

**CITY COUNCIL MEETING**

**AGENDA**

**November 28, 2022**

**City Council Chambers, City Hall**

**60 Pleasant Street, Newburyport**

\*\*\*\*\*

**Tax Classification Hearing 6:45 pm**

\*\*\*\*\*

**City Council Regular Meeting 7:00 pm**

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

**60 Pleasant Street, Newburyport**

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

Or One tap mobile:

US: +19292056099,81299990548#

Or Telephone US: +1 929 205 6099

Webinar ID: 812 9999 0548

**1. MOMENT OF SILENCE**

**2. PLEDGE OF ALLEGIANCE**

**3. CALL TO ORDER**

**4. LATE FILE**

- COMM00452\_11\_28\_2022 Boy Scouts Invitation Night 2 Tables 12/2, 12/9, 12/12 Market Sq. & Inn St.
- APPT00359\_11\_28\_2022 Robert Uhlig 174 Merrimac St. Tree Commission 12/15/2025

**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**

- November 14, 2022

(Approve)

**8. COMMUNICATIONS**

- COMM00449\_11\_28\_2022 Letter Jim McCarthy re: Conservancy check for a crab apple tree (B&F)
- COMM00450\_11\_28\_2022 Memo: Retirement Board Expense Budget 2023 ( R&F )
- APPL00115\_11\_28\_2022 Winter Shanties behind Custom House 12/4/22-3/5/23 (PS)
- APPL00116\_11\_28\_2022 State Automotive Repair, LLC 2nd Hand Vehicle License (L&P)

**9. TRANSFERS**

**10. APPOINTMENTS**

- APPT00357\_11\_28\_2022 Jamison Gagnon 17 Daniel Lucy Way Community Preservation Act Cmte. (P&D)
- APPT00358\_11\_28\_2022 Paul S. Cardaci 135 Beach Rd., Salisbury Constable for City Business

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

**BUDGET & FINANCE**

- APPT00356\_11\_14\_2022 Victoria Finnigan 10 Boxford Rd. Rowley Assistant Treasurer/Collector 12/1/2025
- ORDR00390\_11\_14\_2022 Pay Prior Year Bills
- ORDR00391\_11\_14\_2022 Amended - Residential Factor FY23
- ORDR00392\_11\_14\_2022 Amended - Tax Rate FY23
- TRAN00139\_11\_01\_2022 Amended - Mayor: General Fund Free Cash \$655,525 to  
Waterfront Culvert Replacement \$655,525
- TRAN00142\_11\_01\_2022 Finance: General Fund Free Cash \$18,647 to Parklet Maintenance Fund \$18,647
- TRAN00143\_11\_14\_2022 DPS: Sewer Vehicle/Equip Replacement \$1,456 to  
Heavy Duty Truck Purchase \$1,456
- TRAN00144\_11\_14\_2022 Amended - Mayor: General Fund Free Cash \$401,028 to  
General Fund Budget Reserve \$401,028

**PUBLIC SAFETY**

- ORDR00393\_11\_14\_2022 Holiday Parking 2022
- ODNC00131\_11\_14\_2022 Amended Pleasant Street 15 min parking space

**RULES**

- ODNC00128\_11\_01\_2022 Amending Ch. 2 Committees (COTW)

**END OF CONSENT AGENDA**

**REGULAR AGENDA**

**9. MAYOR'S UPDATE**

**10. FIRST READING APPOINTMENTS**

**11. COMMUNICATIONS**

- COMM00451\_11\_28\_2022 PTO hot cocoa table at tree lighting
- COMM00448\_11\_28\_2022 Emails re: bench and plaque updates

**12. TRANSFERS**

**13. SECOND READING APPOINTMENTS**

- APPT00354\_11\_14\_2022 Monica Welsh 1 Market St. Cultural Council 12/1/2025  
*Re-Appointment:*
- APPT00355\_11\_14\_2022 Adrienne Silversmith 4 Willow Ave. Cultural Council 11/30/2025

**14. ORDERS**

- ORDR00394\_11\_28\_2022 Hancock Street Tree Maintenance Access Easement
- ORDR00395\_11\_28\_2022EP Emergency Preamble Resolution Soccer Team
- ORDR00395\_11\_28\_2022 Resolution Soccer Team
- ORDR00396\_11\_28\_2022 Cherry Street Signage

**15. ORDINANCES**

## 16. COMMITTEE ITEMS

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

#### *In Committee:*

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

#### *In Committee:*

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

### Budget & Finance

#### *In Committee:*

- APPT00356 11 14 2022 Victoria Finnigan 10 Boxford Rd. Rowley Assistant Treasurer/Collector 12/1/2025
- ORDR00390 11 14 2022 Pay Prior Year Bills
- ORDR00391 11 14 2022 Amended - Residential Factor FY23
- ORDR00392 11 14 2022 Amended - Tax Rate FY23
- TRAN00139 11 01 2022 Amended - Mayor: General Fund Free Cash \$655,525 to Waterfront Culvert Replacement \$655,525
- TRAN00142 11 01 2022 Finance: General Fund Free Cash \$18,647 to Parklet Maintenance Fund \$18,647
- TRAN00143 11 14 2022 DPS: Sewer Vehicle/Equip Replacement \$1,456 to Heavy Duty Truck Purchase \$1,456
- TRAN00144 11 14 2022 Amended - Mayor: General Fund Free Cash \$401,028 to General Fund Budget Reserve \$401,028
- ORDR00336\_03\_28\_2022 ARPA Amesbury 250K (COTW)
- COMM00443\_11\_01\_2022 59 Low St. FAQs (COTW)
- TRAN00140\_11\_01\_2022 P&D: Waterfront Park Paid Parking Fund \$40,000 & Harbormaster Retained Earnings \$20,000 to Market Landing Park Expansion Project \$60,000
- TRAN00141\_11\_01\_2022 Mayor: General Fund Free Cash \$500,000 to Stabilization Trust Fund \$500,000
- ORDR00388\_11\_01\_2022 NYS Facility Bond Order (COTW)
- ODNC00129\_11\_01\_2022 Defining Conflict Rule for Dept. Heads (COTW)
- ODNC00130\_11\_01\_2022 Grants, Gifts, and Fees (COTW)
- ODNC00132\_11\_14\_2022 Mandated Reporting

### Education

#### *In Committee:*

### General Government

#### *In Committee:*

### 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
- COMM00442\_11\_01\_2022 A Frame New England Sketch Book 1R Water St.

### Neighborhoods & City Services

#### *In Committee:*

- COMM299\_02\_08\_2021 Phillips Dr. Neighborhood Committee Ltr
- ODNC00103\_01\_10\_2022 Streets, Sidewalks, and Other Public Places Alterations & Maintenance
- COMM00406\_04\_11\_2022 Pioneer League Letter re: Pickleball
- COMM00439\_11\_01\_2022 Owen Smith letter re: Parks Dept
- COMM00446\_11\_14\_2022 Snow and Ice Plan 2022-2023

- APPT00351\_11\_14\_2022 Jean L. Berger 33 Middle St. Tree Commission 12/1/2025
- APPT00352\_11\_14\_2022 Stephanie Pellegrini 11 Lois St. Tree Commission 12/1/2025

**Planning & Development**

*In Committee:*

- ODNC00125\_10\_11\_2022 Amend to Ch 5 Buildings
- COMM00444\_11\_01\_2022 Planning & Development Net Zero Memo
- COMM00445\_11\_14\_2022 59 Low Street Plan (COTW)
- APPT00353\_11\_14\_2022 Andrew Shapiro 20 Eagle St. Affordable Housing Trust 12/1/2024

**Public Safety**

*In Committee:*

- **ORDR00393 11 14 2022 Holiday Parking 2022**
- **ODNC00131 11 14 2022 Amended Pleasant Street 15 min parking space**
- COMM00412\_05\_31\_2022 Ltr Ann Jaronyk re: Traffic Safety
- COMM00414\_05\_31\_2022 Ltr. Emily Dunn re: Traffic on Merrimac Street
- ORDR00387\_11\_01\_2022 Signage Forrester St.
- COMM00447\_11\_14\_2022 Girl Scout Troop 67103 to sell cookies 12/9 in Market Sq.-**Withdrawn**

**Public Utilities**

*In Committee:*

**Rules**

*In Committee:*

- **ODNC00128 11 01 2022 Amending Ch. 2 Committees (COTW)**
- ORDR239\_02\_8\_2021 Council Rule 7 and 10B

**17. GOOD OF THE ORDER**

**18. ADJOURNMENT**



**LATE FILE ITEMS**

RECEIVED  
CITY CLERK'S OFFICE  
NEWBURYPORT, MA

To President Shand  
And members of the city council  
Care of city clerk Richard B. Jones

2022 NOV 28 AM 10:26

Hi, my name is Jeff Gordon. I am working with the Newburyport Boy Scout troop 251 on a fundraising project. With the help of approximately 40 Newburyport businesses we have put together a Newburyport version of the classic board game Monopoly. We would like to sell the Newburyport-opoly board games at the 12/2 , 12/9 and 12/16 invitation nights. The Scouts would like to set up 2 table for each of the three nights, the first table at market square and the 2nd table on Inn St. There is a chance that the games will not arrive for the 12/2 invitation date, in this case we would not need to set up tables.

The scouts will be selling the games for \$25.00 each and 100% of the profits will go directly to troop 251. Please let me know if you have any questions or need any additional information.

Jeff Gordon  
978-807-9065  
jeff@gordonrug.com

Thanks  
Newburyport Boy Scouts  
Troop 251



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

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

To: President and Members of the City Council  
From: Sean R. Reardon, Mayor  
Date: November 28, 2022  
Re: Appointment

-----  
I hereby appoint, subject to your approval, the following  
named individual as a member of the Tree Commission.  
This term shall expire on December 15, 2025.

Robert Uhlig  
174 Merrimac Street  
Newburyport, MA 01950

28 November 2022

Mayor Sean Reardon  
City of Newburyport  
Pleasant Street  
PO Box 550  
Newburyport, MA 01950

**RE: Openings to Volunteer for the City Tree Commission**

Dear Mayor Reardon,

This correspondence is to confirm my interest in serving as a volunteer on the City Tree Commission. As to my experience, I have practiced landscape architecture for 36 years and am licensed in the Commonwealth of Massachusetts. I am VP of Halvorson | Tighe and Bond Studio, a 20-person landscape architecture studio within the larger firm of Tighe & Bond, Inc. Our focus is on urban design and landscape architecture and for which most of our projects include making recommendations about the health and diversity of species of trees and the importance of soils in urban conditions to improve tree longevity.

In the past, I have served as the Chair of the Newburyport Parks Commission for which prior to having a Tree Commission, we helped establish Newburyport as a Tree City USA and helped to develop the first city tree ordinance. I look forward to the opportunity to collaborate with the existing Tree Commission members to advance and implement the city's urban forestry plan and to give back to the city I am fortunate to live in and enjoy.

If you have any questions, please don't hesitate to call me.

Sincerely,

A handwritten signature in black ink, appearing to be 'R. Uhlig', written over a large, loopy circular flourish.

Robert Uhlig  
174 Merrimac Street  
Newburyport, MA 01950  
email [bobuhlig@gmail.com](mailto:bobuhlig@gmail.com)  
cell #978-270-4876

# **CONSENT AGENDA**

# CITY COUNCIL MEETING

## MINUTES

November 14, 2022 at 7:00 pm  
City Council Chambers, City Hall  
60 Pleasant Street, Newburyport

\*\*\*\*\*

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

Or One tap mobile:

US: +19292056099,81299990548#

Or Telephone US: +1 929 205 6099

Webinar ID: 812 9999 0548

### 1. MOMENT OF SILENCE - Remembering Peter Pollard

### 2. PLEDGE OF ALLEGIANCE

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

### 3. LATE FILE

### 4. PUBLIC COMMENT

James Pope 6 Chestnut St. Gloucester

### 5. MAYOR'S COMMENT

## CONSENT AGENDA

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

### 6. APPROVAL OF MINUTES

- November 1, 2022

(Approve)

### 7. COMMUNICATIONS

- APPL00114\_11\_14\_2022 Newburyport Rotary Santa Parade - Sunday Nov. 27, 2022 3pm-5pm (PS)  
Removed from Consent Agenda by Clerk Jones.
- COMM00446\_11\_14\_2022 Snow and Ice Plan 2022-2023 (PS)  
Removed from Consent Agenda by Councillor McCauley.
- COMM00447\_11\_14\_2022 Girl Scout Troop 67103 to sell cookies on the evening of 12/9 in Market Sq. (PS)

### 8. TRANSFERS

### 9. APPOINTMENTS

- APPT00351\_11\_14\_2022 Jean L. Berger 33 Middle St. Tree Commission 12/1/2025 (N&CS)
- APPT00352\_11\_14\_2022 Stephanie Pellegrini 11 Lois St. Tree Commission 12/1/2025 (N&CS)
- APPT00353\_11\_14\_2022 Andrew Shapiro 20 Eagle St. Affordable Housing Trust 12/1/2024 (P&D)
- APPT00354\_11\_14\_2022 Monica Welsh 1 Market St. Cultural Council 12/1/2025 (B&F)  
Removed from Consent Agenda by Councillor Zeid.  
*Re-Appointments*
- APPT00355\_11\_14\_2022 Adrienne Silversmith 4 Willow Ave. Cultural Council 11/30/2025 (B&F)  
Removed from Consent Agenda by Councillor Zeid.
- APPT00356\_11\_14\_2022 Victoria Finnigan 10 Boxford Rd. Rowley Assistant Treasurer/Collector 12/1/2025 (B&F)

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

#### **BUDGET & FINANCE**

- COMM00436\_10\_11\_2022 Ann Marie Monziona Letter re: park bench

#### **GENERAL GOVERNMENT**

- COMM00438\_11\_01\_2022 Hanukkah Menorah Market Sq. 12/12-12/27
- COMM00440\_11\_01\_2022 IT Director James Pope

#### **PLANNING & DEVELOPMENT**

- ODNC00125\_10\_11\_2022 Amend to Ch 5 Buildings  
Removed from Consent Agenda by Councillor Cameron.
- ORDR00386\_11\_01\_2022 2-6 Market St. Sidewalk Easement
- COMM00444\_11\_01\_2022 Planning & Development Net Zero Memo  
Removed from Consent Agenda by Councillor Cameron.

#### **PUBLIC SAFETY**

- APPL00111\_11\_01\_2022 Ladies Night Out (Run, Wine & Chocolate) 12/3 2-5pm Nicholson Hall
- APPL00112\_11\_01\_2022 DEI Alliance Table at Invitation Night 12/2 & 12/9 6-9pm Market Square
- ORDR00387\_11\_01\_2022 Signage Forrester St.  
Removed from Consent Agenda by Councillor McCauley.
- COMM00441\_11\_01\_2022 Electric Car Charging

#### **RULES**

- ODNC00128\_11\_01\_2022 Amending Ch. 2 Committees (COTW)  
Removed from Consent Agenda by Clerk Jones

#### **END OF CONSENT AGENDA**

Motion to approve Consent Agenda as amended by Councillor Zeid, seconded by Councillor Lane. So voted.

#### **REGULAR AGENDA**

##### **9. MAYOR'S UPDATE**

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

##### **10. FIRST READING APPOINTMENTS**

- APPT00354\_11\_14\_2022 Monica Welsh 1 Market St. Cultural Council 12/1/2025

*Re-Appointment:*

- APPT00355\_11\_14\_2022 Adrienne Silversmith 4 Willow Ave. Cultural Council 11/30/2025

Motion to approve collectively on 1<sup>st</sup> reading by Councillor Zeid, second by Councillor Lane. Roll call vote. 10 yes, 1 no (JM). Motion passes.

##### **11. COMMUNICATIONS**

- APPL00114\_11\_14\_2022 Newburyport Rotary Santa Parade - Sunday Nov. 27, 2022 3pm-5pm  
Motion to waive the rules, declare an emergency, and approve by Councillor McCauley, seconded by Councillor Donahue. So voted.

- COMM00445\_11\_14\_2022 59 Low Street Plan  
Motion to refer to Planning & Development and COTW by Councillor McCauley, seconded by Councillor Cameron. So voted.
- COMM00446\_11\_14\_2022 Snow and Ice Plan 2022-2023  
Motion to refer to Neighborhood & City Services by Councillor McCauley, seconded by Councillor Wallace. So voted.

## 12. TRANSFERS

## 13. SECOND READING APPOINTMENTS

- APPT00347\_11\_01\_2022 Susan Chase 44 Oak St. Emma Andrews Library Comm. 11/1/2023
- APPT00348\_11\_01\_2022 Elizabeth Valeriani 29 Oak St. Emma Andrews Library Comm. 11/1/2023
- APPT00349\_11\_01\_2022 Virginia R. Champi 84 Purchase St. Emma Andrews Library Comm. 11/1/2023
- APPT00350\_11\_01\_2022 Aine Greaney Ellrot 43 Purchase St. Emma Andrews Library Comm. 11/1/2023  
Motion to approve collectively by Councillor McCauley, seconded by Councillor Preston. Roll call vote. 11 yes. Motion passes.

## 14. ORDERS

- ORDR00390\_11\_14\_2022 Pay Prior Year Bills  
Motion to refer to Budget & Finance by Councillor McCauley, seconded by Councillor Zeid. So voted.
- ORDR00391\_11\_14\_2022 Residential Factor FY23
- ORDR00392\_11\_14\_2022 Tax Rate FY23  
Motion to refer ORDR00390 and ORDR00392 to Budget & Finance and COTW by Councillor McCauley, seconded by Councillor Zeid. So voted.
- ORDR00393\_11\_14\_2022 Holiday Parking 2022  
Motion to refer to Public Safety by Councillor McCauley, seconded by Councillor Preston. So voted.

## 15. ORDINANCES

- ODNC00123\_09\_27\_2022 2<sup>nd</sup> Reading Handicapped Parking Space – Plummer Ave  
Motion to approve on 2<sup>nd</sup> reading by Councillor Vogel, seconded by Councillor Cameron. Roll call vote. 10 yes, 1 no (CP). Motion passes.
- ODNC00124\_10\_11\_2022 2<sup>nd</sup> Reading Amend to Noise Ordinance  
Motion to approve on 2<sup>nd</sup> reading by Councillor Zeid, seconded by Councillor Cameron. Roll call vote. 11 yes. Motion passes.
- ODNC00126\_10\_11\_2022 2<sup>nd</sup> Reading Amend to Ch 13-180 Resident Zone  
Motion to approve on 2<sup>nd</sup> reading by Councillor McCauley, seconded by Councillor Wright. Roll call vote. 10 yes, 1 no (SZ). Motion passes.
- ODNC00127\_10\_11\_2022 2<sup>nd</sup> Reading Handicapped Space - Olive St  
Motion to approve on 2<sup>nd</sup> reading by Councillor McCauley, seconded by Councillor Wright. Roll call vote. 11 yes. Motion passes.
- ODNC00131\_11\_14\_2022 Amended Pleasant Street 15 min parking space  
Motion to refer to Public Safety by Councillor McCauley, seconded by Councillor Wright. So voted.
- ODNC00132\_11\_14\_2022 Mandated Reporting  
Motion to refer to Budget & Finance and COTW by Councillor Zeid, seconded by Councillor Vogel. So voted.

## 16. COMMITTEE ITEMS

### **Ad Hoc Committee on Adaptive Reuse of Brown School Property** *In Committee:*

### **Ad Hoc Committee on Market Landing Park and COTW** *In Committee:*

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



## Budget & Finance

### *In Committee:*

- **COMM00436 10 11 2022 Ann Marie Monziona Letter re: park bench**  
Motion to receive and file by Councillor Zeid, seconded by Councillor Lane. Motion to move the question by Councillor Vogel, seconded by Councillor Khan. Roll call vote. 5 yes (BV, EC, JD, AK, HS), 6 no (BL, JM, CP, CW, MW, SZ). Motion fails. Roll call on motion to receive and file. 10 yes, 1 no (BL). Motion passes.
- ORDR00336\_03\_28\_2022 ARPA Amesbury 250K (COTW)
- COMM00443\_11\_01\_2022 59 Low St. FAQs (COTW)
- TRAN00139\_11\_01\_2022 Mayor: General Fund Free Cash \$655,525 to  
Waterfront Culvert Replacement \$655,525
- TRAN00140\_11\_01\_2022 P&D: Waterfront Park Paid Parking Fund \$40,000 & Harbormaster Retained  
Earnings \$20,000 to Market Landing Park Expansion Project \$60,000
- TRAN00141\_11\_01\_2022 Mayor: General Fund Free Cash \$500,000 to Stabilization Trust Fund \$500,000
- TRAN00142\_11\_01\_2022 Finance: General Fund Free Cash \$18,647 to Parklet Maintenance Fund \$18,647
- ORDR00388\_11\_01\_2022 NYS Facility Bond Order (COTW)
- ODNC00129\_11\_01\_2022 Defining Conflict Rule for Dept. Heads (COTW)
- ODNC00130\_11\_01\_2022 Grants, Gifts, and Fees (COTW)

## Education

### *In Committee:*

### General Government

#### *In Committee:*

- **COMM00438 11 01 2022 Hanukkah Menorah Market Sq. 12/12-12/27**  
Motion to receive and file by Councillor Shand, seconded by Councillor Zeid. So voted.
- **COMM00440 11 01 2022 IT Director James Pope**  
Motion to approve by Councillor Shand, seconded by Councillor Vogel. Roll call vote. 11 yes. Motion passes.

## 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
- COMM00442\_11\_01\_2022 A Frame New England Sketch Book 1R Water St.

## Neighborhoods & City Services

### *In Committee:*

- COMM299\_02\_08\_2021 Phillips Dr. Neighborhood Committee Ltr
- ODNC00103\_01\_10\_2022 Streets, Sidewalks, and Other Public Places Alterations & Maintenance
- COMM00406\_04\_11\_2022 Pioneer League Letter re: Pickleball
- COMM00439\_11\_01\_2022 Owen Smith letter re: Parks Dept

## Planning & Development

### *In Committee:*

- **ORDR00386 11 01 2022 2-6 Market St. Sidewalk Easement**  
Motion to approve by Councillor Cameron, seconded by Councillor Preston. Roll call vote. 11 yes. Motion passes.
- ODNC00125\_10\_11\_2022 Amend to Ch 5 Buildings
- COMM00444\_11\_01\_2022 Planning & Development Net Zero Memo

## Public Safety

### *In Committee:*

- APPL00111 11 01 2022 Ladies Night Out (Run, Wine & Chocolate) 12/3 2-5pm Nicholson Hall
- APPL00112 11 01 2022 DEI Alliance Table at Invitation Night 12/2 & 12/9 6-9pm Market Square  
Motion to collectively approve APPL00111 and APPL00112 by Councillor McCauley, seconded by Councillor Cameron. So voted.
- COMM00441 11 01 2022 Electric Car Charging  
Motion to receive and file by Councillor McCauley, seconded by Councillor Wright. So voted.
- ORDR00387\_11\_01\_2022 Signage Forrester St.
- COMM00412\_05\_31\_2022 Ltr Ann Jaronyk re: Traffic Safety
- COMM00414\_05\_31\_2022 Ltr. Emily Dunn re: Traffic on Merrimac Street

## Public Utilities

### *In Committee:*

## Rules

### *In Committee:*

- ODNC00128\_11\_01\_2022 Amending Ch. 2 Committees (COTW)
- ORDR239\_02\_8\_2021 Council Rule 7 and 10B

## 17. GOOD OF THE ORDER

## 18. ADJOURNMENT

Motion to adjourn at 8:22 pm by Councillor Zeid, seconded by Councilor Donahue. So voted.

# COMMUNICATIONS

RECEIVED  
CITY CLERK'S OFFICE  
NEWBURYPORT, MA

2022 NOV 16 AM 10:34

Newburyport Parks Conservancy  
c/o Grady Financial  
1 Merrimac St # 14  
Newburyport, MA 01950

16 November 2022

Re: Request to determine routing for my restricted donation (Check 7144, dated 3 May 2022)

In May of 2022 I wrote a check to the Conservancy for \$600 for a crab apple tree on the rail trail. (See attached). I hereby request that the Conservancy produce documentation that my donation was either sent to the City with instructions, or a check was written to a tree vendor to cover my restricted contribution.

If paperwork is not produced in 30 days, I plan to file a complaint with the Massachusetts Attorney General.



Jim McCarthy  
17 Russia St  
Newburyport, MA 01950  
(978) 417-9373

Cc: Newburyport City Council

JAMES OR TRACEY MCCARTHY  
978-255-2044  
17 RUSSIA STREET  
NEWBURYPORT, MA 01950

64-7131/2610

7144

3 May 2022 Date

Pay to the order of Newburyport Parks Conserv \$ 600.00  
Six hundred and 00/100 Dollars

Delta Community CREDIT UNION  
ATLANTA, CINCINNATI, DALLAS/FT WORTH, SALT LAKE CITY

Memo Crab Apple RT

Number & Name by James McCarthy

ENDORSE HERE

Newburyport Parks Conservancy  
Account #27830740

CHECK HERE FOR FORTS OR REMOTE DEPOSIT

DATE

>>211374020<<  
6/7/2022  
11:14:36  
ATACCONE  
TMID 5721582240471

BOARD OF GOVERNORS REG. CO

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

RECEIVED  
CITY CLERK'S OFFICE  
NEWBURYPORT, MA

NOV 17 PM 2:53

Board Members

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

*Laurie Burton, Executive Director  
LaurieBurton@NewburyportRetirement.org  
Derek Minervini  
Assistant to the Executive Director  
DMinervini@NewburyportRetirement.org  
Telephone: (978)465-6619, FAX: (978)462 4042*

Date: November 17, 2022

To: President and Members of the City Council

From: Newburyport Retirement Board

Re: Retirement Board Expense Budget C/Y 2023

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

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

The Board will vote on whether to adopt the attached 2023 proposed budget at the Board meeting on December 29, 2022.

Sincerely,



Joe Spaulding  
Chairman  
Newburyport Retirement Board

# NEWBURYPORT SPECIAL EVENT APPLICATION

Tel.

Fax.

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

NAME OF EVENT: WINTER SHANTIES

Date: Dec 4 THROUGH March 5, 2023 Time: from 12PM to 4PM

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

2. Location\*: BEHIND THE CURTIN HOUSE, EITHER SIDE OF RAIL TRAIL

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

3. Description of Property: GRASS LAWN AREA Public \_\_\_\_\_ Private

4. Name of Organizer: FIREHOUSE CARTON FOR THE ARTS City Sponsored Event: Yes \_\_\_\_\_ No

Contact Person JOHN PROWLAN

Address: 1 MARKET SQUARE, NEWBURYPORT Telephone: 978-499-993

E-Mail: john@firehouse.org Cell Phone: 603-712-2917

Day of Event Contact & Phone: SAME

5. Number of Attendees Expected: 50

6. MA Tax Number: 04-2649373

7. Is the Event Being Advertised? Yes Where? LOCAL MEDIA AND PAINT FURMS

8. What Age Group is the Event Targeted to? All

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

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

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

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

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

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

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

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

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

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

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

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

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

**If yes:**

- a) How many trash receptacles will you be providing? CANAY In, CANAY Out
- b) How many recycling receptacles will you be providing? CANAY In, CANAY Out
- 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)

#      Standard      #      ADA accessible

Name of company providing the portable toilets: \_\_\_\_\_



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

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

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

\_\_\_\_\_

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

\_\_\_\_\_

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

\_\_\_\_\_

4. Date of Event: \_\_\_\_\_ Expected Number of Participants: \_\_\_\_\_

5. Start Time: \_\_\_\_\_ Expected End Time: \_\_\_\_\_

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

\_\_\_\_\_

7. Locations of Water Stops (if any): \_\_\_\_\_

8. Will Detours for Motor Vehicles Be Required? \_\_\_\_\_ If so, where? \_\_\_\_\_

9. Formation Location & Time for Participants: \_\_\_\_\_

10. Dismissal Location & Time for Participants: \_\_\_\_\_

11. Additional Parade Information:

• Number of Floats: \_\_\_\_\_

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

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

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

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

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

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

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

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

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

<i>Approval Required</i>	Date: _____	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: <i>Fee for Special Events: \$45/hr/DPS employee for trash handling/staging etc. may apply</i>	
	Yes: \$ _____ due on _____	No Fee for Special Events applies
	Other requirements/instructions per DPS _____	
___	10. Parks Department: _____	
___	11. License Commission _____	

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

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

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

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

(c) *Definitions.*

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

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

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

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

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

(d) *Limitations.*

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

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

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

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

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

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



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

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

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

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

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

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

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

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

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

(e) *Enforcement.*

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

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

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

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

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

11/28/2022





Ferry Wharf Ferry Wharf

P NRA East Lot

Water St

The Basin Apparel  
clothing store

Untapped History

Custom House  
Maritime Museum  
Nautical exhibits in historic quarters

Marathon Sports  
Running store

DCF Group  
Tax & Investment  
Advisors

Waters Google

Newburyport Family Law  
& Divorce Mediation  
Kane Insurance

The Poynt Newburyport  
American \$5

@dies Marketplace

Newburyport  
Harbor-Master

FedEx Drop Box

THE COMMONWEALTH OF MASSACHUSETTS

City OF Newburyport

RECEIVED  
CITY CLERK'S OFFICE  
NEWBURYPORT, MA

2022 NOV 22 PM 1:23

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

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

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

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

2. Is the above concern an individual, co-partnership, an association or a corporation? \_\_\_\_\_  
LLC (Single Member)

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

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

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

President \_\_\_\_\_

Secretary \_\_\_\_\_

Treasurer \_\_\_\_\_

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

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

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

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



APPLICANT WILL NOT FILL THE FOLLOWING BLANKS

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

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

Signed \_\_\_\_\_

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

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

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

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

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

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

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

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

7. Give a complete description of all the premises to be used for the purpose of carrying on the business.  
196 Route One, Newburyport is located just south of the Route One traffic circle. State Automotive Repair LLC occupies approximately 1/2 of a shared building with a retail vendor. Auto repair bays contain lifts, tools, and equipment consistent with any typical auto repair shop. Parking is in front, to the side, and to the rear of the building.

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

If so, state name of manufacturer \_\_\_\_\_

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

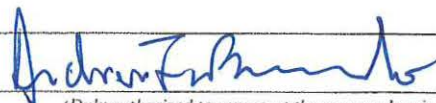
10. Have you ever applied for a license to deal in second hand motor vehicles or parts thereof? Yes  
(Yes or No)

If so, in what city — town Newburyport, MA

Did you receive a license? Yes For what year? 2016-2022  
(Yes or No)

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

Sign your name in full



(Duly authorized to represent the concern herein mentioned)

Residence 16 Hickory Lane, Topsfield MA

### IMPORTANT

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

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



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

APPLICANT WILL NOT FILL THE FOLLOWING BLANKS

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

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

Name \_\_\_\_\_

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

City — Town \_\_\_\_\_

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

Remarks \_\_\_\_\_

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

Dana  
781-334-8077  
(Renewal)  
App for lic to lic/permits



# CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)

11/17/2022

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


**COVERAGES**      **CERTIFICATE NUMBER:** CL21121506482      **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
	<b>COMMERCIAL GENERAL LIABILITY</b> <input type="checkbox"/> CLAIMS-MADE <input type="checkbox"/> OCCUR GEN'L AGGREGATE LIMIT APPLIES PER: <input type="checkbox"/> POLICY <input type="checkbox"/> PRO-JECT <input type="checkbox"/> LOC OTHER:						EACH OCCURRENCE \$ DAMAGE TO RENTED PREMISES (Ea occurrence) \$ MED EXP (Any one person) \$ PERSONAL & ADV INJURY \$ GENERAL AGGREGATE \$ PRODUCTS - COMP/OP AGG \$ \$
A	<b>AUTOMOBILE LIABILITY</b> <input type="checkbox"/> ANY AUTO OWNED AUTOS ONLY <input checked="" type="checkbox"/> HIRED AUTOS ONLY <input checked="" type="checkbox"/> SCHEDULED AUTOS <input checked="" type="checkbox"/> NON-OWNED AUTOS ONLY			BHTRGQ	12/28/2021	12/28/2022	COMBINED SINGLE LIMIT (Ea accident) \$ 1,000,000 BODILY INJURY (Per person) \$ BODILY INJURY (Per accident) \$ PROPERTY DAMAGE (Per accident) \$ \$
	<b>UMBRELLA LIAB</b> <input type="checkbox"/> OCCUR <b>EXCESS LIAB</b> <input type="checkbox"/> CLAIMS-MADE DED    RETENTION \$						EACH OCCURRENCE \$ AGGREGATE \$ \$
B	<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	UB-5K937614-21-42	07/01/2022	07/01/2023	<input checked="" type="checkbox"/> PER STATUTE <input type="checkbox"/> OTH-ER E.L. EACH ACCIDENT \$ 500,000 E.L. DISEASE - EA EMPLOYEE \$ 500,000 E.L. DISEASE - POLICY LIMIT \$ 500,000
C	Used Auto Dealer Bond			62659263	02/01/2023	02/01/2024	Bond Penalty \$25,000

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

**CERTIFICATE HOLDER****CANCELLATION**

City of Newburyport City Council 60 Pleasant Street Newburyport MA 01950	SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS.  AUTHORIZED REPRESENTATIVE 
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Massachusetts



# Western Surety Company

## SECOND HAND MOTOR VEHICLE DEALER BOND

(Mass. Gen. Laws Ann. 140, § 58(c))

Bond No. 62659263

KNOW ALL PERSONS BY THESE PRESENTS:

Effective Date: February 1st, 2016

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

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

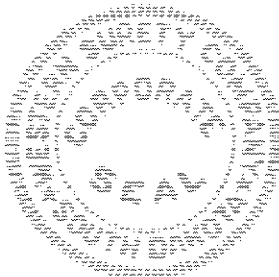
NOW, THEREFORE, the condition of this obligation is such that if the Principal shall pay the amount of actual damages, not to exceed the amount of this bond, to any person who purchases a vehicle from the Principal and who suffers loss on account of: (a) the Principal's default or nonpayment of valid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

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

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

by First Class U.S. Mail. Address \_\_\_\_\_

Dated this 1st day of February, 2016.



State Automotive Repair, LLC., Principal

By: \_\_\_\_\_

WESTERN SURETY COMPANY, Surety

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

# Western Surety Company

## POWER OF ATTORNEY

### KNOW ALL MEN BY THESE PRESENTS:

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

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

One Second Hand Motor Vehicle Dealer

bond with bond number 62659263

for State Automotive Repair, LLC.

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

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

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

In Witness Whereof, the said WESTERN SURETY COMPANY has caused these presents to be executed by its Vice President with the corporate seal affixed this 1st day of February, 2016.

ATTEST

L. Nelson

L. Nelson, Assistant Secretary

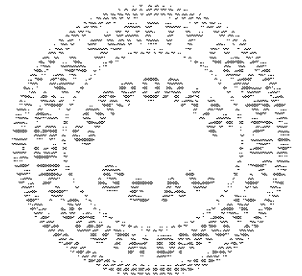
WESTERN SURETY COMPANY

By

Paul T. Bruflat

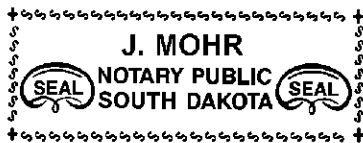
Paul T. Bruflat, Vice President

STATE OF SOUTH DAKOTA }  
COUNTY OF MINNEHAHA } ss



On this 1st day of February, 2016, before me, a Notary Public, personally appeared Paul T. Bruflat and L. Nelson

who, being by me duly sworn, acknowledged that they signed the above Power of Attorney as Vice President and Assistant Secretary, respectively, of the said WESTERN SURETY COMPANY, and acknowledged said instrument to be the voluntary act and deed of said Corporation.



My Commission Expires June 23, 2021

J. Mohr

Notary Public

To validate bond authenticity, go to [www.cnasurety.com](http://www.cnasurety.com) > Owner/Obligee Services > Validate Bond Coverage.





# CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)

11/29/2022

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> Bernard M. Sullivan Insurance Agency 12 Market St. P.O. Box 568 Ipswich MA 01938		<b>CONTACT NAME:</b> Jeremiah Lewis <b>PHONE (A/C, No, Ext):</b> (978) 356-5511 <b>E-MAIL ADDRESS:</b> jtlewis@sullivaninsurance.com <b>FAX (A/C, No):</b> (978) 356-0214																						
<b>INSURED</b> State Automotive Repair, LLC. 196 Route One Newburyport MA 01950		<table border="1"> <thead> <tr> <th colspan="2">INSURER(S) AFFORDING COVERAGE</th> <th>NAIC #</th> </tr> </thead> <tbody> <tr> <td><b>INSURER A:</b> Commerce Insurance Company</td> <td></td> <td>34754</td> </tr> <tr> <td><b>INSURER B:</b> Travelers Indemnity Co of CT</td> <td></td> <td>25682</td> </tr> <tr> <td><b>INSURER C:</b> C N A Surety</td> <td></td> <td>CNAS01</td> </tr> <tr> <td><b>INSURER D:</b></td> <td></td> <td></td> </tr> <tr> <td><b>INSURER E:</b></td> <td></td> <td></td> </tr> <tr> <td><b>INSURER F:</b></td> <td></td> <td></td> </tr> </tbody> </table>		INSURER(S) AFFORDING COVERAGE		NAIC #	<b>INSURER A:</b> Commerce Insurance Company		34754	<b>INSURER B:</b> Travelers Indemnity Co of CT		25682	<b>INSURER C:</b> C N A Surety		CNAS01	<b>INSURER D:</b>			<b>INSURER E:</b>			<b>INSURER F:</b>		
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<b>INSURER E:</b>																								
<b>INSURER F:</b>																								

**COVERAGES**

CERTIFICATE NUMBER: CL21121506482

REVISION NUMBER:

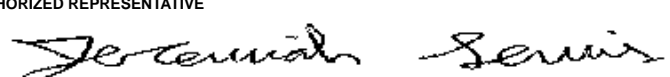
THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE 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
	<b>COMMERCIAL GENERAL LIABILITY</b> <input type="checkbox"/> CLAIMS-MADE <input type="checkbox"/> OCCUR  GEN'L AGGREGATE LIMIT APPLIES PER: <input type="checkbox"/> POLICY <input type="checkbox"/> PRO-JECT <input type="checkbox"/> LOC OTHER:						EACH OCCURRENCE \$ DAMAGE TO RENTED PREMISES (Ea occurrence) \$ MED EXP (Any one person) \$ PERSONAL & ADV INJURY \$ GENERAL AGGREGATE \$ PRODUCTS - COMP/OP AGG \$ \$
A	<b>AUTOMOBILE LIABILITY</b> <input type="checkbox"/> ANY AUTO OWNED AUTOS ONLY <input checked="" type="checkbox"/> HIRED AUTOS ONLY <input type="checkbox"/> SCHEDULED AUTOS <input checked="" type="checkbox"/> NON-OWNED AUTOS ONLY			BHTRGQ	12/28/2021	12/28/2022	COMBINED SINGLE LIMIT (Ea accident) \$ 1,000,000 BODILY INJURY (Per person) \$ BODILY INJURY (Per accident) \$ PROPERTY DAMAGE (Per accident) \$ \$
	<b>UMBRELLA LIAB</b> <input type="checkbox"/> OCCUR <b>EXCESS LIAB</b> <input type="checkbox"/> CLAIMS-MADE DED RETENTION \$						EACH OCCURRENCE \$ AGGREGATE \$ \$
B	<b>WORKERS COMPENSATION AND EMPLOYERS' LIABILITY</b> ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH) <input type="checkbox"/> Y/N If yes, describe under DESCRIPTION OF OPERATIONS below		N/A	UB-5K937614-21-42	07/01/2022	07/01/2023	<input checked="" type="checkbox"/> PER STATUTE <input type="checkbox"/> OTHER E.L. EACH ACCIDENT \$ 500,000 E.L. DISEASE - EA EMPLOYEE \$ 500,000 E.L. DISEASE - POLICY LIMIT \$ 500,000
C	Used Auto Dealer Bond			62659263	02/01/2023	02/01/2024	Bond Penalty \$25,000

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

City of Newburyport is Obligee and Named Insured.

**CERTIFICATE HOLDER****CANCELLATION**

City of Newburyport City Council 60 Pleasant Street Newburyport MA 01950	SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS.  AUTHORIZED REPRESENTATIVE 
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**APPOINTMENTS  
FIRST READING**





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

RECEIVED  
CITY CLERK'S OFFICE  
NEWBURYPORT, MA  
NOV 17 PM 1:41

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: November 28, 2022  
Subject: Appointment

-----  
I hereby appoint, subject to your approval, the following named individual as a member of the Community Preservation Act Committee. This term will expire on December 15, 2025.

Jamison Gagnon  
17 Daniel Lucy Way  
Newburyport, MA 01950



November 16, 2022

Mayor Sean Reardon  
City Hall  
60 Pleasant St.  
Newburyport, MA 01950

RE- Community Preservation Committee

Dear Mayor Reardon,

Please accept this letter as an expression of interest in serving on the Community Preservation Committee (CPC). I hope that after reviewing my resume you will find that both my volunteer and professional experiences make me an ideal candidate to collaborate with other CPC members in making recommendations to your office and the City Council regarding the allocation and expenditure of CPA funds.

Thank You very much for your service to the City of Newburyport and for your time and consideration of my appointment to this Committee.

Sincerely,

Jamie Gagnon  
17 Daniel Lucy Way  
Newburyport

## PROFESSIONAL SUMMARY

Results oriented Sr. Executive with demonstrated success in both the public and private sectors. Diverse experience across state and federal verticals with proven track-record of leading teams on large, complex initiatives spanning multiple stakeholders and business units.

## SKILLS

- Team Building
- Strategic Communication
- Presentation Development & Delivery
- Executive Leadership
- Financial Management
- Strategic Partnerships
- Strategic Planning
- Legislative Advocacy
- Business Development

## PROFESSIONAL EXPERIENCE

### **Commonwealth of Massachusetts, Executive Office of Public Safety & Security (EOPSS)**

**Boston, MA**

Commissioner- Department of Criminal Justice Information Services (DCJIS)

Nov. 2019 – present

- Provide executive oversight of Department which is responsible for managing and administering the Commonwealth's law enforcement information and criminal records systems, Firearms Records Bureau (FRB), post-conviction victim notification program, civil criminal record check systems and call center and Vehicle Automated Crash and Citation System.
  - 40 FTE's and Contractors
  - \$6.5M Annual Operating Budget, \$~1M Capital IT Budget
  - \$~16M Annual Revenue
- Design and execute agency level strategic plan prioritizing organizational efficiencies, technology and team members.
  - Organization: Re-organized agency functional groups replacing operational silos and structural inefficiencies with a culture based on collaboration and communication. Prioritized cross training of staff enabling organizational flexibility and internal mobility.
  - Technology: Leverage Commonwealth's annual IT capital program to create a roadmap to replace/upgrade core Applications to better serve the public and government partners and increase security posture. Emphasis placed on migrating applications to a SaaS/Cloud service models.
  - Team: In response to the Pandemic and changing office culture actively participated in Commonwealth's "future of work" initiative by reducing office footprint by 3300sf and implementing "hybrid" work schedule with no reduction in productivity. Made diversity, equity and inclusion (DEI) a priority in both hiring and promotions.
- Accomplishments:
  - Awarded 2022 Manuel Carballo Governor's Award for Excellence in Public Service for outstanding contribution to the 7D Transportation Mission Team- "Operation Children First."
  - Maintained agency service levels to both government partners and citizens of the Commonwealth during COVID-19 Pandemic.
  - Filed new Criminal Offender Record Information (CORI) regulations (6/11/21) making them easier to understand and apply by permitting the use of video and other technologies for the remote identity of applicants.
  - Led multi-agency effort for Commonwealth to join FBI Compact Council via MOU.
  - Implemented primary search capability of FBI N-DEx database for state and local law enforcement.
  - Increased agency revenues by ~\$1M since FY '20.
- Leadership Roles:
  - Commonwealth's CJIS Systems Officer (CSO), Elected 2nd Vice Chair to the FBI CJIS Advisory Policy Board-Northeastern Working Group, Member of FBI CJIS Data Sharing Services (DSS) Subcommittee.
  - Representative to the National Law Enforcement Telecommunications System (Nlets), member- Technical and Operations Committee.
  - FBI State Compact Council Officer & Signatory on Compact MOU.
  - Gov. Appointee to SEARCH- National Consortium for Justice Information and Statistics.
  - EOPSS- Executive Steering Committee for Standardization and Operationalization of Criminal Justice Data, Board Member, Executive- Level Traffic Records Committee (ETRCC).

Secretariat Chief Information Officer

Oct. 2020 – Aug. 2021

- As a result of outstanding management of DCJIS was appointed CIO by the Secretary to provide oversight of the EOPSS- IT Division.
- Led a staff of 20 FTE's who provide Systems Security, Program Management and Application support to the thirteen (13) public safety agencies including State Police and Department of Corrections.
- In consultation with Agency Heads, IT Staff and EOPSS leadership assembled \$32M FY 2022 – 2026 EOPSS IT Strategic plan focused on modernizing legacy IT systems and building a secure citizen centric IT environment.
- Represented EOPSS Secretary at IT Investment Advisory Board (IIAB) which approves major IT bond funded projects for all Commonwealth Executive Agencies.
- Executed Commonwealth's workplace modernization program throughout all EOPSS agencies with goal of one device per employee on same windows and software version.
- Led "data cross tracking" initiative with numerous stakeholders with statutory requirement to build a central repository of data from disparate agencies- Trial Court, Dept. of Corrections, 13 Sheriffs, Parole, Probation and other criminal justice agencies for the purpose of anonymizing, aggregating and making data available to the public.

**IDEMIA Identity & Security (formerly MorphoTrust USA LLC)**

Senior Director- Federal & State Government Affairs

Billerica, MA & Reston, VA

March 2016 – July 2019

- Led Federal and State government relations, policy advocacy campaigns and strategic communications for North American Business Units- State Drivers License Programs, Public Safety & Security, Fingerprint Enrollment Services, Digital ID, directly impacting ~\$100M in gross annual revenue.
  - Federal campaigns included protecting core programs and promoting innovative solutions throughout Congress and Agencies for TSA PreCheck and other trusted traveler programs, border security, cyber security/online identity verification. Securing federal grant funding for motor vehicle, public safety and tribal customers.
  - State campaigns included protecting core Driver's License and civil fingerprint enrollment programs and shaping new "digital" markets in electronic ID, electronic visit verification and mobile driver license programs.
- Participated in corporate strategic planning with emphasis on setting the course of action to drive government adoption of digital credentialing and online identity verification enabling value creation in both federal and state markets. Contributor- Issue Brief #2017-02 "Emerging Mobile Technologies and the REAL ID Act: Legal Challenges and Recommended Approaches." The George Washington University, Center for Cyber and Homeland Security.
- Managed \$1M+ annual budget and direct activities of government relations team strategically positioned throughout the States & Washington D.C.
- Led company efforts to secure tax incentives and training grants in states Illinois, Indiana, Iowa, Virginia to retain, train and grow employee base. Secured over \$~.1M in incentives.
- Managed Association memberships throughout business units to encourage development of best practices in IT Security Standards, Smart Cards, Identity Authentication, and Biometrics.

**MorphoTrust USA LLC (formerly Viisage Tech., L1 Identity Solutions)**

Director- State Government Affairs

Senior Manager- State Government Affairs

Manager- State Government Affairs & Business Development

Billerica, MA & Washington, D.C.

Nov. 2013-Feb. 2016

Oct. 2012- Oct. 2013

Jan. 2008 – Sept. 2012

- Directed state government relations programs and policy advocacy campaigns that protect and grew base businesses and created strategic business opportunities.
- Established relationships with various external stakeholders including State and Federal elected officials and government policy-makers, and represent the company with national political organizations such as the Republican Governors Association, Democratic Governors Association, National Governors Association, and National Conference of State Legislatures.
- Collaborated with Colleges and Universities including UCONN, Hobart & William Smith Colleges, Purdue University, Indiana Institute of Technology, DesMoines Area Community College on training and internship/coop programs for company.
- Led program to assist State Motor Vehicle Agencies throughout the US win grant funding to implement programs to secure their drivers license issuance process in support of REAL ID. Helped procure ~\$5M in Federal Homeland Security grant funds.
- Led the development and execution of the company's first secure web based end-to-end credentialing program- MA Chiefs of Police Association Standardized Police ID program. Quoted in Government Technology "Secure ID for Massachusetts Police Takes Off."



**Commonwealth of Massachusetts, Essex County Sheriff's Department**  
Assistant Superintendent of Administration/CIO

**Middleton, MA**  
Sept. 2003-January 2008

- In close collaboration with the Sheriff, directed and coordinated intergovernmental relations and federal legislative affairs, as well as all activities of the Information Technology and Communications Divisions.
- As CIO of agency had oversight of 8 employees; managed all procurement, staff training and allocation of technology and communications resources throughout 8 facilities and 40 outside agencies.

Director of Special Projects and Grants/Assistant Superintendent

July 1999-August 2003

- Served as Sheriff's liaison to the MA Legislature, Executive Department and other State agencies.
- Identified outside funding sources and worked closely with Executive Office of Public Safety on obtaining grant funding to augment the Departments operating budget.

Assistant Budget Director

February 1997-June 1999

- Worked with Chief Financial Officer and Command Staff on all matters of accounting, payroll and accounts payable.
- Provided the CFO and Command Staff with ad hoc analysis to track monthly spending and budget variances

## EDUCATION

Suffolk University, Frank Sawyer School of Management  
Master in Business Administration

Boston, MA

Hobart & William Smith Colleges  
Bachelor of Arts, Political Science

Geneva, NY

### Additional Coursework:

Harvard University: Kennedy School of Government- "Massachusetts Senior Executive Program."

Radcliffe Seminars: Harvard University, M.I.T. - "Mediation and Other Facilitative Roles in Dispute Resolution."

## PROFESSIONAL DEVELOPMENT

FBI- Criminal Justice Information Services Division, Advisory Policy Board and Regional Working Group Meetings

IDEMIA 1<sup>st</sup> Global Leadership Convention- Lisbon

MorphoTrust USA- Next Generation Leadership Development Program.

MorphoTrust USA, CEO Circle: For employees who demonstrate exceptional performance

MorphoTrust USA- Lean Sigma Training: Green Belt Certified.

Partners in Leadership- Culture Change Workshop "*Change the Culture, Change the Game.*"

Distinction Communication, Inc. - Effective Communication in Public Speaking.

DiSC Assessment Training

BJA Criminal Intelligence Systems Operating Policies- "28 CFR Part 23."

COPS Technical Assistance Conference- "IT: Planning, Purchasing, and Managing Your Tech. Initiative."

Government Technology Conference- "The Role of Executives in Project Management."

Government Technology Executive Leadership Forum- "Technology and Inter-Governmental Collaboration."

Office of the State Comptroller- "Administering Federal Grants."

CEO Resources Inc. - "*Executive Board Training.*"

## COMMUNITY

Board Member/Coach- Newburyport Boys Basketball Association

Coach- Newburyport Pioneer League

Event Chair- 2008 Newburyport Yankee Homecoming

Fmr. Member- Board of Trustees- John Ashford Link House, Newburyport, MA- Executive Committee Member- Treasurer

Fmr. Member Board of Trustees (Gov. Appointee): Essex Agricultural and Technical High School (now Essex North Shore Agricultural and Technical School).



CITY OF NEWBURYPORT

OFFICE OF THE MAYOR

SEAN R. REARDON, MAYOR

RECEIVED  
CITY CLERK'S OFFICE  
NEWBURYPORT, MA

77 NOV 22 PM 4:10

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: November 22, 2022

Re: Appointment

---

I hereby appoint, subject to your approval, the following named individual as a Constable for City Business.  
The term shall expire on December 1, 2025.

Paul S. Cardaci  
135 Beach Road Unit C5  
Salisbury, MA 01952

November 22, 2022

To: Mayor Sean Reason

Date Nov 22, 2022

Re. Constable of the City of Newburgh  
Renewal

Dear Mr. Reason,  
I am requesting the Renewal of  
Myself as a Constable for the  
City of Newburgh Again for  
a three year term. I would  
Appreciate your Approval of  
my Request.

Respectfully  
Paul S. Cardwell



The Hanover Insurance Company | 440 Lincoln Street, Worcester, MA 01653  
 Citizens Insurance Company of America | 645 West Grand River Avenue, Howell, MI 48843  
 Massachusetts Bay Insurance Company | 440 Lincoln Street, Worcester, MA 01653

**CONTINUATION CERTIFICATE**

**Principal:**

Paul S. Cardaci

135 Beach Rd Unit C5

Salisbury

MA 01952

**Obligee:**

City of Newburyport

60 Pleasant St

Newburyport

MA 01950

**Bond No.:** BONA175265

**Date:** November 2, 2022

**Continuation Term:** Constable

**From:** December 12, 2022 **To:** December 12, 2025

**Agent:**

Eastern Ins. Group LLC

65 Parker St, Ste 6

Newburyport, MA 01950

**Bond Amount:** \$ \$5,000.00

**Premium:** \$ \$250.00

It is hereby agreed that the above referenced captioned numbered Bond issued by The Hanover Insurance Company (hereinafter the "Surety") is continued in force in the above amount for the Continuation Term period of the continued term stated above, and is subject to all the covenants and conditions of said Bond.

This Continuation Certificate shall be deemed a part of the original Bond, and not a separate obligation, no matter how long the Bond has been in force or how many premiums are paid for the Bond, unless otherwise provided for by statute or ordinance applicable.

Surety's liability under said Bond and for all continuation certificates issued in connection therewith shall not be cumulative and in no event shall the liability of the Surety exceed the amount as set forth in the Bond or in any additions, riders, or endorsements properly issued by the Surety as supplements thereto.

In witness whereof, the company has caused this instrument to be duly signed, sealed and dated as of the above "continuation effective date."



The Hanover Insurance Company

By:   
 Attorney-In-Fact

cc: 3200939



THE HANOVER INSURANCE COMPANY  
MASSACHUSETTS BAY INSURANCE COMPANY  
CITIZENS INSURANCE COMPANY OF AMERICA

POWER OF ATTORNEY

THIS Power of Attorney limits the acts of those named herein, and they have no authority to bind the Company except in the manner and to the extent herein stated.

KNOW ALL PERSONS BY THESE PRESENTS:

That THE HANOVER INSURANCE COMPANY and MASSACHUSETTS BAY INSURANCE COMPANY, both being corporations organized and existing under the laws of the State of New Hampshire, and CITIZENS INSURANCE COMPANY OF AMERICA, a corporation organized and existing under the laws of the State of Michigan, (hereinafter individually and collectively the "Company") does hereby constitute and appoint,

**Christina D. Hickey, Ellen M. Dolan, Donna M. Robie, Frank J. Smith, Ellen J. Young and/or Tara L. Clifford**  
Of Eastern Insurance Group, LLC of Natick, MA each individually, if there be more than one named, as its true and lawful attorney(s)-in-fact to sign, execute, seal, acknowledge and deliver for, and on its behalf, and as its act and deed any place within the United States, any and all surety bonds, recognizances, undertakings, or other surety obligations. The execution of such surety bonds, recognizances, undertakings or surety obligations, in pursuance of these presents, shall be as binding upon the Company as if they had been duly signed by the president and attested by the secretary of the Company, in their own proper persons. Provided however, that this power of attorney limits the acts of those named herein; and they have no authority to bind the Company except in the manner stated and to the extent of any limitation stated below:

**Any such obligations in the United States, not to exceed Fifty Million and No/100 (\$50,000,000) in any single Instance**

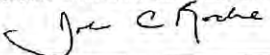
That this power is made and executed pursuant to the authority of the following Resolutions passed by the Board of Directors of said Company, and said Resolutions remain in full force and effect:

RESOLVED: That the President or any Vice President, in conjunction with any Vice President, be and they hereby are authorized and empowered to appoint Attorneys-in-fact of the Company, in its name and as it acts, to execute and acknowledge for and on its behalf as surety, any and all bonds, recognizances, contracts of indemnity, waivers of citation and all other writings obligatory in the nature thereof, with power to attach thereto the seal of the Company. Any such writings so executed by such Attorneys-in-fact shall be binding upon the Company as if they had been duly executed and acknowledged by the regularly elected officers of the Company in their own proper persons.

RESOLVED: That any and all Powers of Attorney and Certified Copies of such Powers of Attorney and certification in respect thereto, granted and executed by the President or Vice President in conjunction with any Vice President of the Company, shall be binding on the Company to the same extent as if all signatures therein were manually affixed, even though one or more of any such signatures thereon may be facsimile. (Adopted October 7, 1981 – The Hanover Insurance Company; Adopted April 14, 1982 – Massachusetts Bay Insurance Company; Adopted September 7, 2001 – Citizens Insurance Company of America)

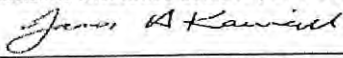
IN WITNESS WHEREOF, THE HANOVER INSURANCE COMPANY, MASSACHUSETTS BAY INSURANCE COMPANY and CITIZENS INSURANCE COMPANY OF AMERICA have caused these presents to be sealed with their respective corporate seals, duly attested by two Vice Presidents, this 12th day of February, 2018.

The Hanover Insurance Company  
Massachusetts Bay Insurance Company  
Citizens Insurance Company of America

  
John C. Roche, EVP and President

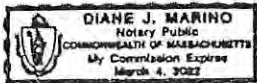


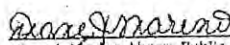
The Hanover Insurance Company  
Massachusetts Bay Insurance Company  
Citizens Insurance Company of America

  
James H. Kawiecki, Vice President

THE COMMONWEALTH OF MASSACHUSETTS )  
COUNTY OF WORCESTER ) ss.

On this 12th day of February, 2018 before me came the above named Vice Presidents of The Hanover Insurance Company, Massachusetts Bay Insurance Company and Citizens Insurance Company of America, to me personally known to be the individuals and officers described herein, and acknowledged that the seals affixed to the preceding instrument are the corporate seals of The Hanover Insurance Company, Massachusetts Bay Insurance Company and Citizens Insurance Company of America, respectively, and that the said corporate seals and their signatures as officers were duly affixed and subscribed to said instrument by the authority and direction of said Corporations.



  
Diane J. Marino, Notary Public  
My Commission Expires March 4, 2022

I, the undersigned Vice President of The Hanover Insurance Company, Massachusetts Bay Insurance Company and Citizens Insurance Company of America, hereby certify that the above and foregoing is a full, true and correct copy of the Original Power of Attorney issued by said Companies, and do hereby further certify that the said Powers of Attorney are still in force and effect.

GIVEN under my hand and the seals of said Companies, at Worcester, Massachusetts, this 2<sup>nd</sup> day of November, 2022.

CERTIFIED COPY

  
Theodore G. Martinez, Vice President



**END OF CONSENT AGENDA**

**BEGINNING OF REGULAR AGENDA**

# COMMUNICATIONS



BE KIND ✦ BE SAFE ✦ BE RESPONSIBLE

November 21, 2022

Dear Newburyport City Council Members,

The Newburyport PTO is requesting permission to run a hot cocoa stand fundraiser in downtown Newburyport during the Santa Parade and Tree Lighting, on Sunday, November 27th from 3-5pm. We did a similar fundraiser last year and were located on Inn Street within Byron's Court, away from the main walkways, but we are willing to be situated wherever you prefer.

We apologize for this late request. We coordinated with the Chamber of Commerce in September to be included in their permits for the Santa Parade and Santa's Workshop and received confirmation of such on September 15, 2022. We only found out last week that while we were included in Santa's Workshop permit (for December 10th and 11th), but were accidentally left out of the Santa Parade permit, which was filed by the Rotary Club.

All donations will go to the Newburyport PTO which is a 501(c)(3) not-for-profit charitable organization, serving the students, families and staff of the Bresnahan, Molin and Nock Schools. Money raised will be used to cover transportation costs for student field trips, cultural enrichment programs, and teacher proposals.

#### Further Details

- Hot Cocoa Stand will be attended by a parent volunteer at all times.
- Hot Cocoa will be in carafes and poured into cups by volunteers wearing gloves. Hot Cocoa will be made from a mix and water. Ingredients will be posted.
- We will follow all Board of Health guidelines used for Bake Sales and will display their notice: PUBLIC NOTICE: PLEASE BE ADVISED NEITHER THE FOOD NOR THE FACILITIES FROM WHICH THE FOOD WAS PREPARED HAVE BEEN INSPECTED BY THE STATE OR LOCAL BOARD OF HEALTH.
- All trash will be removed by the PTO.
- Hot Cocoa will be free but a donation cup will be on the table. There will be no pressure to donate money.

Sincerely,  
 Emily Stroehrer (Vice President Newburyport PTO)  
 newburyportpto@gmail.com  
 603-340-4622  
 23 Merrill Street, Newburyport

**From:** Bruce Vogel <[BVogel@CityofNewburyport.com](mailto:BVogel@CityofNewburyport.com)>  
**Sent:** Wednesday, November 16, 2022 11:15 AM  
**To:** Richard Jones <[RJones@CityofNewburyport.com](mailto:RJones@CityofNewburyport.com)>  
**Subject:** Document inquiry

Good morning Richard,

In response to your inquiry regarding documents from Lise Reid I referenced at the last City Council meeting, please see attached.

Over the course of the “Parks Reorganization” discussions, I have reached out to Lise to fact-check or ask for clarification. I have also been in regular contact with Bob Morrill and Jack Grady for the same reason.

These latest documents are in response to the debates that took place in the general and committee meetings regarding **COMM0043666\_10\_11\_2022 Ann Marie Monziona re: park bench**.

Lise has given me permission to make these documents public with the caveat that everyone understands that these are quick responses to COMM436 and that more complete information will be forthcoming.

She also points out that the administration should be made aware of the circumstances outlined in the document name *Bench update – duplication of effort and cost*.

This email, as a communication and as an accompaniment to the attachments, is for information only, not as debate.

Thank you for your assistance.

Best,

Bruce



Bruce Vogel &lt;bruce@plumislandcoffee.com&gt;

---

**bench update**

1 message

---

**Lise Reid** <l.a.r.k.reid@gmail.com>  
To: Bruce Vogel <bruce@vogelatlarge.com>

Mon, Nov 14, 2022 at 6:38 PM

Here's a quick bench update:

**Plaque update**

I just found out that City staff are duplicating efforts rather than coordinating with me about outstanding plaques. This is unfortunate as it is resulting in a waste of city money and staff time.

They have ordered and paid for a plaque for the granite seating project which I already ordered some time ago and is due to arrive on my doorstep any day along with two other plaques. I had asked Mike to contact me when they were installing the new benches at Joppa as I had details about placement. He chose not to coordinate that. The footrests for the memorial benches at Joppa are installed backwards. I have not yet had complaints, but I am guessing it's a matter of time.

I am concerned because Mike Hennessey is working from a spreadsheet which I sent him back in July. I have made updates to that spreadsheet as the outstanding orders were completed and even changed, such as the fact that one donor wants his plaque installation to be delayed until next August. Has parks staff noted that change?

In addition, I have a volunteer lined up to install them, but am being told the Parks Department will install them. Interesting that they suddenly have all this extra time and money to do work a volunteer is willing to do and pay for something the Conservancy is willing to pay for.

I have been very forthcoming and generous with my time, met with Mike on site, and offered my assistance to get the projects done right. I do wish city staff would accept my offer to coordinate to save us all extra time and money.

Lise

Lise Reid  
978-872-6500  
l.a.r.k.reid@gmail.com



Bruce Vogel &lt;bruce@plumislandcoffee.com&gt;

---

**Fwd: Notes from our phone call**

1 message

---

**Lise Reid** <l.a.r.k.reid@gmail.com>  
To: Bruce Vogel <bruce@vogelatlarge.com>

Mon, Nov 14, 2022 at 5:41 PM

Hi Bruce,

I have not had time to craft my rebuttal, but below are some notes from beginning that effort and from our conversation. Hope it is helpful to you.

I have attached a photo of the engraving that was being done on the Monziona bench, so that you can see we were making our best efforts to get this done for her. As promised I have also attached a sample of a thank you letter sent by the conservancy for the adoption of an existing bench.

Best,  
Lise

There is clearly a lack of information as well as mis-information being provided to City Councilors as they publicly consider what they have suggested is fraudulent activity by the Newburyport Parks Conservancy. I offer the following additional information, which I hope will help to more accurately answer some of the questions Councilors had.

**Regarding Councilor Wright's reference to a forged check endorsement,**

*Wright indicated that the endorsement would be considered forged unless there is "a document that says the conservancy is a sub entity of The Mayor Gayden W. Morrill Charitable Foundation."*

A 2012 resolution drawn up by Healey, Deshaies, Gagliardi & Woelfel, PC states, ". . . the Foundation resolves to create an account at a local banking institution, to wit: The Provident Bank, in the name of the Foundation d/b/a The Newburyport Parks Conservancy with a Trustee, James Agrippa Morrill and John Grady as signatories."

It is confusing but not illegal that the checks used by the Conservancy list the umbrella foundation as the account holder rather than the Newburyport Parks Conservancy. This is why the refund check issued by the Newburyport Parks Conservancy to Ann Marie Monziona appears to be from an entity that is separate from the Conservancy, when in actuality was issued from the Conservancy bank account.

**Councilor Lane suggested there were three donors who did not see their memorial come to fruition.**

As someone who has worked very hard with the Conservancy's donors to keep in touch and make sure they were given what they paid for, it is very hard to listen to the suggestion that there are donors being left in the lurch. When I was laid off, I committed to volunteering with the Newburyport Parks Conservancy for the sole purpose of seeing these installations through and making sure that no donors were left in the lurch.

I am in correspondence with all donors who still have outstanding memorials. If there are donations that, as Councilor Lane suggests, have not come to fruition, he should not be coordinating with Mike Hennessey to get them done. It just confuses the issue. He should be reaching out to me through the Conservancy. He will likely learn that we have those donations in process and well under control. The Conservancy will be installing all remaining plaques. Benches themselves are all in place thanks to installation help from the Parks Department.

I am happy to provide a list with status details of the six outstanding plaques and two bricks that need to be installed.

**Details about Ann Marie Monziona's bench donation:**

Ms. Monziona sent a check for \$1,000 sometime in early 2022 to adopt an existing bench along the waterfront at Joppa Park. We did not have any available. She was notified in March that the Conservancy could either refund her money or she could fund one of the granite block seats along Clipper City Rail Trail at Coombs Wharf for \$3,000. She agreed to do this and later in spring 2022 sent another \$2,000 check to make up the difference.

Placement of granite blocks to be used as seating along the waterfront side of Clipper City Rail Trail in the Coombs Wharf area were approved by the Parks Commission on November 18, 2021. It was a long process to procure, receive, and place the granite blocks involving a visit to a quarry with Kim Turner and Parks Commissioner Charles

Griffin, lengthy back and forth with the quarry once we identified the blocks, delivery, and then assistance by the DPS to place them.

During this process I met on the Rail Trail in the Coombs Wharf area with Special Projects Manager Kim Turner, Senior Project Manager Geordie Vining, and Michael Updike, the artist we had chosen to create the COVID memorial. While we were there I asked their opinion about the granite seating memorials and whether we should engrave the blocks or embed bronze-style plaques. I got a resounding "engrave them!" from Km and Michael. I decided engraving was the way to go, but I didn't go back to the Parks Commission to get this approach approved. Feeling the urgency of completing these memorials I went straight to the granite engraver rather than seeking approval as I should have. It took me months to get a granite engraver lined up to do the work.

During the time I was trying to get the engraver scheduled, I had some emails from Ms. Monzione asking when her memorial would be completed. I said I couldn't give her an exact date, but that we were aiming for August. She wrote back to say if it wasn't completed by October 1 she wanted her money back. I pleaded with the granite engraver to get it done by then. He was on the trail on Friday, September 30 engraving her granite, when Parks Commissioner Paul Swindlehurst walked past and saw the work being done. He asked the engraver to stop work as it had not been approved by the commission. At that point I had no choice but to let Ms. Monzione know that her memorial was not completed in time and that we would refund her money. I asked Jack Grady to issue a refund check right away.

### Memorial Bench Rate

Very early on when I still worked very part time for the Parks Commission, the rate for memorial bench adoptions was set by the Parks Commission. The program was put into place before the Conservancy was established. The Commission's reasoning for setting a new bench at \$3,000 for a new bench and \$1,000 to adopt an existing bench was that the donation would cover the cost of the bench with additional funding left over to support parks operations.

I felt uncomfortable that the commission was "raising money" so when the Conservancy was established, I thought it would be a much more appropriate vehicle for raising funds through a memorial bench program. Therefore, I had the Conservancy take over that program.


None of us realized at the time that this "fee schedule" should have been ratified by City Council.

---

### 2 attachments



**granite-block-Monzione.jpg**  
4314K

 **Thank-you-bench.pdf**  
528K



Bruce Vogel &lt;bruce@plumislandcoffee.com&gt;

---

**Fwd: Memorial bench**

1 message

---

**Lise Reid** <l.a.r.k.reid@gmail.com>  
To: Bruce Vogel <bruce@vogelatlarge.com>

Tue, Nov 15, 2022 at 12:59 PM

Hi Bruce,

For what it's worth, below are some of the final messages between me and Ann Marie Monziona. There was another with a threat to contact a lawyer. Meant to send it yesterday.

Lise

----- Forwarded message -----

From: **Lise Reid** <l.a.r.k.reid@gmail.com>  
Date: Mon, Sep 12, 2022 at 1:06 PM  
Subject: Memorial bench  
To: <tackm4@gmail.com>  
Cc: Christine Jackson <CJackson@cityofnewburyport.com>

Hi Ann Marie,

I am writing you from my personal email because it is clear you have not received my most recent email sent from the conservancy email account.

I notified you some time ago that your mother's bench was placed along the Rail Trail waterfront in July. The plaque has been ordered; we expect delivery this month.

If you still wish your donation to be refunded, I am sure the conservancy will do so. Unfortunately, it will be at a significant cost to the conservancy as the granite has been paid for and installed and the engraving ordered. However, I understand it has been a long process and can imagine your patience has run out. Please let me know if you would like a refund and I will request a check.

Best Regards,  
Lise

Lise Reid  
l.a.r.k.reid@gmail.com





IN LOVING MEMORY OF  
ROSEMARY (MONZIONE) WHITTEN  
"YOU CAN STILL HEAR  
THE MUSIC OF MY HEART"



December 31, 2021

Gail Korpusik  
6 Spring Hill Road  
Merrimac, MA 01860

Dear Gail Korpusik,

It is with sincere gratitude that we acknowledge your gift of **1,000 dollars** to the Newburyport Parks Conservancy, a non-profit organization dedicated entirely to the care and improvement of Newburyport parks.

The Newburyport Parks Conservancy is made possible by The Mayor Gayden W. Morrill Charitable Foundation, long-time benefactor of Newburyport's parks and public spaces, whose many recent projects include contributions to construction of the Clipper City Rail Trail Phase II, the new brick walkway at Joppa Park, the rain garden at Cushing Park, creation of Garrison Gardens at Atwood Park and the many new benches on Inn Street to name a few. Foundation trustees helped establish the Newburyport Parks Conservancy to maintain the improvements to which they have so faithfully given their support. The foundation's fundraising efforts also enrich community by supporting the annual ParksFest/Americana Rhythm & Roots Music Festival, Pumpkin Palooza and the Show Your S'Port athletic field fundraiser.

Your gift makes possible vital work such as professional-caliber lawn and garden care, tree care, repairs to play equipment, maintenance of off-leash areas, and larger improvement projects that continue to beautify our parks. **Your gift in memory of Donald E and Lillian C Bryant will be used for Bench Adoption and Care of Parks.**

NPC is an operating 501(c)3 tax-exempt organization and donations are tax-deductible within the guidelines of U.S. law using the following information:

**Tax identification number: 04-3049521**

**Business name: The Mayor Gayden W. Morrill Charitable Foundation dba Newburyport Parks Conservancy.**

Sincerely yours,

*Marcia Shoemaker*

Marcia Shoemaker, Volunteer Administrator  
Newburyport Parks Conservancy

P.O. Box 1211  
Newburyport, MA 01950  
888-465-1733  
info@newburyportparks.org  
www.newburyportparks.org

**APPOINTMENTS  
SECOND READING**

# Second Reading Appointments

**November 28, 2022**

- APPT00354\_11\_14\_2022 Monica Welsh 1 Market St. Cultural Council 12/1/2025  
*Re-Appointment:*
- APPT00355\_11\_14\_2022 Adrienne Silversmith 4 Willow Ave. Cultural Council 11/30/2025



RECEIVED  
CITY CLERK'S OFFICE  
NEWBURYPORT, MA  
NOV 17 2022  
CITY OF NEWBURYPORT  
OFFICE OF THE MAYOR  
SEAN R. REARDON, MAYOR

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

To: President and Members of the City Council  
From: Sean R. Reardon, Mayor  
Date: November 14, 2022  
Subject: Appointment

-----  
I hereby appoint, subject to your approval, the following named individual as a member of the Cultural Council. This term will expire on December 1, 2025.

Monica Welsh  
1 Market Street  
Newburyport, MA 01950



# Monica Welsh

Creative Director - Creative Strategist - Polymorphic

978.729.7097  
monicawelsh63@gmail.com

## EXPERIENCE

### **Hill Holliday, New York/Boston — VP, Creative Director**

FEBRUARY 2022 - PRESENT

Lead creative on a product launch for Regeneron. Managing a small but scrappy team of creatives.

### **McCann, New York — SVP, Creative Director**

MARCH 2020 - JULY 2021

Lead creative on a product launch for global and US clients. Managing a team of 35 creatives.

### **Havas, New York — Creative Director**

MARCH 2017 - MARCH 2020

Lead creative on a product launch for Indivior, including all digital and broadcast creative work while managing a team of 7-10 people

### **Multiple Agencies, New York — Creative Director**

MARCH 2013 - MARCH 2017

Lead creative as a freelancer at the following agencies:

Momentum, McCann Worldgroup, Havas, Heartbeat, Razorfish, Roar, Saatchi, Wunderman, Y&R, Ogilvy, Arnold, CDMi, Juice, Digitas, BGB

### **Grey Global, New York — Digital Associate Creative Director**

JULY 2011 - MARCH 2013

Lead creative for all digital and broadcast work on Eli Lilly business while managing a team of 7-10 people

### **Goodby, Silverstein & Partners — Art Director**

JANUARY 2005 - JULY 2011

Worked on various consumer clients such as Nike, Porsche, E-Trade, Discover, Milk Processors Board, Sonic, Saturn and Wall Street Journal

## EDUCATION

### **Academy of Art, San Francisco — BFA Fine Art**

Graphic design and Advertising.

### **University of San Francisco, San Francisco — BFA Fine Art**

Graphic design and Advertising

## LINKS

Portfolio Site:  
<http://designmonie.com/>

Instagram:  
[@monieloveeeee](https://www.instagram.com/monieloveeeee)

LinkedIn:  
<https://www.linkedin.com/in/designmonie>

## AWARDS

2020 Webby Award,  
One Show. AICP.  
Art Directors Club. Addy.  
Clio. Cannes.



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

RECEIVED  
 CITY CLERK'S OFFICE  
 NEWBURYPORT, MA  
 2022 NOV -1 PM 2:30

To: President and Members of the City Council  
 From: Sean R. Reardon, Mayor  
 Date: November 14, 2022  
 Subject: Re-Appointment

-----  
 I hereby re-appoint, subject to your approval, the following named individual as a member of the Cultural Council. This term will expire on November 30, 2025.

Adrienne Silversmith  
 4 Willow Avenue  
 Newburyport, MA 01950



# ORDERS

# CITY OF NEWBURYPORT



IN CITY COUNCIL

**ORDERED:**

November 28, 2022

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

**THAT** the City Council of the City of Newburyport hereby approves and authorizes the acceptance of a Tree Maintenance Access Easement between the City (Grantee) and Leavitt Court, LLC (Grantor) for the property located at 21-25 and 27 Street, Newburyport. Said Easement to be substantially in the form submitted to this Council at its meeting on November 28, 2022; and

**Further**, that the Mayor of the City of Newburyport is hereby authorized to sign the subject Non-Exclusive Use Easement ("UE") and to act on behalf of the City and enter into any and all instruments, including acceptance of said UE in accordance herewith, and to take any other actions necessary to execute this acceptance and the associated UE accordingly.

Said UE is attached hereto and incorporated herewith and marked Attachment 'A'.

---

Councillor Mark R. Wright



Mead, Talerman & Costa, LLC  
Attorneys at Law

30 Green Street  
Newburyport, MA 01950  
Phone 978.463.7700  
Fax 978.463.7747

www.mtclawyers.com

November 10, 2022

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

Heather Shand, President  
City Council  
City of Newburyport  
60 Pleasant Street  
Newburyport, MA 01950

RECEIVED  
CITY CLERK'S OFFICE  
NEWBURYPORT, MA

2022 NOV 10 PM 12:08

RECEIVED

NOV 10 2022

Newburyport Planning Dept.

*Christine A. Jones*  
11/10/22

Re: Easement for Tree Maintenance from 21-25 and 27 Hancock Street, Newburyport

Dear Mayor Reardon and Clerk Jones,

Reference is made to the above-captioned matter. In that connection, I am attaching an easement hereto for acceptance by the City. We represent the current owners of 21-25 and 27 Hancock Street, Leavitt Court, LLC, who have been permitted by the City to construct two family structures on the lots of 21-25 and 27 Hancock Street respectively. They are required by conditions of Special Permits for this project that were issued by the Newburyport Planning Board on May 19, 2021, to grant "an easement to allow the Department of Public Services to access and maintain the proposed trees along Hancock Street since they will not be placed in the existing public right-of-way".

Now, I have attached a proposed easement from Leavitt Court, LLC. I believe it to be consistent with the conditions in the aforementioned Special Permits. Attached as exhibits are a plan showing the Tree Easement areas on the properties and the Planning Board's Special Permit decisions, recorded at Book 40882, Page 408 and 415, respectively, that included a condition of the easement for tree maintenance. I am informed that the location of the trees have been staked on the properties in accordance with the plan and that the current owner intends to plant the trees at these locations soon.

I hope that the foregoing explains the situation clearly, and please do not hesitate to contact me with questions. On behalf of the owner, I would request you place this matter on the City Council agenda for appropriate action and let us know when the subcommittee meeting to discuss same is held.

*Millis Office*

730 Main Street, Suite 1F  
Millis, MA 02054  
Phone/Fax 508.376.8400

*New Bedford Office*

227 Union Street, Suite 606  
New Bedford, MA 02740

Please confirm these dates with us once they are scheduled.

Respectfully submitted,

*lsm by BWY*

Lisa L. Mead, Esquire

cc: Richard Jones, City Clerk  
Andy Port, Planning Director



Mead, Talerman & Costa, LLC  
Attorneys at Law

30 Green Street  
Newburyport, MA 01950  
Phone 978.463.7700  
Fax 978.463.7747

www.mtclawyers.com

November 21, 2022

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

Heather Shand, President  
City Council  
City of Newburyport  
60 Pleasant Street  
Newburyport, MA 01950

RECEIVED

NOV 21 2022

Newburyport Planning Dept.

Re: Updates to Easement for Tree Maintenance from 21-25 and 27 Hancock Street,  
Newburyport

Dear Mayor Reardon and Clerk Jones,

Reference is made to the above-captioned matter and my letter of November 10, 2022. In that connection, I am attaching hereto an updated version of the easement previously submitted for acceptance by the City.

Based upon the comments by the Planning Director regarding the prior version of the document, we provide the following updates.

- Changes to Paragraph 3 regarding City Maintenance Obligations. To address the Planning Director's apparent issue with the prior language in the easement placing responsibility upon the City to maintain the trees that are subject to the easement, the language of Paragraph 3 of the Easement has been changed to "Grantee [the City] may have the non-exclusive right to maintain the trees planted in the Easement Area in a manner consistent with the way street trees are maintained in the City of Newburyport." The words "may" and "non-exclusive" indicate that the City has the option to utilize the easement to maintain the trees as if they were City Street Trees, but are not required to do so. The prior version was, based upon review of the minutes and permits, consistent therewith. However, my client has no issue with the proposed revisions.
- The Planning Director wanted verification that the City's current insurance policy satisfied the insurance obligations required by Paragraph 4 of the proposed Easement. The Applicant has confirmed that the City's existing policy covers the insurance requirements of Paragraph 4 with the Finance Director/City Auditor who informs the applicant the City's carrier MIAA verified same.

To the extent that more context has not been previously provided to the City

*Millis Office*

730 Main Street, Suite 1F  
Millis, MA 02054

Phone/Fax 508.376.8400

*New Bedford Office*

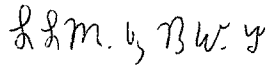
227 Union Street, Suite 606  
New Bedford, MA 02740

Council about this situation, the Applicant worked closely with the City Rail Trail Project Manager and Tree Commission in March of 2021 to find a way to provide Street Trees for this project. Hancock Street and its sidewalks were too narrow for the Applicant to install Street Trees so it was proposed to and approved by the Planning Board in its Decision that Street Trees would be installed along Hancock Street on the applicant's private property where there is space to accommodate them. In order for the City to have the same maintenance rights to the trees as they would with Street Trees on public property, this easement is required. This is a specific condition of the Planning Board's written Decision that the Applicant is attempting to satisfy.

On behalf of the owner, I would request these updates are brought to the City Council's attention for appropriate action. Please let us know when the subcommittee meeting to discuss same is held. The Applicant understands that Councilor Wright will sponsor this matter.

Please confirm these dates with us once they are scheduled.

Respectfully submitted,



Lisa L. Mead, Esquire

cc: Richard Jones, City Clerk  
Andy Port, Planning Director  
Mark R. Wright, City Counselman



Exhibit A

Updated Draft Easement

**DRAFT DOCUMENT SUBJECT TO CHANGE**

Property Address: 21-25 Hancock Street and 27 Hancock Street, Newburyport, Massachusetts 01950

(SPACE ABOVE RESERVED FOR REGISTRY OF DEEDS)

---

**PUBLIC ACCESS EASEMENT**

This Public Access Easement (the "Easement") is granted this \_\_\_\_ day of \_\_\_\_\_, 2022 by Leavitt Court, LLC, a Massachusetts Limited Liability Company with its principal office at 24 Graf Road, Newburyport, Essex County, Commonwealth of Massachusetts ("Grantor") (together with its successors and assigns, "Grantor"), to the City of Newburyport, a municipal corporation duly organized under the laws of the Commonwealth of Massachusetts and located in Essex County, Massachusetts, located at 60 Pleasant Street, Newburyport, Massachusetts, 01950 (together with its successors and assigns, "Grantee").

WHEREAS, the Grantor is the owner of the property located at 21-25 Hancock Street, Newburyport, Essex County, Massachusetts by deed dated September 21, 2021, and recorded with the Essex South District Registry of Deeds (the "Deeds") at Book 40309, Page 216 (the "21 Hancock");

WHEREAS, the Grantor is the owner of the property located at 27 Hancock Street, Newburyport, Essex County, Massachusetts by deed dated September 21, 2021, and recorded with the Essex South District Registry of Deeds (the "Deeds") at Book 40309, Page 218 (the "27 Hancock");

WHEREAS, 21 Hancock and 27 Hancock are hereinafter collectively referred to as the "Property");

WHEREAS, Grantor obtained a special permit for 21 Hancock from the City of Newburyport Planning Board dated May 19, 2021, and recorded in said Deeds at Book 40882, Page 415 (the "21 Hancock Special Permit");

WHEREAS, Grantor obtained a special permit for 27 Hancock from the City of Newburyport Planning Board dated May 19, 2021, and recorded in said Deeds at Book 40882, Page 408 (the "27 Hancock Special Permit");

WHEREAS, 21 Hancock Special Permit and 27 Hancock Special Permit are hereinafter collectively referred to as the “Special Permit”;

WHEREAS, the Special Permit required the permission to access and maintain the proposed trees to be located on the Property along Hancock Street.

NOW THEREFORE, for the sum of \$1.00 paid, the receipt and sufficiency of which are hereby acknowledged and for the promises set forth below, Grantor does hereby grant to Grantee the following rights and easement:

1. Grant of Public Access Easement. Grantor does hereby grant to Grantee the following Public Access Easement:

(a) The non-exclusive right for the City of Newburyport, by and through its Department of Public Works, or alternative appropriate City department, to use the “Tree Easement” Areas shown on a plan entitled “Plan of Land, 21 & 27 Hancock Street”, prepared by Winter GEC, LLC, dated March 21, 2021, and revised on April 20, 2021, and September 7, 2021, and included as “Sheet No. S2” in the set of plans recorded in the Essex South District Registry of Deeds on September 24, 2021 in Book 40309, Page 201 and attached hereto as Exhibit A. Such Public Access Easement shall be for the purpose of accessing and maintaining the proposed trees along Hancock Street on the Property, in a manner consistent with public tree maintenance in the City of Newburyport. The Public Access Easement and conditions provided herein shall be perpetual and irrevocable and shall be deemed to be covenants running with the land and shall inure to the benefit of and be binding upon the Grantee and the Grantor and their respective successors and assigns.

2. Limitations and Restrictions. The rights and easements granted in Section 1 hereof shall be limited to use of the Easement Area as an area for the planting of trees and the subsequent maintenance thereof. The rights and easements granted herein shall not include (a) any right to construct or install any other improvements not associated with the operation of the Easement Area as an area for the planting of trees and the subsequent maintenance thereof. No pattern of use by Grantee shall expand or be deemed to expand upon the rights expressly granted herein.

3. Maintenance.

(a) Maintenance of the Public Access Easement. Grantee may have the non-exclusive right to maintain the trees planted in the Easement Area in a manner consistent with the way street trees are maintained in the City of Newburyport.

4. Insurance. Prior to exercising any rights under this Agreement, Grantee shall obtain, and thereafter shall maintain in effect, a policy of public liability insurance insuring against claims on account of loss of life, bodily injury or property damage that may arise from, or be occasioned by, the use and/or exercise of rights and/or obligations under this Agreement, including but not limited to use and maintenance of the trees along Hancock Street on the Property. Such insurance policy shall name Grantor (and following notice, any holders of mortgages of the Property), as an additional insured. Said insurance shall be carried by a financially responsible insurance company or companies qualified to do business in the Commonwealth of Massachusetts and having a single limit

for loss of life or bodily injury and for property damage of not less than \$3,000,000. Grantee shall furnish to Grantor a certificate of insurance evidencing the existence of the insurance required to be carried pursuant hereto. Such policy shall contain a provision that it shall not be cancelled or terminated without at least thirty (30) days advance written notice to each insured (ten (10) days in the event of cancellation for non-payment of premium).

5. Indemnification. To the extent permitted by law, the Grantee shall indemnify, defend and save harmless the Grantor, the Grantor's officers, agents and employees, from and against any and all damages, liabilities, actions, suits, proceedings, claims, demands, losses, costs, expenses, recoveries and judgments of every nature and description (including attorneys' fees) that may arise in whole or in part out of or in connection with the use of the Public Access Easement by any of the invitees, guests or employees and/or work being performed or to be performed, or out of any act or omission by the Grantee, its employees, agents, subcontractors, material men, and anyone directly or indirectly employed by any of them or anyone for whose acts any of them may be liable.

The foregoing provisions shall not be deemed to be released, waived, limit or modified in any respect by reason of any surety or insurance provided by the Contractor under the Contract.

6. Public Park Status: The Grantor does not assume any responsibility to the Grantee, the general public, or anyone else in connection with its or their use of this Public Access Easement which use shall be at its and their discretion and risk. As set forth in General Laws, Chapter 21, Section 17C, neither the Grantor nor the Grantee shall be liable to members of the general public who use this Public Access Easement as permitted herein.

7. No Representations or Warranties. Grantor makes no representation or warranty, either express or implied, with respect to the condition of any portion of the Property or the improvements now or hereafter constructed thereon.

8. Compliance with Law. In the performance of its obligations hereunder, Grantee shall comply promptly with all laws, regulations and governmental permits and approvals and matters of record existing prior to the recording of this Agreement.

9. Amendment. Except as otherwise expressly set forth in this Agreement, no amendments or modifications of this Agreement shall be effective without the prior written consent of each party at the time of such amendment or modification.

10. Severability. If any term or provision of this Agreement or the application thereof to any person or circumstance shall, to any extent, be declared to be invalid or unenforceable, then the remainder of this Agreement shall not be affected thereby, and each term and provision of this Agreement shall be valid and enforceable to the fullest extent permitted by law.

11. Governing Law. This Agreement shall be construed and interpreted under the laws of the Commonwealth of Massachusetts.

12. Notices. Unless otherwise specified herein, any notice to be given hereunder shall be in writing and shall be deemed to have been given (a) when delivered by hand, or (b) when mailed

by registered or certified mail return receipt requested, or (c) when sent by overnight delivery (such as FedEx), or (d) when sent by daytime courier, addressed as follows:

If to Grantor: Jay Caswell, Manager  
John C. Reppucci, Jr., Manager  
Leavitt Court, LLC  
24 Graf Road  
Newburyport, MA 01950

If to Grantee: City of Newburyport  
Mayor  
City Hall  
60 Pleasant Street  
Newburyport, MA 01950

Each party's notice address may change upon twenty (20) days prior written notice to the other party. Notices shall be deemed delivered on the date received or rejected or on the date noted that the addressee has refused delivery, or on the date that the notice is returned to sender due to the inability of the postal authorities to deliver.

13. Not a Public Dedication. Nothing contained in this Agreement shall be deemed to be a gift or dedication of or a restriction or covenant upon any part of the remaining portion of the Property, for the benefit of the general public, or for any public purpose whatsoever.

*[REMAINDER OF PAGE INTENTIONALLY BLANK]*

EXECUTED as a sealed instrument on the date first written above.

GRANTOR:

Leavitt Court, LLC

By: \_\_\_\_\_  
Jay Caswell, Its Manager

By: \_\_\_\_\_  
John C. Reppucci, Jr., Its Manager

COMMONWEALTH OF MASSACHUSETTS

Essex County, ss.

On this \_\_\_\_ day of \_\_\_\_\_, 2022, before me, the undersigned Notary Public, personally appeared the above-named Jay Caswell, as Manager of Leavitt Court, LLC, proved to me by satisfactory evidence of identification, being (check whichever applies):  driver's license or other state or federal governmental document bearing a photographic image,  oath or affirmation of a credible witness known to me who knows the above signatory, or  my own personal knowledge of the identity of the signatory, to be the person whose name is signed above, and acknowledged the foregoing to be signed by him voluntarily for its stated purpose, on behalf of Leavitt Court, LLC.

\_\_\_\_\_  
(Print Name of Notary Public): \_\_\_\_\_  
My commission expires: \_\_\_\_\_  
Qualified in the Commonwealth of Massachusetts

COMMONWEALTH OF MASSACHUSETTS

Essex County, ss.

On this \_\_\_\_ day of \_\_\_\_\_, 2022, before me, the undersigned Notary Public, personally appeared the above-named John C. Reppucci, Jr., as Manager of Leavitt Court, LLC, proved to me by satisfactory evidence of identification, being (check whichever applies):  driver's license or other state or federal governmental document bearing a photographic image,  oath or affirmation of a credible witness known to me who knows the above signatory, or  my own



personal knowledge of the identity of the signatory, to be the person whose name is signed above, and acknowledged the foregoing to be signed by him voluntarily for its stated purpose, on behalf of Leavitt Court, LLC.

\_\_\_\_\_  
(Print Name of Notary Public): \_\_\_\_\_  
My commission expires: \_\_\_\_\_  
Qualified in the Commonwealth of Massachusetts

GRANTEE: CITY OF NEWBURYPORT

By: \_\_\_\_\_  
Sean Reardon, Mayor

COMMONWEALTH OF MASSACHUSETTS

Essex County, ss.

On this \_\_\_\_\_ day of \_\_\_\_\_, 2022, before me, the undersigned Notary Public, personally appeared the above-named Sean Reardon, Mayor of the City of Newburyport, proved to me by satisfactory evidence of identification, being (check whichever applies):  driver's license or other state or federal governmental document bearing a photographic image,  oath or affirmation of a credible witness known to me who knows the above signatory, or  my own personal knowledge of the identity of the signatory, to be the person whose name is signed above, and acknowledged the foregoing to be signed by him voluntarily for its stated purpose, on behalf of the City of Newburyport.

\_\_\_\_\_  
(Print Name of Notary Public): \_\_\_\_\_  
My commission expires: \_\_\_\_\_  
Qualified in the Commonwealth of Massachusetts

**Exhibit A**

**Plan Showing Tree Easements**

143 of 201 (2 plans)

SUBJECT TO INSTRUMENT #213 9/24/2021  
44309-201

RESERVED FOR REGISTER USE ONLY

NOTES  
THE PURPOSE OF THIS PLAN IS TO DEED PARCELS AS SHOWN ON PLAN RECORDED IN BOOK 2342 PAGE 600. LEAVITT COURT IS AS SHOWN ON SAID PLAN AND IS A CONVEYANCE OF INTEREST IN SAID PARCELS. THE PLAN WAS PREPARED BY THE REGISTER OF DEEDS ON OCTOBER 14, 2020 AND ON MARCH 30, 2021.

THE REGISTER OF DEEDS HAS REVIEWED THIS PLAN AND HAS FOUND IT TO BE IN ACCORDANCE WITH THE ACTS FOR THE REGISTRATION OF DEEDS. THE REGISTER OF DEEDS HAS REVIEWED THIS PLAN AND HAS FOUND IT TO BE IN ACCORDANCE WITH THE ACTS FOR THE REGISTRATION OF DEEDS.



PLS. EXEMPT J. CHAMBERLAIN, P.L.L.C. REGISTRATION NO. 41733  
DATE 9/16/21

LOCAL FILE INFORMATION  
OWNER: CAS WASHINGTONS REALTY TRUST  
DEED REFERENCE: BOOK 3184 PAGE 272  
ASSESSOR: MAP 25 PARCEL 42  
PLAN REF: LOTS 1, 2, 3, 4, 5, 6, 7 & 8 AS SHOWN ON PLAN RECORDED IN BOOK 2342 PAGE 600  
OWNER: WILIAM F. & JAYE L. COBY  
DEED REFERENCE: MAP 25 PARCEL 43  
ASSESSOR: LOTS 2, 3, 4, 5, 6 & 8 AS SHOWN ON PLAN RECORDED IN BOOK 2342 PAGE 600

CITY OF NEWBURYPORT  
OFFICE OF THE CITY CLERK  
I, JAYE L. COBY, CLERK OF THE CITY OF NEWBURYPORT, DO HEREBY CERTIFY THAT THE ABOVE DESCRIBED PARCELS ARE THE SAME AS SHOWN ON THE PLAN RECORDED IN BOOK 2342 PAGE 600.

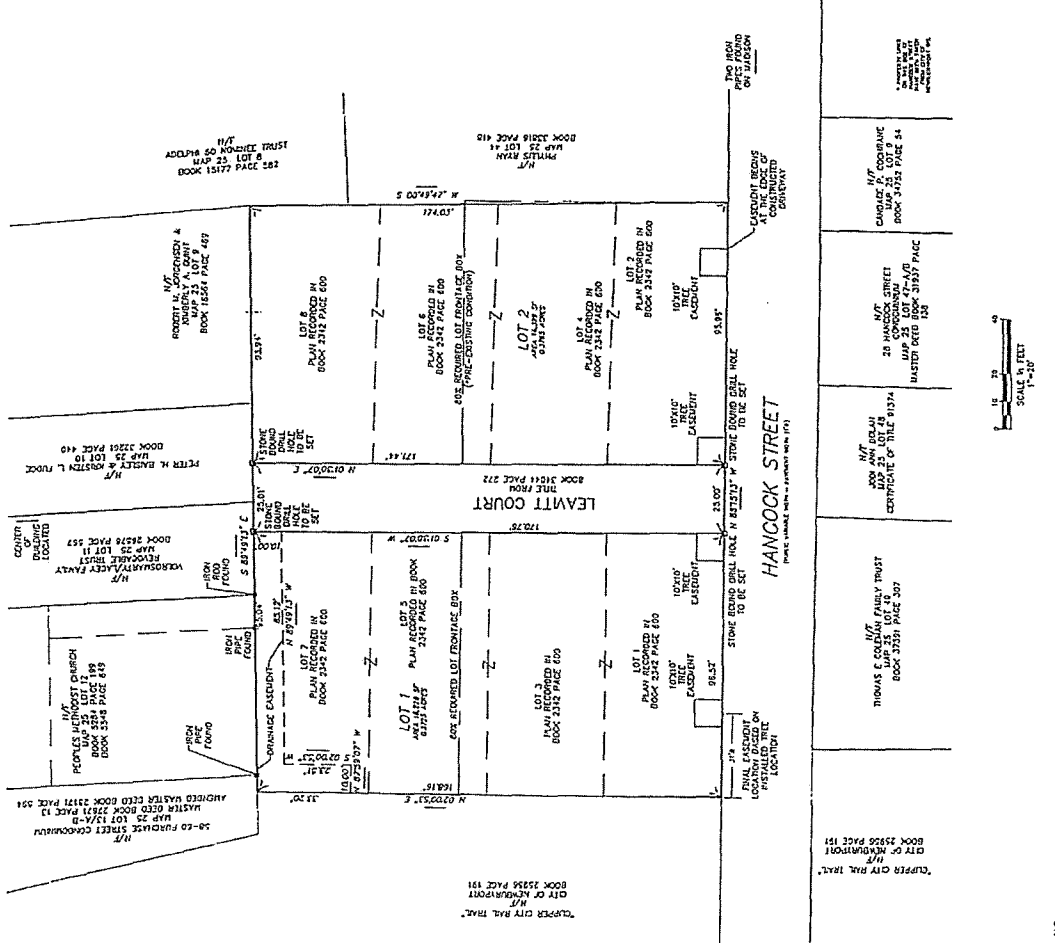
9/16/21  
DATE

PLANES NO. 2022-21-27HANCOCK  
DATE: MAR. 30, 2021  
SHEET NO. S2

PLAN OF LAND IN  
NEWBURYPORT, MA  
SURVEYED FOR  
CASWELL DEVELOPMENT, LLC

PLAN OF LAND  
21 & 27 HANCOCK STREET

FIELD:  EC  
DATES:  EC  
CHECKED:  EC  
APPROVED:  EC



SCALE IN FEET  
1" = 20'

SCALE: HORIZ. 1" = 20'  
VERT. 1" = 20'

ASAP TO BE ASSURED  
ASAP TO BE ASSURED  
ASAP TO BE ASSURED

WINTER GEC, LLC  
14 WINDING STREET  
NEWBURYPORT, MA 01940  
508-770-2575

CONTRACT NO. 2021-001  
DATE: 09/16/21

Exhibit B

Planning Board Special Permit Decisions with Conditions to Grant Easement for Tree Maintenance



RECEIVED  
CITY CLERK'S OFFICE  
NEWBURYPORT, MA

2021 JUN -7 AM 10: 09



CITY OF NEWBURYPORT  
PLANNING BOARD  
60 PLEASANT STREET • P.O. Box 550  
NEWBURYPORT, MA 01950  
(978) 465-4400  
WWW.CITYOFNEWBURYPORT.COM

RECORD OF PROCEEDINGS AND  
SPECIAL PERMIT DECISION

APPLICANT: Caswell Development LLC c/o Lisa Mead, Mead, Talerman & Costa, LLC  
30 Green Street  
Newburyport, MA 01950

PROPERTY OWNER: Robert Doughty and Sharon Doughty, Trustees, G&S Massachusetts RT

FILE No.: 2021-SP-01

PROPERTY ADDRESS: 21-25 Hancock Street

DECISION DATE: 5/19/2021

MAP/PARCEL(S): 25-42

BOOK/PAGE: 34044-272

ZONING DISTRICT: R2/DCOD

PROCEDURAL HISTORY:

An application for a Special Permit pursuant to Section XXIII Courts and Lanes of the City of Newburyport's Zoning Ordinance was made by the above-referenced owner and filed with the Planning Board on 02/17/21 for the following request: *formalize Leavitt Court as a court/lane*

Notice of the public hearing was published on 03/22/21 and 03/29/21 in the Newburyport Daily News. The public hearing was held on 04/07/21 and continued to 4/21/21, 5/5/21, and 5/19/21.

At the close of the public hearing, upon a motion to approve made by Beth DeLisle and seconded by MJ Verde, the Planning Board voted as follows:

Bonnie Sontag, Chair	<u>Yes</u>	Don Walters	<u>Yes</u>	Leah McGavern	<u>Yes</u>
Anne Gardner	<u>Yes</u>	MJ Verde	<u>Yes</u>	Tania Hartford	<u>Yes</u>
Rick Taintor	<u>Absent</u>	Elisabeth DeLisle	<u>Yes</u>	Alden Clark	<u>Recused</u>

Having received the necessary two-thirds super majority vote of the Planning Board, in accordance with M.G.L. Chapter 40A Section 9, as amended, the petition was therefore APPROVED.



## PLANS AND DOCUMENTS:

This Special Permit application was accompanied and augmented by the following plans, drawings, documents, and submittals, which are hereby incorporated into this decision:

- “Complete Plan Set, Courts and Lanes Special Permit, 21-27 Hancock Street, Leavitt Court Improvements, Newburyport, MA” prepared by Design Consultants, Inc. and dated February 17, 2021 consisting of the individual drawing sheets listed below:
  - Sheet T1: Title Sheet (most recent revision date: 5/17/21);
  - Sheet S1: Existing Conditions Plan (most recent revision date: 3/30/21);
  - Sheet S2: Plan of Land (most recent revision date: 3/30/21);
  - Sheet C1: Site Layout & Utilities Plan (most recent revision date: 5/17/21);
  - Sheet C2: Grading & Drainage Plan (most recent revision date: 5/17/21);
  - Sheet C3: Profile Plan (most recent revision date: 5/12/21);
  - Sheet D1: Construction Details (most recent revision date: 5/12/21);
  - Sheet D2: Construction Details (most recent revision date: 5/12/21);
  - Sheet D3: Erosion Control Lan (most recent revision date: 5/6/21);
  - Sheet L1: Landscape Plan (most recent revision date: 5/4/21); and
- “Zoning Plan, 21 & 27 Hancock Street, Newburyport, MA” prepared by Winter GEC, LLC, Inc. and dated January 20, 2021 and most recently revised on April 29, 2021; and
- “Stormwater Management Report for 21-27 Hancock Street” prepared by Design Consultants, Inc. and dated February 2021 and most recently revised on May 12, 2021; and
- 21-27 Hancock Street Closure Reports dated April 20, 2021.

A peer review of engineering and stormwater design was conducted by Christiansen & Sergi, Inc., on behalf of the Planning Board. Additional City Department comments were received on the draft plans which were subsequently revised to address outstanding issues. A full copy of this documentation is on file with the City of Newburyport Office of Planning & Development, 60 Pleasant Street, Newburyport, Ma 01950; and

Throughout its deliberations, the Planning Board has been mindful of the statements of the applicants and their representatives, and the comments of the general public, as made at the public hearing.

## FINDINGS:

The Board must make section specific Special Permit findings in accordance with Section XXIII. These criteria and potential project specific findings for each are provided in draft form here:

1. A court or lane shall not be used to satisfy zoning frontage requirements except as provided by an approved definitive subdivision plan.

The applicant is applying simultaneously for a subdivision approval to create this Lane.

2. A Court shall serve no more than two (2) dwelling units/lots. A lane shall serve no more than four (4) dwelling units/lots.

The applicant is creating a Lane. Leavitt Court will service three (3) of the four (4) dwelling units.

3. The Court or Lane shall access the property over the frontage of at least one of the lots being served by the driveway.

The access is provided over the frontage of 21-25 Hancock Street.

4. The owners of the properties to be accessed by the court or lane must provide evidence to the zoning administrator that they have rights, either by deed or easement, to the court or lane. If access is by easement, the easement shall be recorded by the Essex County Registry of Deeds within ninety (90) days of endorsement by the planning board or within seven (7) days prior to commencement of construction. The recorded easement shall include the following:
  - a. That unless approved within a definitive subdivision plan, the court or lane shall not be used to satisfy frontage requirements under the zoning ordinance. A subdivision has been requested.
  - b. That the City of Newburyport shall not assume any responsibility for the court or lane, nor bear any liability for same. The applicant shall maintain Leavitt Court as part of the joint condominium association responsibilities.
  - c. That a lot and/or unit owner provided access by the court or lane and having an exclusive right of access or usage of any portion thereof, such as a spur accessing one lot and/or unit alone, shall be individually responsible for repair, maintenance and upkeep of such portion. The applicant shall maintain Leavitt Court as part of the joint condominium association responsibilities. Both 21-25 and 27 Hancock Street currently have deeded rights to Leavitt Court and have had same since 1917.
  - d. That all lot and/or unit owners provided access by the court or lane shall be jointly and severally responsible and liable for the repair, maintenance and upkeep of all shared portions of the court or lane. The applicant shall maintain Leavitt Court as part of the joint condominium association responsibilities. Both 21-25 and 27 Hancock Street currently have deeded rights to Leavitt Court and have had same since 1917. This will continue through the easement and the condominium documents.
5. The court or lane shall not become a public or private way maintained by the city. Further, the City of Newburyport shall not be required to provide city services including but not limited to: construction, reconstruction, maintenance, snowplowing, school bus pickup, trash collection or police patrols along a court or lane. The owners shall have joint private responsibility for Leavitt Court.
6. A covenant shall be entered into between the owner or developer and the city in a form acceptable to the Planning Board prohibiting the issuance of an occupancy permit until such time as the court or lane has been constructed in accordance with the approved plan. The applicant shall comply with this requirement.

The Board must also make the general Special Permit findings which are listed below pursuant to Section X-H (7). These criteria and potential project specific findings for each are provided in draft form here:

1. The use requested is listed in the table of use regulations or elsewhere in the ordinances requiring a special permit in the district for which application is made or is similar in character to permitted uses in a particular district but is not specifically mentioned.

The Property is located in the R2 zoning district where a court or lane may be created by Special Permit.

2. The requested use is essential and/or desirable to the public convenience or welfare.

The NZO provides that a court or lane is allowed by Special Permit in the R2 zoning district and therefore, by its very nature, has been determined by the City to be desirable.

3. The requested use will not create undue traffic congestion, or unduly impair pedestrian safety.

The formalization of Leavitt Court is expected to have negligible impacts on existing traffic patterns and will improve the pedestrian experience.

4. The requested use will not overload any public water, drainage, sewer system, or any other municipal system to such an extent that the requested use or any developed use in the immediate area or in any other area of the city will be unduly subjected to hazards affecting health, safety, or the general welfare.

The requested use is compatible with the surrounding area. The requested use will not overload any public water, drainage or sewer system or any other municipal system.

5. Any special regulations for the use, set forth in the special permit table are fulfilled.

There are no special regulations for the use set forth in the special permit table.

6. The requested use will not impair the integrity or character of the district or adjoining districts, nor be detrimental to the health or welfare.

The requested use will not impair the integrity or character of the district or adjoining districts, nor be detrimental to the health or welfare. There are several existing two-family structures in the neighborhood as well as a mix of other uses.

7. The requested use will not, by its addition to a neighborhood, cause an excess of that particular use that could be detrimental to the character of said neighborhood.

The proposed new use and formalization of Leavitt Court will not cause an excess of that particular use that could be detrimental to the character of said neighborhood.

8. The proposed use is in harmony with the purpose and intent of this ordinance.

The proposed formalization of Leavitt Court is consistent with the purposes and intent of the NZO and will allow for improvements to be made to the site.

9. The proposed use shall not be conducted in a manner as to emit any dangerous, noxious, injurious, or otherwise objectionable fire, explosion, radioactive or other hazard, noise, vibration, smoke, dust, odor, or other form of environmental pollution.

As is demonstrated in the application for Special Permit, the construction of Leavitt Court shall not be conducted in a manner so as to emit any dangerous, noxious, injurious or otherwise objectionable fire, explosion, radioactive or other hazard, noise or vibration, smoke, dust, odor or other form of environmental pollution.

#### **STANDARD CONDITIONS:**

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In view of the foregoing findings, the Planning Board hereby grants a Special Permit approval pursuant to Section XXIII Courts and Lanes subject to the terms and conditions stated below:

1. Recording of Decision and Approved Plans: The applicant shall file this decision with the Southern Essex County Registry of Deeds (or Land Court if registered land) and a copy of the decision stamped with the recording information (Book/Page or Land Court document number)

shall be included with the application for any related Building Permits. To ensure compliance with this decision, site/construction plans issued to any contractors shall make clear reference to this written decision and conditions of approval contained herein.

2. Permit Lapse: This permit is valid for two years from the date of approval. The approval shall no longer be valid if a substantial use has not commenced except for good cause or, in the case of a permit for construction, if construction has not commenced except for good cause, within this period. Excluded from any lapse period is the time required to pursue or await the determination of any appeal taken pursuant to MGL, Chapter 40A, Section 17.
3. Provision of Construction Documents: The applicant shall provide documentation to the Building Commissioner and Zoning Administrator with the application for any related Building Permits illustrating that the proposed work has been reviewed and approved by the Water, Sewer, and Engineering Divisions of the City's Department of Public Services (DPS).
4. Curb Cuts: Any new driveway curb cuts that have egress to the public right of way must be approved by the Director of Public Services or Designee in advance of construction.
5. Fire Department Review and Approval: The applicant, owner, successors, or assigns shall be responsible for designing the utilities to meet City standards and ensuring compliance with fire codes prior to commencing work under this approval. The applicant shall provide documentation to the Building Commissioner and Zoning Administrator with the application for any related Building Permits illustrating that the proposed work has been reviewed and approved by the Newburyport Fire Department (NFD).
6. Stormwater Management Permit: If the project involves more than 10,000 square feet of land disturbance, the applicant, owner, his successors or assigns, shall obtain a Stormwater Management Permit under the City of Newburyport Stormwater Management Ordinance (Code of Ordinances, Chapter XVII) from the Department of Public Services prior to beginning any site work, including tree clearing and/or regrading.
7. Modifications to Approved Plans: The applicant, property owner, and their successors or assigns, shall adhere to the above referenced and approved plans which are incorporated herein by reference. Should the applicant and/or property owner determine that a plan(s) needs to be modified, they shall notify the Planning Board and Office of Planning and Development (OPD) of the proposed modifications in writing and obtain approval from the Planning Board (or OPD as specified herein) for such modifications prior to making any changes in the field. The OPD shall determine whether such modifications are minor or major (material) in nature. The Planning Board shall schedule a public hearing for review and approval of any changes deemed major or material in nature to the permit originally issued. Any major or material alterations or changes to the above referenced plans shall require prior approval by the Planning Board. Minor changes may be approved in writing by the OPD without further review by the Planning Board. The determination as to whether an alteration or change in plans is material and therefore subject to Planning Board review shall be made at the discretion of the OPD.
8. Site Lighting: All lighting fixtures, including but not limited to, signage, building, parking lot, site, decorative, and security, shall feature cut off fixtures so that the lights are pointed downward reducing light pollution and glare onto abutting properties.
9. Hours of Construction: The developer shall take reasonable care not to disturb surrounding properties and property owners during construction. Construction work shall be limited to the hours between 7 a.m. and 5 p.m. Monday through Friday and 8 a.m. and 4 p.m. on Saturday.



10. Permit Compliance Contact Form: No site work or construction related to this permit shall begin until a Permit Compliance Contact Form is completed and submitted to the Office of Planning and Development.
11. Submission of As-Built Plans: One hard copy and one .pdf copy of foundation as-built plan shall be provided to the Office of Planning and Development and Building Department upon foundation completion. One hard copy and one .pdf copy of as-built site plan stamped by a professional engineer shall be submitted to the Office of Planning and Development at the completion of the construction. Certification shall be provided to the Office of Planning and Development that the as-built plans match approved plans.
12. Code & Permit Compliance Affidavit Requirement: The proposed exterior building demolition shall be limited to the scope of work shown in the above referenced and approved plans, and shall remain at all times in compliance with the Demolition Control Overlay District (DCOD) zoning provisions. Any changes that exceed the above scope (including but not limited to the removal of existing exterior wall wood framing) shall require that such modification be submitted to, and approved in writing by, the Zoning Administrator or the Planning Board prior to such additional demolition. A Code & Permit Compliance Affidavit shall be completed, signed, and submitted to the Building Department and Zoning Administrator prior to the issuance of any demolition/building permit(s) for the proposed project.
13. Conformance with Conditions of the Definitive Subdivision Approval: Unless otherwise specified in this decision, the applicant, owner, and/or developer shall comply with all of the conditions listed in the Definitive Subdivision Approval, especially those listed as 'Special Conditions'.
14. Construction Management Plan: A detailed Construction Management Plan (CMP) shall be submitted to the Office of Planning & Development and a copy shall be posted on the property during construction. The plan shall be used to coordinate contractors and provide a primary point-of-contact, manage on- and off-street parking for the general- and sub-contractors, any sidewalk closures, construction sequencing, and ensure the hours of operations for construction adhere to all applicable city ordinances. The CMP and written notification for a Pre-Construction Meeting shall be provided to the abutting property owners (on both side of the street) at least ten (10) business days prior to the meeting. The applicant, owner, and/or developer shall contact the Office of Planning & Development to begin the process of scheduling this meeting.

## **SPECIAL CONDITIONS**

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In addition to the foregoing standard conditions, the Planning Board hereby grants approval subject to the special conditions stated below:

1. Easement for Tree Maintenance along Hancock Street: Consistent with the applicable provisions of Sections II-B.46a, X-H.6.Q, and X-H.7.B.10 of the Newburyport Zoning Ordinance, the Applicant shall include in the condominium documents for both parcels of land, an easement to allow the Department of Public Services to access and maintain the proposed trees along Hancock Street since they will not be placed in the existing public right-of-way. Said provision shall be reviewed and approved by the Director of Planning and Development, and proof of proper recording shall be provided to the Zoning Administrator prior to the issuance of any Certificate of Occupancy.

**CONCLUSION AND DECISION:**

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For all of the reasons stated herein, the petition for a Special Permit is therefore APPROVED.

**APPEALS:**

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Appeals shall be made within twenty (20) days after the date of filing of this decision in the Office of the City Clerk directly to a court of competent jurisdiction in accordance with the provision of M.G.L. Chapter 40A Section 17.

**SIGNATURE OF THE BOARD:**

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Electronic signatures appearing on this decision are the same as handwritten signatures for the purposes of validity, enforceability, and admissibility.

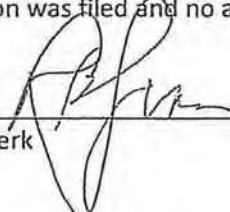
Bonnie Sontag  
Bonnie Sontag, Chair

06/07/21  
Date

**CITY CLERK CERTIFICATION:**

---

I, Richard Jones, City Clerk of the City of Newburyport, hereby certify pursuant to M.G.L. Chapter 40A Section 17, that the Special Permit decision for the property known as 21-25 Hancock Street was filed in the Office of the City Clerk on June 7, 2021. Twenty (20) days have elapsed since the decision was filed and no appeal has been filed.

  
\_\_\_\_\_  
City Clerk

7/14/2021  
\_\_\_\_\_  
Date





RECEIVED  
CITY CLERK'S OFFICE  
NEWBURYPORT, MA

JUN -7 AM 10:09



CITY OF NEWBURYPORT  
PLANNING BOARD  
60 PLEASANT STREET • P.O. BOX 550  
NEWBURYPORT, MA 01950  
(978) 465-4400  
WWW.CITYOFNEWBURYPORT.COM

---

RECORD OF PROCEEDINGS AND  
SPECIAL PERMIT DECISION

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APPLICANT: Caswell Development LLC c/o Lisa Mead, Mead, Talerman & Costa, LLC  
30 Green Street  
Newburyport, MA 01950

PROPERTY OWNER: William Colby

FILE No.: 2021-SP-02

PROPERTY ADDRESS: **27 Hancock Street**

DECISION DATE: 5/19/2021

MAP/PARCEL(S): 25-43

BOOK/PAGE: 7229-301

ZONING DISTRICT: R2/DCOD

**PROCEDURAL HISTORY:**

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An application for a Special Permit pursuant to Section XXIII Courts and Lanes of the City of Newburyport's Zoning Ordinance was made by the above-referenced owner and filed with the Planning Board on 02/17/21 for the following request: *formalize Leavitt Court as a court/lane*

Notice of the public hearing was published on 03/22/21 and 03/29/21 in the Newburyport Daily News. The public hearing was held on 04/07/21 and continued to 4/21/21, 5/5/21, 5/19/21.

At the close of the public hearing, upon a motion to approve made by Beth DeLisle and seconded by Alden Clark, the Planning Board voted as follows:

Bonnie Sontag, Chair	<u>Yes</u>	Don Walters	<u>Yes</u>	Leah McGavern	<u>Yes</u>
Anne Gardner	<u>Yes</u>	MJ Verde	<u>Yes</u>	Tania Hartford	<u>Yes</u>
Rick Taintor	<u>Absent</u>	Elisabeth DeLisle	<u>Yes</u>	Alden Clark	<u>Recused</u>

Having received the necessary two-thirds super majority vote of the Planning Board, in accordance with M.G.L. Chapter 40A Section 9, as amended, the petition was therefore APPROVED.

## PLANS AND DOCUMENTS:

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This Special Permit application was accompanied and augmented by the following plans, drawings, documents, and submittals, which are hereby incorporated into this decision:

- "Complete Plan Set, Courts and Lanes Special Permit, 21-27 Hancock Street, Leavitt Court Improvements, Newburyport, MA" prepared by Design Consultants, Inc. and dated February 17, 2021 consisting of the individual drawing sheets listed below:
  - Sheet T1: Title Sheet (most recent revision date: 5/17/21);
  - Sheet S1: Existing Conditions Plan (most recent revision date: 3/30/21);
  - Sheet S2: Plan of Land (most recent revision date: 3/30/21);
  - Sheet C1: Site Layout & Utilities Plan (most recent revision date: 5/17/21);
  - Sheet C2: Grading & Drainage Plan (most recent revision date: 5/17/21);
  - Sheet C3: Profile Plan (most recent revision date: 5/12/21);
  - Sheet D1: Construction Details (most recent revision date: 5/12/21);
  - Sheet D2: Construction Details (most recent revision date: 5/12/21);
  - Sheet D3: Erosion Control Lan (most recent revision date: 5/6/21);
  - Sheet L1: Landscape Plan (most recent revision date: 5/4/21); and
- "Zoning Plan, 21 & 27 Hancock Street, Newburyport, MA" prepared by Winter GEC, LLC, Inc. and dated January 20, 2021 and most recently revised on April 29, 2021; and
- "Stormwater Management Report for 21-27 Hancock Street" prepared by Design Consultants, Inc. and dated February 2021 and most recently revised on May 12, 2021; and
- 21-27 Hancock Street Closure Reports dated April 20, 2021.

A peer review of engineering and stormwater design was conducted by Christiansen & Sergi, Inc., on behalf of the Planning Board. Additional City Department comments were received on the draft plans which were subsequently revised to address outstanding issues. A full copy of this documentation is on file with the City of Newburyport Office of Planning & Development, 60 Pleasant Street, Newburyport, Ma 01950; and

Throughout its deliberations, the Planning Board has been mindful of the statements of the applicants and their representatives, and the comments of the general public, as made at the public hearing.

## FINDINGS:

---

The Board must make section specific Special Permit findings in accordance with Section XXIII. These criteria and potential project specific findings for each are provided in draft form here:

1. A court or lane shall not be used to satisfy zoning frontage requirements except as provided by an approved definitive subdivision plan.  
The applicant is applying simultaneously for a subdivision approval to create this Lane.
2. A Court shall serve no more than two (2) dwelling units/lots. A lane shall serve no more than four (4) dwelling units/lots.  
The applicant is creating a Lane. Leavitt Court will service three (3) of the four (4) dwelling units.
3. The Court or Lane shall access the property over the frontage of at least one of the lots being served by the driveway.

The access is provided over the frontage of 21-25 Hancock Street.

4. The owners of the properties to be accessed by the court or lane must provide evidence to the zoning administrator that they have rights, either by deed or easement, to the court or lane. If access is by easement, the easement shall be recorded by the Essex County Registry of Deeds within ninety (90) days of endorsement by the planning board or within seven (7) days prior to commencement of construction. The recorded easement shall include the following:
  - a. That unless approved within a definitive subdivision plan, the court or lane shall not be used to satisfy frontage requirements under the zoning ordinance. A subdivision has been requested.
  - b. That the City of Newburyport shall not assume any responsibility for the court or lane, nor bear any liability for same. The applicant shall maintain Leavitt Court as part of the joint condominium association responsibilities.
  - c. That a lot and/or unit owner provided access by the court or lane and having an exclusive right of access or usage of any portion thereof, such as a spur accessing one lot and/or unit alone, shall be individually responsible for repair, maintenance and upkeep of such portion. The applicant shall maintain Leavitt Court as part of the joint condominium association responsibilities. Both 21-25 and 27 Hancock Street currently have deeded rights to Leavitt Court and have had same since 1917.
  - d. That all lot and/or unit owners provided access by the court or lane shall be jointly and severally responsible and liable for the repair, maintenance and upkeep of all shared portions of the court or lane. The applicant shall maintain Leavitt Court as part of the joint condominium association responsibilities. Both 21-25 and 27 Hancock Street currently have deeded rights to Leavitt Court and have had same since 1917. This will continue through the easement and the condominium documents.
5. The court or lane shall not become a public or private way maintained by the city. Further, the City of Newburyport shall not be required to provide city services including but not limited to: construction, reconstruction, maintenance, snowplowing, school bus pickup, trash collection or police patrols along a court or lane. The owners shall have joint private responsibility for Leavitt Court.
6. A covenant shall be entered into between the owner or developer and the city in a form acceptable to the Planning Board prohibiting the issuance of an occupancy permit until such time as the court or lane has been constructed in accordance with the approved plan. The applicant shall comply with this requirement.

The Board must also make the general Special Permit findings which are listed below pursuant to Section X-H (7). These criteria and potential project specific findings for each are provided in draft form here:

1. The use requested is listed in the table of use regulations or elsewhere in the ordinances requiring a special permit in the district for which application is made or is similar in character to permitted uses in a particular district but is not specifically mentioned.

The Property is located in the R2 zoning district where a court or lane may be created by Special Permit.

2. The requested use is essential and/or desirable to the public convenience or welfare.



The NZO provides that a court or lane is allowed by Special Permit in the R2 zoning district and therefore, by its very nature, has been determined by the City to be desirable.

3. The requested use will not create undue traffic congestion, or unduly impair pedestrian safety.

The formalization of Leavitt Court is expected to have negligible impacts on existing traffic patterns and will improve the pedestrian experience.

4. The requested use will not overload any public water, drainage, sewer system, or any other municipal system to such an extent that the requested use or any developed use in the immediate area or in any other area of the city will be unduly subjected to hazards affecting health, safety, or the general welfare.

The requested use is compatible with the surrounding area. The requested use will not overload any public water, drainage or sewer system or any other municipal system.

5. Any special regulations for the use, set forth in the special permit table are fulfilled.

There are no special regulations for the use set forth in the special permit table.

6. The requested use will not impair the integrity or character of the district or adjoining districts, nor be detrimental to the health or welfare.

The requested use will not impair the integrity or character of the district or adjoining districts, nor be detrimental to the health or welfare. There are several existing two-family structures in the neighborhood as well as a mix of other uses.

7. The requested use will not, by its addition to a neighborhood, cause an excess of that particular use that could be detrimental to the character of said neighborhood.

The proposed new use and formalization of Leavitt Court will not cause an excess of that particular use that could be detrimental to the character of said neighborhood.

8. The proposed use is in harmony with the purpose and intent of this ordinance.

The proposed formalization of Leavitt Court is consistent with the purposes and intent of the NZO and will allow for improvements to be made to the site.

9. The proposed use shall not be conducted in a manner as to emit any dangerous, noxious, injurious, or otherwise objectionable fire, explosion, radioactive or other hazard, noise, vibration, smoke, dust, odor, or other form of environmental pollution.

As is demonstrated in the application for Special Permit, the construction of Leavitt Court shall not be conducted in a manner so as to emit any dangerous, noxious, injurious or otherwise objectionable fire, explosion, radioactive or other hazard, noise or vibration, smoke, dust, odor or other form of environmental pollution.

#### **STANDARD CONDITIONS:**

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In view of the foregoing findings, the Planning Board hereby grants a Special Permit approval pursuant to Section XXIII Courts and Lanes subject to the terms and conditions stated below:

1. Recording of Decision and Approved Plans: The applicant shall file this decision with the Southern Essex County Registry of Deeds (or Land Court if registered land) and a copy of the decision stamped with the recording information (Book/Page or Land Court document number)

shall be included with the application for any related Building Permits. To ensure compliance with this decision, site/construction plans issued to any contractors shall make clear reference to this written decision and conditions of approval contained herein.

2. Permit Lapse: This permit is valid for two years from the date of approval. The approval shall no longer be valid if a substantial use has not commenced except for good cause or, in the case of a permit for construction, if construction has not commenced except for good cause, within this period. Excluded from any lapse period is the time required to pursue or await the determination of any appeal taken pursuant to MGL, Chapter 40A, Section 17.
3. Provision of Construction Documents: The applicant shall provide documentation to the Building Commissioner and Zoning Administrator with the application for any related Building Permits illustrating that the proposed work has been reviewed and approved by the Water, Sewer, and Engineering Divisions of the City's Department of Public Services (DPS).
4. Curb Cuts: Any new driveway curb cuts that have egress to the public right of way must be approved by the Director of Public Services or Designee in advance of construction.
5. Fire Department Review and Approval: The applicant, owner, successors, or assigns shall be responsible for designing the utilities to meet City standards and ensuring compliance with fire codes prior to commencing work under this approval. The applicant shall provide documentation to the Building Commissioner and Zoning Administrator with the application for any related Building Permits illustrating that the proposed work has been reviewed and approved by the Newburyport Fire Department (NFD).
6. Stormwater Management Permit: If the project involves more than 10,000 square feet of land disturbance, the applicant, owner, his successors or assigns, shall obtain a Stormwater Management Permit under the City of Newburyport Stormwater Management Ordinance (Code of Ordinances, Chapter XVII) from the Department of Public Services prior to beginning any site work, including tree clearing and/or regrading.
7. Modifications to Approved Plans: The applicant, property owner, and their successors or assigns, shall adhere to the above referenced and approved plans which are incorporated herein by reference. Should the applicant and/or property owner determine that a plan(s) needs to be modified, they shall notify the Planning Board and Office of Planning and Development (OPD) of the proposed modifications in writing and obtain approval from the Planning Board (or OPD as specified herein) for such modifications prior to making any changes in the field. The OPD shall determine whether such modifications are minor or major (material) in nature. The Planning Board shall schedule a public hearing for review and approval of any changes deemed major or material in nature to the permit originally issued. Any major or material alterations or changes to the above referenced plans shall require prior approval by the Planning Board. Minor changes may be approved in writing by the OPD without further review by the Planning Board. The determination as to whether an alteration or change in plans is material and therefore subject to Planning Board review shall be made at the discretion of the OPD.
8. Site Lighting: All lighting fixtures, including but not limited to, signage, building, parking lot, site, decorative, and security, shall feature cut off fixtures so that the lights are pointed downward reducing light pollution and glare onto abutting properties.
9. Hours of Construction: The developer shall take reasonable care not to disturb surrounding properties and property owners during construction. Construction work shall be limited to the hours between 7 a.m. and 5 p.m. Monday through Friday and 8 a.m. and 4 p.m. on Saturday.

10. Permit Compliance Contact Form: No site work or construction related to this permit shall begin until a Permit Compliance Contact Form is completed and submitted to the Office of Planning and Development.
11. Submission of As-Built Plans: One hard copy and one .pdf copy of foundation as-built plan shall be provided to the Office of Planning and Development and Building Department upon foundation completion. One hard copy and one .pdf copy of as-built site plan stamped by a professional engineer shall be submitted to the Office of Planning and Development at the completion of the construction. Certification shall be provided to the Office of Planning and Development that the as-built plans match approved plans.
12. Code & Permit Compliance Affidavit Requirement: The proposed exterior building demolition shall be limited to the scope of work shown in the above referenced and approved plans, and shall remain at all times in compliance with the Demolition Control Overlay District (DCOD) zoning provisions. Any changes that exceed the above scope (including but not limited to the removal of existing exterior wall wood framing) shall require that such modification be submitted to, and approved in writing by, the Zoning Administrator or the Planning Board prior to such additional demolition. A Code & Permit Compliance Affidavit shall be completed, signed, and submitted to the Building Department and Zoning Administrator prior to the issuance of any demolition/building permit(s) for the proposed project.
13. Conformance with Conditions of the Definitive Subdivision Approval: Unless otherwise specified in this decision, the applicant, owner, and/or developer shall comply with all of the conditions listed in the Definitive Subdivision Approval, especially those listed as 'Special Conditions'.
14. Construction Management Plan: A detailed Construction Management Plan (CMP) shall be submitted to the Office of Planning & Development and a copy shall be posted on the property during construction. The plan shall be used to coordinate contractors and provide a primary point-of-contact, manage on- and off-street parking for the general- and sub-contractors, any sidewalk closures, construction sequencing, and ensure the hours of operations for construction adhere to all applicable city ordinances. The CMP and written notification for a Pre-Construction Meeting shall be provided to the abutting property owners (on both side of the street) at least ten (10) business days prior to the meeting. The applicant, owner, and/or developer shall contact the Office of Planning & Development to begin the process of scheduling this meeting.

## SPECIAL CONDITIONS

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In addition to the foregoing standard conditions, the Planning Board hereby grants approval subject to the special conditions stated below:

1. Easement for Tree Maintenance along Hancock Street: Consistent with the applicable provisions of Sections II-B.46a, X-H.6.Q, and X-H.7.B.10 of the Newburyport Zoning Ordinance, the Applicant shall include in the condominium documents for both parcels of land, an easement to allow the Department of Public Services to access and maintain the proposed trees along Hancock Street since they will not be placed in the existing public right-of-way. Said provision shall be reviewed and approved by the Director of Planning and Development, and proof of proper recording shall be provided to the Zoning Administrator prior to the issuance of any Certificate of Occupancy.



**CONCLUSION AND DECISION:**

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For all of the reasons stated herein, the petition for a Special Permit is therefore APPROVED.

**APPEALS:**

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Appeals shall be made within twenty (20) days after the date of filing of this decision in the Office of the City Clerk directly to a court of competent jurisdiction in accordance with the provision of M.G.L. Chapter 40A Section 17.

**SIGNATURE OF THE BOARD:**

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Electronic signatures appearing on this decision are the same as handwritten signatures for the purposes of validity, enforceability, and admissibility.

Bonnie Sontag  
Bonnie Sontag, Chair

06/07/21  
Date

**CITY CLERK CERTIFICATION:**

---

I, Richard Jones, City Clerk of the City of Newburyport, hereby certify pursuant to M.G.L. Chapter 40A Section 17, that the Special Permit decision for the property known as 27 Hancock Street was filed in the Office of the City Clerk on June 7, 2021. Twenty (20) days have elapsed since the decision was filed and no appeal has been filed.

Richard Jones  
City Clerk

7/14/21  
Date

# CITY OF NEWBURYPORT



IN CITY COUNCIL

**ORDERED:**

November 28, 2022

## EMERGENCY PREAMBLE

Pursuant to Newburyport Charter Section 2-9(b), and as further defined in section 1-7(7) thereof, an emergency exists due to the exigency of the circumstances. Therefore, the City Council hereby affirmatively declares that an emergency exists such that ORD395\_11\_28\_2022 may be voted upon at its first introduction.

---

Councillor Afroz K. Khan

## CITY OF NEWBURYPORT



## IN CITY COUNCIL

## ORDERED:

November 28, 2022

*Resolution*

*Whereas*, the Newburyport High School (NHS) Athletics Department has continued its outstanding success to achieve many winning seasons in sports such as Tennis, Soccer, Track and Field,

*Whereas*, the 2022-2023 NHS Boys Soccer Team has won MIAA Division 3 All-State Meet, capturing the boys program's first-ever All-State championship with an impressive undefeated record of 23 wins, 0 losses, 0 ties, and

*Whereas*, the Clippers won the Cape Ann League title as well as the ALS Cup while allowing only 5 goals for the entire season and scoring an impressive 66 goals, and

*Whereas*, for the group of juniors and seniors who have played together for over a decade through programs that started for some through the Newburyport Youth Services (NYS) programs offered through the East Coast Soccer Academy, and

*Whereas*, the NHS Soccer Team has also worked together in giving back to our community through the youth programs offered for future soccer enthusiasts through the Newburyport Youth Soccer Association (NYSA), and

*Whereas*, Coach Shawn Bleau and his staff including Varsity Assistant Matt Solazzo and JV Coaches Ben Laing and John Czirik have earned our sincere congratulations for producing such an outstanding team that provide inspiring role models for the youth of our City,

*Now, Therefore, The Newburyport City Council* hereby formally resolves to congratulate and recognized the considerable achievements resulting from the tremendous hard work and dedication of all of the players and outstanding Coaches!

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Mayor Sean R. Reardon

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Councillor Afroz K. Khan

---

Councillor Sharif I. Zeid

---

Councillor Jennie L. Donahue

---

Councillor Heather L. Shand

---

Councillor Christine E. Wallace

---

Councillor James J. McCauley

---

Councillor Byron J. Lane

---

Councillor Edward C. Cameron, Jr.

---

Councillor Constance Preston

---

Councillor Mark R. Wright

---

Councillor Bruce L. Vogel

# CITY OF NEWBURYPORT



IN CITY COUNCIL

**ORDERED:**

November 28, 2022

**THAT** the City Council of the City of Newburyport hereby orders, pursuant to Code Section 13-166, the Department of Public Works to add sufficient signage to the following street:

**Street:** Cherry Street

**Signage:** Signage stating 'Not A Through Way' on the westerly side opposite 14 – 16 Cherry Street.

---

Councillor Jenny L. Donahue

## **COMMITTEE ITEMS**



# Committee Items – November 28, 2022

## Budget & Finance

### *In Committee:*

- APPT00356\_11\_14\_2022 Victoria Finnigan 10 Boxford Rd. Rowley Assistant Treasurer/Collector 12/1/2025
- ORDR00390\_11\_14\_2022 Pay Prior Year Bills
- ORDR00391\_11\_14\_2022 Amended - Residential Factor FY23
- ORDR00392\_11\_14\_2022 Amended - Tax Rate FY23
- TRAN00139\_11\_01\_2022 Amended - Mayor: General Fund Free Cash \$655,525 to  
Waterfront Culvert Replacement \$655,525
- TRAN00142\_11\_01\_2022 Finance: General Fund Free Cash \$18,647 to Parklet Maintenance Fund \$18,647
- TRAN00143\_11\_14\_2022 DPS: Sewer Vehicle/Equip Replacement \$1,456 to  
Heavy Duty Truck Purchase \$1,456
- TRAN00144\_11\_14\_2022 Amended - Mayor: General Fund Free Cash \$401,028 to  
General Fund Budget Reserve \$401,028



CITY OF NEWBURYPORT

OFFICE OF THE MAYOR

SEAN R. REARDON, MAYOR

60 PLEASANT STREET - P.O. Box 550

NEWBURYPORT, MA 01950

978-465-4413 PHONE

MAYOR@CITYOFNEWBURYPORT.COM

RECEIVED  
CITY CLERK'S OFFICE  
NEWBURYPORT, MA  
2022 NOV -3 PM 5:36

To: President and Members of the City Council  
From: Sean R. Reardon, Mayor  
Date: November 14, 2022  
Subject: Re-Appointment

I hereby re-appoint, subject to your approval, the following named individual as Assistant Treasurer/Collector. This term will expire on December 1, 2025.

Victoria Finnigan  
10 Boxford Road  
Apt. #25  
Rowley, MA 01969

# CITY OF NEWBURYPORT



## IN CITY COUNCIL

**ORDERED:**

November 14, 2022

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

<b>Department</b>	<b>Vendor</b>	<b>Amount</b>
DPS	Home Depot	\$1,840.16
DPS	NAPA Auto Parts	\$463.81
DPS	3Phase Elevator	\$1,167.50
Library	3Phase Elevator	\$277.50
	<b>Total:</b>	<b>\$3,748.97</b>

---

Councillor Sharif I. Zeid

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

Motion to refer to Budget & Finance by Councillor McCauley, seconded by Councillor Zeid. So voted.

MAIL PAYMENTS TO:  
Home Depot Credit Service  
P.O.BOX 9001043  
LOUISVILLE

KY 40290-1043

NEWBURYPORT DPW  
16A PERRY WAY  
ATTN: LISA EXUM  
NEWBURYPORT MA 01950

MAKE CHECKS PAYABLE TO: Home Depot Credit Service  
PLEASE INCLUDE ACCOUNT NUMBER ON CHECK TO ENSURE PROPER PROCESSING  
PLEASE CHECK LAST PAGE FOR DISCOUNT INFORMATION

ACCOUNT NO : \*\*\*\*\*5217  
P.O. NO : DPS  
INVOICE NO : 190269  
INVOICE DATE : 04/27/22

INVOICE AMT : 273.71  
CHARGED AMT : 273.71 <== AMOUNT YOU PAY  
PMT DUE DATE : 05/31/22

DESCRIPTION	S.K.U.	QUANTITY	PRICE	EXTENSION
SPEED PRO COEX .095 X	1002825451	6 EA	28.97	173.82
JOBSITE 24" INDOOR/OU	0000941091	1 EA	27.97	27.97
HUSKY 22IN STEEL TINE	1006394826	2 EA	22.98	45.96
ANVIL 14 T WELDED BOW	0000689963	2 EA	12.98	25.96

SUBTOTAL: 273.71  
TAX: 0.00  
SHIPPING: 0.00  
-----  
INVOICE TOTAL: 273.71

PURCHASER'S NAME: CORMER ROLAND

PROX INVOICING CYCLE 05

IF DISCOUNT IS TAKEN  
DISCOUNT DUE DATE:  
DISCOUNT AMOUNT:

05/17/22  
5.47

DIRECT INQUIRIES TO  
SERVICE REP: (800) 395-7363  
FAX: (888) 965-8142

MAIL PAYMENTS TO:  
Home Depot Credit Service  
P.O. BOX 9001043  
LOUISVILLE

KY 40290-1043

NEWBURYPORT DPW  
16A PERRY WAY  
ATTN: LISA EXUM  
NEWBURYPORT MA 01950

MAKE CHECKS PAYABLE TO: Home Depot Credit Service  
PLEASE INCLUDE ACCOUNT NUMBER ON CHECK TO ENSURE PROPER PROCESSING  
PLEASE CHECK LAST PAGE FOR DISCOUNT INFORMATION

ACCOUNT NO : \*\*\*\*\*5217  
P.O. NO : 27866  
INVOICE NO : 1190241  
INVOICE DATE : 04/26/22  
  
INVOICE AMT : 76.97-  
CHARGED AMT : 76.97- <== AMOUNT YOU PAY  
PMT DUE DATE : 05/31/22

DESCRIPTION	S.K.U.	QUANTITY	PRICE	EXTENSION
SCOTT'S TURF BUILDER	1006938496	1 EA	76.97-	76.97-
SUBTOTAL:				76.97-
TAX:				0.00
SHIPPING:				0.00
INVOICE TOTAL:				76.97-

PROX INVOICING CYCLE 05

DIRECT INQUIRIES TO  
SERVICE REP: (800) 395-7363  
FAX: (888) 965-8142

MAIL PAYMENTS TO:  
Home Depot Credit Service  
P.O. BOX 9001043  
LOUISVILLE

KY 40290-1043

NEWBURYPORT DPW  
16A PERRY WAY  
ATTN: LISA EXUM  
NEWBURYPORT

MA 01950

MAKE CHECKS PAYABLE TO: Home Depot Credit Service  
PLEASE INCLUDE ACCOUNT NUMBER ON CHECK TO ENSURE PROPER PROCESSING  
PLEASE CHECK LAST PAGE FOR DISCOUNT INFORMATION

ACCOUNT NO : \*\*\*\*\*5217  
P.O. NO : SCC  
INVOICE NO : 1303812  
INVOICE DATE : 04/26/22  
  
INVOICE AMT : 48.97  
CHARGED AMT : 48.97 <== AMOUNT YOU PAY  
PMT DUE DATE : 05/31/22

DESCRIPTION	S.K.U.	QUANTITY	PRICE	EXTENSION
SCOTT'S GRUBEX SSN LNG 0000884429		1 EA	48.97	48.97
SUBTOTAL:				48.97
TAX:				0.00
SHIPPING:				0.00
INVOICE TOTAL:				48.97

PURCHASER'S NAME: BARTLETT MICHAEL

PROX INVOICING CYCLE 05

IF DISCOUNT IS TAKEN  
DISCOUNT DUE DATE:  
DISCOUNT AMOUNT:

05/16/22  
0.98

DIRECT INQUIRIES TO  
SERVICE REP: (800) 395-7363  
FAX: (888) 965-8142

MAIL PAYMENTS TO:  
Home Depot Credit Service  
P.O. BOX 9001043  
LOUISVILLE

KY 40290-1043

NEWBURYPORT DPW  
16A PERRY WAY  
ATTN: LISA EXUM  
NEWBURYPORT MA 01950

MAKE CHECKS PAYABLE TO: Home Depot Credit Service  
PLEASE INCLUDE ACCOUNT NUMBER ON CHECK TO ENSURE PROPER PROCESSING  
PLEASE CHECK LAST PAGE FOR DISCOUNT INFORMATION

ACCOUNT NO : \*\*\*\*\*5217  
P.O. NO : 27866  
INVOICE NO : 7302616  
INVOICE DATE : 04/20/22

INVOICE AMT : 405.82  
CHARGED AMT : 405.82 <== AMOUNT YOU PAY  
PMT DUE DATE : 05/31/22

DESCRIPTION	S.K.U.	QUANTITY	PRICE	EXTENSION
SCOTT'S GRUBEX SSN LNG	0000884429	1 EA	48.97	48.97
SCOTT'S GRUBEX SSN LNG	0000884429	1 EA	48.97	48.97
SCOTT'S TURF BUILDER	1006938496	1 EA	76.97	76.97
SCOTT'S TURF BUILDER	1006938496	1 EA	76.97	76.97
SCOTT'S TURF BUILDER	1006938496	1 EA	76.97	76.97
SCOTT'S TURF BUILDER	1006938496	1 EA	76.97	76.97
SUBTOTAL:				405.82
TAX:				0.00
SHIPPING:				0.00
INVOICE TOTAL:				405.82

PURCHASER'S NAME: BARTLETT MICHAEL

PROX INVOICING CYCLE 05

IF DISCOUNT IS TAKEN  
DISCOUNT DUE DATE:  
DISCOUNT AMOUNT:

05/10/22  
8.12

DIRECT INQUIRIES TO  
SERVICE REP: (800) 395-7363  
FAX: (888) 965-8142



MAIL PAYMENTS TO:  
Home Depot Credit Service  
P.O. BOX 9001043  
LOUISVILLE

KY 40290-1043

NEWBURYPORT DPW  
16A PERRY WAY  
ATTN: LISA EXUM  
NEWBURYPORT

MA 01950

MAKE CHECKS PAYABLE TO: Home Depot Credit Service  
PLEASE INCLUDE ACCOUNT NUMBER ON CHECK TO ENSURE PROPER PROCESSING  
PLEASE CHECK LAST PAGE FOR DISCOUNT INFORMATION

ACCOUNT NO : \*\*\*\*\*5217  
P.O. NO : 27859  
INVOICE NO : 8014777  
INVOICE DATE : 04/19/22  
  
INVOICE AMT : 127.35  
CHARGED AMT : 127.35 <== AMOUNT YOU PAY  
PMT DUE DATE : 05/31/22

DESCRIPTION	S.K.U.	QUANTITY	PRICE	EXTENSION
12 IN X 12 IN DRY WAL	1006765300	1 EA	33.97	33.97
12 IN X 12 IN DRY WAL	1006765300	1 EA	33.97	33.97
1-3/8 IN. CARBIDE UNI	1005511987	1 EA	29.97	29.97
8 IN X 8 IN DRY WALL	1006790717	1 EA	29.44	29.44
SUBTOTAL:				127.35
TAX:				0.00
SHIPPING:				0.00
INVOICE TOTAL:				127.35

PURCHASER'S NAME: BARTLETT MICHAEL

PROX INVOICING CYCLE 05

IF DISCOUNT IS TAKEN  
DISCOUNT DUE DATE:  
DISCOUNT AMOUNT:

05/09/22  
2.55

DIRECT INQUIRIES TO  
SERVICE REP: (800) 395-7363  
FAX: (888) 965-8142

MAIL PAYMENTS TO:  
Home Depot Credit Service  
P.O. BOX 9001043  
LOUISVILLE

KY 40290-1043

NEWBURYPORT DPW  
16A PERRY WAY  
ATTN: LISA EXUM  
NEWBURYPORT

MA 01950

MAKE CHECKS PAYABLE TO: Home Depot Credit Service  
PLEASE INCLUDE ACCOUNT NUMBER ON CHECK TO ENSURE PROPER PROCESSING  
PLEASE CHECK LAST PAGE FOR DISCOUNT INFORMATION

ACCOUNT NO : \*\*\*\*\*5217  
P.O. NO : 50-5THSTREE  
INVOICE NO : 6033453  
INVOICE DATE : 04/11/22  
  
INVOICE AMT : 64.53  
CHARGED AMT : 64.53 <== AMOUNT YOU PAY  
PMT DUE DATE : 05/31/22

DESCRIPTION	S.K.U.	QUANTITY	PRICE	EXTENSION
3M SAFETY WALK 2" X 1	0000307354	1 EA	14.28	14.28
3M SAFETY WALK 2" X 1	0000307354	1 EA	14.28	14.28
3M SAFETY WALK 2" X 1	0000307354	1 EA	14.28	14.28
3M SAFETY WALK 2" X 1	0000307354	1 EA	14.28	14.28
DW BLK OX 11/64" BIT	1001294991	1 EA	2.47	2.47
DW BLK OX 11/64" BIT	1001294991	1 EA	2.47	2.47
DW BLK OX 11/64" BIT	1001294991	1 EA	2.47	2.47
SUBTOTAL:				64.53
TAX:				0.00
SHIPPING:				0.00
INVOICE TOTAL:				64.53

PURCHASER'S NAME: WESTPHAL GARY

PROX INVOICING CYCLE 05

IF DISCOUNT IS TAKEN  
DISCOUNT DUE DATE:  
DISCOUNT AMOUNT:

05/01/22  
1.29

DIRECT INQUIRIES TO  
SERVICE REP: (800) 395-7363  
FAX: (888) 965-8142

MAIL PAYMENTS TO:  
Home Depot Credit Service  
P.O. BOX 9001043  
LOUISVILLE

KY 40290-1043

NEWBURYPORT DPW  
16A PERRY WAY  
ATTN: LISA EXUM  
NEWBURYPORT MA 01950

MAKE CHECKS PAYABLE TO: Home Depot Credit Service  
PLEASE INCLUDE ACCOUNT NUMBER ON CHECK TO ENSURE PROPER PROCESSING  
PLEASE CHECK LAST PAGE FOR DISCOUNT INFORMATION

ACCOUNT NO : \*\*\*\*\*5217  
P.O. NO : CITYOFNEWBURYPORT  
INVOICE NO : 6191864  
INVOICE DATE : 04/11/22

INVOICE AMT : 287.76  
CHARGED AMT : 287.76 <== AMOUNT YOU PAY  
PMT DUE DATE : 05/31/22

DESCRIPTION	S.K.U.	QUANTITY	PRICE	EXTENSION
INDOOR/OUTDOOR FOLDIN	0000776776	12 EA	23.98	287.76
SUBTOTAL:				287.76
TAX:				0.00
SHIPPING:				0.00
INVOICE TOTAL:				287.76

PURCHASER'S NAME: CORMER ROLAND

PROX INVOICING CYCLE 05

IF DISCOUNT IS TAKEN  
DISCOUNT DUE DATE:  
DISCOUNT AMOUNT:

05/01/22  
5.76

DIRECT INQUIRIES TO  
SERVICE REP: (800) 395-7363  
FAX: (888) 965-8142

MAIL PAYMENTS TO:  
Home Depot Credit Service  
P.O. BOX 9001043  
LOUISVILLE

KY 40290-1043

NEWBURYPORT DPW  
16A PERRY WAY  
ATTN: LISA EXUM  
NEWBURYPORT MA 01950

MAKE CHECKS PAYABLE TO: Home Depot Credit Service  
PLEASE INCLUDE ACCOUNT NUMBER ON CHECK TO ENSURE PROPER PROCESSING  
PLEASE CHECK LAST PAGE FOR DISCOUNT INFORMATION

ACCOUNT NO : \*\*\*\*\*5217  
P.O. NO : 27933  
INVOICE NO : 627676  
INVOICE DATE : 05/27/22  
  
INVOICE AMT : 88.13  
CHARGED AMT : 88.13 <== AMOUNT YOU PAY  
PMT DUE DATE : 06/30/22

DESCRIPTION	S.K.U.	QUANTITY	PRICE	EXTENSION
SWIFFER DUSTER 360 HV	1000002086	1 EA	9.90	9.90
SWIFFER DUSTER 360 HV	1000002086	1 EA	9.90	9.90
HDX 2PLY PAPER TOWEL	1003520647	1 CA	17.98	17.98
CHARMIN SOFT 18 MEGA	1007260488	1 EA	24.98	24.98
OB ODOMAGNET FRESH AI	1006995560	1 EA	4.47	4.47
DRAIN WEASEL HAIR CLO	1001523392	1 EA	5.98	5.98
OB ODOMAGNET FRESH AI	1006995560	1 EA	4.47	4.47
OB ODOMAGNET FRESH AI	1006995560	1 EA	4.47	4.47
DRAIN WEASEL HAIR CLO	1001523392	1 EA	5.98	5.98

SUBTOTAL: 88.13  
TAX: 0.00  
SHIPPING: 0.00  
-----  
INVOICE TOTAL: 88.13

PURCHASER'S NAME: BARTLETT MICHAEL

PROX INVOICING CYCLE 05

IF DISCOUNT IS TAKEN  
DISCOUNT DUE DATE:  
DISCOUNT AMOUNT:

06/16/22  
1.76

DIRECT INQUIRIES TO  
SERVICE REP: (800) 395-7363  
FAX: (888) 965-8142

MAIL PAYMENTS TO:  
Home Depot Credit Service  
P.O. BOX 9001043  
LOUISVILLE

KY 40290-1043

NEWBURYPORT DPW  
16A PERRY WAY  
ATTN: LISA EXUM  
NEWBURYPORT

MA 01950

MAKE CHECKS PAYABLE TO: Home Depot Credit Service  
PLEASE INCLUDE ACCOUNT NUMBER ON CHECK TO ENSURE PROPER PROCESSING  
PLEASE CHECK LAST PAGE FOR DISCOUNT INFORMATION

ACCOUNT NO : \*\*\*\*\*5217  
P.O. NO : SCC  
INVOICE NO : 5624169  
INVOICE DATE : 05/02/22

INVOICE AMT : 75.93  
CHARGED AMT : 75.93 <== AMOUNT YOU PAY  
PMT DUE DATE : 06/30/22

DESCRIPTION	S.K.U.	QUANTITY	PRICE	EXTENSION
1"X10' HUSKY CAMBUCKL	1005411657	1 EA	9.97	9.97
1.25X16 CHROME RATCHE	1005560133	1 EA	25.98	25.98
1.25X16 CHROME RATCHE	1005560152	1 EA	39.98	39.98

SUBTOTAL: 75.93  
TAX: 0.00  
SHIPPING: 0.00  
-----  
INVOICE TOTAL: 75.93

PURCHASER'S NAME: BARTLETT MICHAEL

PROX INVOICING CYCLE 05

IF DISCOUNT IS TAKEN  
DISCOUNT DUE DATE:  
DISCOUNT AMOUNT:

05/22/22  
1.52

DIRECT INQUIRIES TO  
SERVICE REP: (800) 395-7363  
FAX: (888) 965-8142

MAIL PAYMENTS TO:  
Home Depot Credit Service  
P.O. BOX 9001043  
LOUISVILLE KY 40290-1043

NEWBURYPORT DPW  
16A PERRY WAY  
ATTN: LISA EXUM  
NEWBURYPORT MA 01950

MAKE CHECKS PAYABLE TO: Home Depot Credit Service  
PLEASE INCLUDE ACCOUNT NUMBER ON CHECK TO ENSURE PROPER PROCESSING  
PLEASE CHECK LAST PAGE FOR DISCOUNT INFORMATION.

ACCOUNT NO : \*\*\*\*\*5217  
P.O. NO : BRANCHIVORY  
INVOICE NO : 7010307  
INVOICE DATE : 04/30/22  
  
INVOICE AMT : 23.35  
CHARGED AMT : 23.35 <== AMOUNT YOU PAY  
PMT DUE DATE : 06/30/22

DESCRIPTION	S.K.U.	QUANTITY	PRICE	EXTENSION
#8 X 2-1/4" TH CONSTR	1007437269	1 EA	9.97	9.97
5/4X6-8FT PREM PT GC	1001754831	1 EA	13.38	13.38
SUBTOTAL:				23.35
TAX:				0.00
SHIPPING:				0.00
INVOICE TOTAL:				23.35

PURCHASER'S NAME: BARTLETT MICHAEL

PROX INVOICING CYCLE 05:

IF DISCOUNT IS TAKEN  
DISCOUNT DUE DATE:  
DISCOUNT AMOUNT:

05/20/22  
0.47

DIRECT INQUIRIES TO  
SERVICE REP: (800) 395-7363  
FAX: (888) 965-8142

MAIL PAYMENTS TO:  
Home Depot Credit Service  
P.O. BOX 9001043  
LOUISVILLE

KY 40290-1043

NEWBURYPORT DPW  
16A PERRY WAY  
ATTN: LISA EXUM  
NEWBURYPORT MA 01950

MAKE CHECKS PAYABLE TO: Home Depot Credit Service  
PLEASE INCLUDE ACCOUNT NUMBER ON CHECK TO ENSURE PROPER PROCESSING  
PLEASE CHECK LAST PAGE FOR DISCOUNT INFORMATION

ACCOUNT NO : \*\*\*\*\*5217  
P.O. NO : RON  
INVOICE NO : 8304215  
INVOICE DATE : 04/29/22  
  
INVOICE AMT : 49.50  
CHARGED AMT : 49.50 <== AMOUNT YOU PAY  
PMT DUE DATE : 05/31/22

DESCRIPTION	S.K.U.	QUANTITY	PRICE	EXTENSION
48" WOOD GARDEN STAKE	0000974226	25 EA	1.98	49.50
SUBTOTAL:				49.50
TAX:				0.00
SHIPPING:				0.00
INVOICE TOTAL:				49.50

PURCHASER'S NAME: WESTPHAL GARY

PROX INVOICING CYCLE 05

IF DISCOUNT IS TAKEN  
DISCOUNT DUE DATE:  
DISCOUNT AMOUNT:

05/19/22  
0.99

DIRECT INQUIRIES TO  
SERVICE REP: (800) 395-7363  
FAX: (888) 965-8142



MAIL PAYMENTS TO:  
 Home Depot Credit Service  
 P.O. BOX 9001043  
 LOUISVILLE

KY 40290-1043

NEWBURYPORT DPW  
 16A PERRY WAY  
 ATTN: LISA EXUM  
 NEWBURYPORT

MA 01950

MAKE CHECKS PAYABLE TO: Home Depot Credit Service  
 PLEASE INCLUDE ACCOUNT NUMBER ON CHECK TO ENSURE PROPER PROCESSING  
 PLEASE CHECK LAST PAGE FOR DISCOUNT INFORMATION

ACCOUNT NO : \*\*\*\*\*5217  
 P.O. NO : 27853  
 INVOICE NO : 2620804  
 INVOICE DATE : 04/05/22  
 INVOICE AMT : 110.36  
 CHARGED AMT : 110.36 <== AMOUNT YOU PAY  
 PMT DUE DATE : 05/31/22

DESCRIPTION	S.K.U.	QUANTITY	PRICE	EXTENSION
LEG TIP 1" BLACK RUBB	0000824969	1 EA	3.35	3.35
LEG TIP 1" BLACK RUBB	0000824969	1 EA	3.35	3.35
LEG TIP 1" BLACK RUBB	0000824969	1 EA	3.35	3.35
LEG TIP 1" BLACK RUBB	0000824969	1 EA	3.35	3.35
LEG TIP 1" BLACK RUBB	0000824969	1 EA	3.35	3.35
4 LAMP T8 4' 120-277V	0000802261	1 EA	28.97	28.97
LEG TIP 1" BLACK RUBB	0000824969	1 EA	3.35	3.35
LEG TIP 1" BLACK RUBB	0000824969	1 EA	3.35	3.35
4 LAMP T8 4' 120-277V	0000802261	1 EA	28.97	28.97
4 LAMP T8 4' 120-277V	0000802261	1 EA	28.97	28.97
SUBTOTAL:				110.36
TAX:				0.00
SHIPPING:				0.00
INVOICE TOTAL:				110.36

PURCHASER'S NAME: BARTLETT MICHAEL

PROX INVOICING CYCLE 05

IF DISCOUNT IS TAKEN  
 DISCOUNT DUE DATE:  
 DISCOUNT AMOUNT:

04/25/22  
 2.21

DIRECT INQUIRIES TO  
 SERVICE REP: (800) 395-7363  
 FAX: (888) 965-8142

MAIL PAYMENTS TO:  
Home Depot Credit Service  
P.O. BOX 9001043  
LOUISVILLE KY 40290-1043

NEWBURYPORT DPW  
16A PERRY WAY  
ATTN: LISA EXUM  
NEWBURYPORT MA 01950

MAKE CHECKS PAYABLE TO: Home Depot Credit Service  
PLEASE INCLUDE ACCOUNT NUMBER ON CHECK TO ENSURE PROPER PROCESSING  
PLEASE CHECK LAST PAGE FOR DISCOUNT INFORMATION

ACCOUNT NO : \*\*\*\*\*5217  
P.O. NO : NYS  
INVOICE NO : 8620103  
INVOICE DATE : 03/30/22

INVOICE AMT : 43.04  
CHARGED AMT : 43.04 <== AMOUNT YOU PAY  
PMT DUE DATE : 04/30/22

DESCRIPTION	S.K.U.	QUANTITY	PRICE	EXTENSION
HDX ULTRA SOFT BATH T	1003186298	1 PK	18.38	18.38
HDX ULTRA SOFT BATH T	1003186298	1 PK	18.38	18.38
CLR CALCIUM/LIME/RUST	0000336808	1 EA	6.28	6.28
SUBTOTAL:				43.04
TAX:				0.00
SHIPPING:				0.00
INVOICE TOTAL:				43.04

PURCHASER'S NAME: BARTLETT MICHAEL

PROX INVOICING CYCLE 05

IF DISCOUNT IS TAKEN  
DISCOUNT DUE DATE:  
DISCOUNT AMOUNT:

04/19/22  
0.86

DIRECT INQUIRIES TO  
SERVICE REP: (800) 395-7363  
FAX: (888) 965-8142

MAIL PAYMENTS TO: NEWBURYPORT DPW  
 Home Depot Credit Service 16A PERRY WAY  
 P.O. BOX 9001043 ATTN: LISA EXUM  
 LOUISVILLE KY 40290-1043 NEWBURYPORT MA 01950

MAKE CHECKS PAYABLE TO: Home Depot Credit Service  
 PLEASE INCLUDE ACCOUNT NUMBER ON CHECK TO ENSURE PROPER PROCESSING  
 PLEASE CHECK LAST PAGE FOR DISCOUNT INFORMATION

ACCOUNT NO : \*\*\*\*\*5217  
 P.O. NO : 27775  
 INVOICE NO : 2052160  
 INVOICE DATE : 03/16/22  
 INVOICE AMT : 39.98  
 CHARGED AMT : 39.98 <== AMOUNT YOU PAY  
 PMT DUE DATE : 04/30/22

DESCRIPTION	S.K.U.	QUANTITY	PRICE	EXTENSION
PORTABLE PUSH BUTTON	I000016173	1 EA	39.98	39.98
SUBTOTAL:				39.98
TAX:				0.00
SHIPPING:				0.00
INVOICE TOTAL:				39.98

PURCHASER'S NAME: BARTLETT MICHAEL

PROX INVOICING CYCLE 05

IF DISCOUNT IS TAKEN  
 DISCOUNT DUE DATE: 04/05/22  
 DISCOUNT AMOUNT: 0.80  
 DIRECT INQUIRIES TO  
 SERVICE REP: (800) 395-7363  
 FAX: (888) 965-8142

MAIL PAYMENTS TO:  
Home Depot Credit Service  
P.O. BOX 9001043  
LOUISVILLE

KY 40290-1043

NEWBURYPORT DPW  
16A PERRY WAY  
ATTN: LISA EXUM  
NEWBURYPORT MA 01950

MAKE CHECKS PAYABLE TO: Home Depot Credit Service  
PLEASE INCLUDE ACCOUNT NUMBER ON CHECK TO ENSURE PROPER PROCESSING  
PLEASE CHECK LAST PAGE FOR DISCOUNT INFORMATION

ACCOUNT NO : \*\*\*\*\*5217  
P.O. NO : PLUMBISLAND  
INVOICE NO : 9036063  
INVOICE DATE : 03/09/22

INVOICE AMT : 76.82  
CHARGED AMT : 76.82 <== AMOUNT YOU PAY  
PMT DUE DATE : 04/30/22

DESCRIPTION	S.K.U.	QUANTITY	PRICE	EXTENSION
SCOTCH 1.88" MASKING	0000690188	1 EA	4.58	4.58
SCOTCHBLUE 1.88" 2090	0000315026	1 EA	7.48	7.48
SCOTCH HVYDUTY 54YDS	1001674264	1 EA	14.58	14.58
2-3/8X36 H/D WIDE DR	0000561825	1 EA	14.24	14.24
AIRSHIM INFLATABLE PR	1001846535	1 EA	17.97	17.97
AIRSHIM INFLATABLE PR	1001846535	1 EA	17.97	17.97

SUBTOTAL: 76.82  
TAX: 0.00  
SHIPPING: 0.00  
-----  
INVOICE TOTAL: 76.82

PURCHASER'S NAME: WESTPHAL GARY

PROX INVOICING CYCLE 05

IF DISCOUNT IS TAKEN  
DISCOUNT DUE DATE:  
DISCOUNT AMOUNT:

03/29/22  
1.54

DIRECT INQUIRIES TO  
SERVICE REP: (800) 395-7363  
FAX: (888) 965-8142

MAIL PAYMENTS TO: NEWBURYPORT DPW  
 Home Depot Credit Service 16A PERRY WAY  
 P.O. BOX 9001043 ATTN: LISA EXUM  
 LOUISVILLE KY 40290-1043 NEWBURYPORT MA 01950

MAKE CHECKS PAYABLE TO: Home Depot Credit Service  
 PLEASE INCLUDE ACCOUNT NUMBER ON CHECK TO ENSURE PROPER PROCESSING  
 PLEASE CHECK LAST PAGE FOR DISCOUNT INFORMATION.

ACCOUNT NO : \*\*\*\*\*5217  
 P.O. NO : 27751  
 INVOICE NO : 4012530  
 INVOICE DATE : 03/04/22  
 INVOICE AMT : 154.38  
 CHARGED AMT : 154.38 <== AMOUNT YOU PAY  
 PMT DUE DATE : 04/30/22

DESCRIPTION	S.K.U.	QUANTITY	PRICE	EXTENSION
DWA2TX20MF2	1004180005	1 EA	3.97	3.97
1-5/8" COMP. DECKSCREW-	0000291447	1 EA	10.47	10.47
PL PREMIUM PU CONSTRU	0000125307	1 EA	6.58	6.58
OSCILLATING MULTI-TOO	1004856048	1 EA	29.97	29.97
MKE COBALT 3/32" BIT	1001294891	1 EA	3.17	3.17
SOLID RED OAK 6010 HA	0000176726	6 LF	7.98	48.52
MKE COBALT 3/32" BIT	1001294891	1 EA	3.17	3.17
USG AP LIGHT DUST CON	1001382151	1 EA	9.25	9.25
USG ALL PURPOSE JC 3.	0000258717	1 EA	8.38	8.38
1-1/2 X1-1/2 PINE LWM	0000806324	6 LF	5.15	30.90
SUBTOTAL:				154.37
TAX:				0.00
SHIPPING:				0.00
INVOICE TOTAL:				154.37

PURCHASER'S NAME: BARTLETT MICHAEL

PROX INVOICING CYCLE 05

IF DISCOUNT IS TAKEN  
 DISCOUNT DUE DATE:  
 DISCOUNT AMOUNT:

03/24/22  
 3.09

DIRECT INQUIRIES TO  
 SERVICE REP: (800) 395-7363  
 FAX: (888) 965-8142

MAIL PAYMENTS TO:  
Home Depot Credit Service  
P.O. BOX 9001043  
LOUISVILLE

KY 40290-1043

NEWBURYPORT DPW  
16A PERRY WAY  
ATTN: LISA EXUM  
NEWBURYPORT MA 01950

MAKE CHECKS PAYABLE TO: Home Depot Credit Service  
PLEASE INCLUDE ACCOUNT NUMBER ON CHECK TO ENSURE PROPER PROCESSING  
PLEASE CHECK LAST PAGE FOR DISCOUNT INFORMATION

ACCOUNT NO : \*\*\*\*\*5217  
P.O. NO : 27751  
INVOICE NO : 4012532  
INVOICE DATE : 03/04/22  
INVOICE AMT : 47.50  
CHARGED AMT : 47.50 <== AMOUNT YOU PAY  
PMT DUE DATE : 04/30/22

DESCRIPTION	S.K.U.	QUANTITY	PRICE	EXTENSION
HOOK	0000486151	1 EA	3.16	3.16
HOOK	0000486151	1 EA	3.16	3.16
HOOK	0000486151	1 EA	3.16	3.16
SDRL SCRW ZNC PHL PAN	0000334613	1 EA	9.58	9.58
HOOK	0000486151	1 EA	3.16	3.16
HOOK	0000486151	1 EA	3.16	3.16
HOOK	0000486151	1 EA	3.16	3.16
HOOK	0000486151	1 EA	3.16	3.16
HOOK	0000486151	1 EA	3.16	3.16
HOOK	0000486151	1 EA	3.16	3.16
HOOK	0000486151	1 EA	3.16	3.16
HOOK	0000486151	1 EA	3.16	3.16
HOOK	0000486151	1 EA	3.16	3.16
HOOK	0000486151	1 EA	3.16	3.16

SUBTOTAL: 47.50  
TAX: 0.00  
SHIPPING: 0.00  
-----  
INVOICE TOTAL: 47.50

PURCHASER'S NAME: BARTLETT MICHAEL

PROX INVOICING CYCLE 05

IF DISCOUNT IS TAKEN  
DISCOUNT DUE DATE: 03/24/22  
DISCOUNT AMOUNT: 0.95

DIRECT INQUIRIES TO  
SERVICE REP: (800) 395-7363  
FAX: (888) 965-8142

3Phase Elevator Corp.  
 D/B/A Halley Elevator  
 60 Shawmut Road, Suite 1  
 Canton, MA 02021  
 508.350.9900



# INVOICE

Date	Invoice #
6/1/2022	114856

<b>Bill To</b>
City of Newburyport Mike Bartlett 60 Pleasant Street Newburyport, MA 01950

<b>Ship To</b>
94 State Street Newburyport, MA 01950

P.O. No.	Terms	Project	
	Net 30		
Description	Qty	Rate	Amount
Monthly Contract Billing - Current Period Library and City Hall		185.00	185.00

VENDOR # NEW PO # \_\_\_\_\_  
 ACCT #: 01421002-52402  
 AMOUNT: \$ 92.50  
 SIGNATURE: \_\_\_\_\_  
 DATE: \_\_\_\_\_ DPS

01610002-52402  
 \$92.50

Please make checks payable to 3Phase Elevator Corp. Please send ACH or EFT payments to: Santander Bank Routing Number: 011075150 Account Number: 70404951942 Please include the invoice number	<b>Subtotal</b>	\$185.00
	<b>Sales Tax (0.0%)</b>	\$0.00
	<b>Total</b>	\$185.00
	<b>Payments/Credits</b>	\$0.00
	<b>Balance Due</b>	\$185.00



3Phase Elevator Corp.  
 D/B/A Halley Elevator  
 60 Shawmut Road, Suite 1  
 Canton, MA 02021  
 508.350.9900



# INVOICE

Date	Invoice #
6/1/2022	114857

Bill To
City of Newburyport Mike Bartlett 60 Pleasant Street Newburyport, MA 01950

Ship To
<del>94 State Street</del> 351 High St. Newburyport, MA 01950

P.O. No.	Terms	Project	
	Net 30		
Description	Qty	Rate	Amount
Monthly Contract Billing - Current Period Senior Center		90.00	90.00

VENDOR #: NEW PO #: \_\_\_\_\_  
 ACCT #: 01421002-50402  
 AMOUNT: \$ 90.00  
 SIGNATURE: \_\_\_\_\_  
 DATE: \_\_\_\_\_ DPS

Please make checks payable to 3Phase Elevator Corp. Please send ACH or EFT payments to: Santander Bank Routing Number: 011075150 Account Number: 70404951942 Please include the invoice number	<b>Subtotal</b>	\$90.00
	<b>Sales Tax (0.0%)</b>	\$0.00
	<b>Total</b>	\$90.00
	<b>Payments/Credits</b>	\$0.00
	<b>Balance Due</b>	\$90.00

3Phase Elevator Corp.  
 D/B/A Halley Elevator  
 60 Shawmut Road, Suite 1  
 Canton, MA 02021  
 508.350.9900



# INVOICE

Date	Invoice #
5/1/2022	114214

<b>Bill To</b>
City of Newburyport Mike Bartlett 60 Pleasant Street Newburyport, MA 01950

<b>Ship To</b>
<del>94 State Street</del> 331 High St. Newburyport, MA 01950

P.O. No.	Terms	Project
	Net 30	

Description	Qty	Rate	Amount
Monthly Contract Billing - Current Period Senior Center		90.00	90.00
VENDOR #: <u>NEW</u> PO #: _____ ACCT #: <u>01421002-52402</u> AMOUNT: \$ <u>90.<sup>00</sup>            SIGNATURE: _____            DATE: _____ DPS         </u>			

Please make checks payable to 3Phase Elevator Corp. Please send ACH or EFT payments to: Santander Bank Routing Number: 011075150 Account Number: 70404951942 Please include the invoice number	<b>Subtotal</b>	\$90.00
	<b>Sales Tax (0.0%)</b>	\$0.00
	<b>Total</b>	\$90.00
	<b>Payments/Credits</b>	\$0.00
	<b>Balance Due</b>	\$90.00

3Phase Elevator Corp.  
 D/B/A Halley Elevator  
 60 Shawmut Road, Suite 1  
 Canton, MA 02021  
 508.350.9900



# INVOICE

Date	Invoice #
5/1/2022	114213

<b>Bill To</b>
City of Newburyport Mike Bartlett 60 Pleasant Street Newburyport, MA 01950

<b>Ship To</b>
94 State Street Newburyport, MA 01950

P.O. No.	Terms	Project	
	Net 30		
Description	Qty	Rate	Amount
Monthly Contract Billing - Current Period Library and City Hall		185.00	185.00

VENDOR #: NEW PO #: \_\_\_\_\_  
 ACCT #: 01421002-52402 01610002-52402  
 AMOUNT: \$ 92.50 \$92.50  
 SIGNATURE: \_\_\_\_\_  
 DATE: \_\_\_\_\_ DPS

Please make checks payable to 3Phase Elevator Corp. Please send ACH or EFT payments to: Santander Bank Routing Number: 011075150 Account Number: 70404951942 Please include the invoice number	<b>Subtotal</b>	\$185.00
	<b>Sales Tax (0.0%)</b>	\$0.00
	<b>Total</b>	\$185.00
	<b>Payments/Credits</b>	\$0.00
	<b>Balance Due</b>	\$185.00



3Phase Elevator Corp.  
 D/B/A Halley Elevator  
 60 Shawmut Road, Suite 1  
 Canton, MA 02021  
 508.350.9900



# INVOICE

Date	Invoice #
4/14/2022	114333

<b>Bill To</b>
City of Newburyport Mike Bartlett 60 Pleasant Street Newburyport, MA 01950

<b>Ship To</b>
City Hall - 94 State St Library - 60 Pleasant St Newburyport, MA

P.O. No.	Terms	Project	
	Net 15		
Description	Qty	Rate	Amount
Performed annual safety test in accordance with Mass Code 524CMR in presence of state inspector for unit(s) 206-P-36	1	620.00	620.00

VENDOR #: MEM PO #: \_\_\_\_\_  
 ACCT #: 01421002-52402  
 AMOUNT: \$ 620.00  
 SIGNATURE: \_\_\_\_\_  
 DATE: \_\_\_\_\_ DPS

Please make checks payable to 3Phase Elevator Corp. Please send ACH or EFT payments to: Santander Bank Routing Number: 011075150 Account Number: 70404951942 Please include the invoice number	<b>Subtotal</b>	\$620.00
	<b>Sales Tax (0.0%)</b>	\$0.00
	<b>Total</b>	\$620.00
	<b>Payments/Credits</b>	\$0.00
	<b>Balance Due</b>	\$620.00

3Phase Elevator Corp.  
 D/B/A Halley Elevator  
 60 Shawmut Road, Suite 1  
 Canton, MA 02021  
 508.350.9900



# INVOICE

Date	Invoice #
4/1/2022	113187

<b>Bill To</b>
City of Newburyport Mike Bartlett 60 Pleasant Street Newburyport, MA 01950

<b>Ship To</b>
94 State Street Newburyport, MA 01950

P.O. No.	Terms	Project	
	Net 30		
Description	Qty	Rate	Amount
Monthly Contract Billing - Current Period Library and City Hall		185.00	185.00

VENDOR #: NEW PO #: \_\_\_\_\_  
 ACCT #: 01421002-52402 01610002-52402  
 AMOUNT: \$ 92.50  
 SIGNATURE: \_\_\_\_\_  
 DATE: \_\_\_\_\_ DPS

Please make checks payable to 3Phase Elevator Corp. Please send ACH or EFT payments to: Santander Bank Routing Number: 011075150 Account Number: 70404951942 Please include the invoice number	<b>Subtotal</b>	\$185.00
	<b>Sales Tax (0.0%)</b>	\$0.00
	<b>Total</b>	\$185.00
	<b>Payments/Credits</b>	\$0.00
	<b>Balance Due</b>	\$185.00

3Phase Elevator Corp.  
 D/B/A Halley Elevator  
 60 Shawmut Road, Suite 1  
 Canton, MA 02021  
 508.350.9900



# INVOICE

Date	Invoice #
4/1/2022	113188

<b>Bill To</b>
City of Newburyport Mike Bartlett 60 Pleasant Street Newburyport, MA 01950

<b>Ship To</b>
<del>94 State Street</del> 331 High Newburyport, MA 01950

Description	Qty	P.O. No.	Terms	Project
			Net 30	
			Rate	Amount
Monthly Contract Billing - Current Period Senior Center			90.00	90.00

VENDOR #: NEW PO #: \_\_\_\_\_  
 ACCT #: 01421002-52415  
 AMOUNT: \$ 90.00  
 SIGNATURE: \_\_\_\_\_  
 DATE: \_\_\_\_\_ DPS

Please make checks payable to 3Phase Elevator Corp. Please send ACH or EFT payments to: Santander Bank Routing Number: 011075150 Account Number: 70404951942 Please include the invoice number	<b>Subtotal</b>	\$90.00
	<b>Sales Tax (0.0%)</b>	\$0.00
	<b>Total</b>	\$90.00
	<b>Payments/Credits</b>	\$0.00
	<b>Balance Due</b>	\$90.00





Auto Parts • HD Truck • Paint & Body

STORE

Sanel NAPA - Salisbury, MA  
158 Bridge Rd Rte 1  
REF \_\_\_\_\_ VER \_\_\_\_\_  
SALISBURY, MA 01952  
(978) 462-3129

Employee: 20 , MICHELE  
Sales Rep: 0 , Used  
Accounting Day: 3

SOLD TO 15761 NBPT SEWERAGE WSTE TMT FAC  
157 WATER ST  
NEWBURYPORT, MA 01950

Anticipated Time:  
Attention: INV FROM 51122  
Tax Exemption: 046001403  
PO#: 16766  
Terms: 2% 10 Net 24 (1)

Part Number	Line	Description	Quantity	Price	Net	Total
124117	MOB	MOBIL 1 5W30 5QT	2.00	85.52	42.49	84.98
75540	NOL	SYNOW20	1.00	12.40	9.29	9.29
HAD TO DO A CREDIT AND REBILL WITH CURRENT DATE THATS WHY THE PRICING IS OVERRIDDEN						

Subtotal	463.81
Exempt Municipality or 0.0000%	0.00
<b>Total</b>	<b>463.81</b>
Charge Sale	463.81

Customer Signature  
ALL GOODS RETURNED MUST BE ACCOMPANIED BY THIS INVOICE

STORE HOURS  
M-F 7:30 - 5:00PM  
Saturday 7:30 - 1:00PM

CUSTOMER COPY

Y  
OCR  
570989  
Y  
invoice Number

2000056985709891



VENDOR #: 4539 PO #: 16766  
ACCT #: 61440002-52403  
AMOUNT: \$ 463.81  
SIGNATURE: [Signature]  
DATE: 11-7-22 DPS





Auto Parts • HD Truck • Paint & Body



STORE

Sanel NAPA - Salisbury, MA  
158 Bridge Rd Rte 1  
REF \_\_\_\_\_ VER \_\_\_\_\_  
SALISBURY, MA 01952  
(978) 462-3129

Employee: 20 , MICHELE  
Sales Rep: 0 , Used  
Accounting Day: 3

<b>SOLD TO</b>	15761	Anticipated Time:
	NBPT SEWERAGE WSTE TMT FAC	Attention: INV FROM 51122
	157 WATER ST	Tax Exemption: 046001403
	NEWBURYPORT, MA 01950	PO#: 16766
		Terms: 2% 10 Net 24 (1)

Y

Part Number	Line	Description	Quantity	Price	Net	Total
75121	NOL	NAPA 5 GAL 15W40	2.00	174.06	64.99	129.98
773780	VAL	PREM BLUE 15W40 1 GAL	6.00	51.20	25.49	152.94
8223	BAT	3MO WTY BAT	1.00	83.95	51.29	51.29
8223	BAT	Core Deposit	1.00	9.00	9.0000	9.00 D
8223	BAT	Core Deposit	-1.00	9.00	9.00	9.00 CD
AS11	FFP	PENETRANT OIL	1.00	20.78	9.3500	9.35
		Above Item on Sale				
37802	CHV	FUEL SYSTEM CLEANER	2.00	38.46	12.99	25.98

OCR 2000056985709891

Customer Signature  
ALL GOODS RETURNED MUST BE ACCOMPANIED BY THIS INVOICE

STORE HOURS  
M-F 7:30 - 5:00PM  
Saturday 7:30 - 1:00PM

CUSTOMER COPY

CONTINUED

Y

570989 Invoice Number



# CITY OF NEWBURYPORT



IN CITY COUNCIL

**ORDERED:**

November 14, 2022

**THAT**, the City of Newburyport adopts a **residential factor** of **0.9880** for **fiscal year 2023**.

---

Councillor Sharif I. Zeid

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

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

# CITY OF NEWBURYPORT



IN CITY COUNCIL

**ORDERED:**

November 14, 2022

**THAT**, the City of Newburyport adopts a **tax rate** of **\$10.64** per thousand for the residential and open space (R&O) classes and **\$11.85** per thousand for the commercial, industrial and personal property (CIP) classes for **fiscal year 2023**.

---

Councillor Sharif I. Zeid

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

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



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

To: President and Members of the City Council  
From: Mayor Sean R. Reardon  
Date: November 9, 2022  
Subject: FY2023 Tax Rate

---

Establishing the property tax rate is the final step in the annual budget process as it provides funding for the expenditures that were authorized by the Mayor and City Council back in June. The annual budget, and subsequent year forecasting, assumes taxation up to the levy limit provided under the state's Proposition 2½. While the fiscal year 2023 budget submission was built on the full 2.5% increase to the prior year levy limit, the City ended with \$209,272<sup>1</sup> in available revenue that will not need to be raised through taxation; this was generated by City Council budget reductions, as well as higher than estimated state aid and new growth.

### Recommendations

To fund the FY'23 adopted budget, \$66,412,998<sup>2</sup> must be raised through the tax rate setting process. In order to fund that amount, we recommend:

1. That the City Council vote to authorize the use of **\$401,028** in free cash to reduce the FY'23 tax rate.
2. That the City Council votes to adopt a residential factor of **0.9880**.
3. That the City Council votes to adopt a tax rate of **\$10.66** for the residential and open space classes and **\$11.87** for the commercial, industrial and personal property classes.

### Why use free cash?

Utilizing \$401,028 in free cash reduces the amount to be raised through taxes from \$66,412,998 to \$66,011,970. While free cash cannot always be relied on to fund the tax rate, there are certain instances where it is warranted; in this year, using free cash would be appropriate.

Firstly, the City experienced a historic free cash certification for FY'23 predominately driven by one-time revenue sources. It is important that a portion of that is used to defray tax increases. Secondly, free cash is needed to help close some of the \$639,637 gap (i.e. excess levy capacity) that existed between the FY'22 tax levy and the FY'22 levy limit.

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<sup>1</sup> Budget reductions of \$157,200 plus \$124,590 in state aid plus \$198,882 in higher than estimated new growth less approved supplemental budget of \$271,400

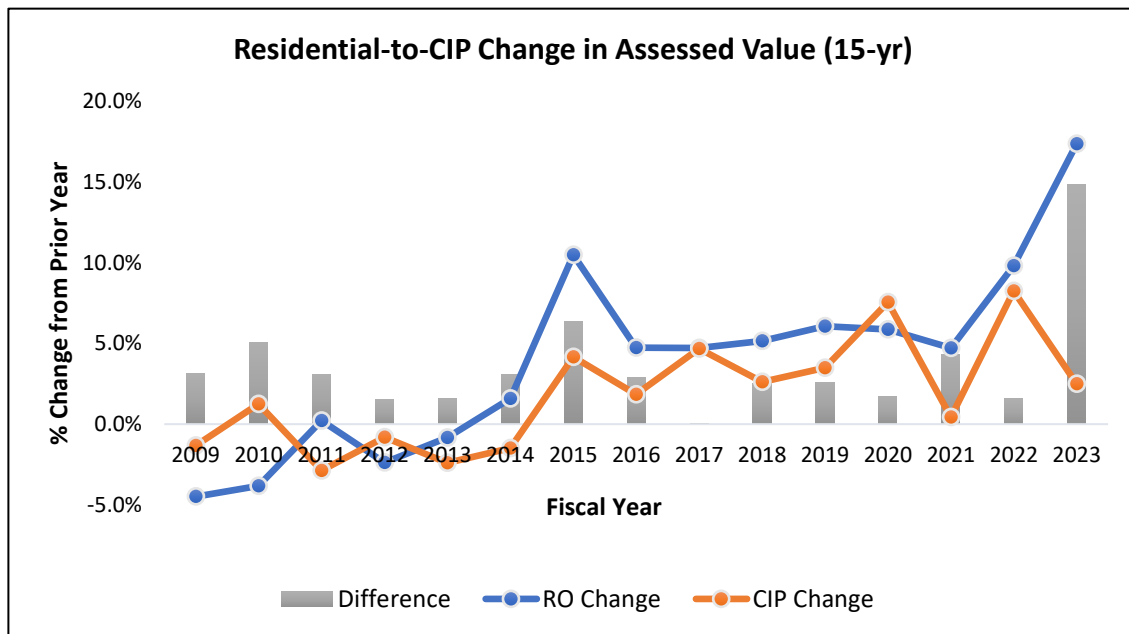
<sup>2</sup> FY'23 levy limit of \$66,622,270 less \$209,272 in available revenue

While free cash helps to mitigate increases for the current fiscal year, a consequence is that building the annual budget (and subsequent year forecasting) on the full levy limit makes for an even greater increase in the following year. For example, what would normally be a 3.0 to 3.5% increase becomes a 4.0 to 4.5% increase as you work to make up the difference that was left untaxed the prior year. Thus, while I support using a moderate amount of free cash, I would not support any larger allocations to set the tax rate as it potentially sets us up for failure later on.

**Why the split tax rate?**

In Massachusetts, properties are grouped into two main categories: 1) residential and open space (“RO”) and 2) commercial, industrial and personal property (“CIP”). Typically in Newburyport, the levy is always charged proportionally based on the assessed value of all property, regardless of property class. For example, if the RO classes are 89% of the entire assessed value of the city, then the CIP classes are 11% of the entire assessed value of the city. With a single tax rate, the RO classes would pay 89% of the total tax levy and the CIP classes pay 11% of the total tax levy. In this case, we divide the levy to be raised by the valuation of all properties to get the resulting tax rate. For FY’23, the levy to be raised is \$66,011,970 and the total city-wide valuation is \$6,115,755,868, resulting in tax rate of \$10.79<sup>3</sup>.

When the annual change in property values generally aligns, or correlates, across all classes of property, it results in most taxpayers experiencing a similar change in tax bill from year-to-year (in percentage terms). For example, last year, as shown in the chart below, RO classes of property (blue line) increased in assessed value by 9.8% while CIP classes of property (orange line) increased by 8.2%; a difference of 1.6%. Slightly more of the tax burden shifted to residential taxpayers, but only by 1.6%; over the past 15 years, the average variance has been +/- 2.8%.



FY’23, however, is not a typical year as the housing market has caused residential assessed values to increase by 17.4% compared to an increase of 2.5% for the CIP classes; a difference of 14.9%. The last time the City experienced an increase in values this large was following the housing bubble in the early

<sup>3</sup> Note that the maximum rate allowed under Proposition 2½ is \$10.89, but is reduced due to available revenue and use of free cash.

2000's, which resulted in a 46.7% increase in home assessed values for FY'05 (CIP increased by 23.9% that year). When this happens, it causes a significant shift in taxation from businesses to homeowners.

If taxes were divided proportionally among the much higher residential tax base and the now lower commercial/industrial tax base, for FY'23, the average single family home<sup>4</sup> experiences a \$530 increase (+6.3%) to their tax bill, while the average business<sup>5</sup> gets a *tax cut* of -\$1,330 (-8.4%). To address this deviation, state law allows cities and towns to perform a so-called "CIP shift" up to a maximum of 50% of the assessed value of the CIP classes. In this instance, it allows the city to prevent the RO classes of property from seeing a disproportionately large tax increase while CIP classes of property see their taxes go down. The attached analysis shows the resulting tax rate at varying shifts in 5% increments up to 50%. For FY'23, we recommend adopting a shift of 0.1 or 10%, which translates to a "residential factor" of 0.9880 to be voted on by the City Council (see calculation below).

**CIP Shift Calculation**

*With a single tax rate*

- RO classes would pay 89.3%
- CIP classes would pay 10.7%

**10% shift of the current CIP tax burden of 10.7%**

10.7% X 10% = 1.1%

10.7% + 1.1% = 11.8%

**After the shift, CIP classes will pay 11.8% of the total tax levy and RO classes will pay 88.2% of the total tax levy**

"Residential Factor" = New RO levy share / original levy share

88.2% / 89.3% = 98.8%

**Residential Factor (To Be Voted) = 0.9880**

At a residential factor of 0.9880, the resulting tax rate is \$10.66 for the RO classes and \$11.87 for the CIP classes. Commercial establishments see a slight increase in taxes by \$129 per year (0.8%). Homeowners still experience a greater increase, however reduced from \$530 per year (6.3%) to \$422 per year (5.0%) due to the CIP shift.

For context, the last time that the City adopted a CIP shift was in 1986. Additionally, the Division of Local Services provides a helpful synopsis on this topic and comparative data in its [August 19, 2021 edition](#) of *City & Town*. Other municipalities that perform a CIP shift in Essex County, include: Andover, Beverly, Danvers, Gloucester, Haverhill, Lawrence, Lynn, Lynnfield, Methuen, North Andover, Peabody, Salem, Saugus and Swampscott. It is worth noting, however, that most of these entities shift every year, which is not the Administration's intent or recommendation. It is our hope that once home prices stabilize, we can revert back to a single tax rate for all classes of property. Likely, this would happen over several fiscal years to avoid any significant fluctuations in taxes.

---

<sup>4</sup> Average single family value was \$702,000 (FY'22) and is now \$830,500 (FY'23)

<sup>5</sup> Average commercial value was \$1,324,800 (FY'22) and is now \$1,351,300 (FY'23)

## **Conclusion**

Adopting a CIP shift is not a tool that the City often uses and, for good reason, because we support and rely on our business community. That said, it is not realistic or fair to have one group of taxpayers take on a huge tax burden while another group get a tax break. What we are proposing, I believe, is a fair compromise in that commercial and industrial properties see a modest increase to their tax bill rather than having their tax bill go down as a result of even larger increases on the residential side.

I fully appreciate the toll that taxes take on all members of our community, many of whom are struggling and need all of the support they can get. I am also cognizant of the resources that the City needs to provide the public safety, services and education that we deserve and expect from our local government. It is for that reason that I support the use of free cash to help set the tax rate in a manner that balances the burden placed on taxpayers with the city's fiscal stability going forward.

Thank you for your review and consideration.



**City of Newburyport Fiscal Year 2023 Tax Levy  
Residential-to-CIP Shift Analysis**

**Proposition 2 ½ Levy Limit Calculation**

	<b>FY'23 Levy Limit</b>	<b>FY'23 Recommended</b>	
Prior Year Levy Limit	\$61,029,959	\$61,029,959	
2 ½ % Increase	\$1,525,749	\$915,449	1.50% Increase
New Growth	\$898,882	\$898,882	
FY'23 Levy	\$63,454,590	\$62,844,290	
Excluded Debt	\$3,167,680	\$3,167,680	
<b>Total Tax Levy</b>	<b>\$66,622,270</b>	<b>\$66,011,970</b>	

**Decrease from Max. Levy Limit \$610,300**

**Offset by Available Revenue:**

Budget Reductions	\$157,200
Additional State Aid	\$124,590
Supplemental Budget	-\$271,400
New Growth Over Estimate	\$198,882
Free Cash	\$401,028
<b>Total Available Revenue</b>	<b>\$610,300</b>

<b>Class</b>		<b>Assessed Value</b>	<b>% of Total Valuation</b>
Residential	1	5,459,918,769	89.2763%
Open Space	2	274,300	0.0045%
<b>Total Classes 1,2 (R&amp;O)</b>		<b>5,460,193,069</b>	<b>89.2808%</b>
Commercial	3,7,8	363,260,831	5.9398%
Industrial	4	223,592,200	3.6560%
Personal	5	68,709,768	1.1235%
<b>Total Class 3,4,5,7,8 (CIP)</b>		<b>655,562,799</b>	<b>10.7192%</b>
<b>Total All Classes</b>		<b>6,115,755,868</b>	<b>100.0000%</b>

Max. Tax Rate (\$66,622,270 / 6,115,755,868 X 1000)	\$10.89
Recommended Tax Rate Before CIP Shift	\$10.79
Maximum Share of Levy for CIP (CIP Shift = 1.5)	16.0788%
Minimum Share of Levy for R&O (CIP Shift = 1.5)	83.9212%
Minimum Residential Factor (MRF)	93.9969%

**Shift Analysis - At Recommended Tax Rate of \$10.79 Per Thousand**

Shift	Res. Factor	R & O Rate	C,I & P Rate
0.00	1.0000	10.79	10.79
0.05	0.9940	10.73	11.33
<b>0.10</b>	<b>0.9880</b>	<b>10.66</b>	<b>11.87</b>
0.15	0.9820	10.60	12.41
0.20	0.9760	10.53	12.95
0.25	0.9700	10.47	13.49
0.30	0.9640	10.40	14.03
0.35	0.9580	10.34	14.57
0.40	0.9520	10.28	15.11
0.45	0.9460	10.21	15.65
0.50	0.9400	10.15	16.19

**FY2023 Annual Tax Bill**

Shift	Avg. Single Family	Avg. Commercial*	Avg. Industrial.*
	<b>830,500</b>	<b>1,351,300</b>	<b>2,303,300</b>
0.00	\$8,961	\$14,581	\$24,853
0.05	\$8,911	\$15,310	\$26,096
<b>0.10</b>	<b>\$8,853</b>	<b>\$16,040</b>	<b>\$27,340</b>
0.15	\$8,803	\$16,770	\$28,584
0.20	\$8,745	\$17,499	\$29,828
0.25	\$8,695	\$18,229	\$31,072
0.30	\$8,637	\$18,959	\$32,315
0.35	\$8,587	\$19,688	\$33,559
0.40	\$8,538	\$20,418	\$34,803
0.45	\$8,479	\$21,148	\$36,047
0.50	\$8,430	\$21,878	\$37,290

\*Excludes Condos and Vacant Land

**\$ Change in Tax Bill from FY2022:**

	<b>Avg. Single Family</b>	<b>Avg. Commercial*</b>	<b>Avg. Industrial.*</b>
<b>FY2022 Value</b>	<b>702,000</b>	<b>1,324,800</b>	<b>2,217,400</b>
<b>FY2022 Tax Bill</b>	<b>8,431</b>	<b>15,911</b>	<b>26,631</b>
0.00	\$530	(\$1,330)	(\$1,778)
0.05	\$480	(\$601)	(\$535)
<b>0.10</b>	<b>\$422</b>	<b>\$129</b>	<b>\$709</b>
0.15	\$372	\$859	\$1,953
0.20	\$314	\$1,588	\$3,197
0.25	\$264	\$2,318	\$4,441
0.30	\$206	\$3,048	\$5,684
0.35	\$156	\$3,778	\$6,928
0.40	\$107	\$4,507	\$8,172
0.45	\$48	\$5,237	\$9,416
0.50	(\$1)	\$5,967	\$10,659

**% Change in Tax Bill from FY2022:**

	<b>Avg. Single Family</b>	<b>Avg. Commercial*</b>	<b>Avg. Industrial.*</b>
0.00	6.3%	-8.4%	-6.7%
0.05	5.7%	-3.8%	-2.0%
<b>0.10</b>	<b>5.0%</b>	<b>0.8%</b>	<b>2.7%</b>
0.15	4.4%	5.4%	7.3%
0.20	3.7%	10.0%	12.0%
0.25	3.1%	14.6%	16.7%
0.30	2.4%	19.2%	21.3%
0.35	1.9%	23.7%	26.0%
0.40	1.3%	28.3%	30.7%
0.45	0.6%	32.9%	35.4%
0.50	0.0%	37.5%	40.0%

\*Excludes Condos and Vacant Land

**Transfer 139 - Amended**

TRAN00139\_11\_01\_2022



**CITY OF NEWBURYPORT  
FY 2023  
TRANSFER/APPROPRIATION REQUEST**

RECEIVED  
CITY CLERK'S OFFICE  
NEWBURYPORT, MA  
OCT 25 PM 3:10

**Department:** Mayor  
**Submitted by:** Mayor Sean R. Reardon **Date Submitted:** 11/1/2022

**Transfer From:**

Account Name:	<u>General Fund - Free Cash</u>	Balance:	<u>\$ 4,316,637.00</u>
Account Number:	<u>01-35910</u>	Category:	<u>n/a</u>
Amount:	<u>\$655,525.00</u>	Trans I/O:	<u>\$ -</u>

**Why Funds Are Available:**

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

**Transfer To:**

Account Name:	<u>Waterfront Culvert Replacement</u>	Balance:	<u>\$ -</u>
Account Number:	<u>New Account</u>	Category:	<u>\$ -</u>
Amount:	<u>\$655,525.00</u>	Trans I/O:	<u>\$ -</u>

**Why Funds Are Needed:**

Funds are needed to replace the drainage culvert that runs beneath the proposed Market Landing Park Expansion Project. See attached explanatory memorandum and cost estimate.

Sean R. Reardon, Mayor:

Date: 10/25/2022

Ethan R. Manning, Auditor:

Date: 10/25/2022

City Council Action:

---

**Amended: Any unutilized funds at the conclusion of the project shall be returned to the General Fund – Free cash.**



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

**MEMORANDUM**

**TO: Honorable Members of the Newburyport City Council**

**FROM: Andrew R. Port, Director of Planning & Development**

**CC: Sean R. Reardon, Mayor**  
**Heather L. Shand, City Council President/Chair, Ad Hoc Committee on Market Landing Park Expansion**  
**Ethan Manning, Director of Finance**  
**Jamie Tuccolo, Acting Director, Department of Public Services**  
**Jon-Eric White, City Engineer**

**RE: Market Square Drainage Culvert & Market Landing Park Expansion Project**

**DATE: October 24, 2022**

---

As you know, this Department has been overseeing design, funding and other aspects of the long-awaited Market Landing Park Expansion project. Plans and funding sources are now in place for the construction of Phase I park improvements beginning in Spring 2023, with contractor bidding to be done over the winter season during the next few months.

As many of you also know, Market Square has flooded on more than one occasion over the years. City Engineer Jon-Eric White, and our consultants at Sasaki and VHB have studied the subject drainage catchment area, along with existing infrastructure, and recommend the installation of a large 60" diameter HDPE pipe running from Market Square to an existing stormwater outlet in the central waterfront bulkhead wall. This will allow flood waters to leave Market Square and discharge to the Merrimack River much faster than is the case with the current undersized infrastructure. This project also includes removal of the old granite block culvert sections as well as additional contaminated soils associated with the new pipe diameter as it traverses the "NRA East" parking lot. Please note that every effort is being made to dispose of soils on site within the existing Activity and Use Limitation (AUL) area (*for example within the abandoned culvert trench*) in consultation with our designated Licensed Site Professional (LSP).

While this distinct drainage infrastructure project is not necessary for the completion of Market Landing Park Expansion, it is important that any such work be completed prior to the at-grade park improvements, in this case the new "Ferry Wharf Way" brick pedestrian walkway connection to Market Square at locus. Additionally, we anticipate greater efficiency, potential cost savings and reduced construction timeframes (*e.g. impacts to pedestrians and abutting businesses*) if the new culvert is installed by the same construction team selected to complete the larger Market Landing Park Expansion project.

The attached Free Cash transfer request is for the purpose of funding this timely infrastructure upgrade so that it can be bid and constructed on a timeframe consistent with that required for the Market Landing Park Expansion project. We respectfully request your approval of the requisite funding so that the Office of Planning & Development and Department of Public Services can move forward with coordinated bidding and construction oversight. We will make ourselves available for Committee review of this transfer, and the scope of work required.

Thank you in advance for your consideration.

**Drainage Infrastructure Upgrades  
City of Newburyport  
Newburyport, Massachusetts**

Engineer's Opinion of Probable Construction Cost  
Project Number: 08314.00

July 15, 2022

Item	Quantity	Unit	Unit Cost	Subtotal	Total
<b>A. Site Preparation &amp; Demolition</b>					
Sawcutting Asphalt Pavement	707	LF	\$ 10.00	\$ 7,070.00	
Drainage Structure Removed	3	EA	\$ 750.00	\$ 2,250.00	
Drainage Structure Abandoned	3	EA	\$ 800.00	\$ 2,400.00	
Controlled Density Fill for Pipe Abandonment	47	CY	\$ 185.00	\$ 8,695.00	
					<b>\$ 20,415.00</b>
<b>B. Earthwork</b>					
Gravel Borrow for Backfilling Structures and Pipes	403	CY	\$ 55.00	\$ 22,165.00	
Ordinary Borrow	435	CY	\$ 30.00	\$ 13,050.00	
					<b>\$ 35,215.00</b>
<b>C. Utilities &amp; Infrastructure</b>					
60" HDPE Pipe	420	LF	\$ 320.00	\$ 134,400.00	
Drainage Structure (less than 8ft deep)	2	EA	\$ 5,800.00	\$ 11,600.00	
Drainage Structure (9 to 14ft deep)	2	EA	\$ 8,000.00	\$ 16,000.00	
Frame and Cover	3	EA	\$ 800.00	\$ 2,400.00	
Frame and Grate (MassDOT Cascade Type)	1	EA	\$ 950.00	\$ 950.00	
					<b>\$ 165,350.00</b>
<b>D. Hardscape and Surface Finishings</b>					
Surface Restoration	2000	SF	\$ 20.00	\$ 40,000.00	
Restoration of ADA Ramp	6	SY	\$ 100.00	\$ 600.00	
Temporary Asphalt Patching	46.55	TON	\$ 210.00	\$ 9,775.50	
Concrete Sidewalk Repair	81	SY	\$ 75.00	\$ 6,075.00	
					<b>\$ 56,451.00</b>
				<b>Subtotal</b>	<b>\$ 277,431</b>
				Allowance for Regulated Soil Disposal	\$ 112,705
				Allowance for Dewatering Treatment	\$ 100,000
				Allowance for Utilities	\$ 20,000
				<b>Base Bid Total</b>	<b>\$ 510,136</b>
				General Conditions/Gen Req's (8%)	\$ 40,811
				Insurance + Bond (2%)	\$ 10,203
				Design + Pricing Contingency (5%)	\$ 25,507
				Construction Contingency (7.5%)	\$ 38,260
				Escalation Contingency (4%)	\$ 20,405
				Construction Administration (2%)	\$ 10,203
				<b>Markup Total</b>	<b>\$ 145,389</b>
				<b>TOTAL Mark-Up Costs + BASE BID</b>	<b>\$ 655,525</b>









# CITY OF NEWBURYPORT FY 2023 TRANSFER/APPROPRIATION REQUEST

RECEIVED  
CITY CLERK'S OFFICE  
NEWBURYPORT, MA  
2022 OCT 25 PM 3:10

**Department:** Finance

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

**Date Submitted:** 11/1/2022

**Transfer From:**

Account Name:	<u>General Fund - Free Cash</u>	Balance:	<u>\$ 4,316,637.00</u>
Account Number:	<u>01-35910</u>	Category:	<u>n/a</u>
Amount:	<u>\$18,647.00</u>	Trans I/O:	<u>\$ -</u>

**Why Funds Are Available:**

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

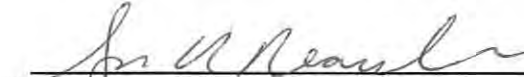
**Transfer To:**

Account Name:	<u>Parklet Maintenance Fund</u>	Balance:	<u>\$ 5,853.00</u>
Account Number:	<u>8290-49700</u>	Category:	<u>\$ -</u>
Amount:	<u>\$18,647.00</u>	Trans I/O:	<u>\$ -</u>

**Why Funds Are Needed:**

The Parklet Maintenance Fund was established in March 2022. Per MGL c. 40, §5B, a dedication of revenue to a stabilization fund takes effect in the fiscal year following such vote. Therefore, parklet fees collected through June 30, 2022 totaling \$18,647 were considered General Fund revenue, which closes to Free Cash at year-end. When the parklet fund was created, it was intended that all fees collected in FY2022 would be credited back to this parklet fund upon certification of Free Cash, which has now occurred.

Sean R. Reardon, Mayor:



Date: 10/25/2022

Ethan R. Manning, Auditor:



Date: 10/25/2022

City Council Action:



# CITY OF NEWBURYPORT FY 2023 TRANSFER/APPROPRIATION REQUEST

**Department:** Department of Public Services

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

**Date Submitted:** 11/14/2022

**Transfer From:**

Account Name:	<u>Sewer Vehicle/Equip Replacement</u>	Balance:	<u>\$ 5,508.16</u>
Account Number:	<u>61440008-58550</u>	Category:	<u>\$ 244,098.89</u>
Amount:	<u>\$1,456.00</u>	Trans I/O:	<u>\$ -</u>

**Why Funds Are Available:**

This account is utilized to purchase smaller vehicles and equipment used by the DPS Sewer Division.

**Transfer To:**

Account Name:	<u>Heavy Duty Truck Purchase</u>	Balance:	<u>\$ 55,000.00</u>
Account Number:	<u>4126-49700</u>	Category:	<u>\$ -</u>
Amount:	<u>\$1,456.00</u>	Trans I/O:	<u>\$ -</u>

**Why Funds Are Needed:**

Funding for a 3/4 ton pick-up truck for the DPS Sewer Division was approved in the amount of \$55,000 in May 2022. The truck has been procured, however, came in \$1,456 over budget. A transfer is requested so that the purchase can be finalized.

Sean R. Reardon, Mayor:

*Sean R. Reardon*

Date: 11/8/2022

Ethan R. Manning, Auditor:

*Ethan R. Manning*

Date: 11/8/2022

City Council Action:

NOV -8 PM 3:28

RECEIVED  
CITY CLERK'S OFFICE  
NEWBURYPORT, MA



# CITY OF NEWBURYPORT FY 2023 TRANSFER/APPROPRIATION REQUEST

**Department:** Mayor  
**Submitted by:** Mayor Sean R. Reardon      **Date Submitted:** 11/14/2022

**Transfer From:**

Account Name:	<u>General Fund - Free Cash</u>	Balance:	<u>\$ 4,316,637.00</u>
Account Number:	<u>01-35910</u>	Category:	<u>n/a</u>
Amount:	<u><del>\$401,028</del> <del>\$553,602</del></u>	Trans I/O:	<u>\$ -</u>

**Why Funds Are Available:**

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

**Transfer To:**

Account Name:	<u>General Fund Budget Reserve</u>	Balance:	<u>\$ -</u>
Account Number:	<u>01-32801</u>	Category:	<u>\$ -</u>
Amount:	<u><del>\$401,028</del> <del>\$553,602</del></u>	Trans I/O:	<u>\$ -</u>

**Why Funds Are Needed:**

An appropriation of \$401,028 from Free Cash is recommended to defray a portion of the property tax increase for fiscal year 2023.

Sean R. Reardon, Mayor: 

Ethan R. Manning, Auditor: 

City Council Action: \_\_\_\_\_

Date: 11/14/2022

Date: 11/17/2022

# Committee Items – November 28, 2022

## Public Safety

### *In Committee:*

- COMM00447\_11\_14\_2022 Girl Scout Troop 67103 to sell cookies on the evening of 12/9 in Market Sq.
- ORDR00393\_11\_14\_2022 Holiday Parking 2022
- ODNC00131\_11\_14\_2022 Amended Pleasant Street 15 min parking space

# CITY OF NEWBURYPORT



IN CITY COUNCIL

**ORDERED:**

November 14, 2022

## **AN ORDER RELATIVE TO PARKING DURING THE 2022 HOLIDAY SEASON:**

BE IT ORDERED, that:

Collection of daily parking fees in all parking lots and the parking garage is suspended from December 18, 2022 through December 25, 2022.

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

---

Councillor James J. McCauley

### **In City Council November 14, 2022:**

Motion to refer to Public Safety by Councillor McCauley, seconded by Councillor Preston. So voted.

# CITY OF NEWBURYPORT



IN CITY COUNCIL

**ORDERED:**

November 14, 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>Pleasant Street</i></u>	<u><i>The first space on the southerly side after Hale's Ct.</i></u>

\_\_\_\_\_  
Councillor James J. McCauley

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

Motion to refer to Public Safety by Councillor McCauley, seconded by Councillor Wright. So voted.



# Committee Items – November 28, 2022

## Rules

### *In Committee:*

- ODNC00128\_11\_01\_2022 Amending Ch. 2 Committees (COTW)

# CITY OF NEWBURYPORT



IN CITY COUNCIL

ORDERED:

November 1, 2022

AN AMENDMENT TO AN ORDINANCE DESIGNATING COMMITTEES AND DEFINING RESPONSIBILITIES THERETO PURUSANT TO VARIOUS SECTIONS OF CHAPTER 2 ADMINISTRATION OF THE MUNICIPAL CODE

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

Chapter 2	Administration
Article II	City Council
Section 2-31	Committees designated; membership

***Amend Sections 2-31, 2-32, 2-33, 2-34, 2-35, 2-26 and 2-37 by inserting a new line, as follows, with deletions ~~double-stricken through~~, and additions double-underlined:***

Sec. 2-31. - Committees designated; membership.

There shall be ~~nine six (9 6)~~ 9 6 standing committees of the city council: committee on budget and finance; ~~committee on education~~; committee on general government; committee on licenses and permits; committee on ~~neighborhoods and~~ city services; committee on planning and development; and committee on public works and safety, facilities and services; ~~and committee on public utilities; and committee on rules.~~ Each such standing committee shall consist of three (3) members of the city council. The president of the city council shall serve on the committee on general government, as its chair, and the mayor may serve as a fourth, ex officio, non-voting member of such committee.

Sec. 2-32. - Responsibilities of Committee on General Government.

The committee on general government shall be concerned with supervision of city properties whose custody has not been assigned to a specific municipal department, as well as the proper use of school properties. ~~and The~~ The committee has oversight over the following municipal departments: city clerk; city solicitor; registrars of voters, information technology; and human resources. The committee shall have charge of and supervision over the city council chambers. The committee will be concerned with the keeping of the rules of the city council. The committee shall act as the liaison between the school committee and the city council on matters related to education. The committee (which includes the mayor as an ex officio member) will provide progress updates on bonded capital projects.

Sec. 2-33. - Responsibilities of Committee on Public Works and Safety

The committee on public ~~safety, facilities and services~~works and safety shall be concerned with all the activities in the police, fire, ~~and health departments~~, the harbor commission and harbormaster, ~~the animal control officer~~, the parking clerk, public parking and associated regulations and traffic safety needs and regulations. The committee reviews matters and activities related to the Department of Public Services, including the Water and Sewer Division and its Commission; and the Highway Division including the engineering department and will include such tasks as but not limited to: street acceptance, layout, construction, repair and maintenance; relocation and discontinuance of public ways; sidewalk placement, repairs and street tree placement, street lighting; snow and ice removal plans, ~~-,~~ municipal lighting, street sweeping, and city cemeteries; water and sewer services including replacement and construction within or under the public way; storm drains; and requests from public utilities for easements and poles. ~~The committee shall be concerned with all activities and policies of the water and sewer commission and requests from public utilities.~~

Sec. 2-34. - Responsibilities of Committee on City Services.

The committee ~~on neighborhoods and city service~~on City Services shall be concerned with all the activities: ~~in the department of public services with the exceptions of public parking and traffic, and of water and sewer services, including, without limitation, municipal lighting, street sweeping, and city cemeteries; and~~ regarding youth services, the public library, the veterans agent, the health departments, the animal control officer the parks commission and department, ~~and~~ the council on aging, the commission on disabilities and the sustainability department. Additionally, the committee will provide oversight to the interactions related to the fundraising arms of the above departments.

Sec. 2-35. - Responsibilities of Committee on Licenses and Permits.

The committee on licenses and permits shall evaluate and make recommendations on all applications for licenses and permits that come under the jurisdiction of the city council. This includes but not limited to road races, block parties and applications for festivals utilizing city streets or areas under the jurisdiction of the city council.

Sec. 2-36. - Responsibilities of the Committee on Planning and Development.

The committee on planning and development shall be concerned with all the activities and jurisdictions of the office of planning and development and its director; the affordable housing trust; the conservation commission and its conservation agent; the planning board; the zoning board of appeals; the historical commission and any local historic district commissions; ~~and the commission on disabilities and the~~ Building Department

Sec. 2-37.1. - Responsibilities of Committee on Budget and Finance.

The committee on budget and finance shall be concerned with all issues of city finances including issues relating to city revenues and the city budget, including, without limitation, all the activities and jurisdictions of the city auditor, city treasurer, tax assessor, and tax collector. Additionally, the committee will be the liaison with the Newburyport School Committee regarding the school finances.

**In City Council November 1, 2022:**

Motion to refer to Rules and COTW by Councillor Vogel, seconded by Councillor Preston. 10 yes, 1 no (BL). Motion passes.

## Quick reference

### Committee on General Government.

- City properties whose custody has not been assigned to a specific municipal department
- School properties
- City clerk
- City solicitor
- Registrars of voters
- information technology
- Human resources.
- City council chambers
- Rules of the city council
- Liaison between the school committee and the city council on matters related to education
- Provides progress updates on bonded capital projects.

### Public Works and Safety

- Police
- Fire
- Harbor commission
- Harbormaster
- Parking clerk,
- Public parking and associated regulations
- Traffic safety needs and regulations
- Department of Public Services
  - Water and Sewer Division and its Commission
  - Highway Division including the engineering department
- Municipal lighting
- Street sweeping
- City cemeteries
- Water and sewer services including replacement and construction within or under the public way; storm drains; and requests from public utilities for easements and poles.

### Committee on City Services.

- Youth services
- Public library
- Veteran's agent
- Health departments
- Animal control officer
- Parks commission and department
- Council on aging
- Commission on disabilities
- Sustainability department
- Oversight to the interactions related to the fundraising arms of the above departments

### Committee on Licenses and Permits.

- All applications for licenses and permits that come under the jurisdiction of the city council

## Quick reference

### Committee on Planning and Development.

- All the activities and jurisdictions of the office of planning and development and its director
- Affordable housing trust
- Conservation commission and agent
- Planning board
- Zoning board of appeals
- Historical commission
- Local historic district commission
- Building Department

### Committee on Budget and Finance.

- City finances
- City budget
- City auditor
- City treasurer
- Tax assessor
- Tax collector
- Liaison with the Newburyport School Committee regarding the school finances.