

COMMITTEE ITEMS

Ad Hoc Committee

August 31, 2020

ORDR205_08_10_2020

Hybrid/In-Person Remote Participation Policy

CITY OF NEWBURYPORT



IN CITY COUNCIL

ORDERED:

City Council of the City of Newburyport
Hybrid – In-Person/Remote Participation Policy

Document Information

Updates may include additions or alterations to this plan or a revocation of this plan (in whole or in part) and return to normal processes as conditions warrant.

This document was initially produced by the Ad-Hoc Committee on “Remote Participation” formed by Council President Jared J. Eigerman on March 13th, 2020 and has been updated through the pandemic by vote of the City Council. Members of the Committee are Councillors Sharif I. Zeid (chair), Bruce L. Vogel, Jared J. Eigerman, and ex-officio member City Clerk, Richard B. Jones.

Background and purpose:

The world is currently facing a WHO-declared pandemic in the form of COVID19, which is a novel Coronavirus. Organizations both public and private are taking different approaches to dealing with this situation that will allow the organization will be able to continue to operate while allowing for precautions to be taken to minimize the spread of the virus.

The City of Newburyport, acting through its City Council, boards, commissions, and officers, is subject to the Open Meeting Law (“OML”), which governs how meetings are conducted with the primary purpose of ensuring that the public has open access to its local government for the purposes of observing and participating.

Open access and participation are crucial to a properly functioning democracy. While the current situation will strain the ability, the purpose of this document is to outline a plan that will balance the current situation with the importance of maintaining an open and transparent government.

Finally, the Governor of Massachusetts has recognized the challenges that face municipalities with respect to OML. As a result, the Governor issued an Order on the 12th of March suspending certain provisions of OML. This Order does not completely eliminate open meeting requirements by any stretch but does offer some options provided that accommodations are made.

The full text of the Governor's Order can be found at the following link:

<https://www.mass.gov/doc/open-meeting-law-order-march-12-2020/download>

There are three paragraphs in particular that are most salient to this discussion that will be referenced by the provision number shown below this paragraph (provision number added into this document to provide clarity and reference). This Order as well as the underlying OML, other applicable state laws, regulations and executive orders, the Newburyport City Charter and Code, and City Council rules are the basis for this plan.

Provision 1:

Adequate, alternative means of public access shall mean measures that provide transparency and permit timely and effective public access to the deliberations of the public body. Such means may include, without limitation, providing public access through telephone, internet, or satellite enabled audio or video conferencing or any other technology that enables the public to clearly follow the proceedings of the public body while those activities are occurring. Where allowance for active, real-time participation by members of the public is a specific requirement of a general or special law or regulation, or a local ordinance or by-law, pursuant to which the proceeding is conducted, any alternative means of public access must provide for such participation.

Provision 2:

A municipal public body that for reasons of economic hardship and despite best efforts is unable to provide alternative means of public access that will enable the public to follow the proceedings of the municipal public body as those activities are occurring in real time may instead post on its municipal website a full and complete transcript, recording, or other comprehensive record of the proceedings as soon as practicable upon conclusion of the proceedings. This paragraph shall not apply to proceedings that are conducted pursuant to a general or special law or regulation, or a local ordinance or by-law, that requires allowance for active participation by members of the public.

Provision 3:

(2) Public bodies are hereby authorized to allow remote participation by all members in any meeting of the public body. The requirement that a quorum of the body and the chair be physically present at a specified meeting location, as provided in G. L. c. 30A, § 20(d) and in 940 CMR 29.10(4)(b), is hereby suspended.

Guiding Principal:

Even in light of these current challenges, the City Council of the City of Newburyport affirms its commitment to open and transparent government and the inclusion of any members of the public who wish to observe and/or participate and that this plan shall be a reflection of that core value.

The City Council has established as its policy that remote meetings are generally disfavored as compared in-person meetings. This plan attempts to balance that policy with the need to meet in a way that is respectful of the public health challenges that we face today.

Plan:

On the following pages, there are plans for each of the three primary types of meetings that the City Council engages in. There are also a section for non-City Council meetings.

The revised plan establishes a protocol by which hybrid meetings can be held. Hybrid means that some Councillors, staff, and members of the public, participate in-person and others remotely.

Technology:

The City Clerk shall provide instructions to arrange meetings, including platform, dial-in information, etc for those attending remotely. The City Clerk shall also keep an audio recording of such meetings, where possible, and store them as a public record.

Lastly, the Clerk shall arrange for the approved in-person meeting spaces to be supplied with the necessary technology to allow for hybrid meetings (e.g. camera, room speaker, room microphone).

Updates:

This document is a living document and the *Ad Hoc* Committee to discuss and update this document as the situation evolves and as needed.

Questions:

Questions about this plan should be directed to the following:

City of Newburyport

Richard B. Jones, City Clerk

60 Pleasant St.

Newburyport, MA 01950

Phone: 978-462-7936, Fax: 978-462-7936

Hybrid Meetings

Throughout this document, the term “hybrid” is used. This term means meetings where some or all members are physically present or some or all members are participating remotely. A hybrid meeting allows for maximum flexibility as circumstances dictate, while continuing to ensure meetings are as accessible and transparent as possible to the public.

Nothing in this policy shall be construed as to prohibit fully remote meetings where all participants and attendees are remote.

Establishment of In-Person Meeting Spaces and Rules

In order to facilitate hybrid meetings, the following spaces are designated as places to meet and are shown with accompanying rules.

These spaces are then referred to below:

Location	Notes
City Hall Auditorium	In-person attendees will be limited to no more than the current guidance issued by an Executive Order of the Governor or Massachusetts Department of Public Health Guidelines.
Senior Community Center (1 st floor space)	In-person attendees will be limited to no more than the current guidance issued by an Executive Order of the Governor or Massachusetts Department of Public Health Guidelines
City Council Chambers	In-person attendees will not be permitted.

In all cases:

- A) Councillors shall be seated 6 or more feet apart.

- B) Attendees shall be seated a minimum of 6’ away from Councillors and 6’ from one another (except those attending from the same household).
- C) A sign-in sheet will be provided and sign-in will be required including full and phone number for attendees. Such sign-in sheets will be stored by the City +Clerk – held in confidence, only used if contact tracing is required, and be permanently destroyed 14 days following the date of the meeting. Attendees failing or unwilling to provide this information will result in denied entry to the meeting.
- D) All attendees shall wear a face covering for the duration of the meeting.
- E) Hand sanitizer shall be provided at the entrance to the room and all are asked to use it
- F) Once the limit of attendees is reached no further attendees shall be permitted in but overflow attendees may observe remotely. In-person spaces are offered on a first-come, first-serve basis.
- G) A large sign will be posted at the entrance to each sign making it clear that attendance is denied if the prospective attendee meets any of the following criteria
 - a. Prospective attendee has a fever and/or chill
 - b. Has a cough
 - c. Has shortness of breath or difficulty breathing
 - d. Has a new loss of taste of smell
 - e. Has a sore throat
 - f. Has congestion or a runny nose
 - g. Has nausea or vomiting
 - h. Has diarrhea
 - i. Has come into contact with anyone known to have COVID-19 anytime within the past 14 days of the meeting date

City Council Meetings

Description These are typically held 2x per month where all 11 members of the Council come together to deliberate and vote.

How are these meetings handled traditionally	How these meetings will be handled during this situation	Compliance with Governor’s OML Order
Meetings are posted in due time in accordance with Open Meeting Law which requires a minimum of 48 hours’ notice given except during an emergency	No Change	✓ Provision 1 ✓ Provision 2 ✓ Provision 3
Meeting agendas include any/all City Council business in accordance with packet submission rules and removal from Committee rules	No Change	
Meetings are held at City Hall in City Council Chambers.	Meetings will be held in a hybrid fashion and in accordance with the “Establishment of In-	

	<p>Person Meeting Spaces and Rules” section above.</p> <p>Councillors attending remotely are required to utilize their cameras on the remote meeting platform.</p>	
Meetings are open to the public.	Meetings continue to be open to the public, who can either choose to attend in person (see above) or tune in either via remote meeting platform or to a live broadcast offered by NCM Hub, if applicable.	
For regular meetings, members of the public are offered time during a specified period to offer 2 minutes of comments, each. This comment is to be dedicated to a matter on the Agenda.	<p>No change, with the exception being that the chair shall identify, by name, at the beginning of the public comment.</p> <p>Comments may be made in-person or via the remote meeting platform.</p>	
Councillors attend in person (generally) and sit in designated seats.	All meetings will be held in a hybrid fashion and each individual Councillor may decide how to attend.	
Customary minutes are maintained and published in the next City Council Packet.	No Change	
Votes are generally taken orally with roll calls for specific items (e.g. Ordinances/Appointments)	Procedural votes may be taken by voice vote so long as no single Councillor objects. Other votes typically taken by Roll Call (e.g. Ordinances) shall continue to be taken by Roll Call.	

City Council Committee Meetings

Description The City Council has a committee structure with several standing Committees as well as potential Ad-Hoc meetings. It is the intention of this document that, generally, Boards and Commissions will use these same rules.

How are these meetings handled traditionally	How these meetings will be handled during this situation	Compliance with Governor’s OML Order
Meetings are posted in due time	No Change	✓ Provision 1
Meeting agendas include all Committee business at the discretion of the Chair	No Change	✓ Provision 2 ✓ Provision 3

Meetings are held on an as-needed basis and as called by the Committee Chair	No Change	
Meetings are held in various rooms throughout the City such as in City Hall, The Senior Community Center, Library, Police Station, etc.	Meetings will be held a hybrid fashion and in accordance with the " <u>Establishment of In-Person Meeting Spaces and Rules</u> " section above.	
Meetings are open to the public.	Meetings continue to be open to the public, who can either choose to attend in person (see above) or tune in via remote meeting platform.	
Members of the public are offered time to speak at the discretion of the Chair.	No change with the exception being that participation shall be facilitated through technology platform.	
Meetings are held in a more informal setting and Councillors and the public simply find a seat to sit in.	All meetings shall be held remotely for all participants.	
Chairs either take minutes and/or notes which are then published or provided via oral report to the full Council, respectively.	Meetings shall be recorded where technologically possible, and sufficient storage space exists.	
Votes are generally taken orally	Votes may be taken by voice vote so long as no single Councillor objects.	

Public Hearings by the Council

Description These are special types of meetings held when required by state law, such as for zoning. Hearings often times are expected to draw more people than a typical Committee meeting.

How are these meetings handled traditionally	How these meetings will be handled during this situation	Compliance with Governor's OML Order
Hearings are held on an as-needed basis and as called by the Committee Chair responsible.	No Change. Meetings continue to be open to the public, who can either choose to attend in person (see above) or tune in either via remote meeting platform or to a live broadcast	N/A

<p>Meetings are scheduled at various locations across the City based on availability.</p>	<p>Meetings will be held a hybrid fashion and in accordance with the "<u>Establishment of In-Person Meeting Spaces and Rules</u>" section above.</p>	<p>✓ Provision 1 ✓ Provision 2 ✓ Provision 3</p>
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In City Council August 10, 2020:

Councillor Tontar commented it would be his suggestion that the Board of Health should review this policy. Motion to refer to ADHOC Remote Participation and COTW by Councillor Zeid, seconded by Councillor Khan. So voted.

Committee Items-August 31, 2020

Budget & Finance

Budget & Finance

In Committee:

ORDR198_07_13_2020	ACO Intermunicipal K w/ W.N.
ORDR202_08_10_2020	Pioneer League Gift
ORDR207_08_20_2020 LATE FILE	Parker/State Street Crossing (Clipper City Rail Trail Phase III)

Removal from Committee Form

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

Committee Name: Budget and Finance

Committee Chair: Tontar

	Measure Identifier	Measure Title	Amended in Committee? (if yes, attach final version)	Consent Agenda or Regular Agenda?
1.	ORDR198_07_13_2020	Intermunicipal K w/ West Newbury for shared ACO	NO	Consent
2.	ORDR202_08_10_2020	Pioneer League Gift	NO	Consent
3.				
4.				
5.				
6.				
7.				
8.				
9.				
10.				
11.				
12.				
13.				

CITY OF NEWBURYPORT



IN CITY COUNCIL

ORDERED:

July 9, 2020

THAT the City Council of the City of Newburyport approve the attached Intermunicipal Agreement between the Town of West Newbury and the City of Newburyport for Shared Animal Control Services.

Councillor Charles F. Tontar

In City Council July 13, 2020:

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

Article 4. Lead City

The City of Newburyport shall act as the "lead city" for the Participating Governmental Units, by employing the necessary officers and providing the necessary equipment, vehicles and kennel to perform said Animal Control Services. Said officers shall be considered employees of the City of Newburyport and be accorded all applicable benefits enjoyed by other Newburyport municipal employees as they are or shall be established. Each such officer must be a Massachusetts certified Animal Control Officer (excepting that new employees may acquire such certification within two years of the commencement of employment). Said certification must be maintained during the term of this Agreement. The office where such officers shall be primarily located will be in Newburyport.

Article 5. Funding Contribution

During the Fiscal Year 2021 (July 1, 2020- June 30, 2021), the Town of West Newbury shall pay the City of Newburyport for animal control services a total sum of \$25,073 to be paid in four equal quarterly payments of \$6,268.25 on or before August 1, November 1, February 1, and May 1 (provided that such sum will be prorated as of the date of approval of this Agreement by the Board of Selectmen of the Town of West Newbury and the Mayor of the City of Newburyport).

During the Fiscal Year 2022 (July 1, 2021- June 30, 2022), the Town of West Newbury shall pay the City of Newburyport for animal control services a total sum of \$25,898 to be paid in four equal quarterly payments of \$6,474.50 on or before August 1, November 1, February 1, and May 1 (provided that such sum will be prorated as of the date of approval of this Agreement by the Board of Selectmen of the Town of West Newbury and the Mayor of the City of Newburyport).

During the Fiscal Year 2023 (July 1, 2022- June 30, 2023), the Town of West Newbury shall pay the City of Newburyport for animal control services a total sum of \$26,858 to be paid in four equal quarterly payments of \$6,714.50 on or before August 1, November 1, February 1, and May 1 (provided that such sum will be prorated as of the date of approval of this Agreement by the Board of Selectmen of the Town of West Newbury and the Mayor of the City of Newburyport).

These payments shall include all applicable expenses incurred by the City of Newburyport in providing Animal Control Services on behalf of the Participating Governmental Units, including, but not limited to, salaries, group health insurance, workers' compensation insurance, and all other applicable benefits. Nothing herein shall prevent the parties from mutually agreeing in writing to change the funding contribution during the initial term or any extended term of this agreement, subject to available appropriation.

Article 6 Financial Safeguards

CITY OF NEWBURYPORT AND TOWN OF WEST NEWBURY

INTERMUNICIPAL AGREEMENT FOR THE ADMINISTRATION OF SHARED ANIMAL CONTROL SERVICES

Article 1. Purpose

This agreement is entered into, pursuant to Massachusetts General Laws Chapter 40, Section 4A, by and between the City of Newburyport, as authorized by its City Council and approved by its Mayor, and the Town of West Newbury, as authorized by its Board of Selectmen.

WHEREAS, the City of Newburyport and the Town of West Newbury are each obligated to provide animal control services to their residents; and

WHEREAS, the City of Newburyport and the Town of West Newbury have determined that their residents can more efficiently and effectively be served with such services through a joint undertaking between the communities; and,

WHEREAS, the City of Newburyport and the Town of West Newbury have determined to join together to establish and administer a program of shared Animal Control Services.

NOW THEREFORE, in consideration of the mutual covenants and agreements hereinafter contained, the parties agree as follows:

Article 2. Definitions

Participating Governmental Units: the City of Newburyport and the Town of West Newbury. Animal Control Services: Any and all services as required of an Animal Control Officer under applicable Massachusetts Laws and regulations, including but not limited to MGL Chapter 140, Section 151 et seq. and MGL Chapter 129, Section 15 et seq.

Article 3. Term

This Agreement shall take effect on the 1st day of July 2020, for a three year term that may be extended by up to two additional one year terms commencing on July 1, 2023 and July 1, 2024. Any such extension term shall be subject to approval by the City of Newburyport, as authorized by its City Council and approved by its Mayor, and the Town of West Newbury, as authorized by its Board of Selectmen. The Participating Governmental Units shall give each other notice of whether or not they wish to extend this initial one year term at least ninety days prior to the annual Town Meeting of the Town of West Newbury but no later than ninety days prior to June 1st of the then-current term, unless another date is mutually agreed upon in writing. Should the parties fail to extend this Agreement by written addendum hereto, the agreement shall terminate upon the last day of the then-current term.

Under the provisions of M.G.L. Chapter 40, §4A, the City of Newburyport Director of Public Health shall provide to the Town of West Newbury periodic financial statements that shall include: accurate and comprehensive records of the services performed under this agreement; the costs incurred; and the reimbursements and contributions received. Such reports shall be compiled and distributed by the Health Director on a quarterly basis. In addition, all bills and payrolls submitted for work done under this regional agreement shall be plainly marked to indicate that the work was done under the authority of this agreement.

The accounting records of the Newburyport Animal Control Services, working under the direction of the Newburyport Director of Public Health, shall be subject to the City's annual audit process and shall be subject to periodic audit by the Newburyport City Auditor as is current practice.

Article 7 Hours of Services and Service Requirements

The City of Newburyport shall provide Animal Control Services under this Agreement on an as-needed basis, seven days a week, twenty four hours a day. Animal Control Services shall be provided on an equal basis between the communities.

Article 8 Vehicle Usage

The Town of West Newbury shall provide a 2015 Ford Explorer. This vehicle shall be made available for the use of the Animal Control Officers. Collision and liability insurance for the vehicle shall continue to be paid by the Town of West Newbury. The City of Newburyport shall be responsible for the maintenance and upkeep of West Newbury's vehicle.

Article 9 Fines

Any fines, exempting boarding fees, collected will be collected on behalf of and returned to the Participating Governmental Unit from within the municipal boundaries of which the animal was taken, or in the case of an animal not taken, returned to the Participating Governmental Unit in which the animal resides or is kept.

Article 10 Indemnification

In the event that any claims, demands, suits, causes of action, costs, and expenses arise with respect to the services provided pursuant to this agreement, and to the extent permitted by Massachusetts General Laws chapter 258 and other applicable law, a Participating Governmental Unit shall indemnify,

defend and hold harmless the other participating Government Unit from and against any such claims, demands, suits, causes of actions, costs and expends, including reasonable attorneys' fees and legal costs, but only to the extent that they arise from or relate to the negligent acts or omissions of the first Participating Governmental Unit, or its agents, servants, or employees, or from or in relation to actions taken by the Animal Control Officer on behalf of or at the direction of the first Participating Governmental Unit. By entering into this Agreement, neither of the parties has waived any governmental immunity or limitation of liability or damages which may be extended to them by operation of law. This Agreement is for the benefit of the parties hereto and is not intended to confer third party beneficiary status on any other person or entity.

Article 11 Operation of Animal Shelter Facilities

The City of Newburyport shall maintain and operate an Animal Shelter Facility under the following terms and conditions.

- I. OPERATIONS:
 - A. The Animal Shelter Facility shall be accessible to the citizens of each Participating Governmental Unit for the retrieval of impounded animals during normal business hours, Monday through Wednesday 8AM to 4PM, Thursday 8 AM to 8 AM, and Friday 8AM to 12PM by appointment. Weekend hours will be provided by appointment only. Notice shall be posted conspicuously and in a readily accessible format in the main municipal building of both Participating Governmental Units which states the hours of operation and an emergency telephone number for use by residents to retrieve their pets. Such information shall also be made available on each respective Participating Governmental Unit website. The animal shelter shall be able to accept impounded animals 24 hours a day, 365 days a year.
 - B. Newburyport will provide daily supervision, food, water and humane care to animals boarded at the shelter.
 - C. All Animal Control Officers will log in each time they enter the Animal Shelter Facility. The sign-in sheets will be submitted monthly to the Director of Public Health.
 - D. The Animal Shelter Facility is to be solely used for the impounding of animals and to be used by Animal Control Officers only. There shall be no entry of other persons in the shelter without the consent of the City of Newburyport Director of Public Health.

- E. Newburyport will be responsible for the Animal Shelter Facility cleaning/sanitizing supplies, maintenance, heat, water, electric and other utility costs incurred in connection with the operation of the Facility.
 - F. Newburyport will be responsible to keep the Animal Shelter Facility and associated kennels maintained, clean, and sanitary on a daily basis. Excreta and food waste shall be removed from primary enclosures daily and from under enclosures as often as necessary to prevent an excessive accumulation of feces and food waste, to prevent soiling of the animals contained in the enclosures, and to reduce disease, hazards, insects, pests, and odors. The condition of the kennels and quality of care is to be of a high caliber and performed to the standards established by the City of Newburyport Director of Public Health.
 - G. Boarding facilities shall include a sheltered kennel unit with cages and/or runs that protect the animals from precipitation, and extreme hot (100°F or greater) and cold (45°F or less) conditions. Except in emergency situations, as determined by the Newburyport Animal Control Officer, no more than one adult animal shall be kept per cage.
 - H. Newburyport will be responsible for ensuring that an ill or injured animal is treated promptly by the respective Participating Governmental Unit's contracted licensed veterinarian, depending on the nature and/or seriousness of the illness or injury, and that any prescribed medication is promptly obtained and administered.
- II. FEES:
- A. Owners who reclaim animal(s) shall make payment to the City of Newburyport prior to reclaiming their animal(s) for all boarding fees (\$35.00 per day for each animal) and all other fees related to shelter services provided per day per animal.
 - B. Newburyport shall provide invoices, collect monies and keep records of all required fees received from owners. Invoices provided to owners who are retrieving their animal shall include the date that the animal was delivered to the shelter, the per day shelter rate, the number of days that the animal was sheltered, medical bills as applicable, and total fee due and collected.
 - C. Each Participating Governmental Unit shall be responsible for the direct costs to care for the animals which originate from said community, including but not limited to flea treatments and any veterinary costs. For the purposes of this agreement, "veterinary costs" shall include rabies vaccinations, health evaluation, treatment of minor curable diseases and euthanasia.
 - D. Each Participating Governmental Unit shall pay any additional costs associated with the transport and removal of animals from their community if an animal is not claimed or is injured.

- E. Newburyport may add a surcharge of up to ten (10) percent (not to exceed \$25.00) to medical bills to cover certain incidental costs relating to transportation of an animal to a veterinarian's office, telephone expenses incurred in connection with medical treatment, and any special care involved. Bills must support all medical charges and receipts bearing the name of the veterinarian or firm from whom they were obtained.
 - F. Fees for animals that are unclaimed by the owner at the end of the maximum seven (7) day holding period shall be paid by the Participating Governmental Unit where the animal originated.
 - G. All fees and receipts from boarding and all other services related to the shelter shall be submitted monthly to the City of Newburyport Health Department.
- III. RECORD KEEPING: Each Participating Governmental Unit's Animal Control Officers shall maintain an impound record on each animal delivered to the Animal Shelter Facility. The impound record will be prepared and filled out by the appropriate Animal Control Officer and delivered to the Facility with the animal.

Upon discharge, one (1) copy of the animal's completed record shall be provided to the person claiming the animal and one (1) copy of each discharged animal's record shall be provided to Newburyport. If the agreement is terminated, all impound records shall be transmitted to the appropriate town.

IV. DISCHARGE:

- A. Claimed animals: Each Participating Governmental Unit will require the person claiming the animal to show identification (preferably a driver's license). In the case of a dog, a certificate of license is required of all dogs six (6) months of age or older for release.

In the event of non-licensure of a dog, the owner or person claiming the dog will be required to show proof of licensure prior to release by the Animal Control Officer. The Animal Control Officer will not be responsible for ensuring licensure of the dog.

In addition, the Animal Control Officer will provide the person claiming the animal with a full disclosure of any medical treatment rendered by a veterinarian and/or the Animal Shelter Facility and by whom it was rendered and a complete identification of any prescription or non-prescription medicine(s) administered to the animal while in custody. Finally, the Animal Shelter Facility must obtain the signature and the driver's license number of the person to whom the animal is released on the Impound Record.

- B. Unclaimed animals: Unless requested by the Newburyport Director of Public Health or West Newbury Police Chief to retain the animal for a longer period (2 to 4 additional days), animals will be picked up on or immediately following the seventh (7th) day of confinement by the

Animal Control Officer. The written notice to extend shelter services from the Newburyport Director of Public Health or West Newbury Police Chief must accompany the reports to the city or town. The shelter may place such animals as are deemed suitable up for adoption in accordance with MGL Chapter 140, section 136A.

Article 12 Miscellaneous

- a. This agreement may be amended in writing by vote of both of the Participating Governmental Units. Should additional municipalities seek to join this program of shared Animal Control Services, the terms agreed to herein, including apportionment of expenses, for such additional municipalities shall be negotiated and approved by both of the Participating Governmental Units.
- b. This agreement represents the entire understanding of the parties with respect to its subject matter.
- c. This agreement shall be governed by the laws of the Commonwealth of Massachusetts.
- d. If any of the provisions of this agreement is declared to be illegal, unenforceable, or void, then both parties shall be relieved of all obligations under such provision, provided, however, that the remainder of the Agreement shall be enforced.

TOWN OF WEST NEWBURY

CITY OF NEWBURYPORT

By Board of Selectmen

By Mayor

Dated: _____

Dated: _____

**FY2020 - JULY 1, 2019 THROUGH JUNE 30, 2020 ANIMAL CONTROL SERVICES
HOURS WORKED FOR NEWBURYPORT & WEST NEWBURY**

DATE	ACO - Regular Hour			ACO - NIGHTS & WEEKEND HOURS			ASSISTANT ACOs - WEEKEND COVERAGE		
	HOURS WORKED IN/FOR NEWBURYPORT	HOURS WORKED IN/FOR WEST NEWBURY	HOURS LOGGED FOR THE DAY	Overtime NBPT	Overtime WNBY	NOTES	Overtime NBPT	Overtime WNBY	NOTES
JULY 2019									
Monday, July 01, 2019	5.17	1.83	7						
Tuesday, July 02, 2019	6.5	0.5	7						
Wednesday, July 03, 2019	5.42	1.58	7						
Thursday, July 04, 2019	No Log		0						
Friday, July 05, 2019	3.5	0.5	4						
Saturday, July 06, 2019			0	2.25		F/U on Cat bite			
Sunday, July 07, 2019			0						
Monday, July 08, 2019	4.75	2.25	7						
Tuesday, July 09, 2019	6	1	7						
Wednesday, July 10, 2019	5.75	1.25	7						
Thursday, July 11, 2019	6.33	3.67	10						
Friday, July 12, 2019	2.75	1.25	4						
Saturday, July 13, 2019			0						
Sunday, July 14, 2019			0						
Monday, July 15, 2019	6.25	0.75	7						
Tuesday, July 16, 2019	5.25	1.75	7						
Wednesday, July 17, 2019	6	1	7						
Thursday, July 18, 2019	6.83	3.17	10						
Friday, July 19, 2019	2.5	1.5	4						
Saturday, July 20, 2019			0						
Sunday, July 21, 2019			0						
Monday, July 22, 2019	5.67	1.33	7						
Tuesday, July 23, 2019	6	1	7						
Wednesday, July 24, 2019	6.75	0.25	7	1		Dog in shelter - ACO let out			
Thursday, July 25, 2019	9	1	10						
Friday, July 26, 2019	2.25	1.75	4	1		Raccoon needed to be euthanized			
Saturday, July 27, 2019			0						
Sunday, July 28, 2019			0	2		Rabid skunk needed to be put down - ACO waiting a long time for an officer			

DATE	ACO - Regular Hour			ACO - NIGHTS & WEEKEND HOURS			ASSISTANT ACOs - WEEKEND COVERAGE		
	HOURS WORKED IN/FOR NEWBURYPORT	HOURS WORKED IN/FOR WEST NEWBURY	HOURS LOGGED FOR THE DAY	Overtime NBPT	Overtime WNBY	NOTES	Overtime NBPT	Overtime WNBY	NOTES
Monday, July 29, 2019	6	1	7						
Tuesday, July 30, 2019	5.67	1.33	7						
Wednesday, July 31, 2019	5.5	1.5	7						
AUGUST 2019									
Thursday, August 01, 2019	No Log		0						
Friday, August 02, 2019	3	1	4						
Saturday, August 03, 2019			0						
Sunday, August 04, 2019			0						
Monday, August 05, 2019	6.5	0.5	7						
Tuesday, August 06, 2019	6.25	0.75	7						
Wednesday, August 07, 2019	6.75	0.25	7						
Thursday, August 08, 2019	9	1	10						
Friday, August 09, 2019	3.75	0.25	4						
Saturday, August 10, 2019			0						
Sunday, August 11, 2019			0						
Monday, August 12, 2019	5.17	1.83	7						
Tuesday, August 13, 2019	3.5	3.5	7						
Wednesday, August 14, 2019	5.75	1.25	7						
Thursday, August 15, 2019	8	2	10						
Friday, August 16, 2019	4		4						
Saturday, August 17, 2019			0						
Sunday, August 18, 2019			0						
Monday, August 19, 2019	No Log		0						
Tuesday, August 20, 2019	4.5	2.5	7						
Wednesday, August 21, 2019	7		7						
Thursday, August 22, 2019	4.17	2.83	7	1		Rabid raccoon - could not locate			
Friday, August 23, 2019	3	1	4						
Saturday, August 24, 2019			0						
Sunday, August 25, 2019			0	1		Possum stuck in a window - could not locate			
Monday, August 26, 2019	5.83	1.17	7						
Tuesday, August 27, 2019	5	2	7						
Wednesday, August 28, 2019			0						
Thursday, August 29, 2019	7.5	2.5	10						
Friday, August 30, 2019	3.5	0.5	4						

DATE	ACO - Regular Hour			ACO - NIGHTS & WEEKEND HOURS			ASSISTANT ACOs - WEEKEND COVERAGE		
	HOURS WORKED IN/FOR NEWBURYPORT	HOURS WORKED IN/FOR WEST NEWBURY	HOURS LOGGED FOR THE DAY	Overtime NBPT	Overtime WNBY	NOTES	Overtime NBPT	Overtime WNBY	NOTES
Saturday, August 31, 2019			0						
SEPTEMBER 2019									
Sunday, September 01, 2019			0						
Monday, September 02, 2019	No Log		0						
Tuesday, September 03, 2019	No Log		0						
Wednesday, September 04, 2019	6.25	0.75	7						
Thursday, September 05, 2019	6.83	3.17	10						
Friday, September 06, 2019	3	1	4						
Saturday, September 07, 2019			0	1	1	Injured bird and possum in distress			
Sunday, September 08, 2019			0						
Monday, September 09, 2019	4.67	2.33	7						
Tuesday, September 10, 2019	6	1	7						
Wednesday, September 11, 2019	5	2	7						
Thursday, September 12, 2019	8	2	10						
Friday, September 13, 2019	3	1	4						
Saturday, September 14, 2019			0						
Sunday, September 15, 2019			0						
Monday, September 16, 2019	2.5	4.5	7						
Tuesday, September 17, 2019	No Log		0						
Wednesday, September 18, 2019	5.5	1.5	7						
Thursday, September 19, 2019	5.5	4.5	10						
Friday, September 20, 2019	4		4						
Saturday, September 21, 2019			0						
Sunday, September 22, 2019			0	2		Deer strike & Dead cat			
Monday, September 23, 2019	5.5	1.5	7						
Tuesday, September 24, 2019	5.5	1.5	7	1		Dead deer in roadway			
Wednesday, September 25, 2019	No Log		0						
Thursday, September 26, 2019	6	4	10						
Friday, September 27, 2019	3	1	4						
Saturday, September 28, 2019			0						
Sunday, September 29, 2019			0						
Monday, September 30, 2019	4.5	2.5	7						
OCTOBER 2019									

DATE	ACO - Regular Hour			ACO - NIGHTS & WEEKEND HOURS			ASSISTANT ACOs - WEEKEND COVERAGE		
	HOURS WORKED IN/FOR NEWBURYPORT	HOURS WORKED IN/FOR WEST NEWBURY	HOURS LOGGED FOR THE DAY	Overtime NBPT	Overtime WNBY	NOTES	Overtime NBPT	Overtime WNBY	NOTES
Tuesday, October 01, 2019	No Log		0						
Wednesday, October 02, 2019	No Log		0						
Thursday, October 03, 2019	No Log		0						
Friday, October 04, 2019	No Log		0						
Saturday, October 05, 2019			0						
Sunday, October 06, 2019			0						
Monday, October 07, 2019	No Log		0						
Tuesday, October 08, 2019	No Log		0						
Wednesday, October 09, 2019	No Log		0						
Thursday, October 10, 2019	No Log		0						
Friday, October 11, 2019	No Log		0						
Saturday, October 12, 2019	No Log		0						
Sunday, October 13, 2019	No Log		0						
Monday, October 14, 2019	No Log		0						
Tuesday, October 15, 2019	6.75	0.25	7	1		Dead deer & raccoon			
Wednesday, October 16, 2019	6.5	0.5	7						
Thursday, October 17, 2019	8.5	1.5	10						
Friday, October 18, 2019	3.5	0.5	4						
Saturday, October 19, 2019			0						
Sunday, October 20, 2019			0						
Monday, October 21, 2019	5.75	1.25	7						
Tuesday, October 22, 2019	6.5	0.5	7						
Wednesday, October 23, 2019	7		7						
Thursday, October 24, 2019	9.5	0.5	10						
Friday, October 25, 2019	3	1	4						
Saturday, October 26, 2019			0						
Sunday, October 27, 2019			0						
Monday, October 28, 2019	7		7						
Tuesday, October 29, 2019	6.5	0.5	7						
Wednesday, October 30, 2019	Halloween		0						
Thursday, October 31, 2019	5.5	0.5	6						
NOVEMBER 2019									
Friday, November 01, 2019	4		4						

DATE	ACO - Regular Hour			ACO - NIGHTS & WEEKEND HOURS			ASSISTANT ACOs - WEEKEND COVERAGE		
	HOURS WORKED IN/FOR NEWBURYPORT	HOURS WORKED IN/FOR WEST NEWBURY	HOURS LOGGED FOR THE DAY	Overtime NBPT	Overtime WNBY	NOTES	Overtime NBPT	Overtime WNBY	NOTES
Saturday, November 02, 2019			0						
Sunday, November 03, 2019			0						
Monday, November 04, 2019	7		7						
Tuesday, November 05, 2019	6.33	0.67	7						
Wednesday, November 06, 2019	6.25	0.75	7						
Thursday, November 07, 2019	8.5	1.5	10						
Friday, November 08, 2019	3.5	0.5	4						
Saturday, November 09, 2019			0						
Sunday, November 10, 2019			0						
Monday, November 11, 2019	Holiday		0						
Tuesday, November 12, 2019	6.75	0.25	7						
Wednesday, November 13, 2019	7		7						
Thursday, November 14, 2019	7	3	10						
Friday, November 15, 2019	OFF		0						
Saturday, November 16, 2019			0						
Sunday, November 17, 2019			0						
Monday, November 18, 2019	6.25	0.75	7						
Tuesday, November 19, 2019	6.67	0.33	7						
Wednesday, November 20, 2019	7		7						
Thursday, November 21, 2019	8	2	10						
Friday, November 22, 2019	4		4						
Saturday, November 23, 2019			0						
Sunday, November 24, 2019			0						
Monday, November 25, 2019	6	1	7						
Tuesday, November 26, 2019	3.5	3.5	7						
Wednesday, November 27, 2019	6	1	7						
Thursday, November 28, 2019	Holiday		0						
Friday, November 29, 2019	OFF		0						
Saturday, November 30, 2019			0						
DECEMBER 2019									
Sunday, December 01, 2019			0						
Monday, December 02, 2019	7		7						
Tuesday, December 03, 2019	Snow Day		0						
Wednesday, December 04, 2019	6	1	7						
Thursday, December 05, 2019	8.17	1.83	10						

DATE	ACO - Regular Hour			ACO - NIGHTS & WEEKEND HOURS			ASSISTANT ACOs - WEEKEND COVERAGE		
	HOURS WORKED IN/FOR NEWBURYPORT	HOURS WORKED IN/FOR WEST NEWBURY	HOURS LOGGED FOR THE DAY	Overtime NBPT	Overtime WNBY	NOTES	Overtime NBPT	Overtime WNBY	NOTES
Friday, December 06, 2019	4		4						
Saturday, December 07, 2019			0						
Sunday, December 08, 2019			0						
Monday, December 09, 2019	7		7						
Tuesday, December 10, 2019	6.5	0.5	7						
Wednesday, December 11, 2019	6	1	7						
Thursday, December 12, 2019	10		10						
Friday, December 13, 2019	4		4	1		Transport cat to owners			
Saturday, December 14, 2019			0						
Sunday, December 15, 2019			0						
Monday, December 16, 2019	7		7						
Tuesday, December 17, 2019	7		7						
Wednesday, December 18, 2019	6.5	0.5	7						
Thursday, December 19, 2019	9.5	0.5	10						
Friday, December 20, 2019	4		4						
Saturday, December 21, 2019			0						
Sunday, December 22, 2019			0						
Monday, December 23, 2019	6	1	7						
Tuesday, December 24, 2019	3.25	0.75	4						
Wednesday, December 25, 2019	Christmas		0						
Thursday, December 26, 2019	8.83	1.17	10						
Friday, December 27, 2019	3.5	0.5	4						
Saturday, December 28, 2019			0						
Sunday, December 29, 2019			0						
Monday, December 30, 2019	6.5	0.5	7						
Tuesday, December 31, 2019	6	1	7						
			0						
Wednesday, January 1, 2020	Holiday		0						
Thursday, January 2, 2020	6.5	0.5	7						
Friday, January 3, 2020	4		4						
Saturday, January 4, 2020			0						
Sunday, January 5, 2020			0						
Monday, January 6, 2020	7		7						
Tuesday, January 7, 2020	7		7						
Wednesday, January 8, 2020	4.5	2.5	7						
Thursday, January 9, 2020	6	1	7						

DATE	ACO - Regular Hour			ACO - NIGHTS & WEEKEND HOURS			ASSISTANT ACOs - WEEKEND COVERAGE		
	HOURS WORKED IN/FOR NEWBURYPORT	HOURS WORKED IN/FOR WEST NEWBURY	HOURS LOGGED FOR THE DAY	Overtime NBPT	Overtime WNBY	NOTES	Overtime NBPT	Overtime WNBY	NOTES
Friday, January 10, 2020	4		4						
Saturday, January 11, 2020			0						
Monday, January 13, 2020	Sick Day		0						
Tuesday, January 14, 2020	7		7						
Wednesday, January 15, 2020	5	2	7						
Thursday, January 16, 2020	5.5	1.5	7						
Friday, January 17, 2020	4		4						
Saturday, January 18, 2020			0						
Sunday, January 19, 2020			0						
Monday, January 20, 2020	Holiday		0						
Tuesday, January 21, 2020	7		7						
Wednesday, January 22, 2020	7		7						
Thursday, January 23, 2020	4	3	7						
Friday, January 24, 2020	3.5	0.5	4						
Saturday, January 25, 2020			0						
Sunday, January 26, 2020			0						
Monday, January 27, 2020	Sick Day		0						
Tuesday, January 28, 2020	Sick Day		0						
Wednesday, January 29, 2020	Sick Day		0						
Thursday, January 30, 2020	Sick Day		0						
Friday, January 31, 2020	Sick Day		0						
			0						
Tuesday, February 04, 2020	6	1	7						
Wednesday, February 5, 2020	7		7						
Thursday, February 6, 2020	5	2	7						
Friday, February 7, 2020	4		4						
Saturday, February 8, 2020			0						
Sunday, February 9, 2020			0						
Monday, February 10, 2020	6.5	0.5	7						
Tuesday, February 11, 2020	6.25	0.75	7						
Wednesday, February 12, 2020	6.25	0.75	7						
Thursday, February 13, 2020	6.25	0.75	7						
Friday, February 14, 2020	5.75	1.25	7						
Saturday, February 15, 2020			0						
Sunday, February 16, 2020			0		1	P/U deceased cat			
Monday, February 17, 2020	Holiday		0						

DATE	ACO - Regular Hour			ACO - NIGHTS & WEEKEND HOURS			ASSISTANT ACOs - WEEKEND COVERAGE		
	HOURS WORKED IN/FOR NEWBURYPORT	HOURS WORKED IN/FOR WEST NEWBURY	HOURS LOGGED FOR THE DAY	Overtime NBPT	Overtime WNBY	NOTES	Overtime NBPT	Overtime WNBY	NOTES
Tuesday, February 18, 2020	9.25	0.75	10						
Wednesday, February 19, 2020	6.25	0.75	7						
Thursday, February 20, 2020	10		10						
Friday, February 21, 2020	4		4						
Saturday, February 22, 2020			0						
Sunday, February 23, 2020			0						
Monday, February 24, 2020	7		7						
Tuesday, February 25, 2020	7		7						
Wednesday, February 26, 2020	7		7						
Thursday, February 27, 2020	10		10						
Friday, February 28, 2020	4		4						
Saturday, February 29, 2020			0						
Sunday, March 1, 2020			0						
Monday, March 2, 2020	7		7						
Tuesday, March 3, 2020	7		7						
Wednesday, March 4, 2020	5.5	1.5	7						
Thursday, March 5, 2020	8.5	1.5	10						
Friday, March 6, 2020	4		4	2		Deer strike Storey Ave			
Saturday, March 7, 2020			0	0.5		Remove dead possum from 52 Milk St. Resident has children and a dog.			
Sunday, March 8, 2020			0						
Monday, March 9, 2020	6.5	0.5	7						
Tuesday, March 10, 2020	7		7						
Wednesday, March 11, 2020	5.5	1.5	7						
Thursday, March 12, 2020	8.5	1.5	10						
Friday, March 13, 2020	2.5	1.5	4						
Saturday, March 14, 2020			0						
Sunday, March 15, 2020			0						
Monday, March 16, 2020	6	1	7						
Tuesday, March 17, 2020	6.5	0.5	7						
Wednesday, March 18, 2020	OFF		0						
Thursday, March 19, 2020	6.25	1.75	8						
Friday, March 20, 2020	REMOTE		0						
Saturday, March 21, 2020			0						

	ACO - Regular Hour			ACO - NIGHTS & WEEKEND HOURS			ASSISTANT ACOs - WEEKEND COVERAGE		
DATE	HOURS WORKED IN/FOR NEWBURYPORT	HOURS WORKED IN/FOR WEST NEWBURY	HOURS LOGGED FOR THE DAY	Overtime NBPT	Overtime WNBY	NOTES	Overtime NBPT	Overtime WNBY	NOTES
Sunday, March 22, 2020			0						
Monday, March 23, 2020	REMOTE		0						
Tuesday, March 24, 2020	REMOTE		0						
Wednesday, March 25, 2020	3	0.5	3.5						
Thursday, March 26, 2020	3		3						
Friday, March 27, 2020	REMOTE		0						
Saturday, March 28, 2020			0						
Sunday, March 29, 2020			0						
Monday, March 30, 2020	2		2						
Tuesday, March 31, 2020	6		6						
			0						
Wednesday, April 1, 2020	REMOTE		0						
Thursday, April 2, 2020	3.5	1.5	5						
Friday, April 3, 2020	REMOTE		0						
Saturday, April 4, 2020			0						
Sunday, April 5, 2020			0						
Monday, April 6, 2020	3.5	0.5	4						
Tuesday, April 7, 2020	REMOTE		0						
Wednesday, April 8, 2020	6		6						
Thursday, April 9, 2020	4	1	5						
Friday, April 10, 2020	3		3						
Saturday, April 11, 2020			0						
Sunday, April 12, 2020			0						
Monday, April 13, 2020	3.5	0.5	4						
Tuesday, April 14, 2020	4.5	0.5	5						
Wednesday, April 15, 2020	3.25	0.75	4						
Thursday, April 16, 2020	8	1	9						
Friday, April 17, 2020	REMOTE		0						
Saturday, April 18, 2020			0						
Sunday, April 19, 2020									
Monday, April 20, 2020	4		4						
Tuesday, April 21, 2020	5		5						
Wednesday, April 22, 2020	5		5						
Thursday, April 23, 2020	7		7						
Friday, April 24, 2020	3		3						
Saturday, April 25, 2020			0						

DATE	ACO - Regular Hour			ACO - NIGHTS & WEEKEND HOURS			ASSISTANT ACOs - WEEKEND COVERAGE		
	HOURS WORKED IN/FOR NEWBURYPORT	HOURS WORKED IN/FOR WEST NEWBURY	HOURS LOGGED FOR THE DAY	Overtime NBPT	Overtime WNBY	NOTES	Overtime NBPT	Overtime WNBY	NOTES
Sunday, April 26, 2020			0						
Monday, April 27, 2020	4		4						
Tuesday, April 28, 2020	5		5						
Wednesday, April 29, 2020	5		5						
Thursday, April 30, 2020	5.5	1	6.5						
			0						
Friday, May 1, 2020	REMOTE		0						
Saturday, May 2, 2020			0						
Sunday, May 3, 2020			0						
Monday, May 4, 2020	6.5		6.5						
Tuesday, May 5, 2020	5		5						
Wednesday, May 6, 2020	4		4						
Thursday, May 7, 2020	3.5	0.5	4						
Friday, May 8, 2020	2.5		2.5	0.5		Pick up loose dog at 212 High St. Knew dog from picking up prior.			
Saturday, May 9, 2020			0						
Sunday, May 10, 2020			0						
Monday, May 11, 2020	Personal Day		0						
Tuesday, May 12, 2020	Personal Day		0						
Wednesday, May 13, 2020	4		4						
Thursday, May 14, 2020	4		4						
Friday, May 15 2020	3		3						
Saturday, May 16, 2020			0						
Sunday, May 17, 2020			0						
Monday, May 18, 2020	3	1	4						
Tuesday, May 19, 2020	5.5	0.5	6						
Wednesday, May 20, 2020	6		6						
Thursday, May 21, 2020	7	0.5	7.5						
Friday, May 22 2020	2.5	0.5	3						
Saturday, May 23, 2020			0						
Sunday, May 24, 2020			0						
Monday, May 25, 2020	Holiday		0						
Tuesday, May 26, 2020	5	1	6						
Wednesday, May 27, 2020	5.5	1.5	7						
Thursday, May 28, 2020	7.5	0.5	8						

	ACO - Regular Hour			ACO - NIGHTS & WEEKEND HOURS			ASSISTANT ACOs - WEEKEND COVERAGE		
DATE	HOURS WORKED IN/FOR NEWBURYPORT	HOURS WORKED IN/FOR WEST NEWBURY	HOURS LOGGED FOR THE DAY	Overtime NBPT	Overtime WNBY	NOTES	Overtime NBPT	Overtime WNBY	NOTES
Friday, May 29, 2020	3		3						
Saturday, May 30, 2020			0						
Sunday, May 31, 2020			0						
			0						
Monday, June 1, 2020	5	1	6						
Tuesday, June 2, 2020	6.5	0.5	7						
Wednesday, June 3, 2020	6	1	7						
Thursday, June 4, 2020	Personal Day		0						
Friday, June 5, 2020	3.5	0.5	4						
Saturday, June 6, 2020			0						
Sunday, June 7, 2020			0						
Monday, June 8, 2020	5.5	1.5	7						
Tuesday, June 9, 2020	6	1	7						
Wednesday, June 10, 2020	5.5	0.5	6						
Thursday, June 11, 2020	6.5	2.5	9						
Friday, June 12, 2020	3	1	4						
Saturday, June 13, 2020			0						
Sunday, June 14, 2020			0						
Monday, June 15, 2020	6	1	7						
Tuesday, June 16, 2020	5	2	7						
Wednesday, June 17, 2020	6	1	7						
Thursday, June 18, 2020	7.5	1.5	9						
Friday, June 19, 2020	2.5	1.5	4						
Saturday, June 20, 2020			0						
Sunday, June 21, 2020			0	1		Pick up injured falcon at harbor master			
Monday, June 22, 2020	5.5	1.5	7						
Tuesday, June 23, 2020	6.5	0.5	7						
Wednesday, June 24, 2020	5.5	1.5	7						
Thursday, June 25, 2020	7.5	1.5	9						
Friday, June 26, 2020	3	1	4						
Saturday, June 27, 2020			0						
Sunday, June 28, 2020			0						
Monday, June 29, 2020	5.5	1.5	7						
Tuesday, June 30, 2020	Personal Day		0						
TOTAL REGULAR HOURS:	1,175.76	190.74		18.25	2		0	0	

DATE	ACO - Regular Hour			ACO - NIGHTS & WEEKEND HOURS			ASSISTANT ACOs - WEEKEND COVERAGE		
	HOURS WORKED IN/FOR NEWBURYPORT	HOURS WORKED IN/FOR WEST NEWBURY	HOURS LOGGED FOR THE DAY	Overtime NBPT	Overtime WNBY	NOTES	Overtime NBPT	Overtime WNBY	NOTES

FULL TIME ACO REGULAR HOURS:	1,175.76	190.74
OVERTIME/WEEKEND HOURS (ACO + ASSIST ACOs):	18.25	2.00
TOTAL COMBINED (REG & WEEKEND) HOURS	1,194.01	192.74
PERCENTAGE OF TIME SPENT BY LOCATION:	86%	14%

<u>FY2020 BEFORE COVID-19</u>		
TOTAL HOURS	904.01	153.74
% BY LOCATION	85%	15%

CITY OF NEWBURYPORT



IN CITY COUNCIL

ORDERED:

August 10, 2020

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

Donor: Newburyport Pioneer League
Amount: \$1,000.00
Purpose: Additional survey work as part of the Lower Atkinson Master Plan project

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

Councillor Charles F. Tontar

In City Council August 10, 2020:

Motion to refer to B&F by Councillor Tontar, seconded by Councillor Khan. So voted.

CITY OF NEWBURYPORT



IN CITY COUNCIL

ORDERED:

That the City Council appropriates from the Community Preservation Act FY 2021 estimated revenues, in accordance with the provisions of M.G.L. Chapter 44B, additional funding for the following FY2021 project, based upon the Community Preservation Committee's recommendation. The source of funds shall be FY2021 estimated revenues and Community Preservation Fund Balance. Said appropriation shall be considered a separate appropriation or reservation in the amount indicated [below]:

Project No.	Project Title	Applicant	Request	Recommendation
6B	Parker/State Street Crossing (Clipper City Rail Trail Phase III)	City of Newburyport Office of Planning & Development	\$40,000	\$40,000

Councillor Charles F. Tontar

In City Council August 20, 2020:

Motion to Refer to B&F by Councillor Tontar, seconded by Councillor Khan, So voted.



COMMUNITY PRESERVATION APPLICATION FOR FUNDING

City of Newburyport
Community Preservation Committee

Applications for funding are due by **Thursday, February 6, 2020 at 4:00 p.m.** with the Community Preservation Committee, c/o Office of Planning and Development, City Hall, 60 Pleasant St., Newburyport MA 01950.

Application Instructions:

- Applicants should file ten (10) paper copies and one electronic copy of the completed application and all accompanying documents.
- Applications should be stapled or clipped. Bound applications are not required.
- Please be mindful of extraneous paper – double sided copies are acceptable.

PROJECT NAME: Parker Street Trail - Clipper City Rail Trail Phase III
PROJECT ADDRESS: State Street-Parker Street intersection plus 500' east along Parker Street

MAP/LOT: n/a
APPLICANT NAME: Newburyport Planning Office (Group or Committee Affiliation)
CONTACT PERSON: Geordie Vining, Senior Project Manager
TELEPHONE/FAX NO.: 978/465-4400
ADDRESS: City Hall
60 Pleasant Street
Newburyport, MA 01950
EMAIL: gvining@cityofnewburyport.com

AMOUNT OF COMMUNITY PRESERVATION FUNDING REQUESTED: \$40,000

COMMUNITY PRESERVATION CATEGORY: *(Please check all that apply)*

Open Space Historic Resource † Affordable Housing * Recreation

† Applicants seeking Historic Preservation funds for the preservation, restoration or renovation of historic structures must, as a condition of funding award, record a perpetual Preservation Restriction (PR) on the subject structure(s) prior to any distribution of funds. Applications should attend a meeting of the Newburyport Historical Commission (NHC) as early as possible to discuss and confirm the nature and scope of the required Preservation Restriction. The NHC's advisory opinion will be incorporated as appropriate into any Community Preservation Committee (CPC) recommendation, City Council appropriation, and/or grant award letters or agreements thereunder. *Please Note: The Newburyport Historical Commission (NHC) is an official City board and should not be confused with the local Newburyport Preservation Trust (NPT), a non-profit advocacy group.*

* Applicants seeking Affordable Housing funds must attend a Newburyport Affordable Housing Trust meeting to review and discuss their application. This review must occur prior to the Community Preservation Committee deliberations.

PROJECT SUMMARY: Provide a description of the Project, including the property involved and its proposed use.

The City of Newburyport has been working for many years to develop a safe, continuous, off-road Clipper City Rail Trail (CCRT) for the public, and additional work is required to reduce the gaps along Parker Street to the south. This supplementary CPA grant request is for increased costs associated with the construction of the CCRT Phase III Parker Street Trail project.

The City's designer TEC submitted final cost estimates and final plans in late June/early July 2020 (after the CPC and City Council's deliberations and funding decisions). We bid and pre-ordered the traffic signal mast arm assembly for the project's HAWK signal at the State Street-Parker Street intersection, due to the long manufacturing lead time. The City advertised the project and received bids from contractors on 8/13/20 as well as a contract amendment proposal from TEC for construction management services. The combined costs of the contractor's bid, a basic 5% construction contingency, and the construction management services is about 10% higher than the preliminary itemized cost estimate that TEC developed in the fall of 2019 and that was part of the original CPC grant application six months ago. There is a projected cost overrun of \$40,000 on the Parker Street Trail project that we need to address as soon as possible in order to move forward with contracting and avoid losing a critical portion of the fall 2020 construction season. We continue to anticipate mobilizing the contractor in September 2020.

The CCRT Phase III Parker Street Trail project will improve the dangerous State Street-Parker Street intersection for pedestrians and bicyclists and extend the off-road Rail Trail 500' to the east along Parker Street. Many people are walking and bicycling along the edge of Parker Street and crossing State Street to access the Clipper City Rail Trail, and it is very important for public safety as well as the public's recreational experience to re-construct this intersection and install the off-road trail. Approximately 80% of the project's construction funding will be supported by an FY20 Complete Streets state grant of \$400,000.

PUBLIC BENEFIT*: Describe in detail the benefits Newburyport will receive from the Project and how the Project fulfills the Community Preservation Committee's Project Evaluation Criteria.

* **Deed Restrictions:** The City may require, as a condition for funding, that the applicant grant to the City or other authorized grantee certain restrictions, including: Preservation Restrictions on rehabilitated or acquired historic resources, Conservation Restrictions on preserved or acquired lands, and Affordability Restrictions on affordable housing projects. The restriction shall be recorded at the Southern Essex Registry of Deeds.

Newburyport's Clipper City Rail Trail has brought many benefits to the public, and the CCRT III Parker Street Trail project will bring even more, further improving the community's quality of life and making Newburyport an even more distinctive, enjoyable and vibrant place. Newburyport's economy, identity, and place in the region are closely tied to our long-term public infrastructure investments. Working towards filling the trail gap will improve public safety and create additional opportunities for recreation, transportation, physical activity, neighborhood sociability, and connections to multiple destinations. The Phase III trail will provide a safe crossing of a busy intersection that currently has no pedestrian and bicyclist accommodations, and will provide a safe off-road section of trail along Parker Street. The project will leverage substantial funding from other sources.

The project fulfills multiple criteria of the CPC, as follows:

- Eligible for CPA funding, as the project will support new outdoor recreation capital improvements for recreational use of land, and capital improvements to the land or the facilities thereon which make the land more functional for the intended recreational use;

- Consistent with the Newburyport Master Plan, Newburyport Open Space and Recreation Plan, and other local, regional, and statewide planning documents that have received public input and scrutiny;
- Enhances the essential character of the City as a vibrant, walkable, livable community;
- Demonstrates practicality and feasibility;
- Produces an advantageous cost/benefit value due to leveraging other funding and producing significant quality of life benefits as well as long-term economic benefits for Newburyport;
- Leverages additional funding;
- Improves the utility of currently owned City assets, as the project will improve the municipal Parker Street right-of-way corridor and intersection with State Street;
- Endorsed by community and municipal departments and boards;
- Provides opportunities for passive recreation;
- Sets up connections with existing trails;
- Supports multiple recreational uses for pedestrians, bicyclists, wheelchair users, strollers, skaters, scooters, skateboarders, dog-walkers, etc.;
- Serves a significant number of residents as evidenced by regular observation as well as systematic trail counts documenting over 1,000 people using the completed section of the Rail Trail in a single day;
- Expands the range of recreational opportunities available to City residents of all ages and abilities;
- Jointly benefits Conservation Commission and Parks Commission initiatives by promoting recreation such as walking and bicycling;

CONTROL OF SITE: Indicate whether the applicant owns or has a purchase agreement for the Project site. If the property is under agreement, include a description of the agreement and the timing and conditions. If the applicant does not have site control, explain.

The City owns and controls the Parker Street and State Street right-of-way in which the project will be constructed. The City has secured a license from the state's Division of Capital Asset Management and Maintenance (DCAMM) and the Trial Court to extend sidewalk on a small corner of the courthouse property as part of the project.

FEASIBILITY: List all steps that may be required for completion of the Project, such as environmental assessment, zoning or other approvals, agreement on terms of any required conservation, affordability or historic preservation restrictions, and any other known issues. For projects that may impact abutters or the neighborhood, describe support or objections from those affected.

The project is fully feasible; similar off-road multiuse pathways have been developed adjacent to roadways, as well as intersection upgrades, in multiple jurisdictions. Plans, specifications, and permits have been developed in consultation with the direct abutters.

PROJECT TIMELINE: Describe the anticipated steps or phases for completion of the Project. Demonstrate whether the Project will be ready to proceed in the coming fiscal year.

- August 2020 – Finalize bidding and pre-construction process: make Notice of Award; secure bonds and insurance certificates; secure signatures on contract; advertise award;

distribute insurance certificates to DCAMM; execute construction management services amendment; schedule pre-construction meeting; issue Notice to Proceed

- September through December 2020 – Implement project construction: conduct pre-construction meeting; mobilization; install erosion control barriers and silt sacks; construct wetland replication area; clearing corridor; excavate for utilities and drainage, remove pavement; fill, grade, construct trail, guardrail, curbing, signal structures; receive Mast Arm Assembly and install HAWK signal;
- (Winter construction hiatus)
- April through June, 2021 – Install plantings, loam and seed, and final paving; substantial completion and punchlist; inspections and acceptance; Certificate of Compliance; remove erosion control barriers and silt sacks; state grant reimbursement.

FUNDING:

- A. **Project cost estimates:** Provide recent cost estimates for the proposed project, dated within the past six (6) months, detailing the scope of work and associated costs for each task.
- B. **Amount of Newburyport Community Preservation Funding Requested:**
\$40,000
- C. **Other Sources of Funding Available:** If funding from other sources may be available for the Project, please complete the following table:

SOURCE OF FUNDING	AMOUNT REQUESTED	STATUS (COMMITTED Y/N IF NOT-WHEN)	CONTINGENT ON CP FUNDS (Y/N)
MA Complete Streets Funding Program	\$400,000	Yes	Yes

ATTACHMENTS:

Include the following with ALL copies of the application:

- Assessor’s map showing location of the Project
- Photographs
- Recent written estimates of cost with detailed scope of work
- Proposed oversight and management plan for the Project
- If the project involves public property, provide verification that the applicable public agency or department supports the project as presented and will oversee the project if funded.
- Historic resources include buildings, structures, vessel real properties, documents or artifacts that are listed or eligible for listing on the state register of historic place or determined to be significant in the history, archeology, architecture or culture of the city by the local historic preservation commission. If the project involves a historic resource, please provide evidence (date of listing on the state register or a letter from the

Newburyport Historical Commission confirming its determination of significance) with the application that it meets these criteria

Include the following, if applicable and available:

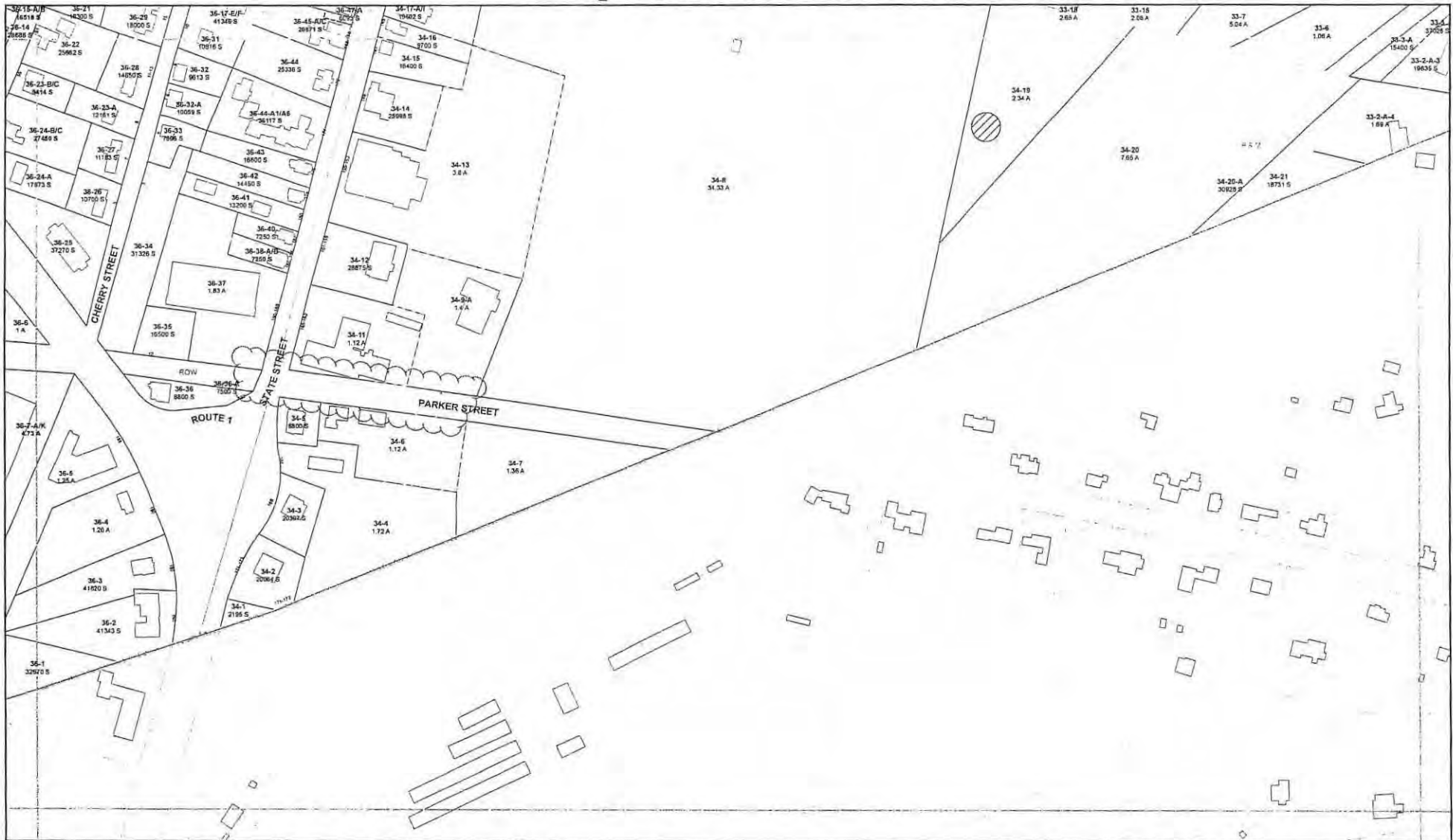
- Architectural plans and specifications, for new construction or rehabilitation
- Maps, renderings, site plans
- Historic structures report, existing conditions report
- Names and addresses of project architects, contractors and consultants
- Budgets
- Letters of Support

Attach additional sheets as necessary to answer all questions.

YOU MAY BE REQUESTED TO PROVIDE ADDITIONAL INFORMATION.

For questions contact: Office of Planning and Development
Newburyport City Hall
cpc@cityofnewburyport.com
(978) 465-4400

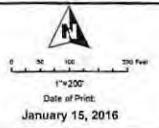
Assessor Map: Parker Street Shared Use Path










Prepared by:

 Merrimack Valley
 Planning Commission

WARNING: Data and information is provided by the GIS system, with the understanding that it is not guaranteed to be correct or complete. All data is subject to change and periodic updates. The City of Newburyport makes no claims, representations or warranties, express or implied, concerning the validity, reliability or the accuracy of the GIS data and GIS data products furnished by the City specifically including the implied or expressed validity of any uses of such data.



- Legend**
-  Parcels
 -  Easements
 -  Combined Lots
 -  Tax Map
 -  Map Tile
 -  Municipal Boundary
 -  Conservation Restriction

67	25	68	33	69
80	26	81	34	82
93	27	94	35	95

City of Newburyport, MA
 Assessor's Map Tile No. 81

**Clipper City Rail Trail Phase III
Parker Street Trail project
City of Newburyport
(8/14/2020)**

FUNDING SOURCE

Revenues

CPA FY18	\$75,000.00
Complete Streets Grant - construction	\$400,000.00
CPA 2020 (FY21)	\$50,000.00
<i>current total:</i>	\$525,000.00

Supplementary CPA 2020 (FY21)	\$40,000.00
<i>proposed total:</i>	\$565,000.00

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PROJECT COSTS

Design Phase (TEC)	\$66,000.00
Bid Phase	
Electronic hosting/bidding	\$975.00
Legal Advertisement	\$344.50
Recording OOC	\$107.00
Construction Phase	
TEC construction management	\$26,000.00
Construction contractor	\$435,859.00
5% construction contingency	\$22,000.00
Mast Arm Assembly (pre-ordered)	\$13,000.00
<i>current total:</i>	\$564,285.50

**NEWBURYPORT COMMUNITY PRESERVATION COMMITTEE
SUPPLEMENTAL RECOMMENDATION FOR FY21 APPROPRIATIONS
(Clipper City Rail Trail Phase III - Parker/State Street Crossing)**

The Newburyport Community Preservation Committee recommends that the City Council appropriate from Community Preservation Fund Revenues additional funding for the following listed FY2021 project(s):

- **FY2021 - Project 6B: Parker/State Street Crossing (Clipper City Rail Trail Phase III)**

The following CONDITIONS are common to [all projects]:

- A. Each recipient of funds is required to submit to the CPC a written report on the status of the project by each October 15, January 15, April 15 and July 15 following appropriation and until final completion of the project.
- B. If a project is not completed within twelve (12) months of appropriation, the grantee must submit a written request to the CPC for an extension of the grant. Otherwise, funds may be subject to rescission and returned to Community Preservation Fund Reserves (applicable to appropriations, not to reservations).
- C. Full funding is conditioned upon the receipt of state matching funds, estimated to be 11.2% of local revenue, expected in November 2020.

Applications for all projects are available for review in the Office of Planning & Development.

Respectfully submitted by:

Community Preservation Committee Members

Michael Dissette, Chair	Jane Healey, Vice Chair
Paul Healy	Mark Rosen
Daniel Koen	Don Walters
Don Little	Ron Ziembra

**PROJECT NO. 6B
CLIPPER CITY RAIL TRAIL**

The CPC recommends the appropriation of an additional **\$40,000** from the FY 2021 Estimated Revenues and Community Preservation Fund Balance to the City of Newburyport Office of Planning & Development to support the Clipper City Rail Trail project #6B: the Parker Street Trail project.

The CPA category for this appropriation is Recreation.

Project Summary: The Office of Planning and Development has submitted a supplemental grant application for the *Parker Street Trail- Clipper City Rail Trail Phase III project*. There is a projected cost overrun of \$40,000 on the Parker Street Trail project that needs to be addressed as soon as possible in order to move forward with contracting and avoid losing a critical portion of the fall 2020 construction season.

Construction bids from contractors were due early August, as was the cost for construction management services from the City's engineer TEC. The combined cost of the low bid, the 5% construction contingency, and the

construction management services is about 10% higher than the preliminary itemized cost estimate that TEC developed in the fall of 2019 and that was part of the CPC grant application six months ago.

Committee Items- August 31, 2020

Neighborhood & City Services

- ODNC050_02_24_2020 –Curb Cuts and Notice of Work Involving Sidewalks

CITY OF NEWBURYPORT



IN CITY COUNCIL

ORDERED:

February 24, 2020

AN ORDINANCE TO AMEND CHAPTER 12 OF THE MUNICIPAL CODE REGARDING CURB CUTS AND NOTICE OF WORK INVOLVING SIDEWALKS

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

Amend existing Section 12-5 regarding altering the grade, width, sidewalk, etc. of a public way as follows, with deletions ~~double stricken through~~, and additions double-underlined:

Sec. 12-5. – Altering grade, width, sidewalk, curb cuts, etc.

No person shall change the grade of any such street, way or grounds, or of any sidewalk of any such street, way or grounds, or the width of any such sidewalk, including, without limitation, by installing or altering a curb cut, or in any manner alter the grade, width or direction of any curbstone of such sidewalk without permission of department of public services. All proposed curb cuts shall be limited to the minimum width for safe entering and exiting, and shall in no case exceed 24 feet in width; provided, however; that the department public services may require a curb cut to be up to 30 feet in width for commercial or industrial truck traffic. The location of driveway openings in relation to traffic and to adjacent streets must provide for the convenience and safety of vehicular and pedestrian movement within the site. The number of curb cuts on state and local roads shall be minimized.

Amend existing Section 12-55 regarding notice of work involving city-owned sidewalks, as follows, with deletions ~~double stricken through~~, and additions double-underlined:

Sec. 12-55. – Notice of work involving city-owned sidewalks.

- (a) *Administrative discretion.* Consistent with the city charter and the other provisions of this municipal code, the department of public services shall determine in its

discretion the proper timing for the installation, construction, maintenance, repair, replacement, and reconstruction of any and all portions of city-owned sidewalk, including, without limitation, the installation or alteration of a curb cut.

- (b) *Notice of work.* No fewer than ~~seven (7)~~fourteen (14) calendar days before undertaking the installation, construction, maintenance, repair, replacement, and reconstruction of any portion of a city-owned sidewalk, the department of public services shall cause written notice of such planned work to be posted within 20 feet of~~delivered to each residence and place of business abutting the affected~~ portion of sidewalk proposed to be affected, as well as delivered by hand to the city councillors for all wards where such area of work is located.
- (c) *Notice of brick option.* Where the department of public services intends the use of cement or asphalt surface material in the installation, construction, maintenance, repair, replacement, or reconstruction of any portion of a city-owned sidewalk that is located outside of the Downtown Overlay District but within the Newburyport Historic District, no fewer than ninety (90) calendar days before undertaking any such work, the department shall cause written notice thereof to be mailed or delivered by hand to the owner of each parcel abutting the affected portion of sidewalk, as well as to the city councillors for all wards where such area of work is located.
- (i) Such required notice shall include the estimated cost per square foot to install brick surface material instead of cement or asphalt, as the case may be. Such estimated cost shall exclude all costs that would also be incurred to use cement or asphalt surface material, as the case may be, including, without limitation, work involving grading, base material, and curbstones.
- (ii) Each owner of an abutting parcel shall have twenty (20) calendar days from the mailing or delivery of such required notice to deliver its own written notice to the department that such owner agrees to pay the incremental cost for the use of brick surface material, instead of cement or asphalt surface material, as the case may be, for the affected portion of sidewalk abutting its parcel. It shall be the responsibility of such owner to confirm delivery to the department of such owner's agreement to pay, and to render such payment at such time as is reasonably required by the department.
- (iii) No later than twenty (20) days after the expiration of the period in which an abutting owner may agree to pay the incremental cost of brick surface material, the department shall review all such responses, determine in its discretion the feasibility of using brick surface material instead of cement or asphalt surface material, as the case may be, within the area of work, and cause written notice of its determination to be mailed or delivered to each owner that responded timely, as well as to the city councillors for all wards where such area of work is located. The department's determination regarding the feasibility of using brick surface material shall be final. In all cases, work shall be performed by the department or a licensed contractor of the city supervised by the department.

Councillor Jared J. Eigerman

Councillor Christine E. Wallace

In City Council February 24, 2020:

Motion to refer to Neighborhood & City Services by Councillor Wallace, seconded by Councillor Khan. So voted.