CONFORM TO MASSACHUSETTS DEPARTMENT OF TRANSPORTATION STANDARD SPECIFICATIONS FOR ROAD AND BRIDGE CONSTRUCTION AND "MANUAL ON UNIFORM TRAFFIC CONTROL DEVICES" AND "STANDARD ALPHABETS FOR HIGHWAY SIGNS AND PAVEMENT MARKINGS", LATEST EDITIONS AND THE AMERICANS WITH DISABILITIES ACT REQUIREMENTS UNLESS OTHERWISE SPECIFIED.
- CLEAN AND COAT VERTICAL FACE OF PAVEMENT AT SAWCUT LINE WITH RS-1 EMULSION IMMEDIATELY PRIOR TO PLACING NEW BITUMINOUS CONCRETE.
- COORDINATE ALL WORK WITHIN THE PUBLIC RIGHT-OF-WAYS WITH THE CITY OF NEWBURYPORT.

**PARKING CALCULATION:**

USE: 203 - FIRE STATION

5 STAFF * (11 SPACE/STAFF ON LARGEST SHIFT) =	5 SPACES
0 VEHICLES * (6.5 SPACES/6 OFFICIAL VEHICLES) =	0 SPACES
TOTAL PARKING REQUIRED	5 SPACES
TOTAL PARKING PROVIDED	11 SPACES
HANDICAP ACCESSIBLE PARKING REQUIRED - 1 (REQUIRED FOR 1 TO 25 SPACES)	
HANDICAP ACCESSIBLE PARKING PROVIDED - 1	



**John F. Cutter, Jr. Fire Station Project Cost Estimate**  
**City of Newburyport**

(1/3/2023)

**EXISTING FUNDING**

City Council Order 280 approved 11/29/21

**Revenues**

**\$5,930,000**      account # 3807-58200

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**PROJECT COST ESTIMATES**

**Construction Subtotal**      **\$7,706,661** (RLB November 2022 cost estimate)

(\* includes 5% design contingency & 4.5% cost escalation allowance to April 2023 (\$683K))

(\* NOT include net zero MassSaves & federal ITC credits/rebates (15%-30% = \$50K-\$100K))

5% Owner/Construction Contingency      **\$385,333**

**Design**      **\$565,991** (WSA post-SD)

Other design phase: geotech and hazmat      **\$18,891**

**OPM**      **\$165,016** (CBRE)

**Other: Zetron alert/communications, IT, furnishings, exhaust extraction, etc.**      **\$350,000**

**Total Cost Estimates:**      **\$9,191,892**

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**GAP:**      **\$3,261,892**

**Budget Gap (rounded):**      **\$3,262,000**

**John F. Cutter, Jr. Fire Station Project Construction Cost Estimate Subtotal  
City of Newburyport**

*(1/3/2023)*

**RIDER LEVETT BUCKNALL (RLB) CONSTRUCTION COST ESTIMATE SUMMARY (11/22)**

<b>Itemized Construction Cost Subtotal * (6,603SF)</b>	<b>\$5,756,772</b>	<i>(RLB November 2022)</i>
<i>* Not including future MassSaves and federal ITC credits &amp; rebates</i>		
<b>General Conditions (13.9%)</b>	<b>\$800,000</b>	
<b>Bonds and Insurance (3%)</b>	<b>\$196,703</b>	
<b>Overhead and Profit (4%)</b>	<b>\$270,139</b>	
<b>Design/Estimating Contingency (5%)</b>	<b>\$351,181</b>	
	<b><i>(Total before Escalation)</i></b>	<b>\$7,374,795</b>
<b>Escalation Allowance to Start of Construction 4/2023 (4.5%)</b>	<b>\$331,866</b>	
<b><i>ESTIMATED CONSTRUCTION COST SUBTOTAL (excluding soft costs)</i></b>	<b>\$7,706,661</b>	

**John F. Cutter, Jr. Fire Station Project - Owner Supplied Items Cost Estimates**  
**City of Newburyport**

(1/3/2023)

**WINTER STREET ARCHITECTS - ADDITIONAL COSTS SCHEDULE**  
**NEWBURYPORT WEST END FIRE STATION**

<b>I. FURNISHINGS</b>				
Office	Desk	1	\$3,500	\$3,500
	Chair	2	\$250	\$500
Living Quarters	Chairs	5	\$900	\$4,500
	Table	1	\$500	\$500
Dining	Chairs	6	\$200	\$1,200
	Table	1	\$800	\$800
Bunkrooms	Beds	5	\$650	\$3,250
	Desks	5	\$500	\$2,500
	Desk Chairs	5	\$200	\$1,000
	Chairs	5	\$400	\$2,000
Patio	Table	1	\$800	\$800
	Chairs	6	\$150	\$900
Delivery				\$2,500
Contingency				\$2,500
<b>Total</b>				<b>\$26,450</b>
<b>II. EQUIPMENT AND OTHER CHARGES</b>				
Advertising /Bidding / Misc. Expense				\$1,000
Information Technology		1		\$25,000
Zetron / Fire Communications		1		\$150,000
TV Monitors				
	Large	1	\$2,500	\$2,500
	Small	6	\$700	\$4,200
Vehicle Exhaust Extraction				\$40,000
Fitness Equipment		0		\$0 Anticipate Donated
Ice Maker		1	\$2,000	\$2,000
PPE Extractor		1	\$10,000	\$10,000
PPE Dryer		1	\$10,000	\$10,000
Const. Testing Services		1	\$25,000	\$25,000 UTS
Utility Tap Fees & Charges				\$10,000
Utility Pole Relocation				\$25,000
Disconnect Fiber / Reconnect				\$10,000
<b>Subtotal</b>				<b>\$314,700</b>
<b>GRAND TOTAL</b>				<b>\$341,150</b>
<b>SAY</b>				<b>\$350,000</b>

January 9, 2022

**THAT**, a loan order in the amount of \$5,930,000 for the Cutter West End Fire Station project (ORDR00280\_09\_13\_2021), which was approved by City Council on November 29, 2021 and signed by the Mayor on December 3, 2021, is hereby rescinded and replaced with the following:

**ORDERED THAT:** \$9,190,000 is appropriated to pay costs of design, bidding, construction administration, owner's project manager/clerk of the works, construction, furnishing, and outfitting of an approximately 6,800 square foot new Cutter West End Fire Station, substantially similar to the plans prepared by Winter Street Architects dated March 2021 and presented in concept form to the Council on August 9<sup>th</sup>, 2021, including the payment of all costs incidental and related thereto, and that to meet this appropriation, the Treasurer with the approval of the Mayor, is authorized to borrow said amount under and pursuant to M.G.L. c. 44, §7(1), or pursuant to any other enabling authority, and to issue bonds or notes of the City therefor; and that the Mayor and the Treasurer are authorized to take any other action necessary or convenient to carry out this vote. Any premium received upon the sale of any bonds or notes approved by this order, less any such premium applied to the payment of the costs of issuance of such bonds or notes, may be applied to the payment of costs approved by this vote in accordance with M.G.L. c. 44, §20, thereby reducing the amount authorized to be borrowed to pay such costs by a like amount.

---

Councillor James J. McCauley

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Councillor Sharif I. Zeid



# CITY OF NEWBURYPORT



## IN CITY COUNCIL

### ORDERED:

January 9, 2023

**THAT, THE CITY COUNCIL OF THE CITY OF NEWBURYPORT HEREBY CONFIRMS** the below-named individuals to the Newburyport Fire Chief Screening Committee. Said Committee is established pursuant to Code Section 2-316 (a)(2) et al with required notification and shall consist of nine (9) voting members who are named and appointed according to the attached Mayoral letter of appointment and confirmed by this order.

According to Code Section 2-316 (a)(3) the members of the screening committee may be individuals who are employed by the City, residents of the city and/or business community, and others who may have expertise in the field.

Following the effective date of this order, the committee shall meet within thirty (30) days to organize and plan a process for solicitation by advertisement, including without limitation, in appropriate professional journals, and by other means, to receive applications for the position of fire chief. The committee shall review all applications and conduct such interviews as it deems appropriate.

There shall be an evaluation by an assessment center whose results shall be available to the screening committee and the Mayor prior to its interview of candidates. Not more than 180 days from the date of the first organizational meeting of the committee, it shall submit to the Mayor not less than three (3) but not more than five (5) candidates. Within sixty (60) from this submission the Mayor shall interview and select one (1) candidate and then submit the same to the City Council for confirmation.

---

Councillor James J. McCauley



# CITY OF NEWBURYPORT

Office of the Mayor  
Sean R. Reardon, Mayor

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

To: President and Members of the City Council  
From: Sean R. Reardon, Mayor  
Date: January 9, 2023  
Subject: Appointment

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I hereby appoint, subject to your approval, the following named individuals to the Newburyport Fire Chief Screening Committee:

Frank Cousins, Newburyport, MA 01950  
Marshal Mark Murray, Merrimac, MA 01860  
Connie Preston, Newburyport, MA 01950  
Jim McCauley, Newburyport, MA 01950  
Kevin Parseghian, Newburyport, MA 01950  
Paul Hogg, Newburyport, MA 01950  
Chief Jen Collins-Brown, Topsfield, MA 01983  
Donna Drelick, Methuen, MA 01950  
Nora Duggan, Salisbury, MA 01952

# CITY OF NEWBURYPORT



IN CITY COUNCIL

**ORDERED:**

January 9, 2023

**WHEREAS**, section 154 of the Fiscal Year 2023 state budget granted a 5 percent cost of living adjustment ("COLA") to state and teacher retirees on a \$13,000 base; and

**WHEREAS**, on November 16, 2022, the Governor signed Chapter 269 of the Acts of 2022 into law, providing local retirement systems with an option to increase the COLA for FY2023 to up to 5 percent on the base amount specified pursuant to G.L. c. 32, § 103; and

**WHEREAS**, section 2 of the act provides that a COLA increase pursuant to this act is retroactive to July 1, 2022 and any COLA increase, in addition to any COLA previously adopted for FY2023, will become part of the fixed amount of a retirees' retirement allowance in the same manner as all COLAs granted pursuant to section 103; and

**WHEREAS**, the local approval mechanism is different than traditional COLA increases and COLA base increases in that in order for a system to adopt a COLA increase pursuant to this act, the retirement board must vote for the increased amount, the mayor must recommend the increase to the city council and the council must vote in favor (by a majority vote); and

**WHEREAS**, the Newburyport Retirement Board voted unanimously on December 29, 2022 to increase the previously adopted COLA of 3 percent to 5 percent and Mayor Reardon now recommends approval by the City Council;

**NOW, THEREFORE, BE IT ORDERED THAT, the CITY COUNCIL of the City of Newburyport**, hereby votes to approve an increase to the FY2023 COLA from 3 percent to 5 percent. This increase shall be effective July 1, 2022 and applied on the \$12,000 base amount specified pursuant to G.L. c. 32, § 103.

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Councillor Sharif I. Zeid

# CITY OF NEWBURYPORT



IN CITY COUNCIL

**ORDERED:**

January 9, 2023

**THAT, the CITY COUNCIL of the City of Newburyport**, at the recommendation of the Newburyport Retirement Board, hereby votes to approve an increase to the cost of living adjustment (“COLA”) retirement benefit base from \$12,000 to \$15,000 effective July 1, 2023.

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Councillor Sharif I. Zeid

# **ORDINANCES**

# CITY OF NEWBURYPORT



## IN CITY COUNCIL

### ORDERED:

October 11, 2022

As Amended in Planning and Development Committee, December 6, 2022

AN ORDINANCE TO AMEND CHAPTER 5 BUILDINGS AND BUILDING REGULATIONS

**CHAPTER 5 BUILDINGS AND BUILDING REGULATIONS**  
**ARTICLE III BUILDING CONSTRUCTION STANDARDS**  
**SEC. 5 – 66 GENERAL CONSTRUCTION STANDARDS**

THAT the City Council of the City of Newburyport hereby amends Chapter 5 Buildings and Building Regulations, Article III Building Construction Standards by adding Section 5-66 to the City of Newburyport Code of Ordinances as follows, with deletions ~~double-stricken through and in bold~~, and additions double-underlined and in bold:

5.66 Basement Floor/Slab Elevation. ~~The elevation of the basement floor or~~ **The bottom of** slab of any new building **or addition with a bottom slab lower than any existing slab** shall be no less than two (2) feet higher than the estimated seasonal high ground water table as determined by a Massachusetts Certified Soil Evaluator and approved by the Building Commissioner.

**The Applicant is responsible for completing the Deep Hole Test Application through the City of Newburyport Building Department ~~OpenGov~~ online permit portal and submitting completed application to the Building Department for review. Application shall include location of Test Hole Pits on a plot plan stamped by a MA Certified Surveyor and the name and contact information of the Certified Soil Evaluator that will be performing the test. Applicant shall contact the Building Department to arrange a Deep Hole Inspection prior to excavation.**

**Application, excavation, testing and affidavit report shall be performed at no cost to the City and shall be paid in whole by the applicant or their agent.**

**Applicant shall have the Certified Soil Evaluator and excavator on site at the time of scheduled**

**inspection. A City of Newburyport Building Official shall serve only as a witness.**

The applicant shall submit a stamped affidavit of the Deep Hole Test findings to the building department. If the results show less than (2) feet higher than the estimated seasonal high ground water below slab grade, no building permit shall be issued unless a mitigation plan is provided and stamped by a MA Certified Soil Evaluator and/or a MA Licensed **Civil** Engineer.  
Any re-testing shall be performed entirely at the cost to the applicant.

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Councillor James J. McCauley

**In City Council October 11, 2022:**

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

**In City Council December 12, 2022:**

Motion to approve on 1<sup>st</sup> reading by Councillor Cameron, seconded by Councillor Preston. Motion to amend to accept the changes made in committee to include the language **bottom of** and strike ~~grade~~. Motion to amend to strike ~~OpenGov~~ by Councillor Zeid, seconded by Councillor Cameron. So voted. Friendly amendment by Councillors Wallace and Khan to add to the second to last line **Civil** to MA Licensed Engineer. Motion to approve on 1<sup>st</sup> reading as amended by Councillor Cameron, seconded by Councillor Preston. Roll call vote. 11 yes. Motion passes.

# CITY OF NEWBURYPORT



## IN CITY COUNCIL

### ORDERED:

January 9, 2023

### AN ORDINANCE TO AMEND AN ORDINANCE ENTITLED TRAFFIC AND MOTOR VEHICLES

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

Chapter 13	Traffic and Motor Vehicles
Article 4	Specific Street Schedules
Division 6	Stopping, Standing and Parking
Section 13-180 (j)	Resident parking – Inn Street Mixed-Use Area

THAT Chapter 13 Article IV Division 6, Section 13-180(j) of the Code of Ordinances, City of Newburyport, Massachusetts, is hereby amended to read as follows, with ~~deletions double-stricken and in *italized*~~, and additions *double-underlined and italicized*:

(j) *Inn Street Mixed-Use Area*. A bona fide hardship exists for residents of the Inn Street Mixed-Use Area caused by unique or special conditions there that preclude designation of a residential parking permit zone incorporating any of the adjacent streets, which are commercial in nature. Notwithstanding anything in this section 13-180 to the contrary, the parking clerk or their designee shall issue residential parking permits for use within the Green Street Parking Lot (Assessor's Parcel 3-28) to no more than ~~four (4)~~ five (5) households that reside within the Inn Street Mixed-Use Area.

(1) Applicants under this subsection (j) may apply, and renew or transfer such permits pursuant to subsections (c) and (d), respectively, but shall remain ineligible always for visitor parking permits pursuant to subsection (f).

(2) A parking permit under this subsection (j) shall not guarantee or reserve a parking space within the Green Street Parking Lot, nor shall it excuse the permit holder from observance of any traffic or parking regulation other than the time limit on parking, or from having to move all vehicles from the Green Street Parking Lot as ordered by the city during a declared snow emergency.

(3) It shall be a violation of this section to use a parking permit issued under this subsection in any residential parking permit zone.



(4) The parking clerk or their [designee] shall issue parking permits under this subsection on a first-come, first-served basis, or by lottery if more than ~~four (4)~~ five (5) complete applications are filed on the same day.

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Councillor Jennie L. Donahue

# CITY OF NEWBURYPORT



IN CITY COUNCIL

**ORDERED:**

January 9, 2023

AN ORDINANCE TO AMEND APPENDIX B – MUNICIPAL FEE SCHEDULE

APPENDIX B – MUNICIPAL FEE SCHEDULE  
SECTION 2 – MUNICIPAL FEES BY CATEGORY

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

THAT Appendix B of the Code of Ordinances, City of Newburyport, Massachusetts, is hereby amended to read as follows, with ~~deletions double-stricken and italicized~~, and additions double-underlined and italicized:

SECTION 2-D CITY CLERK (VITAL RECORDS AND CERTIFICATIONS)

Vital Records and Certificates	Fee
Birth, Marriage and Death Certified Copies	\$10
Purchased by Mail	\$12
Marriage Licenses	\$30
Business Certificates	\$35
Passport Processing	\$35 (By Federal)
Passport Photos	<del>\$10</del> <u>\$15</u>

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Councillor James J. McCauley

## **COMMITTEE ITEMS**

# Committee Items – January 9, 2023

## Community Services

### *In Committee:*

- COMM299\_02\_08\_2021 Phillips Dr. Neighborhood Committee Ltr
- ODNC00103\_01\_10\_2022 Streets, Sidewalks, and Other Public Places Alterations & Maintenance
- COMM00406\_04\_11\_2022 Pioneer League Letter re: Pickleball

**Phillips Drive Neighborhood Committee**  
**C/O 21 Phillips Dr., Newburyport MA 01950**

February 4, 2021

Mayor Donna Holaday & City Council  
60 Pleasant Street  
Newburyport MA 01950  
*Via email*

Dear Mayor Holaday and Council Members:

We hope this letter finds you well in these turbulent times.

The residents of the Phillips Drive Neighborhood continue to be in close contact with our Ward Councilor, Byron Lane, and other City Councilors to ensure that our critically urgent infrastructure needs remain a **priority** with the City. As we await the engineering report from BSC which you are currently reviewing, we respectfully remind you of your pledges since 2017 to make our critically urgent infrastructure needs a budgetary priority.

We have faith that our actions to meet with you, the City Council, other members of the Neighborhoods and City Services department, and our State Senators will result in dedicated funding to remediate the decades-long infrastructure issues. We are aware that the NYS and west end Fire Department are in need of funding, but our issues have been ignored for decades and the need is critical. As noted in your email to us on May 2, 2017, "It would be unconscionable for the city not to make an effort to provide some relief for the residents of Phillips Drive."

Thank you for your attention and for your commitment to follow through on your pledges for designated funding to fully address the infrastructure needs.

Sincerely,

Kathleen Brittan, Philip Cootey, Richard Goulet, Cynthia Palladino, Melissa Welch  
The Phillips Drive Neighborhood Committee

Cc: Neighborhoods and City Services Department  
Sen. Diane DiZoglio  
Sen. James Kelcourse

# CITY OF NEWBURYPORT



IN CITY COUNCIL

**ORDERED:**

**AN ORDINANCE REGARDING ALTERATION AND MAINTENANCE OF THE PUBLIC RIGHT-OF-WAY INCLUDING, BUT NOT LIMITED TO STREETS AND SIDEWALKS**

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

**THE** Code of Ordinances, City of Newburyport, Massachusetts, is amended to add the following:

**Chapter 12 – Streets, Sidewalks, and Other Public Places**

**Article VII – Alterations and Maintenance**

**Section 12-200 – Purpose.**

The intent of this section to create a transparent process for street and sidewalk projects.

**Section 12-201 – Definitions.**

The following definitions allow to this Article VII:

- 1) **“Alteration”** shall be defined consistently with applicable U.S. Department of Justice and U.S. Department Transportation regulations to mean a change that affects or could affect the usability of all or part of a public street, sidewalk, or within the right-of-way. Alterations include activities such as construction, reconstruction, rehabilitation, resurfacing, widening, grade changes, and projects of similar scale and effect. Some examples of alterations include but are not limited to:
  - a) Street resurfacing or reconstruction, curb and sidewalk installation or reconstruction, drainage and utility installation or reconstruction;
  - b) Crosswalk changes, intersection improvements, complete streets projects or traffic calming retrofits;
  - c) Changes in signage, signals, pavement markings, or anything that changes traffic flow or on-street parking patterns done in the context of an alteration.
  
- 2) **“Maintenance”** shall be defined consistently with applicable U.S. Department of Justice and U.S. Department Transportation regulations to mean as activities on public streets, sidewalks, or within the right-of-way that do not significantly affect the public's access to or usability of the road. Maintenance includes smaller scale repairs such as emergency work, pavement patching, crack filling and sealing,

sidewalk or curb repairs, minor drainage and utility repairs, re-painting of existing markings, and projects of similar scale and effect. Some examples of maintenance include but are not limited to:

- a) Sidewalk or curb reconstruction as part of the city sidewalk partnership replacement program;
- b) Right-of-way, utility, trench work or driveway opening permits approved separately by the Department of Public Services;
- c) Emergency work as determined by the Director of the Department of Public Services;
- d) Changes in signage, signals, pavement markings, or anything that changes traffic flow or on-street parking patterns done in the context of a maintenance.

#### **Section 12-202 – Approval required.**

- a) Alteration of a public street, sidewalk, or right-of-way requires approval by an Order by the City Council.
- b) Maintenance of a public street, sidewalk or within the right-of-way does not require City Council approval.

#### **Section 12-203 – ~~Approval Process~~ Submittal Requirements.**

Prior to any alteration of a public street, sidewalk or within the right-of-way, the applicant (including, without limitation, when a City agency or officer is the applicant) shall submit in writing to the City Council the following:

- a) Scope of work, sketch, approximate project schedule, project manager;
- b) Project cost estimates and funding sources;
- c) Construction abutter notification and public communication methods;
- d) Construction staging areas, pedestrian safety, detour routes, and police details;
- e) Location of proposed curb, sidewalk, limits of paving, materials, pavement markings, crosswalks, ADA ramps, signage, traffic-calming elements, complete streets elements, and utilities (if applicable);
- f) Trees being removed or planted

#### **Section 12-204 – Annual Reporting and Planning.**

By February 1<sup>st</sup> of each year, the Department of Public Services, the Planning Department, and any other applicable city department shall submit in writing to the City Council the following information:

- a) A list of street and sidewalk projects completed in the preceding fiscal year (including funds expended broken down by source);
- b) Any request-for-proposals and bid documents generated during the preceding fiscal year;
- c) Any grant submissions or award documents generated or received during the preceding fiscal year;
- d) An up-to-date, street and sidewalk project list for the current calendar year and proposed for the next calendar year that includes approximate scope, costs, and funding sources.

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Councillor Christine Wallace, Ward 4

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Councillor James McCauley, Ward 5

**In City Council January 10, 2022:**

Motion to refer to Neighborhood & City Services by Councillor Wallace, seconded by Councillor McCauley. Roll call vote. 11 yes. Motion passes.



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**Pioneer League Board of Directors**

447 Merrimac St, Newburyport, MA 01950

Contact Info?

4th April 2022

**Richard Burke Jones**

City Clerk, City of Newburyport

60 Pleasant St

Newburyport, MA 01950

Dear Mr. Jones,

In early December 2011 it was brought to our attention that the Committee on Budget & Finance reviewed Order 311, which sought the acceptance of \$110,000.00 in funding from the Mayor Gayden W. Morrill Charitable Foundation. This gift included \$40,000.00 for the development of three pickleball courts in Lower Atkinson Common.

We addressed the way these funds for pickleball were forced into Lower Atkinson without consent or input from the Pioneer League to the council in December. Thanks to the intervention of the council, a public process was put in place. Our communication on overcrowding, consideration of time or money invested into the park, the consent of neighbors, and public process regrettably resulted in no material change.

The public process of the parks commission has ignored input by the community and is moving forward with the same multi-use idea we started out with in Dec. There is no point to a public process where the public is ignored. No alternatives seem to have been considered for the grant money. Review of these meetings clearly indicate there is no consent for this plan. All protests from neighbors, families, and the league have apparently been dismissed.

The parks commission does not appear to be listening and we ask the council to intervene immediately and reject any plan approved for pickleball and review the park commission's decision to move forward without the consent of the residents and the thousands of people who already use this park.

Sincerely,

**Pioneer League Board of Directors**