

**CITY COUNCIL “HYBRID”**

**MEETING AGENDA**

**February 28, 2022**

**City Council Meeting 7:30 pm**

**LOCATION: City Council Chambers, City Hall**

**60 Pleasant Street, Newburyport**

Zoom details:

<https://us02web.zoom.us/j/81299990548>

Or One tap mobile:

US: +19292056099,81299990548#

Or Telephone:

US: +1 929 205 6099

Webinar ID: 812 9999 0548

1. **MOMENT OF SILENCE:**
2. **PLEDGE OF ALLEGIANCE**
3. **CALL TO ORDER**
4. **LATE FILE**
  - ORDR00323\_02\_28\_2022 ROUTE 1 SPEED LIMIT
5. **PUBLIC COMMENT**
6. **MAYOR'S COMMENT**

**CONSENT AGENDA**

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

7. **APPROVAL OF MINUTES**
  - February 14, 2022 (Approve)
8. **COMMUNICATIONS**
  - COMM00390\_02\_28\_2022 Gregory Caplan Ltr-Low St./Bright Horizons access to Fuller Field (PS)
9. **TRANSFERS**
10. **APPOINTMENTS**
  - \*To be Referred to Planning and Development*
  - \*APPT00301\_02\_28\_2022 Jamie Pennington 8 Buck St. Planning Board 3/1/2027
  - \*APPT00302\_02\_28\_2022 Andrew F. Bernhardt 35 Oakland St. Historical Comm. 3/1/2025

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

**Ad Hoc Committee on Economic Development**

- ODNC098\_10\_12\_2021 Permanent Parklets Legislation

## BUDGET & FINANCE

- TRAN00118\_02\_14\_2022 Gen. Fund \$7,500 to MYR Consulting Services \$7,500
- TRAN00119\_02\_14\_2022 Gen. Fund \$8,394 to Essex Tech Assessment \$8,394
- TRAN00120\_02\_14\_2022 Gen. Fund \$15,000 to CCN Legal Ads \$3,000 CCN Ordinance Recodification \$5,500 BDR Elections \$6,500
- TRAN00121\_02\_14\_2022 Solid Waste Revolving Fund \$35,000 to Pick-Up Truck Purchase \$35,000

## PUBLIC SAFETY

- APPL00064\_01\_31\_2022 Newburyport Spring Half Marathon 4/24/2022
- APPL00065\_02\_14\_2022 Town & Country Half Marathon - 6/12/2022
- APPL00066\_02\_14\_2022 IPA 5K Road Races 4/10/22, 7/10/22, 9/11/22
- ODNC00104\_01\_31\_2022 Handicapped Parking Space – Liberty Street
- COMM00383\_01\_31\_2022 NFD/OEM FY2021 Report to City Council

## END OF CONSENT AGENDA

## REGULAR AGENDA

### 9. MAYOR'S UPDATE

### 10. FIRST READING APPOINTMENTS

### 11. COMMUNICATIONS

### 12. TRANSFERS

### 13. SECOND READING APPOINTMENTS

- APPT00299\_02\_14\_2022 Marcia Foley 206 Low St. Licensing Board 06/01/2028
- APPT00300\_02\_14\_2022 Megan M. Tierney Sergeant, Newburyport Police Department  
*\*Pinning Ceremony to follow\**

### 14. ORDERS

- ORDR00321\_02\_28\_2022 An Act Authorizing the Continued Employment of Officer Vorderis
- ORDR00322\_02\_28\_2022 Licensed Contractor Boston North Development Excavation Services LLC
- ORDR00315\_01\_10\_2022 Amended City Council Calendar 2022
- ORDR00316\_01\_10\_2022 Amended City Council Rules 2022
- ORDR00323\_02\_28\_2022 Late File Route 1 Speed Limit

### 15. ORDINANCES

- ODNC00107\_02\_28\_2022 15 Minute Parking Spaces
- ODNC00108\_02\_28\_2022 City Council Meeting Start Time to 7 pm

### 16. COMMITTEE ITEMS

#### Ad Hoc Committee on Economic Development

##### *In Committee:*

- ODNC098 10 12 2021 Permanent Parklets Legislation

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

##### *In Committee:*

## Budget & Finance

### *In Committee:*

- TRAN00118 02 14 2022 Gen. Fund \$7,500 to MYR Consulting Services \$7,500
- TRAN00119 02 14 2022 Gen. Fund \$8,394 to Essex Tech Assessment \$8,394
- TRAN00120 02 14 2022 Gen. Fund \$15,000 to CCN Legal Ads \$3,000 CCN Ordinance Recodification \$5,500 BDR Elections \$6,500
- TRAN00121 02 14 2022 Solid Waste Revolving Fund \$35,000 to Pick-Up Truck Purchase \$35,000

## Education

### *In Committee:*

## General Government

### *In Committee:*

- ORDR00319\_02\_14\_2022 Kelley School Funds Order

## License & Permits

### *In Committee:*

- ODNC047\_01\_27\_2020 General Ordinance - Short Term Rental Units Rules
- COMM00385\_01\_31\_2022 STRU Fire Sprinkler Systems
- COMM00388\_01\_31\_2022 UPDATED STRU Fire Sprinkler Systems

## Neighborhoods & City Services

### *In Committee:*

- COMM299\_02\_08\_2021 Phillips Dr. Neighborhood Committee Ltr
- ODNC102\_11\_08\_2021 Late File - Ch. 17 Stormwater Management Revisions
- ODNC00103\_01\_10\_2022 Streets, Sidewalks, and Other Public Places Alterations & Maintenance
- ODNC00106\_02\_14\_2022 CH2 COA Ordinance Amendment

## Planning & Development

### *In Committee:*

- ODNC046\_01\_27\_2020 Zoning Amendment Short Term Rental Unit (STRU) (COTW)
- COMM00382\_01\_31\_2022 Update from Global re 107 State Street
- ODNC00105\_02\_14\_2022 Zoning Amendment Business Park Uses

## Public Safety

### *In Committee:*

- APPL00064 01 31 2022 Newburyport Spring Half Marathon 4/24/2022
- APPL00065 02 14 2022 Town & Country Half Marathon - 6/12/2022
- APPL00066 02 14 2022 IPA 5K Road Races 4/10/22, 7/10/22, 9/11/22
- ODNC00104 01 31 2022 Handicapped Parking Space – Liberty Street
- COMM00383 01 31 2022 NFD/OEM FY2021 Report to City Council

## Public Utilities

### *In Committee:*

## Rules

### *In Committee:*

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

## 17. GOOD OF THE ORDER

## 18. ADJOURNMENT

**CONSENT AGENDA**



**CITY COUNCIL “HYBRID”**

**MEETING MINUTES**

**February 14, 2022**

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**1. MOMENT OF SILENCE:**

Remembering Catherine Hamilton, Raymond Gilfus, Leo Finnegan, and Kevin Doyle

**2. PLEDGE OF ALLEGIANCE**

**3. CALL TO ORDER**

**4. LATE FILE**

- ORDR00320\_02\_14\_2022 Kelley School Proceeds Order

Motion to waive the rules and accept the late file by Councillor Zeid, seconded by Councillor Lane. Roll call vote. 6 yes, 5 no (EC, AK, CP, BV, HS) Motion fails.

**5. PUBLIC COMMENT**

Marianne Vesey, 10 Kent Street

Sheila Trieff, 11 Shandal Drive

Rev. Rebecca Bryan, 26 Pleasant Street

Sandhya Douglas, 2 Moseley Avenue

Lisa Christie, 196 High Street

Ahmer Ibrahim, 85 Prospect Street

**6. MAYOR'S COMMENT**

**7. PRESENTATION BY DIRECTOR PORT RE: MARKET LANDING PARK EXPANSION**

**CONSENT AGENDA**

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**8. APPROVAL OF MINUTES**

- January 31, 2022

(Approve)

**9. COMMUNICATIONS**

- APPL00065\_02\_14\_2022 Town & Country Half Marathon - 6/12/2022

(PS)

- APPL00066\_02\_14\_2022 IPA 5K Road Races 4/10/22, 7/10/22, 9/11/22

(PS)

- COMM00389\_02\_14\_2022 Superintendent Budget Presentation

(R&F)

**10. TRANSFERS**

- TRAN00118\_02\_14\_2022 Gen. Fund \$7,500 to MYR Consulting Services \$7,500 (B&F)

- TRAN00119\_02\_14\_2022 Gen. Fund \$8,394 to Essex Tech Assessment \$8,394

(B&F)

- TRAN00120\_02\_14\_2022 Gen. Fund \$15,000 to CCN Legal Ads \$3,000

(B&F)

CCN Ordinance Recodification \$5,500 BDR Elections \$6,500

- TRAN00121\_02\_14\_2022 Solid Waste Revolving Fund \$35,000 to Pick-Up Truck Purchase \$35,000 (B&F)

**11. APPOINTMENTS**

- APPT00299\_02\_14\_2022 Marcia Foley 206 Low St. Licensing Board 06/01/2028
- APPT00300\_02\_14\_2022 Megan M. Tierney Sergeant, Newburyport Police Department

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

**BUDGET & FINANCE**

- COMM00384\_01\_31\_2022 FY2022 Mid-Year Budget Report (COTW)
- TRAN00115\_01\_31\_2022 Receipts Reserved for Appr. Fuel \$50,000 to DPS Highway Fuel & Oil \$50,000
- TRAN00116\_01\_31\_2022 General Fund-Free Cash \$15,000 to PRK Maint-Trees \$15,000
- TRAN00117\_01\_31\_2022 Harbormaster-Retained Earnings \$54,900 to Navigation Channel Dredge Project \$54,900
- ORDR00317\_01\_31\_2022 \$600,000 Loan Order-Bulkhead Project
- ORDR00318\_01\_31\_2022 Authorizing Senior Comm. Ctr. Lease to Port Media/NCH

**GENERAL GOVERNMENT**

- APPT00296\_01\_10\_2022 KP Law 101 Arch St. 12<sup>th</sup> Fl. Boston City Solicitor 2/1/23

**END OF CONSENT AGENDA**

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

**REGULAR AGENDA**

**9. MAYOR'S UPDATE**

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

**10. FIRST READING APPOINTMENTS**

**11. COMMUNICATIONS**

**12. TRANSFERS**

**13. SECOND READING APPOINTMENTS**

*Re-Appointment*

- APPT00298\_01\_31\_2022 Joseph Grande 62 Russell St. Asst. Harbormaster/Shellfish 12/31/2024  
North Andover Sp. Police Officer

Motion to approve on second reading by Councillor Vogel, seconded by Councillor McCauley. Roll call vote. 11 yes. Motion passes.

**14. ORDERS**

- ORDR00319\_02\_14\_2022 Kelley School Funds Order
- Motion to refer to General Government by Councillor Khan, seconded by Councillor Cameron. Roll call vote. 8 yes, 3 no (BL, JM, SZ). Motion passes

## 15. ORDINANCES

- ODNC00105\_02\_14\_2022 Zoning Amendment Business Park Uses  
Councillor Lane recused. Motion to refer to Planning and Development by Councillor Vogel, seconded by Councillor Preston. Roll call vote. 7 yes, 3 no (JM, MW, SZ), 1 recused (BL). Motion passes.
- ODNC00106\_02\_14\_2022 CH2 COA Ordinance Amendment  
Motion to refer to Neighborhood and City Services by Councillor Zeid, seconded by Councillor Lane. So voted.

## 16. COMMITTEE ITEMS

### Ad Hoc Committee on Economic Development

#### *In Committee:*

- ODNC098\_10\_12\_2021 Permanent Parklets Legislation

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

#### *In Committee:*

### Budget & Finance

#### *In Committee:*

- **COMM00384 01 31 2022 FY2022 Mid-Year Budget Report (COTW)**  
Motion to receive and file by Councillor Zeid, seconded by Councillor Lane. So voted.

- **TRAN00115 01 31 2022 Receipts Reserved for Appr. Fuel \$50,000 to  
DPS Highway Fuel & Oil \$50,000**

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

- **TRAN00116 01 31 2022 General Fund-Free Cash \$15,000 to PRK Maint-Trees \$15,000**

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

- **TRAN00117 01 31 2022 Harbormaster-Retained Earnings \$54,900 to  
Navigation Channel Dredge Project \$54,900**

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

- **ORDR00317 01 31 2022 \$600,000 Loan Order-Bulkhead Project**

Motion to waive rule 7J by Councillor Zeid, seconded by Councillor McCauley. Roll call vote. 11 yes. Motion passes. Motion to approve as amended by Councillor Zeid, seconded by Councillor McCauley. Roll call vote. 11 yes. Motion passes.

- **ORDR00318 01 31 2022 Authorizing Senior Comm. Ctr. Lease to Port Media/NCH**

Motion to approve by Councillor Zeid, seconded by Councillor McCauley. Roll call vote. 11 yes. Motion passes.

### Education

#### *In Committee:*

### General Government

#### *In Committee:*

- **APPT00296 01 10 2022 KP Law 101 Arch St. 12<sup>th</sup> Fl. Boston City Solicitor 2/1/23**

Motion to approve on second reading by Councillor Shand, seconded by Councillor Vogel. So voted.

### License & Permits

#### *In Committee:*

- ODNC047\_01\_27\_2020 General Ordinance - Short Term Rental Units Rules
- COMM00385\_01\_31\_2022 STRU Fire Sprinkler Systems
- COMM00388\_01\_31\_2022 UPDATED STRU Fire Sprinkler Systems

## Neighborhoods & City Services

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## Public Safety

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- APPL00064\_01\_31\_2022 Newburyport Spring Half Marathon 4/24/2022
- ODNC00104\_01\_31\_2022 Handicapped Parking Space – Liberty Street

## Public Utilities

### *In Committee:*

## Rules

### *In Committee:*

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

## 17. GOOD OF THE ORDER

Councillor Zeid requested a considered date change for the October 31<sup>st</sup> scheduled City Council meeting due to Halloween.

## 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 current City of Newburyport litigation involving zoning, personnel, roadways and land use and including but not limited to a pending matter between the Institution for Savings and the City of Newburyport.

Motion to go into Executive Session for the purpose of discussing strategy with respect to current City of Newburyport litigation involving zoning, personnel, roadways and land use and including but not limited to a pending matter between the Institution for Savings and the City of Newburyport and not returning to the regular City Council meeting following the Executive Session at 9:47 pm by Councillor Zeid, seconded by Councillor Cameron. Roll call vote. 11 yes.

## 19. ADJOURNMENT

Motion to adjourn, Councillor Zeid, seconded by Councillor Vogel, so voted at 11:15 pm.

# COMMUNICATIONS

Dear Ms. Shand,

I am making outreach to you as I have learned that you oversee Ward 3 in Newburyport. This ward covers the Low Street/Graf Road intersection where Bright Horizons daycare is located. As a parent of a child who is enrolled at Bright Horizons and attends daily, this particular intersection is one I am quite familiar with.

As you have likely already gleaned, I am a parent who is invested in my child's growth and development but what is of equal importance is her safety, and that of her classmates at Bright Horizons. The BH community is a strong one and we often have family partnership conversations with the BH directors and staff. In our most recent communication, attended by several other parents whose children are enrolled at Bright Horizons, we were discussing the safety concerns of the area, especially as it pertains to this intersection.

The reason this concern was brought up is that as the weather turns warmer and we progress into the Spring our children will prefer to be outside in the warmth and sunshine. At BH, they have plenty of access to be outside in their playgrounds, which are safe, secure and fenced in properly. What they do not yet have, and what we believe they should have, is safe access to one of the many wonderful Newburyport city parks, in particular Bradley Fuller Park just across the street from BH. This is a park which offers young children space to run more freely, take use of the established track, and much more.

Now, we can both agree that the recent Bradley Fuller Park Project was successful in its renovation, as the project has greatly increased the park's appeal to people of all ages to come and enjoy the grounds. Unfortunately, the project did not address all aspects of accessibility to this park. However! Just a year later, the city of Newburyport put out a new improvement plan that could justifiably correct the inaccessibility to one of its finest parks, a plan now known as the "Street and Sidewalk Improvement Plan". In terms of timing, this plan could not have been better suited to address this issue than right now, just prior to spring's arrival and also on the heels of a very proactive and lively discussion with BH parents and staff.

With that being said, I would like to add a few additional comments in regards to this plan before I wrap up...

1. Unequivocally, there is agreement that there should be a sidewalk surrounding the intersection of Low Street and Graf Road (in addition to a crosswalk designation painted on both Low Street and Graf Road) thereby allowing pedestrians, specifically young children under the age of 5, safe travel and access to Bradley Fuller Park.
2. Those sidewalks should, at least, travel down Low Street to the entrance of this park, as well as down Graf Road beyond the driveway entrance to Bright Horizons and Dianne's Fine Desserts, though each sidewalk should likely be extended further.
3. The "Street and Sidewalk Improvement Plan", as cited from a city news article from February 17th, is a \$2 million infrastructure plan partly supported by state funding, and in year 1 (of 5) will focus in Ward 1, 3, and 5 (Ward 3!), so this request fits right in line with the plan's schedule.
4. Mayor Reardon is quoted as saying, "This is the largest single investment in our city's roads and sidewalks...Our goal is to create a welcoming and more livable Newburyport... by **improving accessibility** so that all residents and visitors may enjoy the city." This comment by the mayor is

essentially our mission statement. Improve accessibility, sidewalks, for a more livable city for all to enjoy. Well, this is ground zero for that quote.

In closing, I want to reiterate that the city of Newburyport has the near perfect opening to address a multitude of things with just one swing: Adding accessibility to one of its finest parks, correcting the missed opportunity to do this during the Bradley Fuller Park Project, creating a safe environment for children under the age of 5 to walk the city streets, and showcasing to the city (residents and visitors) that this city's council can take swift action when it comes to our public's health and safety.

Thank you for your time in reading this and supporting the concerns, suggestions, and feedback provided by your constituents.

Gregory Caplan  
17 Mechanics Row  
Amesbury, MA 01913

**APPOINTMENTS  
FIRST READING**





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

RECEIVED  
CITY CLERK'S OFFICE  
NEWBURYPORT, MA

2022 FEB 15 PM 1:19

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: February 22, 2022  
Subject: Appointment

-----

I hereby appoint, subject to your approval, the following named individual as a member of the Planning Board. This term will expire on March 1, 2027.

Jamie Pennington  
8 Buck Street  
Newburyport, MA 01950

Jamie Pennington  
8 Buck St, Newburyport, MA  
617-733-1833  
jpenn@alum.mit.edu

January 14, 2021

Mayor Sean Reardon  
City of Newburyport  
60 Pleasant Street  
Newburyport, MA 01950

Via email to: [dmusumeci@cityofnewburyport.com](mailto:dmusumeci@cityofnewburyport.com)

Dear Mayor Reardon,

Following Chair Sontag's guidance and after a break from my tenure on the Newburyport ZBA, I am writing to express my interest in joining the Newburyport Planning Board. I recently met with Chair Sontag and Rick Taintor and they support my pursuit of this position.

Please find my resume attached for your consideration.

I would be happy to meet or call to discuss.

Thank you,



Jamie Pennington

Cc: Bonnie Sontag  
Rick Taintor  
Andy Port

## Jamie Pennington

8 Buck St, Newburyport, MA  
617-733-1833, jpenn@alum.mit.edu

summary	Multi-disciplined real estate professional, trained as an architect and with a focus on housing and portfolio management	
experience	<b>Director of Portfolio Strategy</b> <b>Director of Acquisitions and Development</b> <i>Beacon Communities, Boston, MA</i>	since 2019 2015-2019
	<b>Owner</b> <i>Boston Apartment Advisors</i>	since 2009
	<b>Managing Director</b> <i>R.J. Finlay &amp; Co., Nashua, NH</i>	2009-2014
	<b>Development Manager</b> <i>Criterion Development Partners, Dallas, TX/Waltham, MA</i>	2005-2009
	<b>Project Manager</b> <i>Raymond Property Company, Boston, MA</i>	2002-2005
	<b>Early Development Work and Architectural Practice</b> <ul style="list-style-type: none"><li>• <i>Childs Bertman Tseckares (CBT) Architects, Boston, MA</i></li><li>• <i>Carpenter &amp; MacNeille Architects and Builders, Beverly Farms, MA</i></li><li>• <i>Clark Borins/Oxbow Development, Boston, MA</i></li><li>• <i>DiMella Shaffer Architects, Boston, MA</i></li></ul>	1996-2001
teaching	<ul style="list-style-type: none"><li>• Massachusetts Institute of Technology <i>Instructor 2003-2009, Adjunct Professor 2006</i></li><li>• Wentworth Institute of Technology <i>Adjunct Professor</i></li></ul>	2003-2009 2001
education	<ul style="list-style-type: none"><li>• Massachusetts Institute of Technology <i>Master of Science, Real Estate Development (MSRED)</i></li><li>• Montana State University <i>Bachelor and Master of Architecture (BArch and MArch)</i></li></ul>	2002 1996
other	<ul style="list-style-type: none"><li>• Mentor, Mel King Institute &amp; Project Destined</li><li>• Co-Chair, MIT Real Disruption Conference Series</li><li>• Member, Newburyport Zoning Board of Appeals</li></ul>	since 2018 2015-2017 2006-2017

- Registered Architect, NCARB/Massachusetts since 1999



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

RECEIVED  
CITY CLERK'S OFFICE  
NEWBURYPORT, MA

2022 FEB 16 AM 8:43

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

To: President and Members of the  
City Council  
From: Sean R. Reardon, Mayor  
Date: February, 2022  
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 March 1, 2025.

Andrew F. Bernhardt  
35 Oakland Street  
Newburyport, MA 01950



ANDREW F. BERNHARDT

35 Oakland Street Unit 2

Newburyport MA 01950

Cell 508-254-2543

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

## QUALIFICATIONS SUMMARY

Past Director of the Toyota Production System, with extensive knowledge and experience in leadership, including the Toyota Production System, Theory of Constraints, and Six Sigma Black Belt, with a demonstrated record of increasing productivity, quality and profitability.

Experienced multi dimensional business executive who grew and maintained an innovative plastic manufacturing business, which was profitably sold to the Reynolds Metals Company an Alcoa Business. Business acumen includes in depth knowledge of advanced systemic process of Lean Black Belt Six Sigma and advanced change management skills that have enabled continuous improvement cultures that also led to a Shingo Medallion at an aerospace manufacture.

**2005-Present, General and Interim Lean Management Senior Consultant, Major Clients Include: Dept of Environmental Quality Arizonian, Tinker Air Force Base, Barnes Aerospace, Barnes Industrial, Textron Bell Helicopter, Textron Systems, Tecomet, Sabert, Sealaska, Endo Pharmaceuticals, Mallinckrodt, Carpenter Steel, Q Holdings**

Consulting major companies worldwide, including aerospace, steel, medical, pharmaceutical, government, contract assembly, oil and gas and complex discrete OEM manufactures on Lean Transformation.

**“Government doesn’t have to be broken” — Governor Ducey**

ADEQ’s transformation over the past decade has reduced waste in the agency and helped improve services to their customers, furthering the mission to protect and enhance public health and the environment of Arizona. Please note Metrics: <https://www.azdeq.gov/ams>

Increased throughput by 28% with no additional capital or labor spending at an aerospace manufacture. Top line revenue grew by eighteen million dollars and improved delivery performance from a meager fifty percent to above ninety percent (within one year). Was recognized by a major customer (GE Aviation) for the rapid improvement and cultural lean transformation. Thereafter the client continued in the improvement process and is the winner of The Shingo Medallion.

25% reduction in labor through attrition with increased output resulting in equaled production prior to reduction. Reduced 1.2 million dollars of yearly payroll at oil and gas manufacture

Implementation of make to order production cells at a contract manufacturer, producing to customer demand. Fifty percent reduction in cycle time, and work cell redesign. All resulting in improved customer service and reduction of cost, and inventory.

As interim plant manager hired and developed local mechanical engineer to act as plant operations manager. It was an easier transition and eliminated risk of destroying new culture and at least 200K of savings. Reduced upper level management team from 8 to 3. Costly salaries and non-value-added work eliminated

Developed risk assessment tool for major pharmaceutical company using the Toyota Production System as the foundation. The supply chain was measured, and action plans were developed to reduce risk and improve performance. Expertise in packaging as well as tablet compression. Implemented a risk reduction process in packaging, but also set up visual factory as well as a daily Gemba walk (real time problem solving). Significant

reduction of non-conformances and no recalls. Introduced an hourly measure for visual OEE in compression. Improved OEE by 16%. This included standard work for change over, reducing set up time by 50%.

**2003-2005, Director of Manufacture (turnaround), Novacel, Inc-A Chargeurs Company, Newton, MA**

Created a culture of performance and utilized tools of the Toyota Production System, including A3's (project management or Hoshin Kanri) to set management direction and metrics to improve the business.

Established a "visual plant" scorecard. With fewer employees, improved coating productivity by 16% and blow film extrusion productivity by 44%, leading to break even with less revenue, in one year.

Increased coating speeds by 35%, reduced waste 13%, and more than doubled revenue generated. Achieved \$7M improved output per year. Reduced labor dollar to unit of performance by 17%

**1999-2003, Director of Alcoa Business System and Quality (Toyota Production System), and Director of Plastics, Reynolds Food Packaging an Alcoa Business, Richmond, VA**

Direct and implement Alcoa Business System, (Toyota Production System), at 11 newly acquired and existing plastic, aluminum and paper manufacturing plants in Canada and the US, (\$500M in annual revenue). Introduced the Toyota Production System to newly merged business within three months time. Initiated seven pilot flow paths with defined targets. The fastest in Alcoa history.

Designed initial training materials, standard learning's, and expectations for eleven sites. This included the use of A3's management, problem statement, current and future state, activities and metrics to achieve those goals

Led the turnaround of a Reynolds food packaging operation, which had lost money for five consecutive years. Standardized operations including standard work and improved quality. Implemented seasonal buffer plan that reduced inventory by 25% and improves ROI to 16%. Achieved a \$2M profit turnaround on a \$50M business without revenue growth.

Prevented the loss of a market share valued at \$50M annually by re-engineering the manufacturing processes. Performed market and lead operations analyses including negotiations and due diligence in support of the \$800M acquisition of Ivex Corporation by Alcoa Corporation

**1978-1999, Owner, Qualitad Plastics, Rutland, VT Sold Business to Reynolds Food Packaging an Alcoa Business**

Directed all phases of three plant and equipment expansions enabling company to remain competitive and profitable

Created a new, innovative product line to replace a mature product offering by launching Quali-Dine®, microwave packaging, increasing revenue 100%. Competed against large conglomerates. Nimble enough to find points of product quality and service to maintain most of these accounts throughout the years.

Significantly increased return on investment from 8% to 33% over a 5-year period. Negotiated the profitable transaction after increasing sales volume within three years of Qualitad to Reynolds Food Packaging an Alcoa Business.

**EDUCATION**

B. S. - Business, University of New Hampshire – Durham, NH  
Black Belt Six Sigma, Villanova University



Mayor Reardon  
City of Newburyport  
60 Pleasant St.  
PO Box 550  
Newburyport, MA 01950

2/7/22

Mayor Reardon:

I am interested in volunteering for a role in the Historical Commission. I have recently moved to Newburyport and retired from being a full-time process improvement senior consultant. I have consulted in many industries but also included a three-year government transformation for the Arizona Department of Environmental Quality. The agency is recognized for its lean transformation as well as significant environmental good, within a state that does not always align with progressive actions.

My wife and I moved to Newburyport for its community, beauty, and nature. Surely, I am hopeful that this is maintained. I also appreciate the history of our town, and this includes the abolition movement, as well as maritime history. I like to learn more, and this comprises local government process.

I have been on both sides of the development issues. This includes green field manufacture plants for Alcoa and my own business. I have also seen failures in my past residences (Rutland Vermont) that did not assure proper growth.

I hope you consider me for this role, and I expect that I will add value. I have also included my resume and you will see my accomplishments.

Regards  
Andrew Bernhardt  
35 Oakland Street  
Newburyport, MA 01950  
508-254-2543



**END OF CONSENT AGENDA**

**BEGINNING OF REGULAR AGENDA**

**APPOINTMENTS  
SECOND READING**

## Second Reading Appointments

- APPT00299\_02\_14\_2022 Marcia Foley 206 Low St. Licensing Board 06/01/2028
- APPT00300\_02\_14\_2022 Megan M. Tierney Sergeant, Newburyport Police Department

**In City Council February 14, 2022:**

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



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

RECEIVED  
CLERK'S OFFICE  
NEWBURYPORT, MA

2022 FEB -9 AM 8:49

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: February 9, 2022  
Subject: Appointment

I hereby appoint, subject to your approval, the following named individual as a member of the Licensing Board. This term will expire on June 1, 2028.

Marcia Foley  
206 Low Street  
Newburyport, MA 01950

206 Low Street  
Newburyport, MA 01950  
[Marcia.foley@comcast.net](mailto:Marcia.foley@comcast.net)  
978-853-8003

Honorable Mayor Donna D. Holaday  
Office of the Mayor  
Newburyport City Hall  
60 Peasant Street  
Newburyport, MA 01950

November 7, 2021

Dear Mayor Holaday,

Please accept this letter for consideration as an appointed member of the City of Newburyport License Commission.

I have had the opportunity to see the Commission in action and I would consider it a privilege to serve the City of Newburyport in this capacity. My business experience and good judgment combined with my ability to work collaboratively with various stakeholders are skills I offer to the Commission as a prospective member. These skills would complement the skills of the current Commissioners, Craig, Bruce, Greg and Ted.

Attached please find a copy of my resume.

Thank you in advance for your consideration.

Regards,

Marcia Foley

# Marcia Foley, PMP

Newburyport, Massachusetts, United States



marcia.foley@comcast.net



978-853-8003



[linkedin.com/in/marciafoley](https://www.linkedin.com/in/marciafoley)

## Summary

Senior Global Program Director for the Sauce Labs Security Team, my responsibility is to ensure that cross team initiatives are launched successfully and aligned with Sauce Labs overall business objectives.

Experienced in Waterfall and Agile environments. Several start-up company experiences provided the opportunity to refine, define and develop best practices to ensure on-time, on-budget and within scope delivery of major customer initiatives.

## Experience



### Senior Director, Global Program Management

Sauce Labs

Jun 2017 - Present (4 years 6 months +)

Sauce Labs provides the world's largest cloud-based platform for the automated testing of web and mobile applications.

Currently working on ISO 27001 certification for Sauce Labs and its 4 recent acquisitions and re-certifying for SOC 2 Type 2 certification. Additional responsibilities include day-to-day management of projects and programs impacting the security of Sauce Labs and its customers.

Utilizing a wide internal network, an understanding of Sauce product and offerings, and staying current on cross-department initiatives allowed the team to create controls mapping to support audit frameworks.

Key Skills:

- Able to work effectively in loosely defined contexts.
- Project/program management on a global scale.
- Able to work effectively and stay agile in a fast-paced environment.
- Experience in using reporting and analysis tools - JIRA, Salesforce, SmartSheet, Excel.
- Provide regular updates on programs using comprehensive dashboards.
- Excellent written and verbal communication skills.



### Senior Director, Global Program Management Office

Perfecto

Dec 2012 - Jan 2017 (4 years 2 months)


Management of global data center delivery teams




### Vice President Client Services & Operations

geoVue

2006 - 2011 (6 years)

 **Building a Coaching Culture: Improving Performance Through Timely Feedback**  
- LinkedIn

 **Project Management Professional (PMP)** - Project Management Institute  
Issued Apr 2012 - Expires Apr 2024  
1498540

## **Skills**

Cross-functional Team Leadership • Program Management • Leadership • Process Improvement •  
Project Management • Team Leadership • Management • Software as a Service (SaaS) • Enterprise  
Software • Account Management





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

RECEIVED  
CITY CLERK'S OFFICE  
NEWBURYPORT, MA  
2022 FEB -9 PM 2:51

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: February 8, 2022  
Subject: Promotion

-----  
I hereby appoint, pursuant to Code Sec. 2-349, subject to your approval, the following named individual as Sergeant, Newburyport Police Department.

Megan M. Tierney



## Megan Tierney

4 Green Street, Newburyport MA 01950 (978) 462-4411 Extension 1011

---

### Education and Professional Development

University of Massachusetts, Lowell	Lowell, MA
<i>Bachelor of Science in Criminal Justice</i>	February 2008
Massachusetts Municipal Training Committee	Reading, MA
<i>Reading Police Academy 18<sup>th</sup> Recruit Officer Training Course</i>	January 2013

### Professional Experience

#### Newburyport Police Department

<i>Patrolman</i>	2012
<i>Dispatcher</i>	2010

- Provide public safety by maintaining order, responding to emergency calls for service, protection of life and property, enforcement of Massachusetts General Laws
- Issuance of Criminal Complaints, Civil Citations and City Bylaw Violations, executing arrest and search warrants with complete and accurate documentation as prescribed
- Testify in Massachusetts Court System
- Fulfill agency role for four years as School Resource Officer coordinating safety in schools, Active Shooter training and Stop the Bleed Training
- Maintaining open communication and positive interactions between the public and police
- Performed duties of a public safety dispatcher
- Operational control of computer aided dispatching system and official police records log

#### Newbury Police Department

2008

#### *Reserve Police Officer, Public Safety Dispatcher*

- Completed Reserve Police Academy at Reading Police Academy, performed functions of a reserve police officer as directed by policy
- Received and dispatched all requests for public assistance with Police, Fire and EMS using CAD

## Certifications and Specialized Positions

*Specialized Sexual Assault Investigator, 2015 to current*  
*School Resource Officer, 2016-2020*

- Defensive tactics, Use of Force, Taser, OC, Baton
- Firearms Qualifications with Glock 17, AR-15
- Breath Test Operator
- FEMA ICS 100-700

# ORDERS

# CITY OF NEWBURYPORT



## IN CITY COUNCIL

**ORDERED:**

February 28, 2022

### AN ACT AUTHORIZING THE CITY OF NEWBURYPORT TO CONTINUE THE EMPLOYMENT OF POLICE OFFICER CHARLES VORDERIS

SECTION 1. Notwithstanding any general or special law to the contrary, Charles Vorderis, Police Officer of the City of Newburyport, may continue to serve in that position until reaching age 70, the date of his retirement, or the date he is relieved of his duties by the Mayor of the City of Newburyport at his discretion, whichever occurs first; provided, however, that he is mentally and physically capable of performing the duties of his office. The Mayor may, at the City's own expense, require that Charles Vorderis be examined annually by a physician designated by the Mayor, to determine such physical and mental capability to perform the duties of his office.

SECTION 2. This act shall take effect upon its passage.

---

Councillor James J. McCauley



CITY OF NEWBURYPORT

RECEIVED  
CITY CLERK'S OFFICE  
NEWBURYPORT, MA

2022 FEB 18 AM 10:47

POLICE DEPARTMENT

MARK R. MURRAY  
CITY MARSHAL

4 GREEN STREET  
NEWBURYPORT, MA 01950

TEL: 978-462-4411

FAX: 978-462-0396

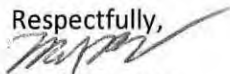
February 18<sup>th</sup>, 2022

To: City Council  
From: City Marshal Mark Murray  
Re: Officer Charles Vorderis

Dear Council Members,

I write to you on behalf of Officer Charles Vorderis. Officer Vorderis is requesting a home rule petition which would allow him to continue his employment with the Newburyport Police Department after he reaches his age of 65. Officer Vorderis is one of the most respected Officers within the department and also in the community. Hiring police officers has become more difficult with fewer applicants. I know Officer Vorderis will continue to represent the Newburyport Police Department with professionalism and enthusiasm, I fully support officer Vorderis.

Respectfully,

  
Mark Murray  
City Marshal

# CITY OF NEWBURYPORT



## IN CITY COUNCIL

### ORDERED:

February 28, 2022

**THAT** the City Council of the City of Newburyport approves the following Licensed Contractor application for the 2022 construction year for Water, Sewer, Drain Layer, Roadway, and Sidewalk work:

Boston North Development Excavation Services LLC  
3 Graf Road  
Unit 14  
Newburyport, MA 01950

---

Councillor L. Vogel



CITY OF NEWBURYPORT  
RECORDED  
CITY CLERK'S OFFICE  
NEWBURYPORT, MA

2022 FEB 15 AM 11:44

DEPARTMENT  
OF  
PUBLIC SERVICES

## MEMORANDUM

ANTHONY J. FURNARI  
DIRECTOR

**TO:** Richard Jones, City Clerk  
**FROM:** Anthony Furnari, DPS Director *af*  
**DATE:** 2/9/22  
**RE:** Licensed Contractor Application

---

JAMIE TUCCOLO  
DEPUTY DIRECTOR /  
DIRECTOR OF OPERATIONS

Enclosed is a copy of a new Licensed Contractor application with bond and references to be forwarded to the city council for approval for;

16A PERRY WAY  
NEWBURYPORT, MA 01950

Boston North Development Excavation Services LLC

TEL: 978-465-4464

FAX: 978-465-1623

W.CITYOFNEWBURYPORT.COM

For the following work;

Water Service  
Sewer Service  
Drain Laying  
Roadway  
Sidewalk

Thank you for your attention to this matter.



**CITY OF NEWBURYPORT**  
**DEPARTMENT OF PUBLIC SERVICES**  
 16A PERRY WAY  
 NEWBURYPORT, MA 01950

\$ 500.00

ANTHONY J. FURNARI, DIRECTOR  
 JAMIE TUCCOLO, DEPUTY DIRECTOR

PHONE: 978-465-4464  
 FAX: 978-465-1623

**Application to become a  
 Licensed Contractor**

Submit **completed** application to the above address

Today's Date: 11/24/2022

Name of Company: Boston North Development Excavation Services LLC

Name of Owner: Ben Perez

Contact Person: Ben Perez

Street Address: 3 Golf Rd Unit 14 City: Newburyport State: MA Zip Code: 01950

Phone #: 603 944 0516 Cell #: \_\_\_\_\_ Fax #: \_\_\_\_\_

Insurance Certificate #: \_\_\_\_\_ Policy Expiration Date: \_\_\_\_\_

Name and Contact Information of Insurer: Eastern insurance - Richard Campbell

Bond # \_\_\_\_\_ Bond Expiration Date: \_\_\_\_\_

**Type of Work Qualified for: (check all that apply)**

- |   |  |  |
|---|--|--|
| <input checked="" type="checkbox"/> Water Service/Main        | <input checked="" type="checkbox"/> Sewer Service/Main | <input checked="" type="checkbox"/> Drain Laying |
| <input checked="" type="checkbox"/> Roadway (incl. curb cuts) | <input checked="" type="checkbox"/> Sidewalk           |  |
| <input type="checkbox"/> Gas                                  | <input type="checkbox"/> Electric                      | <input type="checkbox"/> Communications          |

**Submit the Following with this completed Application:**

- **Certificate of Insurance incl. Worker's Compensation Insurance Affidavit** (per M.G.L. .c152)
- **\$5000 Bond ORIGINAL ONLY** (\$10,000 Bond for laying Wire or Conduit)
- **\$500 Check non-refundable payable to City of Newburyport** (not required for ROW Occupancy)
- **Minimum 3 Municipal References within the last 5 years** (Renewals do not require references)





## *Dept. of Public Works*

Highway, TPC (Tree/Park/Cemetery), Water, Sewer,  
Engineering, Refuse, Recycling & Snow/Ice Divisions

**Robert L. Desmarais, P.E., Director**

39 South Hunt Road  
Amesbury, MA 01913

City of Amesbury  
Sewer Department  
39 S Hunt Road  
Amesbury, MA 01913

December 15, 2021

To whom it may concern:

Dana Chouinard previously worked in the City of Amesbury for Boston North under former licensed and bonded drain layer Ted Norton. Relative to that, we found Mr. Chouinard to competently perform his construction activities in full compliance with City requirements.

He performed projects at the following locations:

2" Water service @ 140-142 Main Street

Sewer service @ Warren Ave

Water and sewer service @ Stovers Court

Sincerely,

Robert Desmarais  
Director

*Office Hours:*  
Monday - Friday:  
7:00 a.m. - 3:00 p.m.  
Fax: (978) 388-1763

*Denise Toleos      Administrative Assistant*  
*(978) 388-8116*  
*Mary Mainville      Administrative Assistant*  
*(978) 388-8119*



# City of Methuen, Massachusetts

## Department of Public Works

The Searles Building, 41 Pleasant Streets, Suite 205

Methuen, Massachusetts 01844

Telephone: 978-983-8867

To whom it may concern,

December 15, 2021

My name is Jim Burgess, City of Methuen City Collection System Superintendent. I have been employed by the city for 53 years, in this department.

Dana Chouinard of Boston North Development Co., previously of T.L. Norton Co. Inc., I would recommend this firm with no issues of workmanship and professionalism of the firm and employees.

If you need any further information from me, please contact me.

Jim Burgess  
508-509-2179



# Haverhill

Engineering Department, Room 300  
Tel: 978-374-2335 Fax: 978-373-8475  
John H. Pettis III, P.E. - City Engineer  
[JPettis@CityOfHaverhill.com](mailto:JPettis@CityOfHaverhill.com)

December 6, 2021

To whom it may concern,

Dana Chouinard previously worked in the City of Haverhill for Boston North under former licensed and bonded drain layer Ted Norton. Relative to that, we found Mr. Chouinard to competently perform his construction activities in full compliance with City requirements.

Sincerely,

John H. Pettis III, P.E.  
City Engineer

LICENSE OR PERMIT BOND

KNOW ALL BY THESE PRESENTS, That we, Boston North Development Excavation Services LLC  
as Principal, of 3 Henry Graf Jr. Road, Unit 14  
(Street and Number)

Newburyport Massachusetts and the  
(City) (State)

Hartford Fire Insurance Company, a Connecticut corporation, as Surety, are held and firmly bound unto  
Town of Newburyport

16 C Perry Way, Newburyport, MA 01950, as Obligee, in the sum of  
Five Thousand AND 00/100 Dollars (\$ 5,000 )

for which sum, well and truly to be paid, we bind ourselves, our heirs, executors, administrators, successors and assigns, jointly and severally, firmly by these presents.

Sealed with our seals, and dated this 25th day of January, 2022

THE CONDITION OF THIS OBLIGATION IS SUCH, That WHEREAS, the Principal has been or is about to be granted a license or permit to do business as Drainlayer Permit Bond  
by the Obligee.

NOW, THEREFORE, if the Principal well and truly comply with applicable local ordinances, and conduct business in conformity therewith, then this obligation to be void; otherwise to remain in full force and effect.

PROVIDED, HOWEVER:

1. This bond shall continue in force:  
 Until January, 25th, 2023, or until the date of expiration of any Continuation Certificate executed by the Surety

OR

Until canceled as herein provided.  
2. This bond may be canceled by the Surety by the sending of notice in writing to the Obligee, stating when, not less than thirty days thereafter, liability hereunder shall terminate as to subsequent acts or omissions of the Principal.

Boston North Development Excavation Services LLC  
Principal

Hartford Fire Insurance Company

By Ellen J. Young  
Ellen J. Young, Attorney-in-Fact



# POWER OF ATTORNEY

Direct Inquiries/Claims to:

**THE HARTFORD**

BOND, T-11

One Hartford Plaza

Hartford, Connecticut 06155

Bond.Claims@thehartford.com

call: 888-266-3488 or fax: 860-757-5835

KNOW ALL PERSONS BY THESE PRESENTS THAT:

Agency Name: EASTERN INSURANCE GROUP LLC/PHS  
Agency Code: 08-080624

- Hartford Fire Insurance Company, a corporation duly organized under the laws of the State of Connecticut
- Hartford Casualty Insurance Company, a corporation duly organized under the laws of the State of Indiana
- Hartford Accident and Indemnity Company, a corporation duly organized under the laws of the State of Connecticut
- Hartford Underwriters Insurance Company, a corporation duly organized under the laws of the State of Connecticut
- Twin City Fire Insurance Company, a corporation duly organized under the laws of the State of Indiana
- Hartford Insurance Company of Illinois, a corporation duly organized under the laws of the State of Illinois
- Hartford Insurance Company of the Midwest, a corporation duly organized under the laws of the State of Indiana
- Hartford Insurance Company of the Southeast, a corporation duly organized under the laws of the State of Florida

having their home office in Hartford, Connecticut (hereinafter collectively referred to as the "Companies") do hereby make, constitute and appoint Ellen J. Young

its true and lawful Attorney-in-Fact, to sign its name as surety(ies) only as delineated above by , and to execute, seal and acknowledge the following bond, undertaking, contract or written instrument:

Bond No. 08BSBIU7309

Naming Boston North Development Excavation Services LLC as Principal,  
and Town of Newburyport as Obligee,

in the amount of See Bond Form(s) on behalf of Company in its business of guaranteeing the fidelity of persons, guaranteeing the performance of contracts and executing or guaranteeing bonds and undertakings required or permitted in any actions or proceedings allowed by law.

In Witness Whereof, and as authorized by a Resolution of the Board of Directors of the Companies on May 23, 2016 the Companies have caused these presents to be signed by its Assistant Vice President and its corporate seals to be hereto affixed, duly attested by its Assistant Secretary. Further, pursuant to Resolution of the Board of Directors of the Companies, the Companies hereby unambiguously affirm that they are and will be bound by any mechanically applied signatures applied to this Power of Attorney.



*Shelby Wiggins*

Shelby Wiggins, Assistant Secretary

*Joelle L. LaPierre*

Joelle L. LaPierre, Assistant Vice President

STATE OF FLORIDA

COUNTY OF SEMINOLE

ss. Lake Mary

On this 20th day of May, 2021, before me personally came Joelle LaPierre, to me known, who being by me duly sworn, did depose and say: that (s)he resides in Seminole County, State of Florida; that (s)he is the Assistant Vice President of the Companies, the corporations described in and which executed the above instrument; that (s)he knows the seals of the said corporations; that the seals affixed to the said instrument are such corporate seals; that they were so affixed by authority of the Boards of Directors of said corporations and that (s)he signed his/her name thereto by like authority.



*Jessica Ciccone*

Jessica Ciccone  
My Commission HH 122280  
Expires June 20, 2025

I, the undersigned, Assistant Vice President of the Companies, DO HEREBY CERTIFY that the above and foregoing is a true and correct copy of the Power of Attorney executed by said Companies, which is still in full force effective as of January 25, 2022.

Signed and sealed in Lake Mary, Florida.



*Keith D. Dozois*

Keith D. Dozois, Assistant Vice President



# CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)

2/2/2022

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

IMPORTANT: If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must have ADDITIONAL INSURED provisions or be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

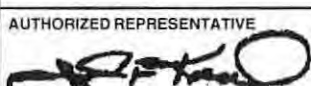
<b>PRODUCER</b> Eastern Insurance Group LLC 233 West Central St Natick MA 01760	<b>CONTACT NAME:</b> <b>PHONE (A/C. No., Ext):</b> 800-333-7234 <b>FAX (A/C. No.):</b> 781-586-8244 <b>E-MAIL ADDRESS:</b> CSR24CL@easterninsurance.com	
	<b>INSURER(S) AFFORDING COVERAGE</b>	
<b>INSURED</b> Boston North Development LLC Boston North Excavation Services LLC c/o Ben Perez Owner 3 Henry Graf Jr Road, Unit 14 Newburyport MA 01950	<b>INSURER A:</b> Central Mutual Insurance Co <b>NAIC #</b> 20230	
	<b>INSURER B:</b> Safety Indemnity Insurance Company      33618	
	<b>INSURER C:</b> Associated Employers Insurance Company      11104	
	<b>INSURER D:</b>	
	<b>INSURER E:</b>	
	<b>INSURER F:</b>	

**COVERAGES**      **CERTIFICATE NUMBER:** 1490281368      **REVISION NUMBER:**

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	TYPE OF INSURANCE	ADDL INSD	SUBR WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS	
A	<input checked="" type="checkbox"/> COMMERCIAL GENERAL LIABILITY <input type="checkbox"/> CLAIMS-MADE <input checked="" type="checkbox"/> OCCUR  GEN'L AGGREGATE LIMIT APPLIES PER: <input type="checkbox"/> POLICY <input type="checkbox"/> PRO-JECT <input type="checkbox"/> LOC OTHER:			CLP 8679243	1/25/2022	1/25/2023	EACH OCCURRENCE	\$ 1,000,000
							DAMAGE TO RENTED PREMISES (Ea occurrence)	\$ 500,000
							MED EXP (Any one person)	\$ 5,000
							PERSONAL & ADV INJURY	\$ 1,000,000
							GENERAL AGGREGATE	\$ 2,000,000
							PRODUCTS - COMP/OP AGG	\$ 2,000,000
								\$
	<input type="checkbox"/> AUTOMOBILE LIABILITY <input type="checkbox"/> ANY AUTO <input type="checkbox"/> OWNED AUTOS ONLY <input checked="" type="checkbox"/> SCHEDULED AUTOS <input checked="" type="checkbox"/> HIRED AUTOS ONLY <input checked="" type="checkbox"/> NON-OWNED AUTOS ONLY			6266499	4/18/2021	4/18/2022	COMBINED SINGLE LIMIT (Ea accident)	\$ 1,000,000
							BODILY INJURY (Per person)	\$
							BODILY INJURY (Per accident)	\$
							PROPERTY DAMAGE (Per accident)	\$
								\$
A	<input checked="" type="checkbox"/> UMBRELLA LIAB <input checked="" type="checkbox"/> OCCUR <input type="checkbox"/> EXCESS LIAB <input type="checkbox"/> CLAIMS-MADE <input type="checkbox"/> DED <input checked="" type="checkbox"/> RETENTION \$ 0			CXS 8679244	1/25/2022	1/25/2023	EACH OCCURRENCE	\$ 5,000,000
							AGGREGATE	\$
								\$
C	<b>WORKERS COMPENSATION AND EMPLOYERS' LIABILITY</b> ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH) If yes, describe under DESCRIPTION OF OPERATIONS below	Y/N	N/A	WCC50050213882022A	1/29/2022	1/29/2023	<input checked="" type="checkbox"/> PER STATUTE <input type="checkbox"/> OTH-ER E.L. EACH ACCIDENT E.L. DISEASE - EA EMPLOYEE E.L. DISEASE - POLICY LIMIT	\$ 1,000,000 \$ 1,000,000 \$ 1,000,000

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (ACORD 101, Additional Remarks Schedule, may be attached if more space is required)  
 Certificate holder is hereby included as additional insured with regards to the general liability when required by written contract or agreement

<b>CERTIFICATE HOLDER</b>  City of Newburyport 16 A Perry Way Newburyport MA 01950	<b>CANCELLATION</b>  SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS.  AUTHORIZED REPRESENTATIVE 
--	--





The Commonwealth of Massachusetts  
 Department of Industrial Accidents  
 Office of Investigations  
 Lafayette City Center  
 2 Avenue de Lafayette, Boston, MA 02111-1750  
 www.mass.gov/dia

**Workers' Compensation Insurance Affidavit: Builders/Contractors/Electricians/Plumbers**

**Applicant Information**

**Please Print Legibly**

Name (Business/Organization/Individual): Boston North Development Excavation Services LLC

Address: 3 Graf Rd unit 14

City/State/Zip: Newburyport MA 01950 Phone #:

**Are you an employer? Check the appropriate box:**

- |   |  |
|---|--|
| 1. <input checked="" type="checkbox"/> I am an employer with <u>5</u> employees (full and/or part-time).*   | 4. <input type="checkbox"/> I am a general contractor and I have hired the sub-contractors listed on the attached sheet. These sub-contractors have employees and have workers' comp. insurance.†  |
| 2. <input type="checkbox"/> I am a sole proprietor or partnership and have no employees working for me in any capacity. [No workers' comp. insurance required.] | 5. <input type="checkbox"/> We are a corporation and its officers have exercised their right of exemption per MGL c. 152, §1(4), and we have no employees. [No workers' comp. insurance required.] |
| 3. <input type="checkbox"/> I am a homeowner doing all work myself. [No workers' comp. insurance required.] †   |  |

**Type of project (required):**

- 6.  New construction
- 7.  Remodeling
- 8.  Demolition
- 9.  Building addition
- 10.  Electrical repairs or additions
- 11.  Plumbing repairs or additions
- 12.  Roof repairs
- 13.  Other Excavation

\*Any applicant that checks box #1 must also fill out the section below showing their workers' compensation policy information.

† Homeowners who submit this affidavit indicating they are doing all work and then hire outside contractors must submit a new affidavit indicating such.

‡ Contractors that check this box must attach an additional sheet showing the name of the sub-contractors and state whether or not those entities have employees. If the sub-contractors have employees, they must provide their workers' comp. policy number.

**I am an employer that is providing workers' compensation insurance for my employees. Below is the policy and job site information.**

Insurance Company Name: Eastern Insurance

Policy # or Self-ins. Lic. #: WCC 5005021388202A Expiration Date: 1/29/2023

Job Site Address: \_\_\_\_\_ City/State/Zip: Newburyport MA 01950

**Attach a copy of the workers' compensation policy declaration page (showing the policy number and expiration date).** Failure to secure coverage as required under Section 25A of MGL c. 152 can lead to the imposition of criminal penalties of a fine up to \$1,500.00 and/or one-year imprisonment, as well as civil penalties in the form of a STOP WORK ORDER and a fine of up to \$250.00 a day against the violator. Be advised that a copy of this statement may be forwarded to the Office of Investigations of the DIA for insurance coverage verification.

**I do hereby certify under the pains and penalties of perjury that the information provided above is true and correct.**

Signature: [Signature] Date: 2/8/2022

Phone #: 603 944 0516

**Official use only. Do not write in this area, to be completed by city or town official.**

City or Town: \_\_\_\_\_ Permit/License # \_\_\_\_\_

**Issuing Authority (check one):**

- 1.  Board of Health
- 2.  Building Department
- 3.  City/Town Clerk
- 4.  Electrical Inspector
- 5.  Plumbing Inspector
- 6.  Other \_\_\_\_\_

Contact Person: \_\_\_\_\_ Phone #: \_\_\_\_\_

# CITY OF NEWBURYPORT



IN CITY COUNCIL

**ORDERED:**

**2022**

**City Council Meetings 7:30 PM Hybrid in the Council Chambers, City Hall.**

January 10, 2022  
January 31, 2022

February 14, 2022  
February 28, 2022

March 14, 2022  
March 28, 2022

April 11, 2022  
April 25, 2022

May 09, 2022  
May 31, 2022 \***Tuesday** (**May 30, 2022 – Memorial Day**)

June 13, 2022  
June 27, 2022

July 11, 2022

August 08, 2022  
August 29, 2022

September 12, 2022  
September 27, 2022 \* **Tuesday** (**September 26, 2022 – Rosh Hashanah**)

October 11, 2022 \* **Tuesday** (**October 10, 2022 – Columbus Day**)  
November 1, 2022 \* **Tuesday** (**October 31, 2022 – Halloween**)

November 14, 2022  
November 28, 2022

December 12, 2022



ORDR00315\_01\_10\_2022  
Amended

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Councillor Heather L. Shand

# CITY OF NEWBURYPORT



## IN CITY COUNCIL

### ORDERED:

### NEWBURYPORT CITY COUNCIL RULES (2022) As Amended February 28, 2022

*Proposed Amendments as follows, with deletions ~~double struck through in bold~~, and additions double-underlined and in bold:*

### PURPOSE

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

### ORGANIZATION

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

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

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

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

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

## MEETINGS

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

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

**Rule 2B.** If any meeting of the Council is in session at 10:30 ~~11:00~~ pm, said meeting shall be adjourned until 7:30pm of the following evening, unless another date and time is voted by a majority of the Full Council. The regular Council meeting shall start at 7:00 pm.

## HOLIDAYS

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

## PRESIDING OFFICER

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

## DUTIES AND POWERS OF THE PRESIDING OFFICER

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

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

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

## RELINQUISHING THE CHAIR

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

## COMMITTEES AND COMMITTEE BUSINESS

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

**Rule 7A.** Pursuant to the Newburyport Code (Code), there shall be nine (9) standing committees of the Council, as follows, each consisting of three (3) members of the Council, and concerned with the matters specified for it in the Code:

- Committee on Budget & Finance
- Committee on Education
- Committee on General Government
- Committee on Licenses & Permits
- Committee on Neighborhoods & City Service;
- Committee on Planning & Development
- Committee on Public Safety
- Committee on Public Utilities
- Committee on Rules

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

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

**Rule 7D.** Committees shall meet and review each matter referred to them by the Council no later than thirty (30) ~~fifteen (15)~~ calendar days after such referral.

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

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

**Rule 7G.** In the event that either: (a) the Committee has failed to meet and review a matter within the required 30 ~~45~~ days under Rule 7D; or (b) the Chair of a Committee has failed to remove any matter from such Committee after (6) weeks of its original referral to such Committee, such matter may be removed from such Committee to bring it to the floor for discussion by the Council, provided that a petition signed by no fewer than two Councillors has been filed with the City Clerk- with copies to both the President and the relevant Committee Chair -- in accordance with Rule 16.

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

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

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

#### **SUFFICIENCY OF VOTE**

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

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

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

### **MANNER OF VOTING**

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

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

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

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

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

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

### **GAINING THE FLOOR**

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

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

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

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

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

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

### **SPONSORSHIP OF MATTERS**

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

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

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

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

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

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

## WITHDRAWING ITEMS FROM THE AGENDA

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

## RECONSIDERATION

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

## DUTIES OF THE CLERK

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

## DEADLINE FOR AGENDA ITEMS

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

## AGENDA AND PACKET

**Rule 17.** For each meeting of the Council, the Clerk in consultation with the President shall compile the Agenda of all matters to come before the Council at such meeting, in accordance with the order of business listed below, and shall make available to the public such Agenda and all supporting documents (together, Packet) to be considered by the Council by 5:00 pm of the fourth (4<sup>th</sup>) calendar day prior to such meeting; provided, however, that in the case of a special meeting the Agenda shall be made available as otherwise provided by law



and these Rules, and no Packet shall be required. The Clerk shall cause a printed copy of the Packet to be delivered to each Councillor by their individually preferred means, and to be posted on the City Website at least 48 hours prior to commencement.

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

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

1. Moment of Silence
2. Pledge of Allegiance
3. Call to Order
4. Late-Filed Items
5. Public Comment
6. Proclamations
7. Mayors Comment
8. Consent Agenda
  - a) Approval of Minutes
  - b) Communications (including Applications)
  - c) Orders (including Transfers/Appropriation Orders) and Resolutions
  - d) First Reading of Mayoral Appointments
7. Second Reading of Mayor's Appointments
8. Communications
9. Orders (including Transfers/Appropriation Orders) and Resolutions
10. Ordinances
11. Committee Reports (including all Measures with any amendments or revisions for the Council to consider)
12. Good of the Order
13. Adjournment

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

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

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

**Rule 17B.** Supporting copied (paper copy) documents for Council agenda items shall be placed in the packet and provided to Council members only the first time the item is introduced to the Council. Subsequently, as items are taken up for debate, whether in committee or during regular meetings, it shall be the responsibility of each Councillor to have retained the documents for reference. Notwithstanding the foregoing, the electronic version of the packet, posted on the website, shall be complete.

## PUBLIC COMMENT

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

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

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

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

## PRESENTATIONS

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

## MAYORAL APPOINTMENTS

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

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

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

## MID-YEAR BUDGET REVIEW

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

## **ELECTRONIC COMMUNICATION DEVICES**

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

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

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

## **PARLIAMENTARY PRACTICE**

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

## **RECUSAL**

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

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

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

## **AMENDING THE RULES**

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

**SUSPENDING THE RULES**

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

\_\_\_\_\_  
Councillor Heather L. Shand

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

Motion to approve by Councillor Zeid, seconded by Councillor McCauley. Roll call vote. 11 yes.  
Motion passes

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

Motion to approve as amended to move the meeting date 9/26/2022 to 9/27/2022 due to Rosh Hashanah by Councillor Zeid, seconded by Councillor McCauley. Roll call vote. 11 yes. Motion passes

Date: \_\_\_\_\_

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

\_\_\_\_\_

# CITY OF NEWBURYPORT



## IN CITY COUNCIL

### ORDERED:

February 28, 2022

### **Resolution Calling for the Posting of Reduced Speed Limits Along Route One through Newburyport**

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

**WHEREAS**, the City of Newburyport has adopted a so-called “Smart Growth” zoning district around the MBTA Commuter Rail Station, Route One Traffic Circle and transportation corridor, consistent with state goals for more densely populated transit-oriented residential and mixed-use development in close proximity to said Commuter Rail Station;

**WHEREAS**, the stated purposes of said “Smart Growth” District include:

1. Providing an alternative to automobile-oriented development patterns with a focus on *“pedestrian-oriented design and connectivity”*; and
2. The establishment of a *“walkable and vibrant new transit-oriented neighborhood with decreased dependence on the automobile;”* and

**WHEREAS**, two substantial residential and mixed-use development projects have already been permitted or built within said “Smart Growth” District, with another in permitting at this time, directly fronting on the Route One corridor, increasing vehicular and pedestrian activity in this area associated with approximately 253 new residential units; and

**WHEREAS**, a full buildout of Newburyport’s 40R “Smart Growth” District would result in 539 new units of housing pursuant to M.G.L. Chapter 40R, with associated vehicular turning movements and pedestrian crossings increasing throughout the District and Route One corridor accordingly; and

**WHEREAS**, the recent 2021 Massachusetts “Housing Choice” legislation, and related Department of Housing and Community Development (DHCD) guidelines, call for additional local zoning measures in the next few years to increase permissible housing density in this area in order to remain eligible for certain state grant funds; and

**WHEREAS**, the compact and otherwise walkable Hillside Center for Sustainable Development neighborhood has direct vehicular connection to the Route One corridor just south of downtown Newburyport and north of the “Smart Growth” District; and

**WHEREAS**, it is well evidenced that high speed vehicular traffic contributes adversely to the both number and severity of traffic accidents, including injury and death; and

**WHEREAS**, the narrow proximity between vehicular travel lanes and adjacent concrete abutment and retaining walls effectively preclude the safe movement of vehicles at high speed through narrow passages and under bridges in the area of High Street, Washington Street and Merrimac Street; and

**WHEREAS**, the Massachusetts Department of Transportation (MassDOT) already plans to merge travel lanes for a safer rotary design within the City’s “Smart Growth” District during the next few years, effectively reducing speed limits for all practical purposes; and

**WHEREAS**, MassDOT’s Route One Rotary redesign includes a prominent proposed new Shared Use Path crossing of the Route One traffic corridor; and

**WHEREAS**, it is the intention of the City of Newburyport to encourage truly walkable, pedestrian-oriented neighborhoods both throughout the City and specifically abutting the Route One corridor;

**THEREFORE, BE IT RESOLVED** that the Council hereby:

1. Requests that MassDOT update applicable regulations, speed restrictions and signage as necessary to facilitate a reduction of speed limits to 35 m.p.h. continuous along the length of Route One through Newburyport; and
2. Requests that the Mayor and Director of Planning & Development forward a copy of this Resolution, upon its passage, to the MassDOT Highway Division and District 4 Administration, along with any other related documentation relevant to and in support of this request; and
3. Requests that the Mayor and Director of Planning & Development report back to the Council regarding the status of this request, MassDOT’s response thereto, and any additional actions recommended in relation thereto, no later than June 30, 2022.



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Councilor Jennie L. Donahue

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Councilor James J. McCauley

# **ORDINANCES**

# CITY OF NEWBURYPORT



IN CITY COUNCIL

**ORDERED:**

February 28, 2022

## AN ORDINANCE TO ADD 15 MINUTE PARKING SPACES IN DOWNTOWN

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

THAT Chapter 13 Article IV 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:

### Sec. 13-176.2 – Same – Fifteen minutes.

No person shall park any vehicle for longer than fifteen minutes on the following described streets or parts thereof:

<i>Street</i>	<i>Extent</i>
<u><i>Liberty Street</i></u>	<u><i>Two spaces on the westerly side immediately before State Street.</i></u>
<u><i>State Street</i></u>	<u><i>One space on the easterly side opposite Pleasant Street after the crosswalk and before the nubbin.</i></u>
<u><i>State Street</i></u>	<u><i>One space on the westerly side after Prince Place and the fire hydrant</i></u>
<u><i>Pleasant Street</i></u>	<u><i>One space on the southerly side immediately before Hale's Ct.</i></u>

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Councillor James McCauley

# CITY OF NEWBURYPORT



## IN CITY COUNCIL

### ORDERED:

February 28, 2022

### AN ORDINANCE TO AMEND THE MUNICIPAL CODE WITH RESPECT THE START TIME OF THE CITY COUNCIL MEETINGS

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

*Amend Section 2-27 – Time and Place of Meetings as follows, with deletions ~~double-stricken~~ through in bold, and additions double-underlined and in bold:*

Sec. 2-27. – Time and place of meetings

- (a) All meetings of the city council shall be held at the council chamber in city hall in the city 7:00 ~~7:30~~ p.m., except as hereinafter provided.

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Councillor Heather Shand

## **COMMITTEE ITEMS**

# **Committee Items**

**February 28, 2022**

Ad Hoc Committee on Economic Dev.

In Committee:

ODNC098\_10\_12\_2021 Permanent Parklets Legislation

# CITY OF NEWBURYPORT



IN CITY COUNCIL

ORDERED:

October 12, 2021

## AN ORDINANCE TO ESTABLISH A PROCEDURE FOR BUSINESSES AND OTHER ORGANIZATIONS TO APPLY FOR LICENSES TO OCCUPY OUTDOOR CITY PROPERTY, INCLUDING PORTIONS OF PUBLIC WAYS

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

*Amend existing Section 12-1 (Obstructing streets, sidewalks generally.), as follows, with deletions ~~double-stricken through~~, and additions double-underlined:*

### **Sec 12-1. - Obstructing streets, sidewalks generally.**

(a) Generally. No person shall occupy, encumber or obstruct any street or sidewalk by means of boxes, crates, advertising signs, barrels, or other things, or in any other way hinder or obstruct the convenient use of the streets or sidewalks and other ways by any vehicles or pedestrians.

*(b) Notwithstanding subsection 12-1(a), above, any business or other organization that occupies ground-level space (hereinafter the "Business Premises") abutting a public way under the jurisdiction of the city (hereinafter the "Applicant") may submit a written application to the city clerk to obtain a license to place and maintain tables, chairs, and/or merchandising displays on property under the control of the city, including, without limitation, portions of public way or within a park or playground (hereinafter "City Land").*

*(1) License area. The area of a public way to be occupied by such tables, chairs, and/or merchandising displays shall not exceed in width the frontage of the Applicant's Business Premises upon such public way. The area to be occupied on City Land other than public ways, including, without limitation, within a*

park or playground, need not be proportional to the applicant's frontage upon such property.

(2) Duration.

A. Licenses issued pursuant to this subsection 12-1(b), unless earlier revoked, shall remain effective for a period of no longer than seven (7) months between April 15 and November 15.

(3) Applications. Application for the use of City Land shall be made to the city clerk, on forms prepared in conformance with the terms and conditions contained herein, including the following:

A. Written authorization signed by the Applicant's landlord acknowledging and agreeing to the use of the adjacent portion of any Public Way;

B. Evidence of liability insurance with minimum coverage in the amount of one million dollars (\$1,000,000), naming the city of Newburyport as co-insured, and in force for the duration of the approved period of occupancy; and

C. A clear, legible diagram of the proposed area of occupancy, no smaller than 8½-inches by 11-inches, detailing the following, which shall be in addition to any other requirements of law, regulation or ordinance, including state alcohol law:

i. The perimeter of such area, with relevant linear dimensions;

ii. If such area includes portions of a public way traveled by pedestrians, such as a sidewalk, the public, pedestrian path of travel, which must be no less than five (5) feet in width and must be contiguous to the face of the buildings along which it runs;

iii. If such area includes portions of a public way traveled by vehicles, then the public, vehicular path of travel, no less than eleven (11) feet in width, or wider as may be required by the City Engineer;

iv. All relevant obstacles such as streetlights, signs, trees, etc.; and

v. All tables, chairs, seats, total seating count and total occupancy.



vi. The area of occupancy must be enclosed by a fence, rope or other means to control access and demarcate the area proposed for the service of food and alcohol or the sale of retail goods;

D. Proof, in the form of registered mail receipts and written attestation, as to compliance, of notice of the application sent via registered mail, return receipt requested within seven (7) days of the filing of the completed application with the city clerk, to each of the persons appearing upon the assessors' most recent valuation list as the owners of the property immediately adjacent to the Applicant's Business Premises, and to the address of any businesses within 100 feet of the Applicant's Business Premises. The notice shall set forth the name of the applicant in full, a description of the space on the Public Way and area covered in the application, the use of the same, and the street and number.

E. Where the City Land is part of a city park or playground under the jurisdiction of another city body, commission or entity, approval of such use by the relevant city body, commission or entity, such as the the Parks Commission for land under their jurisdiction and control..(4) Application processing and fees. Applications under this subsection 12-1(b) shall be delivered to the office of the city clerk by hand, mail, or email.

A. Applications shall be placed on the next available agenda of the City Council for referral to its Committee on License and Permits per Council Rules and procedure..

B. The processing fee charged for applications under this subsection 12-1(b) shall be One-Hundred Dollars (\$100.00).

C. The city council shall establish by order the rent or other compensation due for any occupancy approved hereunder.

D. After hearing by the Committee on Licenses and Permits and recommendation for approval, and upon approval by the City Council for the use of the City Land, , the city clerk shall transmit such approval to the Newburyport License Commission (the "License Commission"), which shall hold a public hearing to approve, disapprove, or approve the application with conditions.

E. Approval of the application for use shall be at the sole discretion of the City Council , and, without limiting or defining the sole discretion of the City Council in making its decision, the City Council may but is not

required to the input of neighbors, other residents and nearby business owners, the degree to which the proposed use accommodates its shared use with members of the public, and any frustration of the City Land's primary use by the public..

F. The License Commission shall hold a public hearing regarding all applications wherein the City Council has approved the use of the City Land under this subsection 12-1(b), and may consider multiple applications at one hearing. After such hearing, the board shall render its written decision regarding each such application, which shall be to approve, to disapprove, or to approve with conditions.. The License Commission shall conduct any hearing in compliance with any other governing law, regulation or ordinance.

(6) Bare license. The City Council, License Commission and any other boards, commissions or city entities with jurisdiction of public ways shall have no obligation whatsoever to approve any application submitted hereunder, each of which shall be processed, reviewed, and a determination thereon made by the relevant city officers, boards, and commissions in their sole discretion.

A. Any condition of approval and submitted plan shall be in force for the entire duration of any validly issued license.

B. Any license issued hereunder may be revoked at any time by super-majority vote of the city council, after a public hearing, for any reason, or no reason.

~~(b) Food service establishments on public rights of way.~~

~~(1) The above shall not apply to any restaurant or food service establishment located on a public way which includes a sidewalk and which is restricted to pedestrian traffic only and which has a sidewalk of no less than five (5) feet in width. Any such restaurant or food service establishment seeking to place such tables on a public way shall apply for a permit from the city council.~~

~~a. Initial permit. May be issued for a period of one (1) year subject to city council approval by majority vote.~~

~~b. Renewal permits.~~

~~1. No material changes may be issued for a period of two (2) years subject to administrative approval by the city clerk.~~

~~2. Material changes may be issued for a period of one (1) year subject to city council approval by a majority vote.~~

~~e. [Said permit.] Said permit shall be valid during any calendar year for which a valid permit has been issued. The city clerk shall notify in writing any business with an expiring permit of such expiration no later than sixty (60) days prior to the expiration date.~~

~~d. Any condition of approval and submitted plan shall be in force for the entire duration of any validly issued permit. Any validly issued permit can be revoked at any time by super majority vote of the city council.~~

~~(2) Said restaurant or food service establishment may place tables upon the public way directly in the area in front of said establishment with the consent of the city council. The area occupied by said tables shall not exceed in width the frontage of said restaurant or food service on the public way. Said tables shall be solely for the exclusive use of customers of said restaurant or food service establishment.~~

~~(3) If no sidewalk exists on the public way, the tables, upon approval of the city council, shall be situated in a contiguous manner and shall allow at least twelve (12) feet of passage for pedestrian traffic to flow smoothly on the public way. In any circumstance, said tables, in the opinion of the city council, shall not impede the flow of pedestrian traffic, irrespective of the twelve foot requirement.~~

~~(4) If a sidewalk so called does not exist on the public way, said sidewalk must have a width of at least five (5) feet to allow tables to be situated on the sidewalk. In addition to the five feet described above, the configuration shall ensure that the remaining portion of the public way is at least twelve (12) feet wide and allows for free and smooth flowing pedestrian traffic.~~

~~(5) The city council can impose that any applicant provide certificates of liability insurance naming the city as insured and may impose such other conditions as in its discretion it deems appropriate.~~

(c) Any violation of this section 12-1 shall be punishable by a fine of one hundred dollars (\$100.00). Any condition found to violate this section shall be deemed to constitute a separate offense on each day during which it exists after the giving of notice to the violator.

(d) Prosecution of violations of this section 12-1 shall be non-criminal disposition as provided in M.G.L., c. 40, § 21D, as may be amended from time to time, the provisions of which are incorporated herein by reference.

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Councillor James J. McCauley

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Councillor Byron J. Lane

**In City Council October 12, 2021:**

Motion to refer to Ad Hoc Committee on Economic Development by Councillor Vogel, seconded by Councillor McCauley. Roll call vote. 9 yes, 2 absent (JD, CW). Motion passes,

**In City Council December 13, 2021:**

Motion to invoke Rule 7H to move to next City Council Session by Councillor Zeid, seconded by Councillor Lane. Roll call vote. 11 yes. Motion passes.

# Committee Items-February 28, 2022

## Budget & Finance

### Budget & Finance

#### *In Committee:*

TRAN00118\_02\_14\_2022

Gen. Fund \$7,500 to MYR Consulting Services \$7,500

TRAN00119\_02\_14\_2022

Gen. Fund \$8,394 to Essex Tech Assessment \$8,394

TRAN00120\_02\_14\_2022

Gen. Fund \$15,000 to CCN Lgl Ads \$3,000 CCN Ord Recodif. \$5,500 BDR Elects. \$6,500

TRAN00121\_02\_14\_2022

Solid Waste Revolving Fund \$35,000 to Pick-Up Truck Purchase \$35,000



# CITY OF NEWBURYPORT FY 2022

RECEIVED  
CITY CLERK'S OFFICE  
NEWBURYPORT, MA

## TRANSFER/APPROPRIATION REQUEST

FEB -8 PM 1:59

**Department:** Mayor's Office

**Submitted by:** Sean R. Reardon, Mayor

**Date Submitted:** 2/14/2022

**Transfer From:**

Account Name:	General Fund - Free Cash	Balance:	\$ 2,174,068.00
Account Number:	01-35910	Category:	\$ -
Amount:	\$7,500.00	Trans I/O:	\$ (510,000.00)

**Why Funds Are Available:**

The Massachusetts Department of Revenue certified Free Cash for FY2022 at \$2,684,068. These funds are available for any legal expenditure with the approval of the Mayor and a vote of the City Council. Balance reflects all transfer requests submitted to-date.

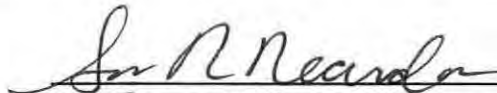
**Transfer To:**

Account Name:	MYR Consulting Services	Balance:	\$ -
Account Number:	01121002-53001	Category:	\$ 20,428.49
Amount:	\$7,500.00	Trans I/O:	\$ -

**Why Funds Are Needed:**

To conduct a review of the City's organizational structure and operational processes and make recommendations for action or further study. The Mayor will use this analysis as the foundation for any internal operational adjustments or reorganization. See attached proposal from Community Paradigm Associates, LLC, along with a profile of the firm. Community Paradigm provides assistance to local governments with recruitment, strategic management, professional development, and process improvement. Their team includes a number of former city managers and other municipal leaders that would be able to use their experience to help guide the City through important strategic decisions.

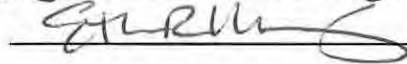
Sean R. Reardon, Mayor:



Date:

2/8/2022

Ethan R. Manning, Auditor:



Date:

2/8/2022

City Council Action:



January 27, 2022

Mayor Sean Reardon  
City of Newburyport  
60 Pleasant Street  
Newburyport, MA 01950

RE: LETTER OF ENGAGEMENT AGREEMENT

Dear Mayor Reardon:

The purpose of this letter is to confirm the agreement between the City of Newburyport (the City) and Community Paradigm Associates, LLC (Community Paradigm) concerning an engagement to provide consulting services.

**Consulting Services.**

Community Paradigm will provide consulting services to the City in order to assess the existing organizational framework and operational processes. The services will consist of the following components:

1. Evaluate Existing Organizational Structure and Processes- It is anticipated that this phase will include project preparation, 2-days on-site and off-site work by the consulting team collecting information about the City, conducting necessary research about the City.
  - o Assemble and review background documents and materials regarding the existing organizational structure, departmental needs, and operational processes. Such material shall include, but not be limited to, recent reports prepared for the transition to a new mayoral administration, budgets, and operating procedure manuals, etc.
  - o Initial Consultation with the Mayor to review workplan and to obtain a perspective on current operations and identified issues of concerns.
  - o Meet with representatives from the City's department heads to receive input and information relative to their perspective on the structure and operation of the City.
  - o Communicate with individuals, identified in consultation with the Mayor, that are familiar with City operations in order to gain background and historical experiences of City structure and processes.
2. Analysis and Findings: This phase will include analysis of the information gathered during the collection and the preparation and presentation of a report to the Mayor with findings and recommendations for consideration for immediate implementation or additional study.

It is anticipated that the work under this engagement will occur over a 4-6 week period.

**Relationship of Parties.**

It is expressly agreed that, when providing services to the City under this Agreement, Community Paradigm and its employees and agents will be an independent contractor and will not be employees of the City of Newburyport. It is also agreed that Community Paradigm shall have no right to make any commitments on behalf of the City without express written consent of the City of Newburyport.

**Services for Others.**

During any period in which Community Paradigm is providing services as described within the Scope to the City, Community Paradigm may choose to also provide services for others, provided that any such services do not give rise to a conflict of interest.

**Compensation.**

The City shall pay \$7,500.00 for services under this agreement. Additional services beyond those outlined within the Scope will be billed at an hourly rate, with the prior approval of the City

**Taxes, Insurance, Benefits and Business Expenses.**

As an independent contractor, Community Paradigm shall be solely responsible for payment of all federal and state income taxes and Social Security and Medicare taxes and other legally required payments on sums received from the City. Community Paradigm will also be solely responsible for insurance and assume all risk in connection with the adequacy of all such insurance that it elects to obtain.

**Confidentiality.**

Community Paradigm shall comply with any policies and procedures of the City for protecting confidential information and shall not disclose to any person (other than as required by law), or use for benefit or gain, any confidential information obtained incident to association with the City. This obligation shall continue to apply after the termination of this Agreement regardless of the reason for such termination.

**Term and Termination.**

This Agreement shall commence on the date hereof (the "Effective Date"). Either party may terminate the Agreement at any time, with or without cause. Upon termination of this Agreement, the parties shall have no further obligation to one another, other than for payment due for services to the applicable phase of the recruitment process as outlined within the Scope.

**Miscellaneous.**

This Agreement contains the entire agreement between Community Paradigm LLC, and the City of Newburyport and replaces all prior agreements, whether written or oral, with respect to the requested consultancy services to be provided, and all related matters. This Agreement may not be amended, and no breach may be waived unless agreed to in writing by both parties. Both parties acknowledge that there has been no reliance on any agreements or representations, express or implied, that are not set forth expressly in this Agreement. This agreement shall be governed by the laws of the Commonwealth of Massachusetts.

**Indemnification.**

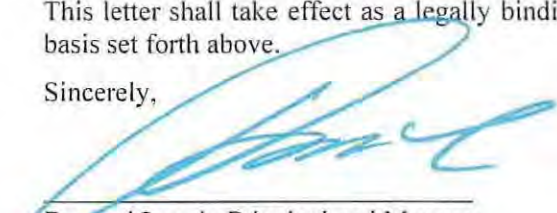
The City shall indemnify Community Paradigm, LLC against any loss or liability incurred by Community Paradigm arising from the City's breach of its obligations hereunder.

If the terms of this Agreement are acceptable, please sign, date and return to:

Community Paradigm Associates, LLC,  
1 Saddleback,  
Plymouth, MA 02360

This letter shall take effect as a legally binding agreement between Community Paradigm and the City, on the basis set forth above.

Sincerely,

  
\_\_\_\_\_  
Bernard Lynch, Principal and Manager  
Community Paradigm Associates, LLC

Date: 1/27/22

Accepted and agreed:

\_\_\_\_\_  
Sean Reardon, Mayor  
City of Newburyport

Date: \_\_\_\_\_



## FIRM PROFILE

Community Paradigm Associates, LLC, is a multi-dimensional organization focusing on governmental, nonprofit, and community concerns. It develops transformational initiatives and innovative solutions designed to enhance the dynamics of communities. Its Principal and Associates draw upon their extensive government, academic, and private sector experience to provide the answers clients need to effectively and efficiently manage their organizations.

**Founder and Managing Principal Bernard F. Lynch** has devoted more than 35 years to guiding cities and towns toward brighter futures by focusing on the efficiency and responsiveness of organizational day-to-day operations as well as highly transformational initiatives that bring communities to a new level. His experience as an innovator, strategist, educator, researcher, and leader allow him to consider challenges from various viewpoints. Known for his collaborative problem-solving and innovative solutions, Mr. Lynch steered a Massachusetts city away from potential receivership to solid fiscal stability. He has managed the successful conception and completion of public libraries, police stations, community centers, school buildings, bicycle and walking trails, and recreation facilities.

Mr. Lynch served as City Manager of Lowell, Massachusetts, for eight years and as Town Manager of Chelmsford, Massachusetts, for 20 years. He served on Lieutenant Governor Karyn Polito's Task Force on Local Government Workforce Skills Gap, is a Senior Fellow at Suffolk University, and serves as an adjunct professor at both Suffolk University and University of Massachusetts Lowell. He earned a Master of Public Administration degree from University of Massachusetts Amherst and a Bachelor of Science degree in Political Science from the University of Lowell.

**Principal Sharon Flaherty** has assisted in the management of nearly 100 executive recruitments in addition to leading such projects as business development marketing, compensation and classification, community engagement, and communications. Ms. Flaherty has more than 30 years of experience in communications, project management, public relations, and marketing. In previous positions, Ms. Flaherty has managed marketing and communications in the financial industry and held positions as a reporter, editor, and editorial page editor at daily and weekly newspapers. She has served as an adjunct professor in business at Middlesex Community College. She earned a Master of Business Administration degree from Rivier University, a Master of Arts degree in English and Writing from Southern New Hampshire University, and a Bachelor of Arts degree in Communications from Rivier University.

**Senior Associate Peter Hechenbleikner** has 45 years of government experience, including over 30 years in Massachusetts. Prior to his retirement in 2013, he served as Reading's first Town Manager and he has continued his commitment to local government service by serving in a number of interim assignments and providing consultative assistance to municipalities. He has extensive experience in operational reviews, government studies, budget development, and organizational development. He holds a Master of Science in City and Regional Planning from Pratt Institute in Brooklyn, New York, a Bachelor of Arts degree in Political Science and Public Administration from the University of Cincinnati, and a Certificate in International Studies from the University of Manchester, England.

**Senior Associate John Petrin** has dedicated more than 30 years to municipal service, including seven years as the Town Administrator of Burlington, seven years as the Town Manager of Ashland, and 13 years as the Town Administrator of Harvard. He has extensive experience in developing operating and capital budgets, hiring and managing department heads and other personnel, and managing the day-to-day operations of a municipality. Additionally, Mr. Petrin served as Assistant Superintendent of Schools in Marlborough, as Tax Assessor in Bellingham, and as an elected Park Commissioner in Bellingham. He has served on numerous professional boards, including the Massachusetts Police Accreditation Commission and Joint Labor Management Committee, and is the former President of the Massachusetts Municipal Association and of the Massachusetts Municipal Managers Association. Mr. Petrin earned a Bachelor of Arts in Political Science from Stonehill College and Master of Public Administration from Northeastern University.

**Senior Associate Ray Santilli** has nearly 40 years of experience working in the municipal sector, including 17 years as the Assistant Town Manager in North Andover, Mass. Mr. Santilli also served as a purchasing director, director of community services, and human resources director in North Andover, and as Planning/Budget/Personnel Director for the Cambridge Police Department. He earned his Master of Business Administration from Boston College and a Bachelor of Science degree in Criminal Justice from Northeastern University.

**Senior Associate Carl Valente** has 40 years of State and local government experience, including 35 years in Massachusetts. He was the first Town Administrator for the Town of Needham, the first Town Manager for the Town of Weston, and served for 13 years as Lexington's Town Manager until his retirement. He also served as Section Chief for Technical Assistance for the Massachusetts Department of Revenue-Division of Local Services and as Director for Financial Management for the International City/County Management Association. He specialized in municipal finance issues. He earned a Master of Public Administration from the University of Hartford and a Bachelor of Arts in Political Science from the University of Connecticut. He currently is a member of the Solid Waste Commission for the City of Newton.

Community Paradigm Associates has affiliations with numerous highly experienced municipal management professionals and industry professionals who assist with various projects. It has a network that includes professionals in such areas as finance, public works, telecommunications, land use and development, public safety, emergency management, municipal law and process, personnel management, and sustainability. Each is an experienced and proven leader in his or her field.

Services provided by Community Paradigm Associates include: executive recruiting, economic and community development, strategic analysis and counsel, public finance, public policy, community engagement, strategic management and planning, social innovation, building high performing organizations, marketing and communications, professional development, process improvement, community sustainability, and tactical research and solutions.

## Executive Recruitments

### Town Manager/Town Administrator Positions

Adams	Hamilton	North Attleborough	Sturbridge
Amherst	Holliston	Northfield	Sudbury
Avon	Hopedale	Norwood	Swansea
Becket	Hudson	Oxford	Topsfield
Bourne*	Ipswich	Palmer	Uxbridge
Boxborough	Kingston	Pembroke	Wayland
Brewster	Lakeville	Plympton	Wellesley
Buckland	Lanesborough	Provincetown	Wellfleet
Coventry, RI	Leicester	Reading	Wenham
Dedham	Longmeadow	Rockland	Westminster
Dighton	Marion	Rutland	Weston
East Bridgewater*	Mattapoisett	Salem, NH	Westport
East Longmeadow	Millbury	Shrewsbury	Westwood
Fairhaven	Monson	Spencer	Whitman
Grafton	Natick	Southbridge	Winchendon*
Great Barrington	Norfolk	South Hadley	
Groveland	Norfolk County	Stoughton	

### Various Municipal Positions

Andover - Director of Elder Services	Northborough - Assistant Town Administrator
Ashland - Town Planner	Northborough - Health Agent
Bourne - Director of Finance	Northborough - Library Director
Brookline - Health Director	Northborough - Senior Center Director
Brockton- DPW Commissioner	Norwood - Library Director
Concord- Library Director	Pittsfield - Director of Public Services
Dover - Superintendent of Public Works	Rockland - Town Accountant
Great Barrington - Police Chief	Scituate - Sewer Superintendent
Hamilton - Director of Finance/Town Accountant	Worcester - Chief Diversity Officer
Marlborough - City Comptroller	Worcester - Chief Financial Officer
Mattapoisett - Library Director	Worcester - Commissioner of Inspectional Services
Methuen - Chief Administrative and Finance Officer	Worcester - DPW Commissioner
Natick - Library Director	Wrentham - Finance Director/Treasurer-Collector
Norfolk - Town Planner	
Northborough - Assessor	

### Ongoing Recruitments

Halifax - Town Administrator	Sterling - Town Administrator
Lancaster- Town Administrator	Watertown - Town Manager
New Bedford - Chief Financial Officer	Winthrop - Town Manager
New Bedford - City Auditor	Plympton - Police Chief
Cohasset - Fire Chief	Rochester- Town Administrator



## **Non-Profit/Quasi-Governmental**

Massachusetts Police Accreditation Commission - Program Manager  
Massachusetts Police Accreditation Commission - Director of Field Operations  
Massport Community Advisory Committee - Executive Director  
Merrimack Valley Planning Commission - Executive Director  
Merrimack Valley Regional Transit Authority - Administrator  
Metro South/West WIOA / Partnerships for a Skilled Workforce - Executive Director

## **Public Management Projects**

- Franklin Regional Council of Governments - Organizational Assessment
- Massachusetts Bay Transportation Authority Advisory Board - Organizational Review
- Massachusetts Bay Transportation Authority Advisory Board - Business Improvement & Strategic Plan
- Massachusetts Municipal Management Association - Strategic Planning
- Massport Community Advisory Committee - Executive Director 360 Assessment, Strategic Plan
- Metro South/West Workforce Development - Organizational Structure Review
- Town of Adams and Cheshire - Facilitation with Adams/Cheshire Regional School District
- Town of Andover - Department Head Classification and Compensation Review
- Town of Andover - Government Study
- Town of Ashburnham - Business Guide
- Town of Ashburnham - Risk Assessment Project
- Town of Auburn - Council on Aging/Elder Services Operational Evaluation
- Town of Auburn - Position Description Review
- Town of Bridgewater - Strategic Plan
- Town of Dover - Public Works Study
- Town of Framingham - Downtown Re-Development/Urban Center Housing
- Town of Great Barrington - Salary Survey
- Town of Longmeadow - Selectmen/Town Manager Roles and Responsibilities and Setting of Joint Goals & Objectives
- Town of Longmeadow - Strategic Planning
- Town of Millis - Budget Improvement Project
- Town of Millis - DPW Organizational Study
- Town of Millis - Enterprise Fund Review
- Town of Millis - Operational Review of Town Clerk Office
- Town of Millville - Salary Survey
- Town of Needham - DPW Structural Evaluation
- Town of Needham - DPW Mentoring Program
- Town of Norwood - Conservation Commission Operational Evaluation
- Town of Norwood - DPW Mentoring
- Town of Norwood - Fire Department Strategic Plan
- Town of Norwood - Library Strategic Plan
- Town of Pembroke - Capital Plan
- Town of Sharon - Operational Review of Health Department
- Town of Shrewsbury - Organizational Assessment
- Town of Southampton - Government Study and Charter Development
- Town of Sterling - DPW Staffing Review
- Town of Swansea - Capital Projects Technical Assistance
- Town of Westminster - Government Study/Town Charter Project
- Town of Winchendon - Personnel System



# CITY OF NEWBURYPORT FY 2022

RECEIVED  
CITY CLERK'S OFFICE  
NEWBURYPORT, MA

## TRANSFER/APPROPRIATION REQUEST

FEB 15 2022 1:59 PM

**Department:** Mayor's Office

**Submitted by:** Sean R. Reardon, Mayor

**Date Submitted:** 2/14/2022

**Transfer From:**

Account Name:	General Fund - Free Cash	Balance:	\$ 2,174,068.00
Account Number:	01-35910	Category:	\$ -
Amount:	\$8,394.00	Trans I/O:	\$ (510,000.00)

**Why Funds Are Available:**

The Massachusetts Department of Revenue certified Free Cash for FY2022 at \$2,684,068. These funds are available for any legal expenditure with the approval of the Mayor and a vote of the City Council. Balance reflects all transfer requests submitted to-date.

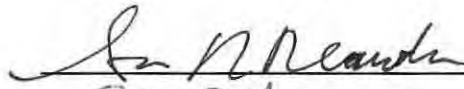
**Transfer To:**

Account Name:	Essex Tech Assessment	Balance:	\$ 48,303.00
Account Number:	01398002-53202	Category:	\$ 48,303.00
Amount:	\$8,394.00	Trans I/O:	\$ -

**Why Funds Are Needed:**

For FY2022, \$105,000 was estimated in the budget to pay for Newburyport students attending Essex North Shore Vocational Technical School. Based on final Ch.74 non-resident tuition rates, transportation and special education costs, the total FY2022 assessment came to \$113,394 resulting in a difference of \$8,394. There are currently five students attending who are enrolled in: equine sciences (2), companion animals, natural & environmental sciences and veterinary science.

Sean R. Reardon, Mayor:



Date:

2/8/2022

Ethan R. Manning, Auditor:



Date:

2/8/2022

City Council Action:



# CITY OF NEWBURYPORT FY 2022

RECEIVED  
CITY CLERK'S OFFICE  
NEWBURYPORT, MA

## TRANSFER/APPROPRIATION REQUEST

2022 FEB -8 PM 1:59

**Department:** City Clerk

**Submitted by:** Richard B. Jones, City Clerk

**Date Submitted:** 2/14/2022

**Transfer From:**

Account Name:	General Fund - Free Cash	Balance:	\$ 2,174,068.00
Account Number:	01-35910	Category:	\$ -
Amount:	\$15,000.00	Trans I/O:	\$ (510,000.00)

**Why Funds Are Available:**

The Massachusetts Department of Revenue certified Free Cash for FY2022 at \$2,684,068. These funds are available for any legal expenditure with the approval of the Mayor and a vote of the City Council. Balance reflects all transfer requests previously submitted.

**Transfer To:**

Account Name:	CCN Legal Ads	Balance:	\$ (1,468.00)
Account Number:	01111002-53001	Category:	\$ 2,113.31
Amount:	\$3,000.00	Trans I/O:	\$ -

**Why Funds Are Needed:**

A greater number of legal advertisements have been required this fiscal year.

**Transfer To:**

Account Name:	CCN Ordinance Recodification	Balance:	\$ 1,381.31
Account Number:	01111002-53002	Category:	\$ 2,113.31
Amount:	\$5,500.00	Trans I/O:	\$ -

**Why Funds Are Needed:**

Fees incurred to document amendments to the Code of Ordinances.

**Transfer To:**

Account Name:	BDR Elections	Balance:	\$ 4,151.39
Account Number:	01163007-57808	Category:	\$ 9,639.42
Amount:	\$6,500.00	Trans I/O:	\$ -

**Why Funds Are Needed:**

The City Clerk recommends the purchase of 7 poll pads to use at the polling places for check-in; these supplement the 7 existing poll pads that were used this past municipal election. This would allow 2 poll pads to be assigned to each election district, which the City Clerk believes is necessary to efficiently check-in voters during a state or federal election with typically higher turnout. The estimated cost is \$10,700; there is an estimated available balance of \$4,200 in this line item, therefore an additional \$6,500 is requested.

Sean R. Reardon, Mayor:

\_\_\_\_\_

Date: 2/8/2022.

Ethan R. Manning, Auditor:

\_\_\_\_\_

Date: 2/8/2022

City Council Action:





# CITY OF NEWBURYPORT FY 2022

## TRANSFER/APPROPRIATION REQUEST

RECEIVED  
CITY CLERK'S OFFICE  
NEWBURYPORT, MA  
2022 FEB -8 PM 1:59

**Department:** Sustainability

**Submitted by:** Molly Ettenborough, Recycling/Energy Manager

**Date Submitted:** 2/14/2022

**Transfer From:**

Account Name:	<u>Solid Waste Revolving Fund</u>	Balance:	<u>\$ 265,647.35</u>
Account Number:	<u>2843-59600</u>	Category:	<u>\$ -</u>
Amount:	<u>\$35,000.00</u>	Trans I/O:	<u>\$ -</u>

**Why Funds Are Available:**

Fund consists of fees collected for use of the yard waste facility, charges for disposal of household hazardous waste, bulk item/mattress disposal fees and recycling fees. Used to pay expenses associated with operating the yard waste facility and recycling center on Colby Farm Lane, chipper service, disposal of hazardous waste, as well as, disposal of bulk items/mattresses.

**Transfer To:**

Account Name:	<u>Pick-Up Truck Purchase</u>	Balance:	<u>\$ -</u>
Account Number:	<u>New CIP account</u>	Category:	<u>\$ -</u>
Amount:	<u>\$35,000.00</u>	Trans I/O:	<u>\$ -</u>

**Why Funds Are Needed:**

The department purchased a used 2009 Chevy Silverado 2-wheel drive truck for the Recycling Center in March 2017 (five years ago). It now has a cracked frame and is a safety hazard. As such, the City mechanic recommends that it be taken off the road and replaced as soon as possible. Unfortunately this truck was not previously identified in the capital improvement program as the department was hoping it had more years left. The truck is used by the department regularly 3 days per week to transport recycled items and more frequently during the summer; when it is not being used, it will be available for use by other departments, including the Parks Department to empty the City's dog waste receptacles, which occurs at least 2 days per week. The estimated cost to replace the truck is \$35,000; any remaining funds following the purchase will close back to the Solid Waste revolving fund.

Sean R. Reardon, Mayor:

*Sean R. Reardon*

Date:

2/8/2022

Ethan R. Manning, Auditor:

*Ethan R. Manning*

Date:

2/8/2022

City Council Action:

# **Committee Items- Public Safety February 28, 2022**

## ***In Committee:***

APPL00064 1-31-22 Newburyport Spring Half Marathon 4/24/22

APPL00065 2-14-22 Town & Country Half Marathon 6/12/22

APPL00066 2-14-22 IPA 5K Road Races 4/10, 7/10, 9/11

ODNC00104 1-31-22 Handicap Parking Space – Liberty St

COMM00383 1-31-22 NFD/OEM FY21 Report to City Council (inviting Chief LeClaire)



**NEWBURYPORT SPECIAL EVENT APPLICATION**

RECEIVED  
CITY CLERK'S OFFICE  
NEWBURYPORT, MA

Tel. 603.601.5757

Fax.

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

NAME OF EVENT: Newburyport Spring Half Marathon

Date: April 24, 2022 Time: from 7:30 to 12:00

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

2. Location: Cashman Park

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

4. Name of Organizer: C5K & Sub 5 Racing City Sponsored Event: Yes  No

Contact Person

Address: 14 Skyview Drive, Rindge NH Telephone: 603.899.3210

E-Mail: chris@sub5racing.com Cell Phone: 603.801.5757

Day of Event Contact & Phone: Chris Bernier 603.801.5757 or Ed O'Connor 978.235.3397

5. Number of Attendees Expected: 1200

6. MA Tax Number: \_\_\_\_\_

7. Is the Event Being Advertised? not yet Where? \_\_\_\_\_

8. What Age Group is the Event Targeted to? Adults 18+

9. Have You Notified Neighborhood Groups or Abutters? Yes  No , Who? not yet, but will when approved

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

A. Vending: Food  Beverages  Alcohol  Goods \_\_\_\_\_ Total # of Vendors 5

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

C. Games /Rides: Adult Rides \_\_\_\_\_ Kiddie Rides \_\_\_\_\_ Games \_\_\_\_\_ Raffle \_\_\_\_\_  
Other \_\_\_\_\_ Total # \_\_\_\_\_

Name of Carnival Operator: \_\_\_\_\_

Address: \_\_\_\_\_

Telephone: \_\_\_\_\_

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

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

**If yes:**

- a) How many trash receptacles will you be providing? 20
- b) How many recycling receptacles will you be providing? 20
- c) Will you be contracting for disposal of : **Trash** Yes  No  **Recycling** Yes  No
- i. If yes, size of dumpster(s): **Trash** \_\_\_\_\_ **Recycling** \_\_\_\_\_
- ii. Name of disposal company: **Trash** \_\_\_\_\_ **Recycling** \_\_\_\_\_
- iii. If no, will you remove trash & recycling with organizers' cars or trucks? Yes \_\_\_\_\_ No \_\_\_\_\_
- iv. If no, where will the trash & recycling be disposed ? \_\_\_\_\_

**If no:**

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

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

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

# 20 Standard # 2 ADA accessible

Name of company providing the portable toilets: Red's

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

PARADE \_\_\_\_\_ ROAD RACE   x   WALKATHON \_\_\_\_\_

1. Name of the Group or Person Sponsoring the Road Race, Parade, Walkathon:  
Chris Bernier & Ed O'Connor

2. Name, Address & Daytime Phone Number of Organizer: \_\_\_\_\_  
Chris Bernier 14 Skyview Drive Rindge NH 603.801.5757  
Ed O'Connor 978.235.3397

3. Name, Address & 24/7 Telephone Number of Person Responsible for Clean Up \_\_\_\_\_  
Chris Bernier 603.801.5757

4. Date of Event: April 24, 2022 Expected Number of Participants: 1200

5. Start Time: 7:30am Expected End Time: 12 noon

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

7. Locations of Water Stops (if any): See attached

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

9. Formation Location & Time for Participants: Cashman Park; 6 am

10. Dismissal Location & Time for Participants: Cashman Park; noon

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 *Christy J. Laine* \_\_\_\_\_ 0 Greenleaf St.  
DEPUTY DIRECTOR \_\_\_\_\_ 16A Perry Way CITY CLERK \_\_\_\_\_ 60 Pleasant St.



FOR PARADE, ROAD RACE AND WALKATHON EVENTS ONLY

PARADE \_\_\_\_\_ ROAD RACE   x   WALKATHON \_\_\_\_\_

1. Name of the Group or Person Sponsoring the Road Race, Parade, Walkathon:  
Chris Bernier & Ed O'Connor

2. Name, Address & Daytime Phone Number of Organizer: \_\_\_\_\_  
Chris Bernier 14 Skyview Drive Rindge NH 603.801.5757  
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7. Locations of Water Stops (if any): See attached

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

9. Formation Location & Time for Participants: Cashman Park; 6 am

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- 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 *[Signature]* 16A Perry Way CITY CLERK *[Signature]* 60 Pleasant St.

06-18-22



## 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.

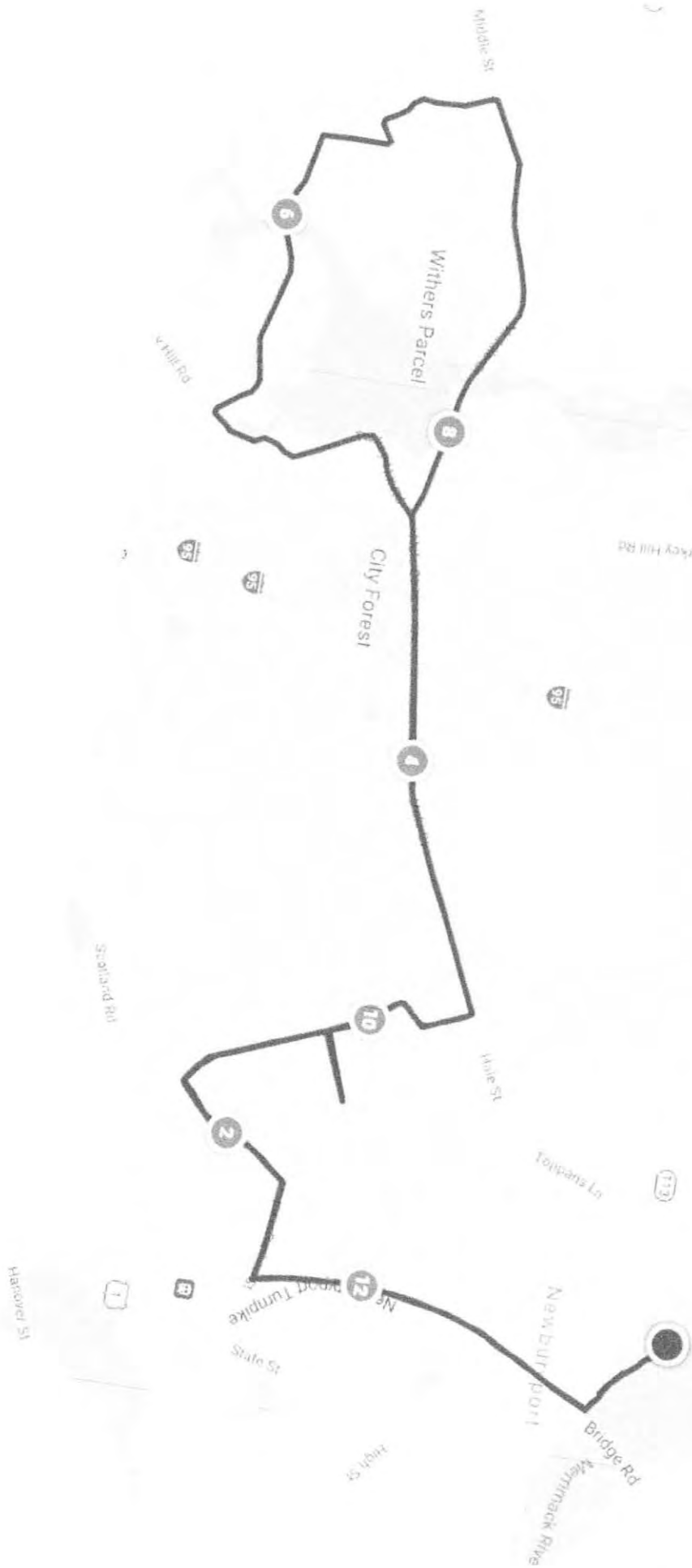
- (e) *"Road Closure"* No ways, public or private, boat ramps or parking lots controlled or patrolled by the city shall be closed without authorization. Authorization shall be considered granted only if said closure(s) are contained in the approved permit. It is the sole responsibility of the race organizers 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:** 10/21/21





# CERTIFICATE OF INSURANCE

PRINT DATE: 1/13/2022

CERTIFICATE NUMBER: 20220113876517

**AGENCY:**

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

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

**NAMED INSURED:**

USA Track & Field, Inc. C5K Sports  
130 East Washington Street, Suite 800  
Indianapolis IN 46204

**INSURERS AFFORDING COVERAGE:**

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

**EVENT INFORMATION:**

Newburyport Spring Half Marathon (4/24/2022 - 4/24/2022)

**POLICY/COVERAGE INFORMATION:**

THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. AGGREGATE LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INS	TYPE OF INSURANCE:	POLICY NUMBER(S):	EFFECTIVE:	EXPIRES:	LIMITS:
A	GENERAL LIABILITY				
	X Occurrence	1-TPM-IN-17-01268997	11/1/2021 12:01 AM	11/1/2022 12:01 AM	GENERAL AGGREGATE (Applies Per Event) \$4,000,000
	X Participant Legal Liability				EACH OCCURRENCE \$2,000,000
					DAMAGE TO RENTED PREMISES (Each Occ.) \$2,000,000
					MEDICAL EXPENSE (Any one person) EXCLUDED
					PERSONAL & ADV INJURY \$2,000,000
					PRODUCTS-COMP/OP AGG \$2,000,000
A	UMBRELLA/EXCESS LIABILITY				
	X Occurrence	1-TPM-IN-17-01268998	11/1/2021 12:01 AM	11/1/2022 12:01 AM	EACH OCCURRENCE \$3,000,000
					AGGREGATE \$3,000,000
B	OTHER				
	X EXCESS LIABILITY	0313-1301	11/1/2021 12:01 AM	11/1/2022 12:01 AM	EACH OCCURRENCE \$7,000,000
					AGGREGATE \$7,000,000

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

Coverage applies to USA Track & Field sanctioned events and registered practices, including any directly related activities, such as event set-up and tear-down, participant check-in and award ceremonies.

The certificate holder is an additional insured per the following endorsement: Blanket Additional Insured (RSCG 03 03)

The General Liability policy is primary and non-contributory with respect to the negligence of the Named Insureds (Form CG 00 01)

The General Liability policy contains a blanket Waiver of Subrogation as required by contract per Waiver of Transfer of Rights of Recovery Against Others (Form CG 24 04).

Excess policy follows form of underlying General Liability.

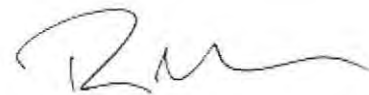
**CERTIFICATE HOLDER:**

City of Newburyport  
PO Box 550  
Newburyport MA 01950

**NOTICE OF CANCELLATION:**

Should any of the above described policies be cancelled before the expiration date thereof, notice will be delivered in accordance with the policy provisions.

**AUTHORIZED REPRESENTATIVE:**



## NEWBURYPORT SPECIAL EVENT APPLICATION

Tel.

Fax.

RECEIVED  
CITY CLERK'S OFFICE  
NEWBURYPORT, MA

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

2022 JAN 26 AM 8:10

NAME OF EVENT: Town and Country Half MarathonDate: 6/12/22 Time: from 8:00am to 11:00am

Rain Date: \_\_\_\_\_ Time: from \_\_\_\_\_ to \_\_\_\_\_

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

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

3. Description of Property: Riverwalk Brewing Co. Public \_\_\_\_\_ Private 4. Name of Organizer: YuKan Sports, LLC City Sponsored Event: Yes \_\_\_\_\_ No Contact Person Rich MorrellAddress: PO Box 780, Rockport, MA 01966 Telephone: 978-879-9007E-Mail: rmorrell@yukanrun.com Cell Phone: \_\_\_\_\_Day of Event Contact & Phone: 978-879-90075. Number of Attendees Expected: 2506. MA Tax Number: 27-36955407. Is the Event Being Advertised? Yes Where? Online8. What Age Group is the Event Targeted to? 21-559. Have You Notified Neighborhood Groups or Abutters? Yes \_\_\_\_\_ No  , Who? \_\_\_\_\_**ACTIVITIES:** (Please check where applicable.) Subject to Licenses & Permits from Relevant City Departments

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

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

Performers \_\_\_\_\_ Dancing \_\_\_\_\_ Amplified Sound  Stage \_\_\_\_\_

C. Games /Rides: Adult Rides \_\_\_\_\_ Kiddie Rides \_\_\_\_\_ Games \_\_\_\_\_ Raffle \_\_\_\_\_

Other \_\_\_\_\_ Total # \_\_\_\_\_

Name of Carnival Operator: \_\_\_\_\_

Address: \_\_\_\_\_

Telephone: \_\_\_\_\_

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

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

**If yes:**

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

**If no:**

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

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

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

# 5 Standard # \_\_\_\_\_ ADA accessible

Name of company providing the portable toilets: United Site Services

**FOR STREET CLOSURE OR ANY USE OF A PUBLIC WAY**

PARADE \_\_\_\_\_ ROAD RACE X WALKATHON \_\_\_\_\_

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

2. Name, Address & Daytime Phone Number of Organizer:  
Rich Morrell, YuKan Sports, LLC, PO Box 780, Rockport, MA 01966 978-879-9007

3. Name, Address & 24/7 Telephone Number of Person Responsible for Clean Up  
Rich Morrell 978-879-9007

4. Date of Event: 6/12/22 Expected Number of Participants: 250

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

6. Road Race, Parade or Walkathon Route: (List street names & attach map of route):  
Start and finish at 40 Parker St. Newburyport, MA 01950.  
Parker St. to Mulliken Way to Malcom Hoyt Dr. to Scotland Rd  
Loop through Newbury and West Newbury before returning to Parker St. See attached map.

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

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

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

10. Dismissal Location & Time for Participants: 40 Parker St 11:00am

11. Additional Parade Information:
- Number of Floats: n/a
  - Locations of Viewing Stations: n/a
  - Are Weapons Being Carried: Yes \_\_\_\_\_ No X
  - Are Marshalls Being Assigned to Keep Parade Moving: Yes \_\_\_\_\_ No X

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

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

Updated March 14, 2019 01-20-22

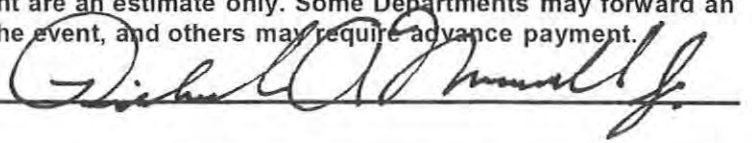
**DEPARTMENT APPROVAL (for Committee Member use only):**

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

Approval  
Required

Date: 1/17/22

Signature



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

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



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

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

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

(c) *Definitions.*

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

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

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

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

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

(d) *Limitations.*

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(e) *Enforcement.*

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


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

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

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

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

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

Signed:  Date: 1/17/22

# CERTIFICATE OF INSURANCE

PRINT DATE: 12/14/2021

CERTIFICATE NUMBER: 20211214875114

**AGENCY:**

Edgewood Partners Insurance Center  
2727 Paces Ferry Road, Building Two, Suite 1500  
Atlanta, GA 30339  
678-324-3300 (Phone), 678-324-3303 (Fax)

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

**NAMED INSURED:**

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

**INSURERS AFFORDING COVERAGE:**

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

**EVENT INFORMATION:**

Town & Country Half Marathon (6/12/2022 - 6/13/2022)

**POLICY/COVERAGE INFORMATION:**

THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. AGGREGATE LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INS	TYPE OF INSURANCE:	POLICY NUMBER(S):	EFFECTIVE:	EXPIRES:	LIMITS:
A	GENERAL LIABILITY				
	X Occurrence	1-TPM-IN-17-01268997	11/1/2021 12:01 AM	11/1/2022 12:01 AM	GENERAL AGGREGATE (Applies Per Event) \$4,000,000
	X Participant Legal Liability				EACH OCCURRENCE \$2,000,000
					DAMAGE TO RENTED PREMISES (Each Occ.) \$2,000,000
					MEDICAL EXPENSE (Any one person) EXCLUDED
					PERSONAL & ADV INJURY \$2,000,000
					PRODUCTS-COMP/OP AGG \$2,000,000
A	UMBRELLA/EXCESS LIABILITY				
	X Occurrence	1-TPM-IN-17-01268998	11/1/2021 12:01 AM	11/1/2022 12:01 AM	EACH OCCURRENCE \$3,000,000
					AGGREGATE \$3,000,000
B	OTHER				
	X EXCESS LIABILITY	0313-1301	11/1/2021 12:01 AM	11/1/2022 12:01 AM	EACH OCCURRENCE \$7,000,000
					AGGREGATE \$7,000,000

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

Coverage applies to USA Track & Field sanctioned events and registered practices, including any directly related activities, such as event set-up and tear-down, participant check-in and award ceremonies.

The certificate holder is an additional insured per the following endorsement: Blanket Additional Insured (RSCG 03 03)

The General Liability policy is primary and non-contributory with respect to the negligence of the Named Insureds (Form CG 00 01)

The General Liability policy contains a blanket Waiver of Subrogation as required by contract per Waiver of Transfer of Rights of Recovery Against Others (Form CG 24 04).

Excess policy follows form of underlying General Liability.

**CERTIFICATE HOLDER:**

City of Newburyport  
60 Pleasant Street  
60 Pleasant Street  
Newburyport MA 01950

**NOTICE OF CANCELLATION:**

Should any of the above described policies be cancelled before the expiration date thereof, notice will be delivered in accordance with the policy provisions.

**AUTHORIZED REPRESENTATIVE:**





RECEIVED  
CITY CLERK'S OFFICE  
NEWBURYPORT, MA

## NEWBURYPORT SPECIAL EVENT APPLICATION

2022 JAN 26 AM 8:10

Tel.

Fax.

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

NAME OF EVENT: IPA5K Road Races

Date: 4/10/22, 7/10/22, 9/11/22 Time: from 10:00am to 11:00am

Rain Date: \_\_\_\_\_ Time: from \_\_\_\_\_ to \_\_\_\_\_

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

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

3. Description of Property: Riverwalk Brewing Co. Public \_\_\_\_\_ Private X

4. Name of Organizer: YuKan Sports, LLC City Sponsored Event: Yes \_\_\_\_\_ No X

Contact Person Rich Morrell

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

E-Mail: rmorrell@yukanrun.com Cell Phone: \_\_\_\_\_

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

5. Number of Attendees Expected: 250

6. MA Tax Number: 27-3695540

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

8. What Age Group is the Event Targeted to? 21-55

9. Have You Notified Neighborhood Groups or Abutters? Yes \_\_\_\_\_ No X Who? \_\_\_\_\_

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

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

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

Performers \_\_\_\_\_ Dancing \_\_\_\_\_ Amplified Sound X 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 X No \_\_\_\_\_

If yes:

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

If no:

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

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

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

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

one ADA accessible toilet)

# 5 Standard      # \_\_\_\_\_ ADA accessible

Name of company providing the portable toilets: United Site Services

FOR STREET CLOSURE OR ANY USE OF A PUBLIC WAY

PARADE \_\_\_\_\_ ROAD RACE  X  WALKATHON \_\_\_\_\_

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

2. Name, Address & Daytime Phone Number of Organizer:  Rich Morrell, YuKan Sports, LLC, PO Box 780, Rockport, MA 01966 978-879-9007

X

3. Name, Address & 24/7 Telephone Number of Person Responsible for Clean Up  Rich Morrell 978-879-9007

4. Date of Event:  4/10/22, 7/10/22, 9/11/22  Expected Number of Participants:  250

5. Start Time:  10:00am  Expected End Time:  11:00am

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

Start and finish at 40 Parker St. Newburyport, MA 01950.   
 Parker St. to Mulliken Way to Malcom Hoyt Dr. to Scotland Rd   
 to Highfield Rd to Livingston Lane in Newbury. Please see attached map.

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

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

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

10. Dismissal Location & Time for Participants:  40 Parker St 11:00am

11. Additional Parade Information:

- Number of Floats:  n/a
- Locations of Viewing Stations:  n/a
- Are Weapons Being Carried: Yes \_\_\_\_\_ No  X
- Are Marshalls Being Assigned to Keep Parade Moving: Yes \_\_\_\_\_ No  X

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

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



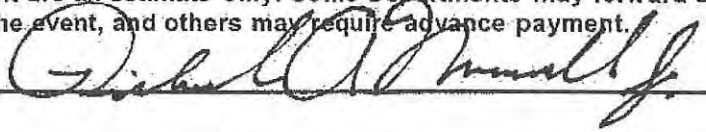
**DEPARTMENT APPROVAL (for Committee Member use only):**

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

Approval  
Required

Date: 1/11/22

Signature



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

**The departments listed above have their own application process.**  
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**permits & certificates from the various individual departments**

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

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

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

(c) *Definitions.*

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

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

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

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

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

(d) *Limitations.*

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

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

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

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

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

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

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

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

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

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

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

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

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

(e) *Enforcement.*

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


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

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

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

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

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

Signed:  Date: 1/11/22



# CERTIFICATE OF INSURANCE

PRINT DATE: 12/14/2021

CERTIFICATE NUMBER: 20211214875100

**AGENCY:**

Edgewood Partners Insurance Center  
2727 Paces Ferry Road, Building Two, Suite 1500  
Atlanta, GA 30339  
678-324-3300 (Phone), 678-324-3303 (Fax)

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

**NAMED INSURED:**

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

**INSURERS AFFORDING COVERAGE:**

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

**EVENT INFORMATION:**

IPA 5K - Spring (4/10/2022 - 4/11/2022)

**POLICY/COVERAGE INFORMATION:**

THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. AGGREGATE LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INS	TYPE OF INSURANCE:	POLICY NUMBER(S):	EFFECTIVE:	EXPIRES:	LIMITS:
A	GENERAL LIABILITY				
	X Occurrence	1-TPM-IN-17-01268997	11/1/2021 12:01 AM	11/1/2022 12:01 AM	GENERAL AGGREGATE (Applies Per Event) \$4,000,000
	X Participant Legal Liability				EACH OCCURRENCE \$2,000,000
					DAMAGE TO RENTED PREMISES (Each Occ.) \$2,000,000
					MEDICAL EXPENSE (Any one person) EXCLUDED
					PERSONAL & ADV INJURY \$2,000,000
					PRODUCTS-COMP/OP AGG \$2,000,000
A	UMBRELLA/EXCESS LIABILITY				
	X Occurrence	1-TPM-IN-17-01268998	11/1/2021 12:01 AM	11/1/2022 12:01 AM	EACH OCCURRENCE \$3,000,000
					AGGREGATE \$3,000,000
B	OTHER				
	X EXCESS LIABILITY	0313-1301	11/1/2021 12:01 AM	11/1/2022 12:01 AM	EACH OCCURRENCE \$7,000,000
					AGGREGATE \$7,000,000

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

Coverage applies to USA Track & Field sanctioned events and registered practices, including any directly related activities, such as event set-up and tear-down, participant check-in and award ceremonies.

The certificate holder is an additional insured per the following endorsement: Blanket Additional Insured (RSCG 03 03)

The General Liability policy is primary and non-contributory with respect to the negligence of the Named Insureds (Form CG 00 01)

The General Liability policy contains a blanket Waiver of Subrogation as required by contract per Waiver of Transfer of Rights of Recovery Against Others (Form CG 24 04).

Excess policy follows form of underlying General Liability.

**CERTIFICATE HOLDER:**

City of Newburyport  
60 Pleasant Street  
60 Pleasant Street  
Newburyport MA 01950

**NOTICE OF CANCELLATION:**

Should any of the above described policies be cancelled before the expiration date thereof, notice will be delivered in accordance with the policy provisions.

**AUTHORIZED REPRESENTATIVE:**

# CERTIFICATE OF INSURANCE

PRINT DATE: 12/14/2021

CERTIFICATE NUMBER: 20211214875116

## AGENCY:

Edgewood Partners Insurance Center  
2727 Paces Ferry Road, Building Two, Suite 1500  
Atlanta, GA 30339  
678-324-3300 (Phone), 678-324-3303 (Fax)

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

## NAMED INSURED:

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

## INSURERS AFFORDING COVERAGE:

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

## EVENT INFORMATION:

IPA5K - Summer (7/10/2022 - 7/11/2022)

## POLICY/COVERAGE INFORMATION:

THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. AGGREGATE LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INS	TYPE OF INSURANCE:	POLICY NUMBER(S):	EFFECTIVE:	EXPIRES:	LIMITS:
A	GENERAL LIABILITY				
	X Occurrence	1-TPM-IN-17-01268997	11/1/2021 12:01 AM	11/1/2022 12:01 AM	GENERAL AGGREGATE (Applies Per Event) \$4,000,000
	X Participant Legal Liability				EACH OCCURRENCE \$2,000,000
					DAMAGE TO RENTED PREMISES (Each Occ.) \$2,000,000
					MEDICAL EXPENSE (Any one person) EXCLUDED
					PERSONAL & ADV INJURY \$2,000,000
					PRODUCTS-COMP/OP AGG \$2,000,000
A	UMBRELLA/EXCESS LIABILITY				
	X Occurrence	1-TPM-IN-17-01268998	11/1/2021 12:01 AM	11/1/2022 12:01 AM	EACH OCCURRENCE \$3,000,000
					AGGREGATE \$3,000,000
B	OTHER				
	X EXCESS LIABILITY	0313-1301	11/1/2021 12:01 AM	11/1/2022 12:01 AM	EACH OCCURRENCE \$7,000,000
					AGGREGATE \$7,000,000

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

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Excess policy follows form of underlying General Liability.

## CERTIFICATE HOLDER:

City of Newburyport  
60 Pleasant Street  
60 Pleasant Street  
Newburyport MA 01950

## NOTICE OF CANCELLATION:

Should any of the above described policies be cancelled before the expiration date thereof, notice will be delivered in accordance with the policy provisions.

## AUTHORIZED REPRESENTATIVE:



# CERTIFICATE OF INSURANCE

PRINT DATE: 12/14/2021

CERTIFICATE NUMBER: 20211214875120

**AGENCY:**

Edgewood Partners Insurance Center  
2727 Paces Ferry Road, Building Two, Suite 1500  
Atlanta, GA 30339  
678-324-3300 (Phone), 678-324-3303 (Fax)

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

**NAMED INSURED:**

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

**INSURERS AFFORDING COVERAGE:**

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

**EVENT INFORMATION:**

IPA5K - Fall (9/11/2022 - 9/12/2022)

**POLICY/COVERAGE INFORMATION:**

THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. AGGREGATE LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INS	TYPE OF INSURANCE:	POLICY NUMBER(S):	EFFECTIVE:	EXPIRES:	LIMITS:
A	GENERAL LIABILITY				
	<input checked="" type="checkbox"/> Occurrence	1-TPM-IN-17-01268997	11/1/2021 12:01 AM	11/1/2022 12:01 AM	GENERAL AGGREGATE (Applies Per Event)      \$4,000,000
	<input checked="" type="checkbox"/> Participant Legal Liability				EACH OCCURRENCE      \$2,000,000
					DAMAGE TO RENTED PREMISES (Each Occ.)      \$2,000,000
					MEDICAL EXPENSE (Any one person)      EXCLUDED
					PERSONAL & ADV INJURY      \$2,000,000
					PRODUCTS-COMP/OP AGG      \$2,000,000
A	UMBRELLA/EXCESS LIABILITY				
	<input checked="" type="checkbox"/> Occurrence	1-TPM-IN-17-01268998	11/1/2021 12:01 AM	11/1/2022 12:01 AM	EACH OCCURRENCE      \$3,000,000
					AGGREGATE      \$3,000,000
B	OTHER				
	<input checked="" type="checkbox"/> EXCESS LIABILITY	0313-1301	11/1/2021 12:01 AM	11/1/2022 12:01 AM	EACH OCCURRENCE      \$7,000,000
					AGGREGATE      \$7,000,000

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

Coverage applies to USA Track & Field sanctioned events and registered practices, including any directly related activities, such as event set-up and tear-down, participant check-in and award ceremonies.

The certificate holder is an additional insured per the following endorsement: Blanket Additional Insured (RSCG 03 03)

The General Liability policy is primary and non-contributory with respect to the negligence of the Named Insureds (Form CG 00 01)

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**CERTIFICATE HOLDER:**

City of Newburyport  
60 Pleasant Street  
60 Pleasant Street  
Newburyport MA 01950

**NOTICE OF CANCELLATION:**

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**AUTHORIZED REPRESENTATIVE:**

# RiverWalk IPA 5K

## Newburyport, Massachusetts

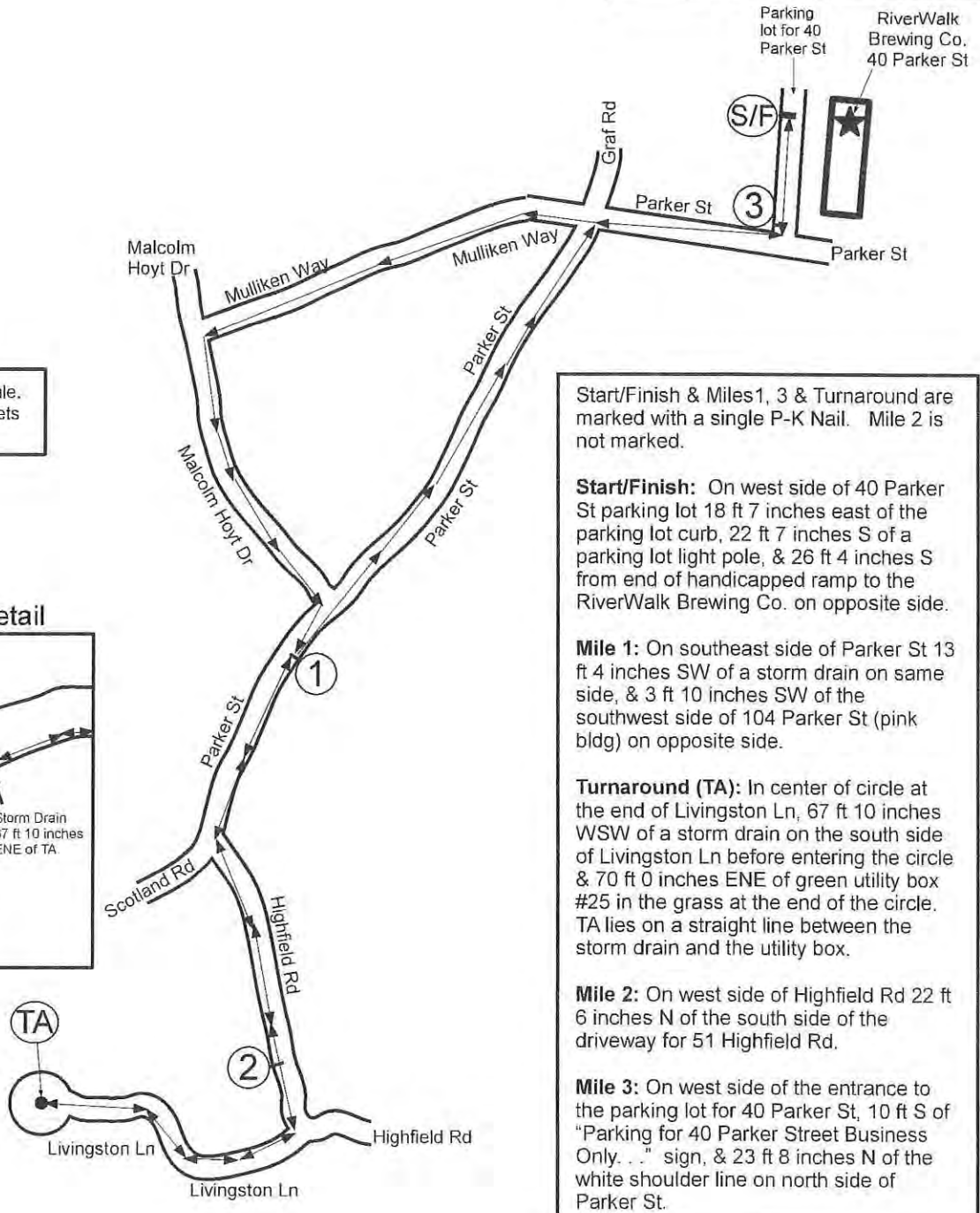


USATF Certificate MA18001BK  
Effective March 5, 2018 to December 31, 2028

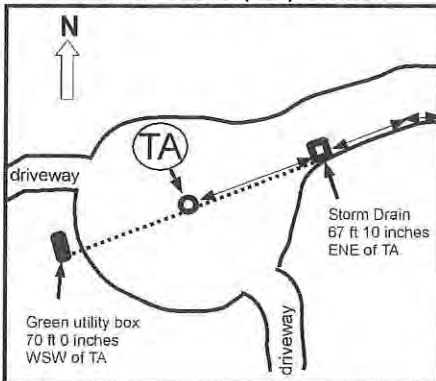
### Start/Finish (S/F) Detail



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



### Turnaround (TA) Detail



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

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

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

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

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

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

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

# CITY OF NEWBURYPORT



IN CITY COUNCIL

**ORDERED:**

January 31, 2022

AN AMENDMENT TO AN ORDINANCE TO ADD A NEW HANDICAPPED PARKING SPACE PURUSANT TO SECTION 179 OF CHAPTER 13 (TRAFFIC AND MOTOR VEHICLES) OF THE MUNICIPAL CODE

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 13-179	Handicapped Zones

***Amend Section 13-179 by inserting a new line, as follows, with deletions ~~double-stricken through~~, and additions double-underlined:***

No person, without a duly authorized handicapped vehicle registration or placard, as described in M.G.L.A. c. 90, § 2 shall park a vehicle in any of the following described parking spaces as designated by signs and symbols:

Liberty Street

One (1) space on the northerly side east of the driveway at 23 Liberty Street.

---

Councillor James J. McCauley

**In City Council January 31, 2022:**

Motion to refer to Public Safety by Councillor Zeid, seconded by Councillor Vogel. Roll call vote. 11 yes. Motion passes.



*Newburyport Fire Department/  
Office of Emergency Management*

**Report to City Council for Calendar Year 2021**

January 18, 2022

The Newburyport Fire Department operates out of two fire stations utilizing a crew of 9 on duty at all times – 6 personnel at Headquarters and 3 at Station 2. Headquarters companies cover from PI point to the high school, Station 2 companies cover from the hospital to the West Newbury line. The FD is first-due to all fire calls, car accidents, hazardous materials calls and emergency medical calls in the city and runs mutual aid to all surrounding communities in multiple states. The department operates 4 engines, 2 aerial ladder trucks, a forestry truck, a fire boat, and several support vehicles.

All crews operate on a 24 hour work day that rotates through the month. The administrative staff (Chief, Deputy Chief, and Executive Assistant) works an administrative schedule, Monday through Friday. The Chief and Deputy Chief are on-call 24/7, so office hours may vary.

The department utilizes shifts of 9 personnel per Group, including a dispatcher. Of the 8 floor personnel assigned, 7 are guaranteed through a minimum staffing clause in the contract. This allows for both front line engines to be staffed with 3 personnel and the front-line ladder to be staffed with 1. Due to the number of vacancies caused by illness, injury, vacation time, etc., the ladder is normally staffed with 1.

National Fire Protection Association (NFPA) standards clarify what we already knew; we are under-staffed. NFPA 1710 calls for 4-person engine companies, and at least 4 on the ladder truck. In order to meet this standard, we would need an additional 4 personnel per group (4 groups). Although the city may never be able to meet this standard, it should attempt to comply with the intent (firefighter safety). I have attempted to get 4 additional firefighter/EMTs through the budget process in the past, but it fails to garner support with the administration or council.

**Call Volume** (See Attachment)

## **Covid-19**

The fire department/EMA worked closely with the Health Department responding to the Covid-19 pandemic, and the FD/EMA took the lead on organizing and managing the operational aspects of the city's vaccination clinics and the vaccination of the city's shut-in population utilizing our EMTs.

The FD never failed, throughout the pandemic, to answer each and every request for assistance, medical or fire. Through strict internal policies, we managed to keep our staff healthy and available to answer calls throughout the first round of Covid-19 infection.

The FD has amassed a stockpile of Personal Protective Equipment (PPE) to protect our personnel while responding and treating patients.

## **Annual Grants/Revenue**

The department obtains minimal dollars through grant funds. The lower-tier grants for emergency management and through the fire marshal's office total less than \$20k. Large, federal grants for SCBA purchases or additional staffing have proven evasive to us for unknown reasons. We are hoping for success in this cycle.

## **Cancer**

Occupational cancer is an epidemic in the fire service, and our department is no exception. We are now on our 7<sup>th</sup> cancer diagnosis and have seen 2 of our personnel die from occupational cancer and another is suffering from bladder cancer. On July 1, 2021, Firefighter Brett Burkinshaw succumbed to brain cancer at the age of 46. Retired Fire Chief Steven Cutter died of the same brain cancer in 2020.

Both of the city's fire stations are substandard and non-code compliant and both need to be replaced/renovated. Station 2 is up for funding now, but the intent was to do the renovation/replacement on both stations in the same project. The headquarters station needs to be addressed in the near future as it is an unsafe and unhealthy environment to live/work in. I believe that our firefighters' health is priceless. In my career, I have buried 6 from occupational cancer and I don't want to do it again. It is time for the administration and city council to take this seriously to save the lives of our personnel.

## **Apparatus Fleet**

Although the city council has been supportive with equipment purchases in the past, we are in need of a new engine (pumper) and a new ladder. The Achilles heel of any fleet is the reserve apparatus, and we need these two purchases to improve the apparatus fleet and to maintain readiness.

The city runs two front-line engines (pumpers) and one front-line ladder truck. We have two engines in reserve (back-up) and one ladder truck in reserve. Our oldest engine in reserve is 13 years old and the reserve ladder is 26 years old. The reserve ladder (Ladder 2) also runs as our heavy rescue, carrying large equipment for technical rescues, overturned vehicle stabilization, etc.



## **Equipment Needs**

We will continue to apply for grants to replace the firefighter's breathing equipment, but this will need to be funded through the budget process. This project is already in the CIP at a cost of \$400,000.00.

Additionally, the departments (fire and EMA) are way behind on technology. Every attempt to put technology in our personnel's hands is met with a negative response and the project being cut. Even today, we are the only FD that doesn't have mobile data terminals in our apparatus and command vehicles. We need to embrace technology and give the firefighters the tools they need to be able to access important information about occupancies, hazards, fire suppression systems, etc. when they arrive on an emergency scene.

A high-water vehicle is needed for storm-related issues on Plum Island. This is a refurbished vehicle that is surplus from the military and set up for fire department use in evacuating and transporting people.



### **Capital Needs**

Pumper	\$650,000
Ladder	\$1,400,000
SCBA	\$400,000
Technology	\$100,000
High Water Vehicle	\$250,000

### **Fire Based-EMS/Staffing**

The city needs to embrace and push for fire-based transporting EMS services. The private ambulance companies are overwhelmed and understaffed which is resulting in longer wait times for patient transport, tying up our personnel and trucks. The NFD is already the initial responder and caregiver, and we can provide better care in a quicker, more efficient way.

The NFD already responds to all medicals, but does not transport the patient to the hospital. The agency that transports gets the billing rights. We find ourselves waiting for the contracted provider to send an ambulance from farther away or a mutual-aid FD-based unit from a neighboring community. The city is losing hundreds of thousands in revenue from ambulance billing as the transporting agency or department retains the billing rights to that patient. The revenue generated will offset the cost of extra personnel and two new ambulances.

### **Protocol/Decorum**

The Newburyport Fire Department is a para-military organization with a rank structure and a chain of command. As is true in any unit, there are some members who wish to air their grievances directly with the Mayor or members of the city council.

Recently, this method of communication has been accepted by some council members and has resulted in misinformation getting directly to council members and then repeated in public. This is unacceptable and degrades order in the NFD. Any city councilor or member of the administration seeking information about the fire department or emergency management should come directly to me or the Deputy Chief. Likewise, any NFD members seeking an audience with individual city councilors should be turned away and told to follow their chain of command.

### **Conclusion**

The FD/EMA has been busy attending to thousands of requests from the public for emergency calls, inspections, trainings, investigations, etc., all while dealing with the effects of a pandemic. Throughout the pandemic, the FD never wavered from its mission.

We have endured the loss of FF Brett Burkinshaw who passed from occupational brain cancer at the age of 46. We attended to our sick and injured and continued to train, both for our continuing education credits toward our certifications, but also for new technologies and techniques.

Fending off challenges is what we do. Our personnel never shy away from any challenge. Their dedication to their mission is commendable. What is a constant challenge is shoring up the support of the city council. To date, we have had strong support from the Mayor and I look forward to an even stronger relationship with Mayor Reardon and the new city council.

Please feel free to contact me if you have any further questions or concerns.

Christopher J. LeClaire, CFO  
Chief of Department  
Emergency Management Director  
[cleclaire@cityofnewburyport.com](mailto:cleclaire@cityofnewburyport.com)  
978-270-8003

**Attachment A**

**Call Volume 2021**

Assist Other Agency	27
Building Check	0
Carbon Monoxide Alarm	69
Complaint	4
Fire, Alarm	280
Fire, Alarm Detail	1
Fire, Brush Fire	5
Fire, Detail	17
Fire, Gas Investigation	20
Fire, Investigation	102
Fire, Car Fire	6
Fire, Demo	4
Fire, Detail	17
Fire, Drill	16
Fire, Structure	6
Fire, Other	32
Fire, Master Box	174
Fire, Mulch	12
Fire, Mutual Aid	61
Fire, Odor Investigation	31
Fire, Water Problem	15
Fire, Illegal Burn	14
Fire, Wires Down	65
Haz Mat Incident	19
Fuel Spills	5
Med Flight	62
Medical Emergency	1831
Missing Person	1
Motor Vehicle Accident	206
Water Rescue	2
Lock Outs	10
Overdose	6
<hr/>	
Total Incidents	3193

**Fire Prevention/Inspections**

Family Homes	725
Hospitals	4



Nursing/Rest Homes	24
Health Centers	4
Community Residences	2
Restaurants	60
Clubs	10
Schools/Kindergartens	15
Pre School/Daycare	10
Adult Daycare	2
Industrial	50
Mercantile	25
Marina/Boat Yards	9
Service Stations	4
Commercial	40
Theaters	2
Inns/Bed & Breakfast/Boarding	4
Churches	8
Community/Assembly	10

Plan Reviews

Conducted	150
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Fire Drills

Hospitals	12
Nursing/Rest Homes	20
Factories	10
Schools	12
Pre School	10

Permits Issued

Oil	39
Unvented Gas	8
Propane	43
Flammable Liquids	26
Flammable Materials	1
Flammable Solids	3
Fuel (Not Home Heating Oil)	6
Welding	24
Open Burning	44
Marine Fixed Fueling	1
Marine Mobile Fueling	1

Sprinkler Systems	28
Fire Alarm Systems	22
Ansul Systems	1
Fire Works	1
Flammable Gas	6
Open Flame/Campfires/Cooking	3
Tents/Awnings	3
Demolition	7
Haz Mat Processing	10
Temporary Liquor	41
Tank Removals	23
Combustible Fibers	1
Fumigation	1
Tar Kettle	1