

CITY COUNCIL MEETING

AGENDA

December 12, 2022 7:00 pm
City Council Chambers, City Hall
60 Pleasant Street, Newburyport

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

Or One tap mobile:

US: +19292056099,81299990548#

Or Telephone US: +1 929 205 6099

Webinar ID: 812 9999 0548

- 1. MOMENT OF SILENCE**
- 2. PLEDGE OF ALLEGIANCE**
- 3. CALL TO ORDER**
- 4. LATE FILE**
- 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 28, 2022

(Approve)

8. COMMUNICATIONS

- COMM00455_12_12_2022 Net Zero report West End Fire Station
- COMM00456_12_12_2022 Letters re: Curb Cut 4 Wilkinson Dr. & 34 Hale St.

(P&D)

(PS)

9. TRANSFERS

10. APPOINTMENTS

- APPT0360_12_12_2022 Jeffrey Mattheson 12 Hart Rd. Electrical Inspector 1/1/2024

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

BUDGET & FINANCE

- COMM00449_11_28_2022 Letter Jim McCarthy re: Conservancy check for a crab apple tree
- COMM00448_11_28_2022 Emails re: bench and plaque updates
- ORDR00336_03_28_2022 ARPA Amesbury 250K (COTW)
- TRAN00140_11_01_2022 P&D: Waterfront Park Paid Parking Fund \$40,000 & Harbormaster Retained Earnings \$20,000 to Market Landing Park Expansion Project \$60,000
- TRAN00141_11_01_2022 Mayor: General Fund Free Cash \$500,000 to Stabilization Trust Fund \$500,000

GENERAL GOVERNMENT

- APPT00358_11_28_2022 Paul S. Cardaci 135 Beach Rd., Salisbury Constable for City Business

LICENSE & PERMITS

- COMM00385_01_31_2022 STRU Fire Sprinkler Systems
- COMM00388_01_31_2022 UPDATED STRU Fire Sprinkler Systems
- COMM00442_11_01_2022 A Frame New England Sketch Book 1R Water St.
- APPL00116_11_28_2022 State Automotive Repair, LLC 2nd Hand Vehicle License

NEIGHBORHOOD & CITY SERVICES

- APPT00351_11_14_2022 Jean L. Berger 33 Middle St. Tree Commission 12/1/2025
- APPT00352_11_14_2022 Stephanie Pellegrini 11 Lois St. Tree Commission 12/1/2025
- APPT00359_11_28_2022 Robert Uhlig 174 Merrimac St. Tree Commission 12/15/2025
- COMM00439_11_01_2022 Owen Smith letter re: Parks Dept
- COMM00446_11_14_2022 Snow and Ice Plan 2022-2023

PLANNING & DEVELOPMENT

- ORDR00394_11_28_2022 Hancock Street Tree Maintenance Access Easement
- ODNC00125_10_11_2022 Amend to Ch 5 Buildings
- COMM00444_11_01_2022 Planning & Development Net Zero Memo
- APPT00353_11_14_2022 Andrew Shapiro 20 Eagle St. Affordable Housing Trust 12/1/2024
- APPT00357_11_28_2022 Jamison Gagnon 17 Daniel Lucy Way Comm. Preservation Act Cmte. 12/15/2025

PUBLIC SAFETY

- APPL00115_11_28_2022 Winter Shanties behind Custom House 12/4/22-3/5/23
- ORDR00396_11_28_2022 Cherry Street Signage
- COMM00454_11_28_2022 Ltr from Robert and Susan True re: ORDR00396
- ORDR00387_11_01_2022 Signage Forrester St.

END OF CONSENT AGENDA

REGULAR AGENDA

9. MAYOR'S UPDATE

10. FIRST READING APPOINTMENTS

11. COMMUNICATIONS

- APPL00117_12_12_2022 Firehouse Ctr for the Arts Singalong Parade Sat. 12/17 12-1pm
Merrimac, State, High, Green Streets

12. TRANSFERS

13. SECOND READING APPOINTMENTS

14. ORDERS

- ORDR00397_12_12_2022 City Council Meetings 2023
- ORDR00398_12_12_2022 Snow Emergency Parking Auburn St
- ORDR00399_12_12_2022 Asphalt sidewalk waiver request package - West End Fire Station project
- ORDR00400_12_12_2022 Morrill Foundation Gift Acceptance
- ORDR00401_12_12_2022 Karen Jones Cashman Multi-Sport Court Gift Acceptance
- ORDR00402_12_12_2022 Belleville Improvement Society Gift Acceptance
- ORDR00403_12_12_2022 Central Congregational Church Gift Acceptance

15. ORDINANCES

- ODNC00128_11_01_2022 2nd Reading Amending Ch. 2 Committees (COTW)
- ODNC00131_11_14_2022 2nd Reading Amended Pleasant Street 15 min parking space

16. COMMITTEE ITEMS

Ad Hoc Committee on Adaptive Reuse of Brown School Property

In Committee:

Ad Hoc Committee on Market Landing Park and COTW

In Committee:

- ORDR00389_11_01_2022 Naming Rights Market Landing Park

Budget & Finance

In Committee:

- COMM00449 11 28 2022 Letter Jim McCarthy re: Conservancy check for a crab apple tree
- COMM00448 11 28 2022 Emails re: bench and plaque updates
- ORDR00336 03 28 2022 ARPA Amesbury 250K (COTW)
- TRAN00140 11 01 2022 P&D: Waterfront Park Paid Parking Fund \$40,000 & Harbormaster Retained Earnings \$20,000 to Market Landing Park Expansion Project \$60,000
- TRAN00141 11 01 2022 Mayor: General Fund Free Cash \$500,000 to Stabilization Trust Fund \$500,000
- ODNC00129_11_01_2022 Defining Conflict Rule for Dept. Heads (COTW)
- ODNC00130_11_01_2022 Grants, Gifts, and Fees (COTW)
- ODNC00132_11_14_2022 Mandated Reporting
- ORDR00388_11_01_2022 NYS Facility Bond Order (COTW)
- COMM00443_11_01_2022 59 Low St. FAQs (COTW)

Education

In Committee:

General Government

In Committee:

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

License & Permits

In Committee:

- COMM00385 01 31 2022 STRU Fire Sprinkler Systems
- COMM00388 01 31 2022 UPDATED STRU Fire Sprinkler Systems
- COMM00442 11 01 2022 A Frame New England Sketch Book 1R Water St.
- APPL00116 11 28 2022 State Automotive Repair, LLC 2nd Hand Vehicle License
- ODNC047_01_27_2020 General Ordinance - Short Term Rental Units Rules

Neighborhoods & City Services

In Committee:

- APPT00351 11 14 2022 Jean L. Berger 33 Middle St. Tree Commission 12/1/2025
- APPT00352 11 14 2022 Stephanie Pellegrini 11 Lois St. Tree Commission 12/1/2025
- APPT00359 11 28 2022 Robert Uhlig 174 Merrimac St. Tree Commission 12/15/2025
- COMM00439 11 01 2022 Owen Smith letter re: Parks Dept
- COMM00446 11 14 2022 Snow and Ice Plan 2022-2023
- COMM299_02_08_2021 Phillips Dr. Neighborhood Committee Ltr
- ODNC00103_01_10_2022 Streets, Sidewalks, and Other Public Places Alterations & Maintenance
- COMM00406_04_11_2022 Pioneer League Letter re: Pickleball

Planning & Development

In Committee:

- ORDR00394 11 28 2022 Hancock Street Tree Maintenance Access Easement
- ODNC00125 10 11 2022 Amend to Ch 5 Buildings
- COMM00444 11 01 2022 Planning & Development Net Zero Memo
- APPT00353 11 14 2022 Andrew Shapiro 20 Eagle St. Affordable Housing Trust 12/1/2024
- APPT00357 11 28 2022 Jamison Gagnon 17 Daniel Lucy Way Comm. Preservation Act Cmte. 12/15/2025
- COMM00445_11_14_2022 59 Low Street Plan (COTW)

Public Safety

In Committee:

- APPL00115 11 28 2022 Winter Shanties behind Custom House 12/4/22-3/5/23
- ORDR00396 11 28 2022 Cherry Street Signage
- COMM00454 11 28 2022 Ltr from Robert and Susan True re: ORDR00396
- ORDR00387 11 01 2022 Signage Forrester St.
- COMM00412_05_31_2022 Ltr Ann Jaroncyk re: Traffic Safety
- COMM00414_05_31_2022 Ltr. Emily Dunn re: Traffic on Merrimac Street

Public Utilities

In Committee:

Rules

In Committee:

- ORDR239_02_8_2021 Council Rule 7 and 10B

17. GOOD OF THE ORDER

18. ADJOURNMENT

CONSENT AGENDA

CITY COUNCIL MEETING

MINUTES

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

Tax Classification Hearing

1. The City Council President Heather Shand opened the hearing at 6:45 pm and asked Clerk Jones to call the roll. The following City Councillors answered present: McCauley, Preston, Vogel, Wallace, Wright, Zeid, Cameron, Donahue, Khan, Lane, and Shand. 11 present (1 remote CP).
2. Clerk Jones read the notice into the record.
3. PUBLIC COMMENT

Nancy Caswell	3 Jefferson Ct.
Owen Smith	75 Storey Ave.
Rita Mikalik	53 Warren St.
Mary Krajci	232 High St.
Jane Snow	9 Coffin St.
Ginny Eramo	18 Temple Blvd., Newbury
Gabriela Varoudakis	6 Winter St.
Dawn McCandless	8 Bittersweet Ln., Newbury
Kendal Baker	3 Middle St

Motion to close the Public Hearing by Councillor Zeid, seconded by Councillor McCauley. Roll call vote. 11 yes (1 remote CP). Motion passes.

City Council Regular Meeting

1. MOMENT OF SILENCE
2. PLEDGE OF ALLEGIANCE
3. 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: McCauley, Preston, Vogel, Wallace, Wright, Zeid, Cameron, Donahue, Khan, Lane and Shand. 11 present. (1 remote CP)

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 (N&CS)
- COMM00453_11_28_2022 Councillor Vogel Tax Rate Discussion
- COMM00454_11_28_2022 Ltr from Robert and Susan True re: ORDR00396

5. PUBLIC COMMENT

Owen Smith 75 Storey Ave.

6. MAYOR'S COMMENT

Motion to waive the rules, remove, and approve ORDR00395_11_28_2022EP and ORDR00395_11_28_2022 by Councillor Zeid, seconded by Councillor Khan. Roll call vote. 11 yes (1 remote CP). Motion passes.

Motion to waive the rules, remove, and approve collectively ORDR00391_11_14_2022, ORDR00392_11_14_2022, and TRAN00144_11_14_2022 by Councillor Zeid, seconded by Councillor McCauley. Motion to amend ORDR00391_11_14_2022 to 1 with no shift by Councillor Zeid, seconded by Councillor Donahue. Roll call vote. 7 yes (BV, MW, SZ, JD, AK, BL, HS), 4 no (JM, CP, CW, EC). Motion passes.

5-minute recess called at 8:54pm

Motion to amend TRAN00144_11_14_2022 to \$706,177 by Councillor Zeid, seconded by Councillor Wright. Roll call vote. 10 yes, 1 no (BV). Motion passes.

Motion to amend ORDR00392_11_14_2022 to a tax rate \$10.74 by Councillor Zeid, seconded by Councillor Wright. Roll call vote. 10 yes, 1 no (BV). Motion passes.

Motion to approve as amended ORDR00391, ORDR00392, and TRAN00144 by Councillor Zeid, seconded by Councillor McCauley. Roll call vote. 10 yes, 1 no (BV). Motion passes.

CONSENT AGENDA

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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 Pres. Act Cmte. 12/15/2025 (P&D)
- APPT00358_11_28_2022 Paul S. Cardaci 135 Beach Rd., Salisbury Constable for City Business 12/01/2025 (GG)

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

COMM00450_11_28_2022 removed at the request of Councillor Wright.

APPT00359_11_28_2022 to be referred to N&CS

APPT00358_11_28_2022 to be referred to GG

Motion to approve the Consent Agenda as amended by Councillor Zeid, seconded by Councillor Lane. Roll call vote. 11 yes (remote CP). Motion passes.

REGULAR AGENDA

9. MAYOR'S UPDATE

Motion to receive and file by Councillor Zeid, seconded by Councillor Vogel. Roll call vote. 11 yes (1 remote CP). Motion passes.

10. FIRST READING APPOINTMENTS

11. COMMUNICATIONS

- COMM00451_11_28_2022 PTO hot cocoa table at tree lighting
Motion to receive and file by Councillor Zeid, seconded by Councillor McCauley. Roll call vote. 11 yes (1 remote CP). Motion passes.
- COMM00450_11_28_2022 Memo: Retirement Board Expense Budget 2023
Motion to receive and file by Councillor Zeid, seconded by Councillor Cameron. Roll call vote, 10 yes (1 remote CP), 1 no (MW). Motion passes,
- COMM00448_11_28_2022 Emails re: bench and plaque updates
Motion to receive and file by Councillor Lane, seconded by Councillor Cameron. Roll call vote. 4 yes (CP, MW, EC, AK) 7 no (JM, BV, CW, SZ, JD, BL, HS). Motion fails.
Motion to refer Budget & Finance by Councillor Zeid, seconded by Councillor Khan. Roll call vote. 10 yes (1 remote CP), 1 no (BL). Motion passes.
- COMM00452_11_28_2022 Boy Scouts Invitation Night 2 Tables 12/2, 12/9, 12/12 Market Sq. & Inn St.
Motion to approve by Councillor McCauley, seconded by Councillor Wright. Roll call vote. 11 yes (1 remote CP). Motion passes.
- COMM00453_11_28_2022 Councillor Vogel Tax Rate Discussion
Motion to receive and file by Councillor Zeid, seconded by Councillor Wright. Roll call vote. 11 yes (1 remote CP). Motion passes
- COMM00454_11_28_2022 Ltr from Robert and Susan True re: ORDR00396
Motion to refer to collectively COMM00454 and ORDR ORDR00396 to Public Safety, to refer ORDR00394 to Planning & Development, and approve on 2nd reading APPT00354 and APPT00355 by Councillor Zeid, seconded by Councillor Wright. Councillor Cameron recused. Roll call vote. 9 yes (1 remote CP), 1 no (JM), 1 recused (EC). Motion passes.

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
Motion to refer to collectively COMM00454 and ORDR ORDR00396 to Public Safety, and refer ORDR00394 to Planning & Development, and approve on 2nd reading APPT00354 and APPT00355 by Councillor Zeid, seconded by Councillor Wright. Councillor Cameron recused. Roll call vote. 9 yes (1 remote CP), 1 no (JM), 1 recused (EC). Motion passes.

14. ORDERS

- ORDR00394_11_28_2022 Hancock Street Tree Maintenance Access Easement
Motion to refer to collectively COMM00454 and ORDR ORDR00396 to Public Safety, and refer ORDR00394 to Planning & Development, and approve on 2nd reading APPT00354 and APPT00355 by Councillor Zeid, seconded by Councillor Wright. Councillor Cameron recused. Roll call vote. 9 yes (1 remote CP), 1 no (JM), 1 recused (EC). Motion passes.
- ORDR00395_11_28_2022EP Emergency Preamble Resolution Soccer Team
- ORDR00395_11_28_2022 Resolution Soccer Team
- ORDR00396_11_28_2022 Cherry Street Signage
Motion to refer to collectively COMM00454 and ORDR ORDR00396 to Public Safety, and refer ORDR00394 to Planning & Development, and approve on 2nd reading APPT00354 and APPT00355 by Councillor Zeid, seconded by Councillor Wright. Councillor Cameron recused. Roll call vote. 9 yes (1 remote CP), 1 no (JM), 1 recused (EC). Motion passes.

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
Motion to approve by Councillor Zeid, seconded by Councillor Cameron. Roll call vote. 11 yes (1 remote CP). Motion passes.
- ORDR00390 11 14 2022 Pay Prior Year Bills
Motion to approve by Councillor Zeid, seconded by Councillor Cameron. Roll call vote. 11 yes (1 remote CP). Motion passes.
- 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
Motion to approve by Councillor Zeid, seconded by Councillor Cameron. Roll call vote. 6 yes (CP, BV, EC, JD, AK, HS), 5 no (JM, CW, MW, SZ, BL). Motion passes.
- TRAN00142 11 01 2022 Finance: General Fund Free Cash \$18,647 to Parklet Maintenance Fund \$18,647
Motion to approve by Councillor Zeid, seconded by Councillor Wright. Roll call vote. 11 yes (1 remote CP). Motion passes.

- **TRAN00143 11 14 2022** **DPS: Sewer Vehicle/Equip Replacement \$1,456 to Heavy Duty Truck Purchase \$1,456**
Motion to approve by Councillor Zeid, seconded by Councillor Cameron. Roll call vote. 11 yes (1 remote CP). Motion passes.
- **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**
Motion to approve by Councillor McCauley, seconded by Councillor Wright. Roll call vote. 11 yes (1 remote CP). Motion passes.

- **ODNC00131_11_14_2022 Amended Pleasant Street 15 min parking space**
Motion to approve on 1st reading by Councillor McCauley, seconded by Councillor Wright. Roll call vote. 10 yes (1 remote CP), 1 no (SZ). Motion passes.
- COMM00412_05_31_2022 Ltr Ann Jaroncyk 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**
Motion to receive and file by Councillor McCauley, seconded by Councillor Wright. Roll call vote. 11 yes (1 remote CP). Motion passes.

Motion to go past 10:00 PM by Councillor Wright, seconded by Councillor McCauley. Roll call vote. 11 yes (1 remote CP). Motion passes.

Public Utilities

In Committee:

Rules

In Committee:

- **ODNC00128_11_01_2022 Amending Ch. 2 Committees (COTW)**
Motion to approve on 1st reading by Councillor Vogel, seconded by Councillor Zeid. Motion to amend to change the name of the Committee on “City” Services to “Community” Services by Councillor Wallace, seconded by Councillor Donahue. Roll call vote. 11 yes (1 remote CP). Motion passes.
Motion to approve on 1st reading as amended by Councillor Vogel, seconded by Councillor Zeid. Roll call vote. 11 yes (1 remote CP). Motion passes.
- ORDR239_02_8_2021 Council Rule 7 and 10B

17. GOOD OF THE ORDER

18. ADJOURNMENT

Motion to adjourn at 10:03 PM by Councillor Zeid, seconded by Councillor Wright. . Roll call vote. 11 yes (1 remote CP). Motion passes.

COMMUNICATIONS



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

SEAN REARDON
MAYOR

MEMORANDUM

TO: CITY COUNCIL
FROM: GEORDIE VINING, SENIOR PROJECT MANAGER
CC: STEVE BRADBURY; ANDREW PORT; MOLLY ETTENBOROUGH
SUBJECT: NET ZERO ENERGY REPORT – WEST END FIRE STATION PROJECT
DATE: 12/1/22

Please see the Net Zero Energy Report for the design of the West End Fire Station, as approved by the Mayor, meeting the requirements of Ordinance Section 5-48 (ODNC00111_05_09_2022) as amended on 8-29-22.

Based upon the consultants' analysis and the building systems selected, the new West End Fire Station is projected to be an efficient Net Zero Energy Building, generating as much clean energy on-site as it will consume during the course of each year.

The building will also be eligible for the new federal "direct payment" credit of 30% of the investment in the solar photovoltaic system, as well as state rebates.

We have forwarded the report to the Energy Advisory Committee and are having the report posted on the City's website.

Thank you.

NEWBURYPORT WEST END FIRE STATION PROJECT

NET ZERO ENERGY REPORT:

Projected Facility Energy Usage & On-Site Generation Analysis

October 27, 2022

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I. NET-ZERO ENERGY STUDY

A. Achieving a Net-Zero Energy Building

The path to achieving a Net-Zero Energy Building begins with on-site energy production. In the case of the new Newburyport West End Fire Station, electric power is planned to be generated through the installation of 258 photovoltaic energy panels mounted to the roof. The building also needs to conserve its energy through construction of a super-insulated, air-tight building envelope. This will be accomplished by installing well insulated, high-mass walls using an Integrated Concrete Form (ICF) wall system. Natural light reduces the need for artificial lighting, thereby reducing energy consumption. We selectively located thermally broken, triple-glazed, windows to provide natural lighting, where needed, while limiting their total area to maintain a high insulative value of the building envelope.

Heating, Ventilation and Cooling represent a substantial portion of a buildings' energy consumption so finding a system that is very efficient for this size and type of building is critical to achieving Net-Zero Energy success. The two most efficient HVAC systems are Variable Refrigerant Flow (VRF) heat-pump systems in either an air-to-air heat exchange type or a geothermal system. Equipment of each system is similar in cost, but the geothermal system requires the additional & costly installation of wells as means to temper liquid refrigerant. This represents a higher initial cost can sometimes be offset by its greater efficiency over time. What follows is our evaluations and conclusions for each of these major building components.

1. Energy Production – Solar Panel Selection

The selection of solar panels is critical to producing as much, or more, energy than will be consumed by the new fire station. At the outset we understood the new fire station building, and site, to be small and thus not able to accommodate a large enough array of photovoltaic panels to generate all the power needed. Our intention was to produce as much power as possible and the City would supplement any additional power needs through the purchase of Green Power from outside sources. This goal drove the design to feature a flat roof to effectively fit as many, southerly oriented solar panels, as possible to maximize the on-site production of electricity.

We investigated two types of Solar Panels, the "Standard 300W Polycrystalline Panel" and a developing technology of "Thin Film Panels" that can provide full coverage of the roof, as they can be walked upon and not require a service walkway. These panels have a slightly lower energy production per panel but the configuration covering the entire roof posed a net gain in power production for the Thin Film Panel. However, as a developing technology there is not a long track record of information available as to their performance and durability aside from marketing information. In the end it was decided by the City's Administration and the Design Team that the standard, tried-and-true, Polycrystalline Solar Panel would be a more prudent path to follow. With this selection we can provide 258, 300W solar panels upon the building's roof using a U.S. made Sunflare LITEMOUNT 60 panel as our design basis for this study. Please note panel technology and efficiency is improving so the actual panel used may differ when bid. The electrical specifications will provide panel requirements and total roof output, but the contractor has the choice of which specific panel to deliver within those parameters.

SOLAR PANEL SELECTION: 300 W POLYCRYSTALLINE SOLAR PANELS (258 Panels)

2. Envelope and Insulation

After establishing a flat roof to maximize energy production our next task was to determine the best wall and roof systems to provide the highest possible insulative value, or R-value, for the building. Our investigation had us narrow the selection to two finalists for walls: An Integrated Concrete Form (ICF) system or a Double Wood Stud Wall system. Both would provide a high R-value, but the ICF wall system was selected based on the recent pandemic economy of wood vs. concrete. During this time wood demonstrated wild dramatic upswings in cost and periods of limited availability while concrete presented a slow upward curve in cost and remained readily available. The ICF solution also has the added benefit of providing a high thermal mass that will resist daily fluctuations of outdoor temperatures while providing a very sturdy envelope that can withstand even the worst storms that New England has to offer. The longevity of the ICF System is another positive benefit. The cost of both systems were similar.

The roof structure will be supported by wood timber and wood joist construction with R-60 insulation covered by a metal standing seam roofing system. Approximately 258 solar panels will be attached, using specialized clips, to the standing seams of the metal roof to provide a lower profile than is typical. This enables the building to retain a residential, lower scale appearance which is more compatible with the neighborhood.

WALL SYSTEM SELECTION: INTEGRATED CONCRETE FORM (ICF) SYSTEM - R30 INSULATION

ROOF SYSTEM: METAL STANDING SEAM WITH, R60 INSULATION

3. Energy Efficient Heating & Cooling: Variable Refrigerant Flow (VRF) Air System vs. Ground Sourced Heat Pumps

The third major decision for a Net-Zero Energy Building is determining the most energy efficient heating and air conditioning system for the building as it operates 24-hours a day, seven days a week. Our conclusion at the end of the Study Phase was that the economics of a geothermal system would not pan out due to the high initial cost of the geothermal well field and the system only yielding a 4% greater efficiency than a VRF Air-cooled Heat Pump System. However, Winter Street was informed that there was

still interest in pursuing a geothermal heating and cooling system. In response Winter Street did some additional research and found an interesting report on a study performed by *Oklahoma State University and Oak Ridge National Laboratory* that evaluated the relative heating and cooling performance of a VRF Air-to-Air and a Geothermal system that had been installed, on separate floors, at the American Society of Heating, Refrigerating and Air-conditioning Engineers (ASHRAE) headquarters in Atlanta.

When ASHRAE contracted a major renovation of their two-story, 66,700-sq-ft building in Atlanta, it established a “living lab” for the evaluation of commercial-building energy and sustainability performance. ASHRAE contracted a research team from Oklahoma State University and Oak Ridge National Laboratory to evaluate, over a two-year period, the relative performance of the VRF Air-to-Air system and Ground Sourced Heat Pump systems that they had installed in each of the first and second floors of their Atlanta headquarters. The VRF system serves spaced on the first floor, while the Ground Sourced Heat Pump system primarily served spaces on the second floor. A dedicated outdoor-air system, meanwhile, supplied fresh air to both floors. The study of heating and cooling performance at the ASHRAE building proved that over a two-year period—with all variables accounted for—energy use by the geothermal system averaged 44 percent less than the VRF system.

This was a very compelling story in favor of geothermal heating/cooling and Winter Street, with our consulting engineering team of Andelman/Lelek Engineers (ALE) and C.A. Crowley Engineering, once again assumed the task of comparing the two systems. ALE created and evaluated an eQUEST energy model of each HVAC system based on Winter Street’s building design. Unfortunately, our new study yielded comparable results to our initial study. The Geothermal Heat-Pump system was only 4% more efficient than the VRF Air-to-Air heat pump system but required the additional expense of installing six (6) geothermal wells, around 400-500 feet deep, that would cost approximately \$120K more than the Air VRF system. Additionally, installation of the well field would delay the overall construction of the building by 3-4 weeks, adding additional General Conditions costs to the project. It was concluded that the design team would proceed with employing the VRF Air-to-Air Heat Pump System for the project. See the following cost comparative table for additional details.

HVAC SYSTEM SELECTION: VRF Air-to-Air Heat Pump

LIFE CYCLE COST ANALYSIS - COMPARISON OF AIR-SOURCE VRF AND GEOTHERMAL HEAT PUMP SYSTEMS

Newburyport Fire Station 2 HVAC Options	Annual Electricity Cost	Installation Cost	Annual Maintenance Costs	Cumulative Life Cycle Cost Over a 20 Year Period
Option 1: Air-sourced VRF	\$21,383	\$396,000	\$11,880	\$891,671
Option 2: Geothermal VRF	\$19,332	\$496,600	\$14,898	\$940,651

Assumptions (per project team):

Installation cost:

Air source heat pumps (VRF) \$ 408,000 based on \$60/sf (6,800 sf)
 Geothermal heat pumps (VRF) \$ 541,600 based on \$62/sf (6,800 sf) + \$20,000/geothermal well and 6 wells

NGrid incentive (heat pump adder):

Air source heat pumps (VRF) \$ 12,000 based on \$1,200 per ton of capacity and 10 tons
 Geothermal heat pumps (VRF) \$ 45,000 based on \$4,500 per ton of capacity and 10 tons

Net installation cost:

Air source heat pumps (VRF) \$ 396,000
 Geothermal heat pumps (VRF) \$ 496,600

Annual maintenance cost based on 3% of installation cost

Useful life of equipment

Air source heat pumps (VRF) 20 years
 Geothermal heat pumps (VRF) 50 years ground wells, 20 years all other elements

Why did our study vary so much from the ASHRAE Atlanta Headquarters study? Scale and location are two major factors. The Atlanta facility is over ten times the size of the West End Fire Station and is located at a prime latitude for geothermal heating/cooling due to the balanced thermal needs of both in that climate. Here in the North-East we have a colder, more heating centric climate. These facts, together with the examples cited during the Study Phase substantiate our findings that support the implementation of a VRF air-to-air system.

HVAC SYSTEM SELECTION: VRF AIR-TO-AIR HEAT PUMPS

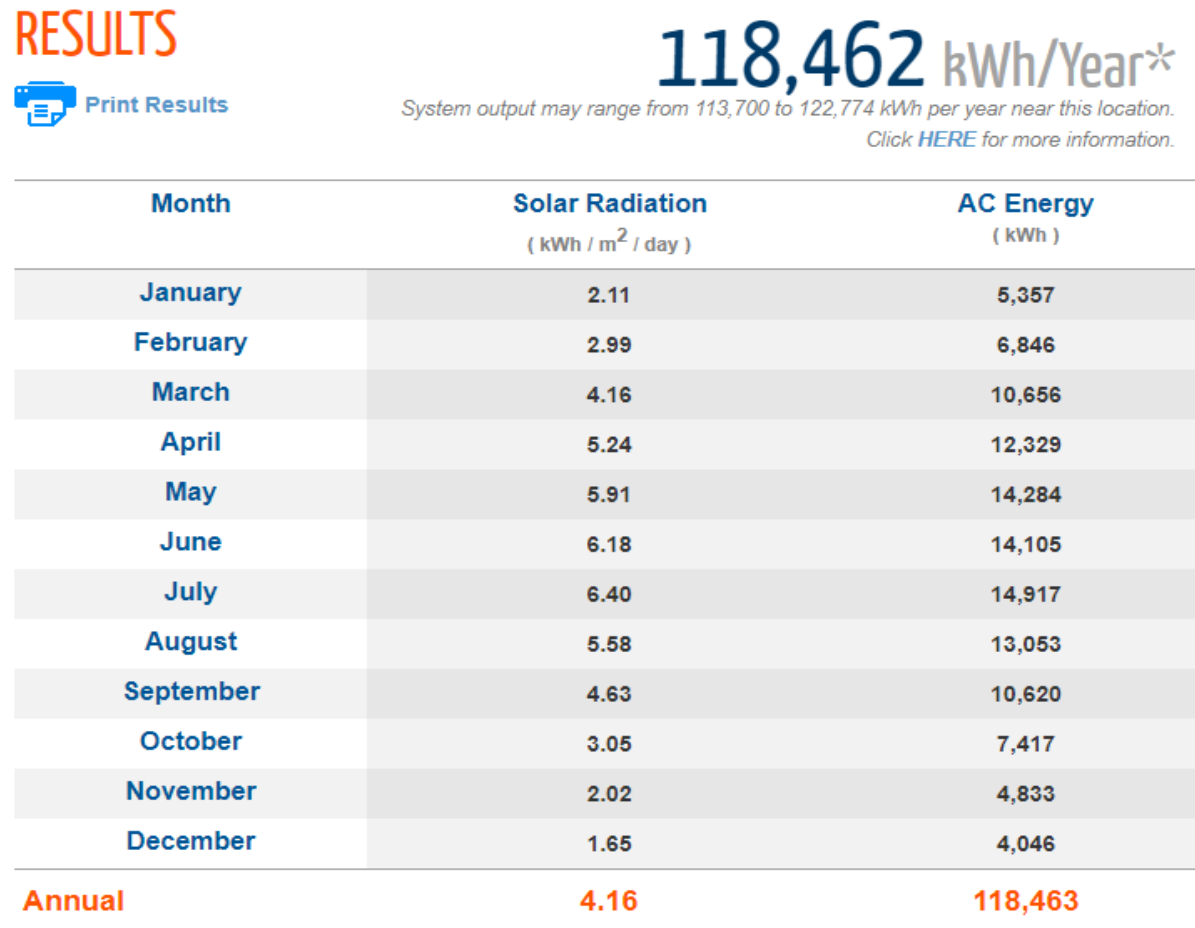
B. SUMMARY OF METHODS EMPLOYED TO ACHIEVE A SUSTAINABLE, NET-ZERO ENERGY BUILDING

1. **Wall Insulation:** Super-Insulated / High Thermal Mass Wall Construction Utilizing Integrated Concrete Form (ICF) System with Minimal Air Infiltration and R-30 Insulation Value
2. **Openings:** Triple-Pane Insulated Windows Strategically Employed to Provide Natural Light Where Needed to Reduce the Use of Man-Made Lighting but Limited to Provide a High Level (R30) of Wall Insulation
3. **Apparatus Room Bi-Fold Doors and Air Locks:** Bi-Fold Doors are Faster Acting than Standard Overhead Doors for the Apparatus Room to Minimize Air-Infiltration Coupled with Air Locks (Vestibules) to Provide a Baffle Between the Exterior and Apparatus Room Environments and the Conditioned Living and Office Spaces
4. **Roof:** Metal Standing Seam Roof with “Clip” System to Support Low-Profile Photovoltaic Panels (258); Supported by Wood Timber Structure and having an R-60 insulation value.
5. **Sustainable Exterior Siding:** Long-Life/Low maintenance Cementitious Siding for a Durable Exterior with Residential Aesthetic
6. **High Efficiency Heating, Ventilation, and Air Condition (HVAC) System:** Provide an All Electric, State-of-The-Art, Variable Refrigerant Flow (VRF) Air-to-Air Heat Pump System with a Building Management System to Improve Economy and Efficiency
7. **Energy Efficient LED Lighting and Electric Appliances and Equipment:** All Appliances to be Energy-Star Rated and LED Lighting Installed Throughout
8. **Occupancy Sensors:** To Control Lighting Operation and Reduce Energy Use by Turning Lights Off in Vacant Areas of the Building
9. **Low-Flow Plumbing Fixtures:** All Plumbing Fixtures and Fittings to be of the Low-Flow Type to Conserve Water
10. **Utilize Drought Resistant Landscape and Native Species:** Employ Plant Species that are Native and Drought Tolerant to Reduce Water Consumption and Require Little Maintenance
11. **Electric Vehicle (EV) Ready Charging:** Providing Conduit from the Electric Panel to Parking Area for Future Installation of a Charging Station

C. Electricity Generation vs. Energy Consumption

Solar Power Generation

We are able to install 258 standard-sized (65.6”x 39.2”) 300W photovoltaic panels on the roof of the new West End Fire Station. Using a basic Photovoltaic Watts Calculator available on the internet and filling out our location and several parameters of our intended system we calculated energy production to be approximately **118,462kWh/Year**, as shown below.



Location and Station Identification	
Requested Location	153 Storey Ave Newburyport MA
Weather Data Source	Lat, Lng: 42.81, -70.9 1.1 mi
Latitude	42.81° N
Longitude	70.90° W
PV System Specifications	
DC System Size	100 kW
Module Type	Premium
Array Type	Fixed (roof mount)
Array Tilt	2°
Array Azimuth	180°
System Losses	14.08%
Inverter Efficiency	96%
DC to AC Size Ratio	1.2
Performance Metrics	
Capacity Factor	13.5%

Figure 1-Photo Voltaic Watts Calculator

The calculator cautions that there are variables that may not be reflected in the actual system such as variations in PV Technologies, site specific characteristics, plug loads, actual thermostat set points, and such, but our Electrical Engineer has vouched that this calculator it has been fairly accurate in her past work. It also features a 20% hedge factor to make up for such variables. The energy use model also has assumptions, variables and caveats as to its ultimate accuracy but at this point we are looking at the general nature of the system. We have informed the City that should the photovoltaic system fall short of required production then Green Power is to be purchased to subsidize the system to maintain the City’s goal of Net-Zero Energy. That said, at this point we are optimistic that the system will produce enough electricity to power the new station. See anticipated energy consumption below.

Energy Consumption

Andelman and Lelek Engineers developed an eQUEST Energy Model of the new fire station based on the latest design utilizing the VRF Air-to-Air HVAC system to simulate the building’s actual energy consumption. Below is a table generated by the eQUEST software demonstrating the anticipated monthly power consumption of the building, for a year. The total consumption estimated to be 85,698 kWh/year and **represents an amount nearly 27% less than the anticipated energy generation.**

```

Newburyport Fire Wizard                                DOE-2.3-50h   9/08/2022   19:29:40   BDL RUN   1
REPORT- ES-E Summary of Utility-Rate:                NGRID G-3 2021                                WEATHER FILE- BOSTON LOGAN INT' MA
-----
RESOURCE: ELECTRICITY                                DEMAND-INTERVAL 15                                3413. BTU/KWH
BILLING-DAY: 31                                     RATE-LIMITATION: 0.0000
METERS: EM1
POWER-FACTOR: 0.80                                EXCESS-KVAR-FRAC: 0.75                                EXCESS-KVAR-CHG: 0.0000
-----
RATE-QUALIFICATIONS                                BLOCK-CHARGES                                DEMAND-RATCHETS                                MIN-MON-RATCHETS
-----
MIN-ENERGY: 0.0                                NGrid Electric Peak
MAX-ENERGY: 0.0
MIN-DEMAND: 0.0
MAX-DEMAND: 0.0
QUALIFY-RATE: ALL YEAR
USE-MIN-QUAL: NO
-----

```

MONTH	METERED ENERGY KWH	BILLING ENERGY KWH	METERED DEMAND KW	BILLING DEMAND KW	ENERGY CHARGE (\$)	DEMAND CHARGE (\$)	ENERGY CST ADJ (\$)	TAXES (\$)	SURCHRG (\$)	FIXED CHARGE (\$)	MINIMUM CHARGE (\$)	VIRTUAL RATE (\$/UNIT)	TOTAL CHARGE (\$)
JAN	11979	11979	34.9	34.9	2565	415	0	0	0	30	0	0.2512	3010
FEB	9944	9944	28.1	28.1	2129	334	0	0	0	30	0	0.2507	2493
MAR	9321	9321	22.1	22.1	1996	263	0	0	0	30	0	0.2455	2288
APR	7177	7177	17.0	17.0	1537	202	0	0	0	30	0	0.2465	1769
MAY	5207	5207	14.3	14.3	1115	170	0	0	0	30	0	0.2526	1315
JUN	4743	4743	12.1	12.1	1016	144	0	0	0	30	0	0.2509	1190
JUL	5430	5430	13.7	13.7	1163	163	0	0	0	30	0	0.2497	1356
AUG	5261	5261	12.8	12.8	1126	152	0	0	0	30	0	0.2487	1308
SEP	4420	4420	10.8	10.8	946	128	0	0	0	30	0	0.2498	1104
OCT	5307	5307	13.4	13.4	1136	160	0	0	0	30	0	0.2499	1326
NOV	7363	7363	21.9	21.9	1577	260	0	0	0	30	0	0.2536	1867
DEC	9546	9546	23.7	23.7	2044	282	0	0	0	30	0	0.2468	2356
TOTAL	85698	85698	34.9		18350	2673	0	0	0	360		0.2495	21383

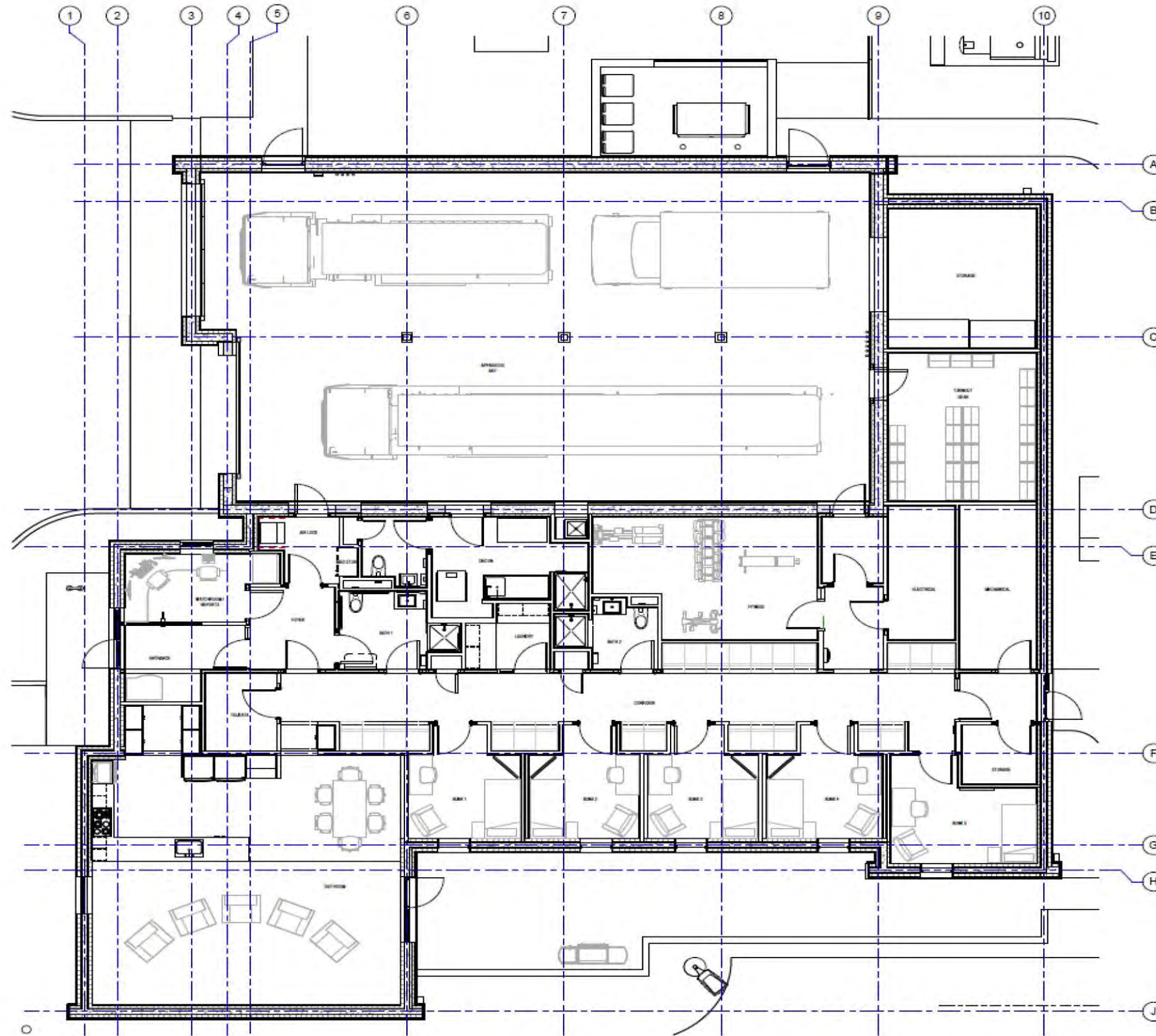
Figure 2- Estimated Fire Station Energy Consumption

D. SUMMARY

We have taken a step-by-step analysis and selected building systems to provide the City of Newburyport the best value in construction of a new Net-Zero Fire Station. We reduced the size of the building during the Study Phase to keep construction cost minimal and have selected building materials and systems based on achieving a Net-Zero Energy Building. We evaluated our choices by developing an eQUEST Energy Model of the building to demonstrate its power use and calculated the anticipated energy produced by the rooftop PV Panels. The results are promising that Net-Zero Energy is achievable without a Green Power subsidy. If not, the building will still produce most of the energy it consumes with minimal subsidy required.

II. APPENDIX

- A. Rendered Landscape Plan – MDLA
- B. West End Fire Station Floor Plan – WSA
- C. West End Fire Station Elevations - WSA
- D. Exterior Building Rendering - WSA
- E. Energy Use Intensity Report (EUI) - ALE
- F. Preliminary Load Calculations Option 1 – Owl Engineers
- G. Preliminary Load Calculations Option 2 – Owl Engineers
- H. Life Cycle Cost Analysis – ALE
- I. Anticipated Yearly Energy Consumption Table - ALE



LEVEL 1 - PRESENTATION
1/8" = 1'-0"

WINTER STREET ARCHITECTS

27 Orange Street
Newburyport, MA 01950
978.741.7339
www.winterstreet.com

JOHN F. CUTTER JR.
FIRE STATION
155 Storey Avenue
Newburyport, MA
01950

Project Number: 4139.0000

DESIGN DEVELOPMENT

Date Issued:
28 SEPTEMBER 2022

NO.	DESCRIPTION	DATE

PLAN - PRESENTATION

A1.00

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JOHN F. CUTTER JR FIRE STATION
Newburyport, MA

Energy Use Intensity (EUI) Report
Based on Progress Set dated July 22, 2022

Final Report
August 31, 2022

PREPARED FOR

Winter Street Architects, Inc
27 Congress Street
Salem, MA 01970

PREPARED BY

Andelman and Lelek Engineering, Inc.
1408 Providence Highway
Norwood, MA 02062
(781) 769-8773

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Facility Description	4
Analysis Methodology	7

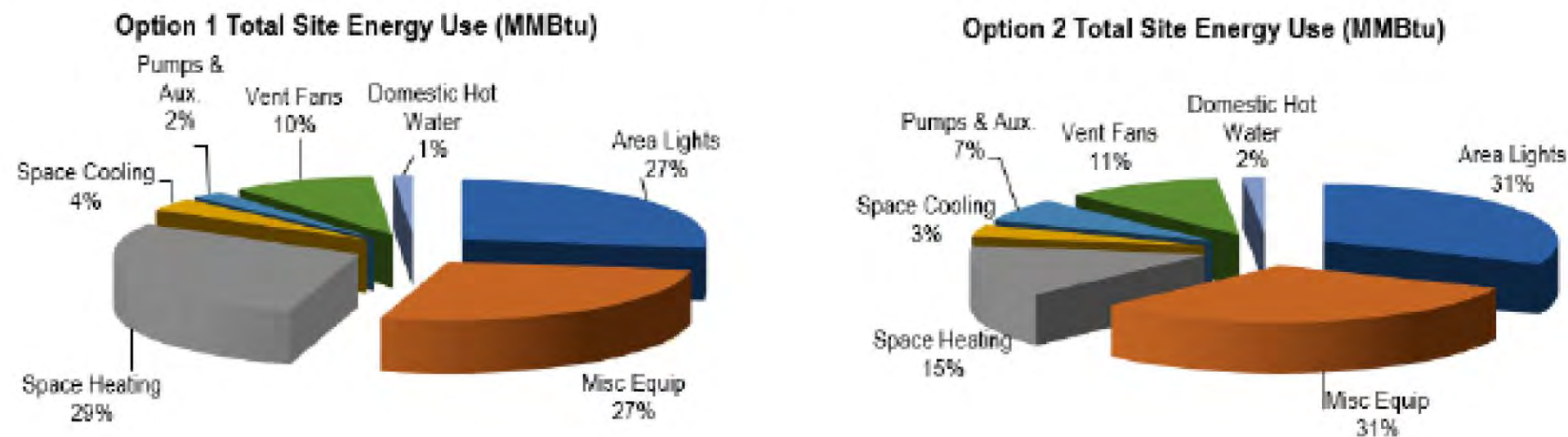
EXECUTIVE SUMMARY

Andelman and Lelek Engineering, Inc. (ALE) was retained by Winter Street Architects, Inc. to complete an energy performance analysis for the new fire station in Newburyport, MA. The main objective of the study is to create an energy consumption simulation model in order to estimate annual energy use for the building and to determine the building's hourly electric demand for 8760 hours of the year in order to aid the ongoing design of a new PV system for the site.

This report is based on information from the Progress Set dated 7/22/2022 and information provided by the design team, including a description of the proposed mechanical systems and equipment cut sheets.

Option 1 (air-cooled systems) is estimated to use 71,957 kWh per hour (38.7 kBtu/sf/yr of site energy) with an electric cost of \$17,516. Option 2 (geothermal) is estimated to use 62,550 kWh (33.7 kBtu/sf/yr of site energy) with an electric cost of \$15,041. Hourly electrical demand for both options is provided under separate cover in an Excel spreadsheet. The breakdown of energy by end use is shown in Figure 1 below.

Figure 1 – Summary of Annual Energy Consumption by End Use



Please note that there are many factors which may cause the building's actual energy use to differ from modeled energy use. These include weather, actual patterns of use, plug load variations, operating controls, etc.

FACILITY DESCRIPTION

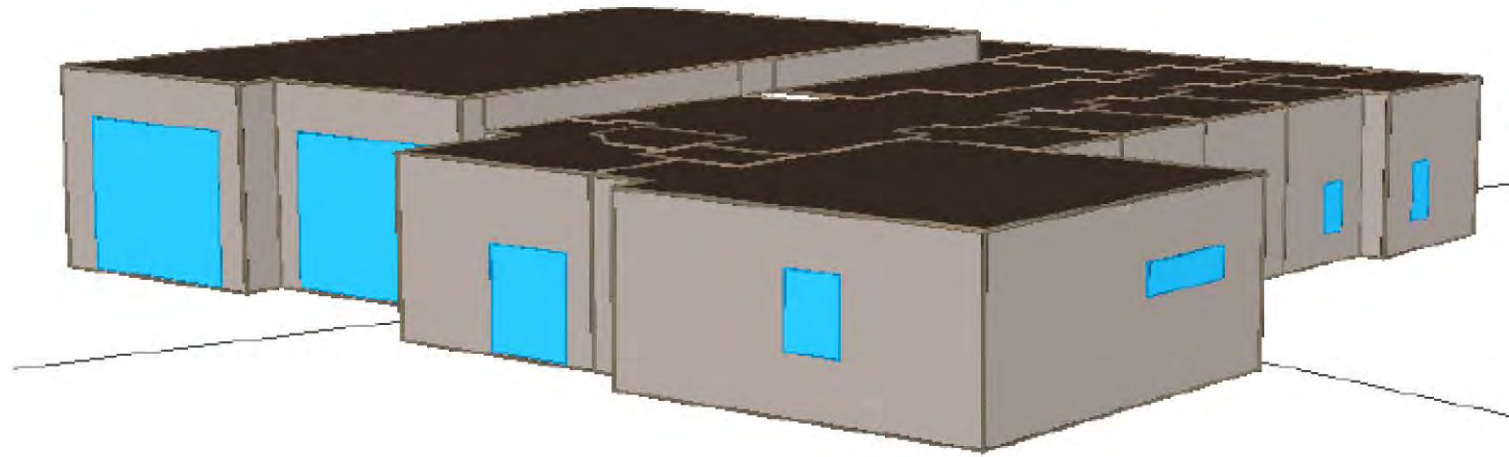


Figure 1: eQuest model of the Newburyport Fire Station

General

The John F. Cutter Jr. Fire Station is located at 153 Storey Avenue in Newburyport, MA. The building design occupancy was estimated to be 5 with a peak occupancy of 10 during shift changes. The building is assumed to be occupied 24/7.

Architectural

The building has one floor and an area of 6,340 sf (per eQuest model). Spaces include the apparatus bay, day room, bunk rooms, fitness room, watch room and storage.

Wall Constructions:

- 10" concrete walls with R-35 insulation. Overall U-0.027

Roof Constructions:

- Roof has 10" polyisocyanurate (min R-60). Overall U-value U-0.016

Fenestration

The building includes triple-glazed aluminum framed windows with assumed SHGC of 0.3 and overall U-value of 0.28. The window to wall ratio is approximately 13.7%. There are two 14'x14' doors for the apparatus bay.

Mechanical Systems

There are currently two options being considered. Both are all-electric designs.

Space temperature setpoints are assumed to be constant at 70°F in heating mode and 75°F in cooling mode.

Option #1: Air-cooled

- The apparatus bay is served by ERV-1 for ventilation.
 - ERV air-sourced heat pump:
 - Energy recovery effectiveness 68% (winter)/67% (summer)
 - Heating capacity of 28.6 MBh and efficiency of 5.9 COP
 - Cooling capacity of 75.8 MBh and *assumed* efficiency of 12.8 EER
 - Two air-to-water heat pumps provide hot water for radiant floor heating.
 - Heating capacity of 59,100 Btu/hr at 105°F HWST with 4.23 COP
 - Two (2) Pumps P-1&2 serve the heating loop.
 - Four (4) pumps P-3 thru 6 serve the individual zones.
- Most spaces are heated/cooled with air-source VRF heat pumps.
 - 10-ton condensing unit with cooling efficiency of 12.6 EER and heating efficiency of 3.7
- Electric unit heaters electrical/mechanical, foyer and storage spaces.
- An air-cooled heat pump serves the tel/data room, with cooling capacity of 12 MBh and cooling efficiency of 12.0 EER.

Option #2: Geothermal

- Geothermal wells: assumed there will be six 500-foot wells
- The apparatus bay is served by ERV-1 for ventilation.
 - ERV air-sourced heat pump:
 - Energy recovery effectiveness 68% (winter)/67% (summer)
 - Heating capacity of 28.6 MBh and efficiency of 5.9 COP
 - Cooling capacity of 75.8 MBh and *assumed* efficiency of 12.8 EER
 - Two water-to-water heat pumps provide hot water for radiant floor heating.
 - Heating capacity of 56,500 Btu/hr at 105°F HWST with 6 COP
 - Two (2) Pumps P-1&2 serve the ground water loop
 - Two (2) Pumps P-3&4 serve the heating loop.
 - Four (4) pumps P-5 thru 8 serve the individual zones.
- Admin & Living spaces are served by water-sourced VRF heat pumps
 - Cooling efficiency of 13.4 EER
 - Heating efficiency of 5.5 COP
 - Pump P-9 serves the condenser water/geothermal loop.
- Electric unit heaters electrical/mechanical, foyer and storage spaces.
- An air-cooled heat pump serves the tel/data room, with cooling capacity of 12 MBh and cooling efficiency of 12.0 EER.

Electric Lighting Systems

Lighting power density is 0.48 W/sf, as estimated by the electrical engineer. Total building light power is estimated at 3.1 kW (based on 6,340 sf)

Miscellaneous equipment loads are assumed to be as follows:

- 0.2 W/sf for bunk rooms
- 1.5 W/sf for mechanical/electrical rooms
- 0.5 W/sf for day room and watch room
- 0.1 W/sf for the apparatus bay
- 0.75 W/sf for fitness room
- 0.1 W/sf for corridors, stairs, storage, etc.
- The IT room is assumed to have equipment loads corresponding to 30% of the cooling capacity of the a/c unit serving the space.

Equipment (plug loads) loads comprise all non-HVAC equipment plugged into convenience outlets, including computers, printers, monitors, kitchen equipment, clothes washer and dryer, etc.

Domestic Hot Water Systems

The domestic hot water loads for this project are expected to include lavatory sinks, kitchen uses, clothes washer and showers. It was assumed the domestic hot water would be provided by an electric water heater.

ANALYSIS METHODOLOGY

To analyze the future energy consumption patterns of the building, a computer model of the facility was developed and building consumption simulations were performed using the eQuest building analysis program. eQuest uses the latest DOE-2.3 building energy analysis software as its calculating engine version (3.65 build 7165). This very flexible program permits modeling of a variety of building types and components including complex building geometry, lighting systems, HVAC systems, central plant equipment, and utility rate structure. Boston, MA TMY3 weather data was used in the analysis. The eQUEST model was compiled using information obtained from the Progress Set dated 7/22/2022 and information provided by the design team, including a description of the proposed mechanical systems and equipment cut sheets.

LIFE CYCLE COST ANALYSIS

Newburyport Fire Station 2 HVAC Options	Annual Electricity Cost	Installation Cost	Annual Maintenance Costs	Cumulative Life Cycle Cost Over a 20 Year Period
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Annual maintenance cost based on 3% of installation cost

Useful life of equipment

Air source heat pumps (VRF) 20 years
 Geothermal heat pumps (VRF) 50 years ground wells, 20 years all other elements

Newburyport Fire Station



magda@andelmanlelek.com

To 'Molly Ettenborough'

Cc Paul Durand; Dana Weeder

REPORT- ES-E Summary of Utility-Rate: NGRID G-3 2021 WEATHER FILE- BOSTON LOGAN INT' MA

RESOURCE: ELECTRICITY DEMAND-INTERVAL 15 3413. BTU/KWH
 BILLING-DAY: 31 RATE-LIMITATION: 0.0000
 METERS: EM1
 POWER-FACTOR: 0.80 EXCESS-KVAR-FRAC: 0.75 EXCESS-KVAR-CHG: 0.0000

RATE-QUALIFICATIONS BLOCK-CHARGES DEMAND-RATCHETS MIN-MON-RATCHETS
 MIN-ENERGY: 0.0 NGrid Electric Peak
 MAX-ENERGY: 0.0
 MIN-DEMAND: 0.0
 MAX-DEMAND: 0.0
 QUALIFY-RATE: ALL YEAR
 USE-MIN-QUAL: NO

MONTH	METERED ENERGY KWH	BILLING ENERGY KWH	METERED DEMAND KW	BILLING DEMAND KW	ENERGY CHARGE (\$)	DEMAND CHARGE (\$)	ENERGY CST ADJ (\$)	TAXES (\$)	SURCHRG (\$)	FIXED CHARGE (\$)	MINIMUM CHARGE (\$)	VIRTUAL RATE (\$/UNIT)	TOTAL CHARGE (\$)
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DEC	9546	9546	23.7	23.7	2044	282	0	0	0	30	0	0.2468	2356
TOTAL	85698	85698	34.9		18350	2673	0	0	0	360		0.2495	21383

Thank you,
Magda

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 LEED Accredited Professional
 Andelman and Lelek Engineering, Inc.
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 Norwood, MA 02062
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 781-769-8944 fax

**APPOINTMENTS
FIRST READING**



CITY OF NEWBURYPORT
OFFICE OF THE MAYOR

SEAN R. REARDON, MAYOR

RECORDED
CITY CLERK'S OFFICE
NEWBURYPORT, MA
2022 DEC -6 PM 4:08

60 PLEASANT STREET - P.O. Box 550

NEWBURYPORT, MA 01950

978-465-4413 PHONE

MAYOR@CITYOFNEWBURYPORT.COM

To: President and Members of the
City Council

From: Sean R. Reardon, Mayor

Date: December 12, 2022

Subject: Appointment

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

Jeffrey Mattheson
12 Hart Road
Newburyport, MA 01950

Jeffrey R. Mattheson

Licensed Master Electrician: MA, ME, NH VT

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

Objective

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

Education and Certifications

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

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

ATTENDED GOULD INSTITUTE FROM 1997-2000

Silent Knight Fire Alarm Course Certification

Fork truck/Scissor Lift Operator License

Fiber Optics Splicing and Training Certification

OSHA 30 Hazard Awareness Certification

Microsoft Office

QuickBooks

NEC 3 year updates

MA 6 Hr Update

CPR Certified 2018 & 2022

Experience

CITY ELECTRICIAN | CITY OF NEWBURYPORT | JULY 2022-PRESENT

- Maintain Street Lighting Issues and Installs.
- Complete daily work orders for different city departments.
- Maintain crosswalk and turn signal lights and pushbuttons.
- Estimate electrical costs for city projects.
- Interpret and advise with city projects and drawings.
- On-Call for Fire and Police related electrical issues.

- Working knowledge of reading architectural blueprints with the ability to assess the electrical needs for the construction project.
- Self-directed and able to take a job from rough to finish.
- Working knowledge of Romax wire, BX, MC and AC cable.
- Familiar with installing hard-wire fire alarm systems in both residential and commercial settings.
- Experience with the installation of switchgear, transformers, and panels.
- Familiar with all requirements of EMT conduit installation and Rigid conduit benders ½"-4".

END OF CONSENT AGENDA

BEGINNING OF REGULAR AGENDA

COMMUNICATIONS

NEWBURYPORT SPECIAL EVENT APPLICATION

Tel.

Fax.

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

RECEIVED
NOV 28 PM 1:16

NAME OF EVENT: Firehouse Center for the Arts Holiday Singalong + Parade

Date: Saturday 12.17.22 Time: from 12 noon to 1pm

Rain Date: _____ Time: from _____ to _____

2. Location*: Merriman, State St., High St. Green St. Loop - Twice
 *Please Note: If the location is a public park or the rail trail, please also contact the Parks Department

3. Description of Property: Streets Public Private _____

4. Name of Organizer: Firehouse Center for the Arts City Sponsored Event: Yes _____ No

Contact Person: John Moynihan

Address: 1 Market Square NBPT Telephone: 978-499-9931

E-Mail: john@firehouse.org Cell Phone: (603) 312-2917

Day of Event Contact & Phone: John Moynihan 603-312 2917

5. Number of Attendees Expected: 100+/-

6. MA Tax Number: _____

7. Is the Event Being Advertised? yes Where? www.firehouse.org

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

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? none - parade event
- b) How many recycling receptacles will you be providing? _____
- 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 0
- b) # of recycling container(s) to be provided by Recycling Office 0
- 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)

0 Standard # 0 ADA accessible

Name of company providing the portable toilets: NA

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:

Firehouse Center for the Arts

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

John Moynihan, Executive Director
Firehouse Center for the Arts
Market Square NBPT 01950 (603) 312-2917

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

John Moynihan, Executive Director
Firehouse Center for the Arts
Market Square NBPT 01950 (603) 312-2917

4. Date of Event: 12.17.22 Expected Number of Participants: 100 +/-

5. Start Time: 12 noon Expected End Time: 1 pm

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

Merrimac St -> State St. -> High St. -> Green St. ->
Merrimac St -> State St. -> High St. -> Green St. ->
Brown Square

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

8. Will Detours for Motor Vehicles Be Required? yes If so, where? off parade route

9. Formation Location & Time for Participants: Firehouse Center for the Arts 11:45am

10. Dismissal Location & Time for Participants: Brown Square 1pm (estimated)

11. Additional Parade Information:

- Number of Floats: 1 horse drawn wagon
Locations of Viewing Stations: NA
Are Weapons Being Carried: NO
Are Marshalls Being Assigned to Keep Parade Moving: Yes No N

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

CITY MARSHAL [Signature] 4 Green St. FIRE CHIEF AC Brady 0 Greenleaf St.

DEPUTY DIRECTOR [Signature] 16A Perry Way CITY CLERK 60 Pleasant St.

HEALTH DIRECTOR NA 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 harbormasters departments prior to submission to the city clerk.

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

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

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

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

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

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

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

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

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

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

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

(e) *Enforcement.*

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

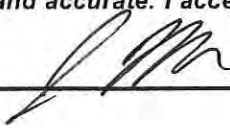
(2) *Warning.* In the circumstance that this section is violated, the enforcement may consist of a warning. Any warnings issued for violation(s) will be reported to the city clerk and city council and may be used as a factor in future application approvals and denials.

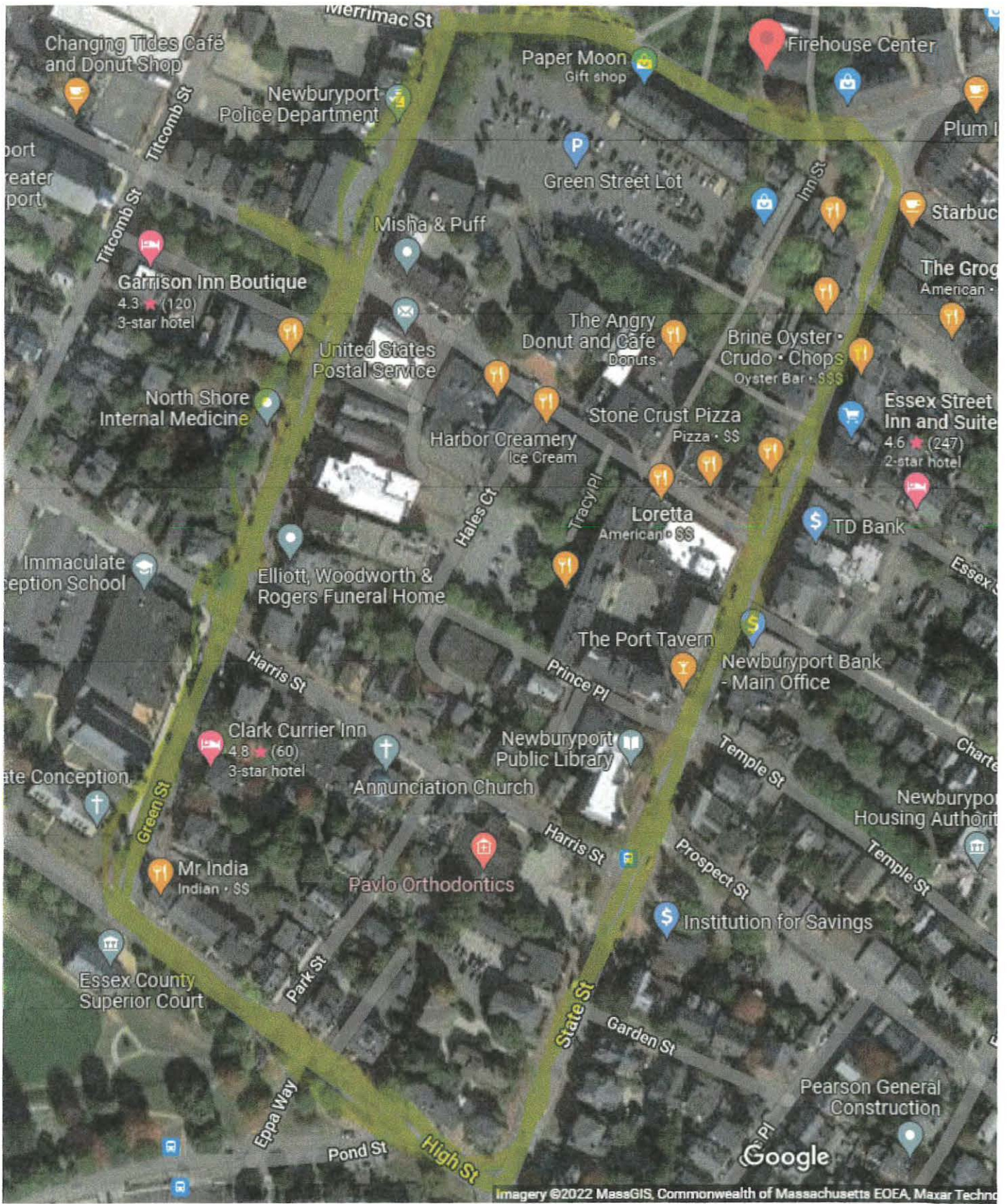
(3) *Noncriminal disposition.* If the city determines that a violation has occurred in which a noncriminal violation is issued, the named event organizer shall be penalized by a non-criminal disposition as provided in Massachusetts General Law as adopted by the City of Newburyport as a general ordinance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

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

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

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

Signed:  Date: 11/21/22



Jennifer Sullivan

From: Margaret Melville <maggie.melville@gmail.com>
Sent: Monday, November 14, 2022 9:23 AM
To: DPS
Subject: Curb cut 34 hale st objection

Hi Jennifer,

I am a resident of 4 Wilkinson Dr and am writing to object to a curbcut at the lot on 34 Hale St. My property abuts 34 Hale St and I see the dangers at the corner of 34 Hale St and Wilkinson drive. Putting a curbcut on Wilkinsom Drive will make it very dangerous to turn right onto Wilkinson Drive off of Hale st. The driveway will be blind to cars turning right onto Wilkinson Drive. It will only benefit the lot of 34 Hale st, but at the detriment of the residents of Wilkinson drive.

Thank you,

Margaret Melville Alcantara
Resident of 4 Wilkinson Drive
617-549-0994

Jennifer Sullivan

From: Ron Dienstmann <ronalddien@yahoo.com>
Sent: Monday, November 14, 2022 12:35 PM
To: DPS
Cc: Dawngolf
Subject: No Curb Cut on Wilkinson Drive

Hello Mrs. Sullivan,

I'm writing to absolutely object to the proposed curb cut by my house on 36 Hale Street.

The upcoming work at 34 Hale Street calls for such a cut on Wilkinson Drive, which is not its actual address.

Furthermore, it would entail trucks backing up, in and out of said construction, resulting in a unbelievable increase in danger for cars and people coming out of the cul-de-sac.

Not to mention the razing of another lot of beautiful trees in Newburyport. Another sad instance of misguided idea of "progress" promoted by our "leaders." As if more, means better.

It's time to reconsider this unabashed building boom in a city that prides itself for its beauty. The City Hall should be a vehicle of maintenance of this beauty, not destruction. The town managers should not have a free pass on razing nature and replacing with concrete.

I trust that nothing will go forward without further discussions with all involved.

Best

Ron Dienstmann.

"Cromwell Danny Lyra" new book by Ron Dienstmann. Check out on Amazon.com

[https://www.amazon.com/Cromwell-Danny-Lyra-Ron-](https://www.amazon.com/Cromwell-Danny-Lyra-Ron-Dienstmann/dp/B0B4GS13ML/ref=tmm_pap_swatch_0?_encoding=UTF8&qid=1656686476&sr=8-2)

[Dienstmann/dp/B0B4GS13ML/ref=tmm_pap_swatch_0?_encoding=UTF8&qid=1656686476&sr=8-2](https://www.amazon.com/Cromwell-Danny-Lyra-Ron-Dienstmann/dp/B0B4GS13ML/ref=tmm_pap_swatch_0?_encoding=UTF8&qid=1656686476&sr=8-2)

Jennifer Sullivan

From: Michael Maloof <michael.Maloof@virtex.us>
Sent: Monday, November 14, 2022 12:03 PM
To: DPS
Subject: Objection - Curb Cut Wilkinson Drive

Hi Jennifer,

My name is Michael Maloof a 30 year Wilkinson Drive Newburyport resident.

I strongly object to curb cutting Wilkinson Drive. I respectfully request that the integrity of our cul-de-sac, which we pridefully maintain should not be altered for a potential building of a home who's property address is 36 Hale Street.

Michael Maloof
3 Wilkinson Drive
Newburyport, MA

978.764.8288

Disclaimer:

This electronic transmission is strictly confidential to VIRTEX and intended solely for the addressee. The information contained herein may be confidential and protected under NDA and other applicable laws. If you are not the intended recipient of this electronic message, the retention, dissemination, distribution or copying of this email message is strictly prohibited. If you receive this email message in error, please delete it and notify us immediately by contacting the sender via the email or phone number provided. This message or any documents attached may be subject to federal ITAR export control laws.

VIRTEX

Jennifer Sullivan

From: dawngolf@aol.com
Sent: Monday, November 14, 2022 11:49 AM
To: DPS
Subject: 34 Hale St curb cut objection

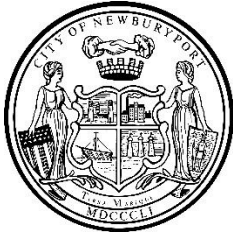
Good Morning Jennifer:

My name is Dawn Brandmark and I live at 36 Hale Street in Newburyport, MA.
I strongly OBJECT to the curb cut requested by 34 Hale Street in Newburyport, MA.

Thank you,
Dawn Brandmark

ORDERS

CITY OF NEWBURYPORT



IN CITY COUNCIL

ORDERED:

December 12, 2022

January 9, 2023
January 30, 2023

February 13, 2023
February 27, 2023

March 13, 2023
March 27, 2023

April 10, 2023
April 24, 2023

May 8, 2023
May 22, 2023 (May 29th Memorial Day)

June 12, 2023
June 26, 2023

July 10, 2023

August 14, 2023
August 28, 2023

September 11, 2023
September 26, 2023 *Tuesday* (September 25th Yom Kippur)

October 16, 2023 (October 9th Indigenous People's Day)
October 30, 2023

November 13, 2023
November 27, 2023

December 11, 2023

Councillor Heather L. Shand

CITY OF NEWBURYPORT



IN CITY COUNCIL

ORDERED:

December 12, 2022

Amended as follows, with deletions ~~double-stricken and italicized~~, and additions double-underlined and italicized:

THAT pursuant to the CITY OF NEWBURYPORT Code of Ordinances Section 13-180.1 and Section 13-166 the CITY COUNCIL of the CITY OF NEWBURYPORT hereby amends and approves as follows:

Chapter 13	Traffic and Motor Vehicles
Article 2	Administration
Section 13-29	Snow emergencies

Amend existing Section as follows, with deletions ~~double-stricken through~~, and additions double-underlined:

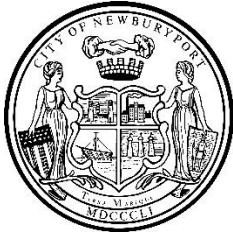
Upon the declaration of a snow emergency by the superintendent of the department of public works, no parking shall be allowed on any street or way in the city except of the following street(s):

1. Auburn Street on the westerly side from Vernon Street to Pole 9. Vehicles shall move no later than twelve (12) hours after snow emergency ceases to allow for snow removal.

The superintendent, upon such declaration, shall cause notice of the snow emergency to be given by radio broadcast or other suitable media. Upon the declaration of the end of the snow emergency by the superintendent, parking shall be allowed on any street or way in the city. Provided, however, that this section shall not be construed to permit parking where it is specifically prohibited by the provisions of this chapter.

Councillor Heather L. Shand

CITY OF NEWBURYPORT



IN CITY COUNCIL

ORDERED:

December 12, 2022

An Order to Allow a Waiver for Asphalt Sidewalks on Lt. Leary Drive and Storey Avenue as part of the West End Fire Station project

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

Chapter 12	Streets, Sidewalks and Other Public Places
Article III	Sidewalks
Section 54	Street, way or grounds specification
Subsection (b)	Sidewalk material

Pursuant to Section 12-54(b) which states as follows:

Exception: Asphalt may be used as an alternative material anywhere in the City upon obtaining a waiver granted by City Council Order.

The City Council of the City of Newburyport hereby grants a waiver to use asphalt as an alternative material for the sidewalk located on Lt. Leary Drive, Storeybrooke Road and Storey Avenue as part of the West End Fire Station project.

Councilor James McCauley



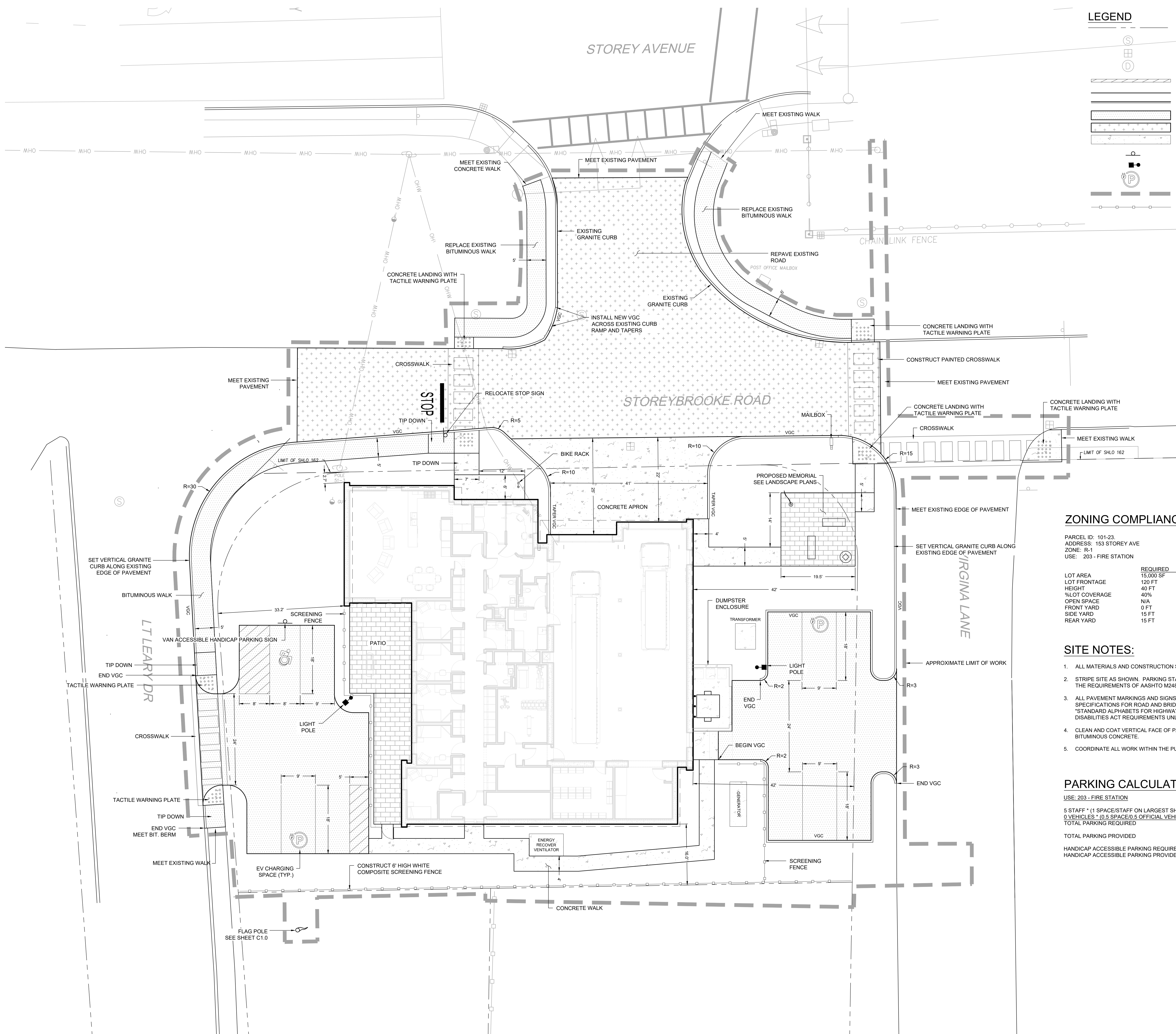
CITY OF NEWBURYPORT
OFFICE OF PLANNING AND DEVELOPMENT
60 PLEASANT STREET • P.O. BOX 550
NEWBURYPORT, MA 01950
(978) 465-4400

SEAN REARDON
MAYOR

MEMORANDUM

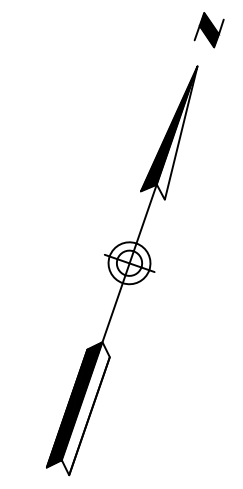
TO: **CITY COUNCIL**
FROM: **GEORDIE VINING, SENIOR PROJECT MANAGER**
CC: **CHIEF STEVE BRADBURY**
SUBJECT: **WAIVER REQUEST FOR ASPHALT SIDEWALKS – WEST END FIRE STATION PROJECT**
DATE: 11/28/22

As part of the West End Fire Station Project, the City of Newburyport anticipates rebuilding a portion of the sidewalk along Lt. Leary Drive and Storeybrooke Road/Storey Road in the vicinity of the fire station. The City's Department of Public Services and Ward Councilor James McCauley have indicated that the preferred material for the sidewalks in this neighborhood continues to be asphalt. Therefore, we are requesting a waiver from the sidewalk ordinance in order to install these asphalt sidewalks. Please see the attached Site Plan and City Council Order form. Thank you for your consideration.



LEGEND

	PROPERTY LINE
	SEWER MANHOLE
	CATCH BASIN
	DRAIN MANHOLE
	STRIPING
	EOP
	CURB
	STANDARD DUTY PAVEMENT/ BITUMINOUS WALK
	HEAVY DUTY PAVEMENT
	CONCRETE WALK
	SIGN
	SITE LIGHT
	EV CHARGING
	APPROXIMATE LIMIT OF WORK
	FENCE



ZONING COMPLIANCE CHECKLIST:

PARCEL ID: 101-23
 ADDRESS: 153 STOREY AVE
 ZONE: R-1
 USE: 203 - FIRE STATION

	REQUIRED	EXISTING	PROPOSED
LOT AREA	15,000 SF	±17,839 SF	NO CHANGE
LOT FRONTAGE	120 FT	±363 FT	NO CHANGE
HEIGHT	40 FT	±21 FT	21' - 2"
%LOT COVERAGE	40%	13%	35.8%
OPEN SPACE	N/A	--	--
FRONT YARD	0 FT	20.2 FT	2.7 FT
SIDE YARD	15 FT	24.4 FT	33.2 FT
REAR YARD	15 FT	39.2 FT	18.0 FT

SITE NOTES:

- ALL MATERIALS AND CONSTRUCTION SHALL CONFORM WITH APPLICABLE CITY, STATE, AND FEDERAL CODES.
- STRIPED SITE AS SHOWN. PARKING STALLS SHALL BE PAINTED WITH WHITE TRAFFIC PAINT. ALL TRAFFIC PAINT SHALL MEET THE REQUIREMENTS OF AASHTO M248, TYPE "N".
- ALL PAVEMENT MARKINGS AND SIGNS TO CONFORM TO MASSACHUSETTS DEPARTMENT OF TRANSPORTATION STANDARD SPECIFICATIONS FOR ROAD AND BRIDGE CONSTRUCTION AND "MANUAL ON UNIFORM TRAFFIC CONTROL DEVICES" AND "STANDARD ALPHABETS FOR HIGHWAY SIGNS AND PAVEMENT MARKINGS", LATEST EDITIONS AND THE AMERICANS WITH DISABILITIES ACT REQUIREMENTS UNLESS OTHERWISE SPECIFIED.
- CLEAN AND COAT VERTICAL FACE OF PAVEMENT AT SAWCUT LINE WITH RS-1 EMULSION IMMEDIATELY PRIOR TO PLACING NEW BITUMINOUS CONCRETE.
- COORDINATE ALL WORK WITHIN THE PUBLIC RIGHT OF WAYS WITH THE CITY OF NEWBURYPORT

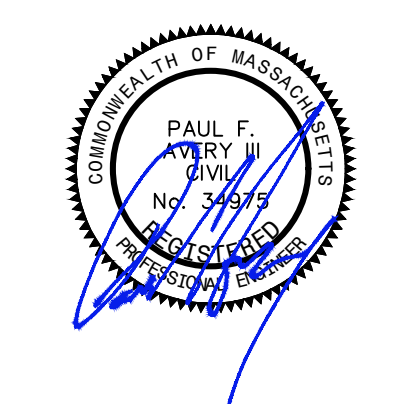
PARKING CALCULATION:

USE: 203 - FIRE STATION

5 STAFF * (1 SPACE/STAFF ON LARGEST SHIFT) = 5 SPACES
 0 VEHICLES * (0.5 SPACE/0.5 OFFICIAL VEHICLES) = 0 SPACES
 TOTAL PARKING REQUIRED = 5 SPACES

TOTAL PARKING PROVIDED = 11 SPACES

HANDICAP ACCESSIBLE PARKING REQUIRED = 1 (REQUIRED FOR 1 TO 25 SPACES)
 HANDICAP ACCESSIBLE PARKING PROVIDED = 1



JOHN F. CUTTER JR.
 FIRE STATION
 NEWBURYPORT, MA

Project Number: 4139.0000

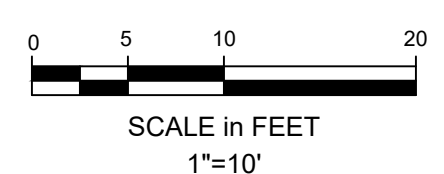
PERMIT SET

Date Issued:
 28 September 2022

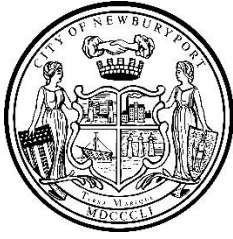
NO.	DESCRIPTION	DATE

SITE LAYOUT PLAN

C2.0



CITY OF NEWBURYPORT



IN CITY COUNCIL

ORDERED:

December 12, 2022

THAT, the CITY COUNCIL of the City of Newburyport accepts with gratitude a gift from The Mayor Gayden W. Morrill Charitable Foundation in the amount of \$110,000.00 to be expended in accordance with the foundation’s funding directive dated November 15, 2022. Said funds are accepted in accordance with MGL Chapter 44, Section 53A.

FURTHER, THAT, the following unspent prior-year funds totaling \$69,050.00, at the request of the foundation, are hereby reallocated for the purpose of purchasing and installing granite coping around Bartlet Mall Frog Pond:

Org	Object	Description	Amount
29910006	58400	Atwood Park Interpretive Panels	\$1,050.00
29910014	58400	Cushing Park Improvements	\$15,000.00
29910019	58400	Irrigation Wells	\$53,000.00
Total			\$69,050.00

Councillor Sharif I. Zeid

**ROBERT D. MORRILL
8396 SW SNAPDRAGON COURT
STUART, FLORIDA 34997**

November 15, 2022

Hon. Sean R. Reardon, Mayor
City of Newburyport
60 Pleasant Street
Newburyport, Massachusetts 01950

Re: Morrill Foundation Funding Directive

Dear Mr. Mayor,

This year was truly a year of transition with the election of a new Mayor and the firing of the Parks Director after 16 years of service under two previous administrations.

After the firing of the Parks Director on July 8, 2022 a personal meeting was requested with the Mayor. When that was not available, the Mayor called me on July 13 and again on July 18, 2022. When asked about the firing of the Parks Director, he stated that it had nothing to do with her work ethic or performance but was the result of his recommended parks reorganization plan.

During our phone conversations, I detailed the reason for my three month annual visit to Newburyport. As a Private Operating Foundation, it is essential to personally review projects that have been approved and to detail proposed projects for the upcoming year. Unfortunately, nothing was forthcoming until our scheduled September 2, 2022 meeting with the Mayor, his staff, and the Foundation trustees.

Mrs. Kimberly Turner presented the City's recommendations which included requesting that monies allocated to projects that had not materialized, ie. \$15,000.00 for Cushing Park given in 2018, be reallocated. The trustees supported that suggestion.

Mrs. Turner stated that the bidding process for the electric door at the Atkinson Common Maintenance Building had just gone out in late August. She felt that the \$10,000.00 from the 2021 directive might be excessive and would advise the trustees of any overage.

Mrs. Turner also mentioned a \$550.00 deficiency in funding the Garrison Garden Signage. Two points are worth noting: First, last year we had approved funding for the whole project, which was later determined not needed and second, in 2017 we had allocated \$1600.00 for a panel recognizing Mrs. Margaret Ford Atwood which never was designed. As a result, during the meeting the trustees authorized \$550.00 be immediately dispersed to cover the Garrison signage and the remaining \$1050.00 would be reallocated by the trustees.

Mrs. Turner also discussed the \$40,000.00 allocated last year for three Pickle Ball Courts. The City is now considering a Multi-Use Court and asked if the name change was acceptable. The trustees all agreed to the name change. As nothing has been formalized, the trustees ask that no funds be expensed until drawings have been sent to the trustees assuring that three pickle ball courts have been made available and a written confirmation letter from the pickle ball league stating that the courts are acceptable has been received by the trustees.

It is our understanding that funding has now been approved for the playground at the Bartlet Mall and that the City Council has approved the Community Preservation Commission's funding of close to \$2,800,000.00 to restore the water quality to Frog Pond. The Morrill Foundation has already approved and detailed funds for accessing Frog Pond from Auburn Street. The funds are to be used in conjunction with work on the playground project as they adjoin each other and equipment can be used for both projects.

It seems appropriate to now allocate the \$37,000.00 noted in the 2020 directive. Once the restoration of the Bartlet Mall Slope, beside the playground has been completed, the \$37,000.00 is to be used to continue the restoration of the slope along the High Street side of the Mall.

The trustees are all encouraged by the funding that has been made available for the Mall and have decided to allocate all the reallocated funds and the funds available for next year to the granite seating proposed for around the waters edge once the water quality has been restored in Frog Pond. That would include the \$1050.00 and the \$15,000.00 noted above, as well as the \$53,000.00 allocated in 2020 for wells and the \$110,000.00 which will be available in 2023. The total funding comes to \$179,050.00 for granite seating.

I know that the City Council will have to formally accept these funds at its December meeting. We ask that the Mayor's office provide a copy of this letter to the City Council prior to their scheduled meeting. After notification of their acceptance to all the trustees, with the original acceptance letter directed to the treasurer Mr. James Agrippa Morrill, a check will be issued for next year.

In the meantime, we hope that all in Newburyport will have a wonderful Thanksgiving, a Blessed Christmas, and a safe, joyous and prosperous New Year.

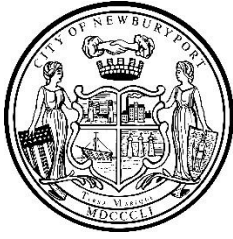
Sincerely,

A handwritten signature in black ink, appearing to read "Robert D. Morrill". The signature is fluid and cursive, with the first name "Robert" being the most prominent.

Robert D. Morrill

Cc: James Agrippa Morrill, James Astle Morrill, James Gayden Morrill, Mary Haslinger, Kimberly Turner, Ted Boretti, Ethan Manning, Jack Grady

CITY OF NEWBURYPORT



IN CITY COUNCIL

ORDERED:

December 12, 2022

THAT, the CITY COUNCIL of the City of Newburyport accepts with gratitude a gift from Karen Jones, in the amount of \$15,000.00 to be used for the purpose of resurfacing, lining and improving multi-sport tennis and pickleball courts at Cashman Park. Said funds are accepted in accordance with M.G.L. Chapter 44, Section 53A.

Councillor Sharif I. Zeid

November 17, 2022

Karen J. Jones
37 Temple Street
Unit 1
Newburyport, MA 01950

City of Newburyport
Office of the Mayor
Sean R. Reardon, Mayor
60 Pleasant Street - P.O. Box 550
Newburyport, MA 01950

Dear Mayor Reardon,

It is my pleasure to donate \$15,000 to be earmarked and used for the resurfacing, lining, and improvement of the Cashman Park multipurpose tennis and pickleball courts.

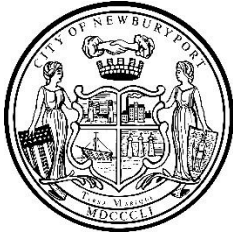
My late husband, David M. Jones never played pickleball but he saw how the sport brought people together around a common activity. He would be pleased to know that this donation will contribute to the health and vitality of our city and its residents.

Respectfully,


Karen J. Jones

Bcc: James Jones

CITY OF NEWBURYPORT



IN CITY COUNCIL

ORDERED:

December 12, 2022

THAT, The CITY COUNCIL of the City of Newburyport accepts with gratitude a gift from the Belleville Improvement Society for the purchase of loam at Atkinson Common valued at \$520. Said gift is accepted in accordance with MGL Chapter 44, Section 53A.

Councillor Sharif I. Zeid

CITY OF NEWBURYPORT



IN CITY COUNCIL

ORDERED:

December 12, 2022

THAT, the CITY COUNCIL of the City of Newburyport accepts with gratitude the following gifts from the Central Congregational Church to the Council on Aging department: 1) \$500.00 to be expended for the purpose of providing senior transportation and other senior needs and 2) \$2,000.00, derived from proceeds from the Annual Chocolate Tour, to be expended for the purpose of providing senior transportation. Said funds are accepted in accordance with M.G.L. Chapter 44, Section 53A.

Councillor Sharif I. Zeid

ORDINANCES

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)~~ nine six (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 T~~ 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.

In City Council November 28, 2022:

Motion to approve on 1st reading by Councillor Vogel, seconded by Councillor Zeid. Motion to amend to change the name of the Committee on “City” Services to “Community” Services by Councillor Wallace, seconded by Councillor Donahue. Roll call vote. 11 yes (1 remote CP). Motion passes.

Motion to approve on 1st reading as amended by Councillor Vogel, seconded by Councillor Zeid. Roll call vote. 11 yes (1 remote CP). Motion passes.

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.

In City Council November 28, 2022:

Motion to approve on 1st reading by Councillor McCauley, seconded by Councillor Wright. Roll call vote. 10 yes (1 remote CP), 1 no (SZ). Motion passes.

COMMITTEE ITEMS

Committee Items – December 12, 2022

Budget & Finance

In Committee:

- COMM00449_11_28_2022 Letter Jim McCarthy re: Conservancy check for a crab apple tree
- COMM00448_11_28_2022 Emails re: bench and plaque updates
- ORDR00336_03_28_2022 ARPA Amesbury 250K (COTW)
- TRAN00140_11_01_2022 P&D: Waterfront Park Paid Parking Fund \$40,000 & Harbormaster Retained Earnings \$20,000 to Market Landing Park Expansion Project \$60,000
- TRAN00141_11_01_2022 Mayor: General Fund Free Cash \$500,000 to Stabilization Trust Fund \$500,000

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



Nature & Garden by Myra M. Bostin

ENDORSE HERE

Newburyport Parks Conservancy
Account #27830740

CREDIT HERE FOR DEPOSIT OR REMOTE DEPOSIT

DATE

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

BOARD OF GOVERNORS REG. CC

From: Bruce Vogel <BVogel@CityofNewburyport.com>
Sent: Wednesday, November 16, 2022 11:15 AM
To: Richard Jones <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 <bruce@plumislandcoffee.com>

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 <bruce@plumislandcoffee.com>

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 <bruce@plumislandcoffee.com>

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





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

For the record: Email from Parks Manager dated 12/1/22

Councilors Khan, Wright and Zeid:

I am writing this to respond to Communication COMM00448_11_28_2022, which is now under consideration by the Budget and Finance Committee. I was hoping to comment on this exchange between Lise Reid and Councillor Vogel, especially the section of "Bench Update- Duplication of Efforts".

It states that the Parks Department has been duplicating her efforts rather than coordinating with her on benches. After Ms. Reid left the Parks Department, I began working with her to finalize the list of benches and plaques so that the work promised to donors could be completed. She continued to work with the Parks Conservancy as a volunteer to close out these projects. I have continued to correspond with Ms. Reid on these issues, though responses are slower from her now as this program is not her primary responsibility.

She suggests that we made a duplicate order of a plaque for the Manzione granite bench, and that she had ordered one already and it is due to appear any day. In this situation, I have written communication from the Parks Commission Chair on 10/12/22, stating that Ms. Reid would not be pursuing getting a plaque and or giving her the bench but would refund Ms. Manzione her money. After this, Chair Ted Boretti stated that he wanted to donate the bench and plaque to try to rectify the situation. I then ordered one, only to find out that Ms. Reid is now saying she ordered one as well.

Ms. Reid also states that she had supplied a spreadsheet to myself and the Mayor's office on 7/27/22 listing all of the final work to complete the bench program. This was presented as the final list of plaques and benches, and it was not communicated to me that changes were made after that date. The Parks Department thought we had completed all of the work in late October, though it now appears there were additional plaques and benches promised that were not communicated to us in July.

The communication also states that Ms. Reid typically has volunteers to do the installations and finds it interesting that we have time and money to do it. The Department has made a commitment to completing this project in a timely manner, and does not have extra resources, other than the hard work of our staff, to facilitate this. We have no intention of paying for anything that the Conservancy bench program is responsible for.

We look forward to closing out this project and can answer whatever questions the Council has about it.

Thank you for your time,

Michael P Hennessey
MCLP#1012/AOLCP
ISA Certified Arborist NE-7487A

Parks Manager
City of Newburyport
60 Pleasant St.
Newburyport, MA 01950

CITY OF NEWBURYPORT



IN CITY COUNCIL

ORDERED:

March 28, 2022

THAT, at the recommendation of the American Rescue Plan Act (ARPA) Ad Hoc Committee, \$250,000 is hereby appropriated from the City's allocation of the Coronavirus State and Local Fiscal Recovery Funds (SLFRF) to pay costs of constructing and installing water line connection points with respect to the Amesbury Emergency Interconnection project. It is the intent that any funds remaining upon completion of this project shall be reappropriated to another project as recommended by the ARPA Ad Hoc Committee.

Councillor Bruce L. Vogel

Councillor Christine E. Wallace

Councillor Sharif I. Zeid

In City Council March 28, 2022:

Motion to refer ORDR00333, ORDR00334, ORDR00335, and ORDR00336 collectively to Budget & Finance by Councillor Zeid, seconded by Councillor Cameron. So voted.

American Rescue Plan Act: State and Local Fiscal Recovery Funds

City of Newburyport Allocation Recommendations

March 22, 2022

ARPA Background

The Coronavirus State and Local Fiscal Recovery Funds (SLFRF) are a part of the American Rescue Plan Act (ARPA) and it delivered over \$350 billion to state, local, and Tribal governments across the country. The funds are meant to support the local response to and recovery from the COVID-19 public health emergency, and the Treasury department has allowed for significant flexibility in the use of these funds. The January 6 2022 Final Rule on the SLFRF stated that any municipality's first \$10M can be used for "Replacing Lost Public Sector Revenue," a broad category that permits most uses. Newburyport's entire allocation is under this amount, and can all be spend on this category.

Newburyport will receive \$5,466,707 total in SLFRF allocations, with the first half already received and the remaining \$2,733,353 coming in August 2022. These funds need to be obligated by December 31, 2024, and expended by December 31, 2026. An ARPA Ad Hoc Committee was convened in summer 2021 and approved an expenditure of \$1,000,000 to support the Phillips Drive Drainage Project. Mayor Reardon reconvened the Committee in February 2022 to discuss how to spend the remaining funds. The Committee is comprised of Councillors Bruce Vogel, Christine Wallace, and Sharif Zeid.

The Committee decided in their second meeting that based on the needs of the City, they should prioritize infrastructure projects for these funds. The Department of Public Services and the Mayor's Office provided the Committee a list of priority projects taken from the Capital Improvement Plan and others flagged by the Mayor's Capital Facilities Planning process. The Committee is recommending three projects for funding at this time. Should any of these projects come in under the allocated amount, the funds will be reallocated toward another infrastructure project recommended by the ARPA committee.

Recommended Projects

Streets and Sidewalks Improvements (\$1,200,000 now, \$2,400,000 total)

The City will appropriate \$2,400,000 to pay costs of maintaining and/or repairing public streets, ways, walkways, and sidewalks in accordance with years one and two of the City's five-year street and sidewalk improvement plan. Fifty percent of the appropriation will take place upon the City Council's vote, and the remaining fifty percent will take effect upon receipt of the second tranche of the City's SLFRF allocation in August 2022.

This plan was introduced to the City Council in their 3/14 Council Packet and is under consideration by the Neighborhoods and City Services Committee. The City is sharing information about the plan on its website and through social media, and has a petition program in place for residents to request reconsideration of the order of street and sidewalk repair.

Amesbury Emergency Interconnection Project (\$250,000)

The Department of Public Services has recommended approval, which was echoed by the ARPA Committee, of appropriating \$250,000 to pay costs of constructing and installing water line connection points in Newburyport and Amesbury. This will create hookups for an emergency interconnection line that will be utilized should Newburyport's water not be drinkable in the event of an algae bloom or another toxic event. Should an emergency occur, DPS will purchase the piping necessary to connect to

these connection points and install it so the City can utilize Amesbury's water until the emergency conditions have subsided. The City is completing an Intermunicipal Agreement with Amesbury so that the terms of such an arrangement are negotiated well in advance of needing to use it. Attached is a memo from Environmental Partners with more information about the project and why it has been recommended.

Joppa Park Sea Wall (\$100,000)

The Committee is recommending \$100,000 be appropriated to pay costs of replacing and stabilizing the walkway, which runs along the Joppa Park sea wall, including the installation of accessible paver aprons that are needed to bring the park into compliance with the Americans with Disabilities Act (ADA) standards. The sea wall will be stabilized using a specialized hardscape detail that is designed to prevent future degradation due to tidal action and increasingly intensified storms and tidal action of the Merrimack River. This will be supplemented by \$60,000 from the Morrill Foundation, and the ARPA funding will expedite the timeline for the project's completion. The project will go to bid after the ARPA funds are transferred and project construction can begin this season, shortly after the contractor is selected. We anticipate the project can be completed in this calendar year, as long as there are not too many delays due to supply chain issues.

Remaining Funding and Next Steps

Should these projects be funded, the City will have \$1,716,707 left to disburse after receiving its second tranche of funding. We have attached a list of potential infrastructure projects that are under consideration, as well as the full listing of costs. As stated earlier, the ARPA Committee has reached consensus that the remaining funds would best be used on infrastructure projects. These may include design costs for larger projects so that they could be made shovel ready in case of additional funding becoming available. The Committee has also discussed the possibilities of funding traffic safety projects, and the Central Waterfront Bulkhead should more funding be needed. The Committee will plan to meet after this allocation is complete to discuss the strategy on the remaining funds.

MEMORANDUM

Date: March 14, 2022

To Anthony Furnari, Director, Department of Public Services

From Eric Kelley, PE

CC Tom Cusick, DPS Water Treatment Superintendent
Jon Carey, DPS Water Distribution Superintendent
Jon-Eric White, PE, City Engineer
Ryan Allgrove, PE

Subject Newburyport – Amesbury Interconnection Memorandum of Support

Environmental Partners (EP) was contacted by the City of Newburyport (City) on August 15, 2020, in an emergency on-call capacity. An algae bloom within the Upper Artichoke Reservoir had developed, and in the event of bloom spread, the City's drinking water supply may have become inadequate. EP was tasked with evaluating an emergency interconnection with the City of Amesbury, MA, via the John Greenleaf Whittier Bridge (Interstate 95). EP prepared a technical memorandum dated August 21, 2020, summarizing the basis of design findings and recommendations for the interconnection.

As shown in Figure 1, the proposed interconnection includes 2,900 linear feet of above ground high-density polyethylene pipe (HDPE) SDR 11 pipe connected to the Amesbury 12-inch ductile iron main near the intersection of Main Street and Evans Place. The proposed alignment continues south on Evans Place, crossing under Interstate 95. The alignment then utilizes the John Greenleaf Whittier Bridge to cross the Merrimac River and connect to the Newburyport 16-inch ductile iron main located approximately 500 feet beyond the bridge abutment.

Permanent connection points to the Amesbury and Newburyport

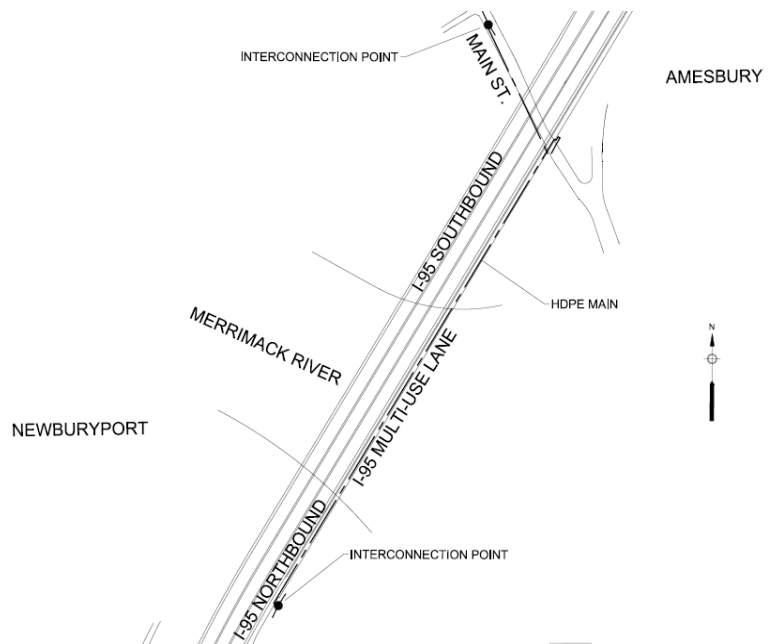


Figure 1: Proposed Newburyport to Amesbury Interconnection

distribution systems will be established under a Phase I plan. The above ground HDPE pipe installation would be completed under a Phase II plan in a future emergency scenario.

The design intent of Phase I is to install the infrastructure required for an above ground 12-inch interconnection without the need for excavation in an emergency. The proposed subsurface infrastructure includes restrained 12-inch DI pipe and fittings, isolation valves, and a manhole structure at each water system's connection points, as shown in Figure 2.

Phase II is the above ground element of the interconnection. It includes 2,900 linear feet of HDPE SDR 11 pipe and appurtenances, including a pressure reducing and flow control valve that will control the pressure and flow of water from the Amesbury water system to Newburyport.

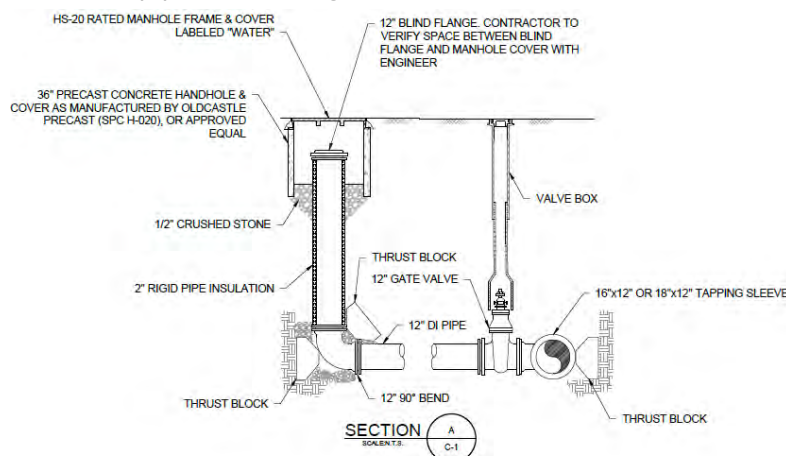


Figure 2: Proposed Subsurface Interconnection Point

Since the emergency has dissipated and time is no longer a driving factor, the City now has an expanded list of available options that were previously unattainable in emergency planning. In order to provide a high level of emergency preparedness, with minimal long-term storage impacts and at a low cost, EP recommends installing the Phase I interconnections and furnishing only essential, long lead-time equipment required for Phase II that will save the City valuable time in an emergency scenario. This option relieves the City of the burden of furnishing and storing 2,900 linear feet of HDPE pipe for a future emergency and provides the City with a high level of emergency preparedness while it investigates other potential permanent interconnection options.

EP completed an Opinion of Probable Construction Cost (OPCC) to provide the City with a funding allocation for the Phase I work and to furnish long-lead equipment for Phase II. The OPCC includes a mobilization cost and a contingency of 30% due to pandemic-related supply chain constraints. The long-lead Phase II equipment includes a pressure relief/flow control valve, a battery-powered magnetic flow meter, a check valve, and a hydrant relief valve. The OPCC does not include any additional engineering costs.

Table 1: Phase I Interconnection OPCC

Phase I	OPCC
Newburyport Interconnection	\$75,150
Amesbury Interconnection	\$69,675
Phase II long-lead equipment	\$28,425
Contingency (30%)	\$51,975
TOTAL	\$225,225

ARPA candidates

Department	Contact Person	Asset Name	What type of asset is this?	Department or division maintains the asset?	If there is anything else to consider regarding this asset, please describe:	Priority Year (1-5)	Estimated Cost
DPS SEWER	Jamie Tuccolo	WATER ST	Building	SEWER	Currently being designed, this station might (should) be relocated to State property due to current proximity to Merrimac (8') and lack of access. Jamie is putting together a package of info.	1	\$1,000,000
DPS WATER	Jamie/Tom	WTP/SPRING LN	Building	WATER	SCADA, controls, water treatment etc. Upgrades phase 1	1	\$170,000
DPS WATER	Jamie/Tom	PLUM ISLAND STATION UPGRADE	Building	WATER	Chlorine booster	1	\$100,000
DPS SEWER	Jamie /Chris	WWTF/WATER ST	Building	SEWER	WWTF and sewer system resiliency plan	1	\$2,200,000
DPS SEWER	Jamie/Chris	WWTF/WATER ST	Building	SEWER	Aeration system upgrade	1	\$125,000
DPS SEWER	Jamie/Chris	WWTF/WATER ST	Building	SEWER	Effluent channel coatings repair	1	\$120,000
DPS SEWER	Jamie/Chris	WWTF/WATER ST	Building	SEWER	New clarifier FY23	1	\$590,000
DPS	Jamie Tuccolo	16 A/B/C PERRY WAY	Building	DPS	Salt shed	1	\$360,000
DPS	Jamie Tuccolo	CITY HALL	Building	DPS	City Hall roof replacement	1	\$424,250
DPS	Jamie Tuccolo	STREETS	Streets	DPS	Requests in CIP	1	\$2,000,000
DPS	Jamie Tuccolo	STREETS	Streets	DPS	Requests in CIP 2022- Phillips Drive, Hale St	1	\$4,275,000
DPS	Jamie Tuccolo	DAM	Bridge	DPS	Lower Artichoke reservoir dam improvement	1	\$500,000
DPS	Jamie Tuccolo	BRIDGES	Bridge	DPS	Plummer Spring Bridge	1	\$700,000
DPS	Jamie Tuccolo	SIDEWALKS	Sidewalks	DPS	Requests in CIP	1	\$500,000
DPS	Jamie Tuccolo	UTILITIES	Utilities	DPS	Water main replacement	1	\$250,000
DPS	Jamie Tuccolo	UTILITIES	Utilities	DPS	Indian Hill Water Line Phase 1	1	\$450,000
DPS	Jamie Tuccolo	UTILITIES	Utilities	DPS	Emergency water connection with Town of Amesbury	1	\$200,000
DPS	Jamie Tuccolo	UTILITIES	Utilities	DPS	Replace aging water, sewer and drainage systems in downtown area	1	\$1,500,000

DPS	Jamie Tuccolo	WATER	Water Supply Protection	DPS	Requests in CIP	1	\$250,000
POLICE	Mark Murray	POLICE STATION	Building	POLICE	Dispatch upgrade	1	\$475,000
PARKS	Lisë Reid	ATKINSON COMMON, LOWER	Park	PARKS	Drainage and parking safety improvements	1	\$800,000
PARKS	Lisë Reid	INN ST MALL/ BYRON'S COURT	Park	PARKS	Elevated walkway repairs	1	\$50,000
PARKS	Lisë Reid	JOPPA PARK	Park	PARKS	Walkway repairs along seawall, damage due to tidal action	1	\$100,000
HBR	Paul Hogg	CHANNEL DREDGE	Other	HBR	Channel dredge		\$150,000
PLANNING	Andy Port	BULKHEAD	Other	PLANNING	Central waterfront, east bulkhead	1	\$3,000,000

\$20,239,250



CITY OF NEWBURYPORT FY 2023

RECEIVED
CITY CLERK'S OFFICE
NEWBURYPORT, MA

TRANSFER/APPROPRIATION REQUEST

OCT 25 PM 3:10

Department: Office of Planning & Development

Submitted by: Andrew R. Port, Director

Date Submitted: 11/1/2022

Transfer From:

Account Name:	<u>Waterfront Park Paid Parking Fund</u>	Balance:	<u>\$ 467,223.97</u>
Account Number:	<u>2738-59630</u>	Category:	<u>n/a</u>
Amount:	<u>\$40,000.00</u>	Trans I/O:	<u>\$ -</u>

Why Funds Are Available:

The Waterfront Park Paid Parking Fund was established in July 2020, following the dissolution of the Newburyport Redevelopment Authority (NRA). All revenue from meters collected from the former NRA Lots (so-called "East and West Lots") are deposited into this fund and can be spent on "purposes of design, construction, maintenance, or operation of an extended waterfront park and related infrastructure on: (1) the lands described in Home Rule/State Law referenced above (H.4545); provided, that the lands shall be protected under article 97 of the Constitution, and (2) adjacent property as deemed necessary by the city of Newburyport for the purposes of integrating the waterfront park expansion with adjacent public parks, ways and infrastructure."

Transfer From:

Account Name:	<u>Harbormaster - Retained Earnings</u>	Balance:	<u>\$ 773,356.00</u>
Account Number:	<u>6520-35920</u>	Category:	<u>n/a</u>
Amount:	<u>\$20,000.00</u>	Trans I/O:	<u>\$ -</u>

Why Funds Are Available:

The Massachusetts Department of Revenue certified Harbormaster Retained Earnings for FY2023 at \$773,356. These funds are available for any legal expenditure with the approval of the Mayor and a vote of the City Council.

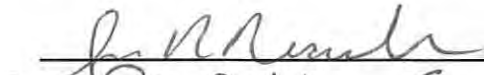
Transfer To:

Account Name:	<u>Market Landing Park Expansion Project</u>	Balance:	<u>\$ -</u>
Account Number:	<u>New Account</u>	Category:	<u>\$ -</u>
Amount:	<u>\$60,000.00</u>	Trans I/O:	<u>\$ -</u>

Why Funds Are Needed:

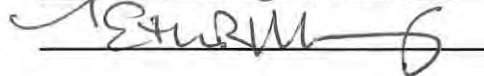
Funds are needed to provide temporary electrical service to the boardwalk, waterfront docks and surrounding area during construction of the Market Landing Parking Expansion Project. The \$60,000 represents the City's share with an additional \$20,000 being funded by the Waterfront Trust. See attached explanatory memorandum and cost estimate.

Sean R. Reardon, Mayor:



Date: 10/25/2022

Ethan R. Manning, Auditor:



Date: 10/25/2022

City Council Action:



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 Landing Park Expansion Project & Temporary Power for 2023 Construction Season

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.

During the past few months, we have worked with our consultants at Sasaki and RFS to examine the details of electrical infrastructure along our central waterfront in relation to the above project. From this review it is apparent that the City must provide additional funding to maintain temporary power during Phase I park construction because a key transformer and related infrastructure must be relocated to accommodate the newly created park space. We have “peer reviewed” the scope of work required to maintain temporary power to the central waterfront, and potential options for “value engineering,” with the City Electrician. Even with temporary relocation and reuse of an existing transformer, and temporary reuse of old conduit lines, providing temporary power throughout the season, during ongoing construction, will cost approximately \$80,000. This is partially due to the expensive nature of this specialized work, and partially due to the unusually high construction costs we have seen across the board in recent years.

Temporary power to the central waterfront must be maintained throughout the peak season to ensure that pedestrian lighting, parking lot lighting and dock power pedestals for the boating community remain active.

The attached transfer request is for the purpose of funding this work so that the requirement to provide temporary power can be required of all bidders for the Market Landing Park Expansion project in the coming months. We respectfully request your approval of the requisite funding to support this work. The remaining gap of \$20,000 is expected to be filled by vote and commitment of the Waterfront Trust at their next meeting, allowing us to distribute the cost of providing temporary power amongst the City/quasi-City entities involved in our central waterfront operations. We will make ourselves available for Committee review of this transfer, and the scope of work required. Thank you in advance for your consideration.



BY: MWM DATE: 9/8/2022 SUBJECT: Newburyport Market Landing JOB NO. 9748.001
 CHKD BY: PGW Temp Power

ENGINEER'S OPINION OF PROBABLE CONSTRUCTION COST

NO.	ITEM	UNIT	QTY.	UNIT PRICE	AMOUNT
1.	Electrical				\$ 42,339
a.	Relocate Existing Transformer and Meter	LS	1	\$1,500.00	\$ 1,500
b.	Transformer Concrete Pad	LS	1	\$2,500.00	\$ 2,500
c.	4" primary conduit from PB-1 to relocated trans	LF	60	\$19.80	\$ 1,188
d.	3" secondary conduit from relocated transformer to existing East Pnl	LF	65	\$15.00	\$ 975
e.	Secondary cabling (4#4/0G)	LF	325	\$13.00	\$ 4,225
f.	Trenching/backfill Primary and Secondary	LF	95	\$18.00	\$ 1,710
g.	100amp Breaker for West Pnl	LS	1	\$800.00	\$ 800
h.	Conduit Splice West Pnl secondary	LS	1	\$2,000.00	\$ 2,000
i.	Secondary to West Pnl (3#2/0&1#4G)	LF	780	\$9.54	\$ 7,441
j.	Remove West Pnl Meter and Splice	LS	1	\$2,000.00	\$ 2,000
k.	Extend Middle Lighting Circuit to East Pnl	EA	12	\$1,500.00	\$ 18,000
2.	National Grid - Allowance (Fees unknown to be priced by National Grid)				\$ 10,000
a.	Primary Power Disc	LS	1	--	--
b.	Primary - Pull Back existing cabling to PB 1-96	LS	1	--	--
c.	Primary - Pull existing cabling from PB 1-96 to relocated transformer	LS	1	--	--
d.	Primary Power Reconnect	LS	1	--	--

	SUBTOTAL				\$ 52,339
	General Conditions	10%			\$ 5,234
	General Construction Overhead & Profit	5%			\$ 2,617
	SUBTOTAL				\$ 60,190
	Design/Estimating Contingency	10%			\$ 6,019
	Construction Contingency	10%			\$ 6,019
	TOTAL				\$ 72,228
					Budget Range \$70k-80k



CITY OF NEWBURYPORT FY 2023

RECEIVED
CITY CLERK'S OFFICE
NEWBURYPORT, MA

TRANSFER/APPROPRIATION REQUEST

PM 3:10

Department: Mayor

Submitted by: Mayor Sean R. Reardon

Date Submitted: 11/1/2022

Transfer From:

Account Name:	General Fund - Free Cash	Balance:	\$ 4,316,637.00
Account Number:	01-35910	Category:	n/a
Amount:	\$500,000.00	Trans I/O:	\$ -

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:	Stabilization Trust Fund	Balance:	\$ 3,944,031.76
Account Number:	8263-49700	Category:	\$ -
Amount:	\$500,000.00	Trans I/O:	\$ -

Why Funds Are Needed:

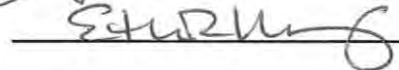
Due to strong collections, as well as, one-time receipts that came into the City during FY2022, year-end revenue ended \$2.2 million higher than originally estimated (thereby increasing the amount of Free Cash certified as of July 1, 2022). Given the strong Free Cash balance, combined with continued economic uncertainty, it is recommended that \$500,000 be directed to the City's Stabilization Trust Fund. The fund's current balance represents 5.0% of FY23 estimated revenue; this transfer would increase that ratio to 5.6%.

Sean R. Reardon, Mayor:



Date: 10/25/2022

Ethan R. Manning, Auditor:



Date: 10/25/2022

City Council Action:

Committee Items – December 12, 2022

General Government

In Committee:

- APPT00358_11_28_2022 Paul S. Cardaci 135 Beach Rd., Salisbury Constable for City Business



CITY OF NEWBURYPORT

OFFICE OF THE MAYOR
SEAN R. REARDON, MAYOR

RECEIVED
CITY CLERK'S OFFICE
NEWBURYPORT, MA
2022 DEC -8 PM 6:34

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: Re-appointment

I hereby re-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

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

November 22, 2022

To: Mayor Sean Reardon

Date Nov 22, 2022

Re. Constable of the City of Newburyport
Renewal

Dear Mr. Reardon,
I am requesting the Renewal of
My Being a Constable for the
City of Newburyport Again for
a three year term. I would
Appreciate your Appreciate 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

Bond No.: BONA175265

Date: November 2, 2022

Continuation Term: Constable

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

Obligee:

City of Newburyport

60 Pleasant St

Newburyport

MA 01950

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.

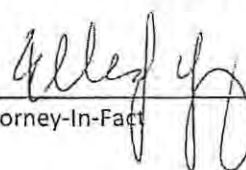
This Continuation Certificate shall be deemed a part of the original Bond, and not a separate obligation, no matter how long the Bond has been in force or how many premiums are paid for the Bond, unless otherwise provided for by statute or ordinance applicable.

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

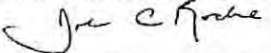
That this power is made and executed pursuant to the authority of the following Resolutions passed by the Board of Directors of said Company, and said Resolutions remain in full force and effect:

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)

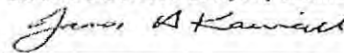
IN WITNESS WHEREOF, THE HANOVER INSURANCE COMPANY, MASSACHUSETTS BAY INSURANCE COMPANY and CITIZENS INSURANCE COMPANY OF AMERICA have caused these presents to be sealed with their respective corporate seals, duly attested by two Vice Presidents, this 12th day of February, 2018.

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


John C. Roche, EVP and President

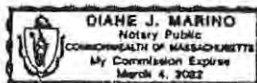


The Hanover Insurance Company
Massachusetts Bay Insurance Company
Citizens Insurance Company of America


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 2nd day of November, 2022.

CERTIFIED COPY


Theodore G. Martinez, Vice President

12/08/2022

Ronald E MacDonald

135 Beach Rd Unit D4

Salisbury, MA 01952

(617)549-4656

To Whom It May Concern:

My name is Ronald E MacDonald, I am a resident of the Windgate Condominiums in Salisbury, MA, retired after 50 years in the bank data processing industry. I have known Paul Cardaci as a neighbor, friend and fellow trustee in the Windgate Condominiums Board of Trustees for over five years. My experience with Paul is that he has strong moral character and an equally strong work ethic.

Sincerely,

A handwritten signature in cursive script that reads "Ronald E MacDonald". The signature is written in black ink and is positioned above the printed name.

Ronald E MacDonald

To Whom It May Concern

I have known Paul Cardaci for 18 years and have nothing but positive things to say. He has served on the Board of Trustees at Windgate Condominium Trust as president and Trustee and has always displayed leadership qualities and a willingness to help others. Please contact me should you have any questions or concerns at 978-462-1447.

Joseph Dorato
135 Beach Rd
Salisbury, MA. 01952

December 8, 2022

To whom it may concern:

Paul Cardaci has served on the board of trustees here at Wingate of Salisbury since it's inception of 2003.

We have known Paul to be an honorable and hard-working trustee who has fulfilled his obligations to our community.

We have also known him to be a good neighbor and friend. He has raised three successful children who have contributed to society. He is a loving husband, father and grandfather.

I highly recommend him for the position of constable. Please feel free to contact me at 978-465-4091 for any further questions.

Sincerely,

Nick and Linda Mihelis

135 Beach Rd. C1

Salisbury, Ma. 01952

December 8, 2022

To whom it may concern:

I have known Paul Cardaci for 19 years as a neighbor and respected Board of Trustees elected member of the Windgate Board . For over 10 of these years he has been the board president. He is an honest and reputable candidate.

Sincerely

Jill Tapper A1
135 Beach Rd Salisbury Ma.

Committee Items – December 12, 2022

License & Permits

In Committee:

- APPL00116_11_28_2022 State Auto Repair 2nd hand license
- COMM00442_11_01_2022 A-frame sign at NE Sketch 1R Water
- COMM00385_11_31_2022 STRU Fire Sprinkler
- COMM00388_01_31_2022 STRU Fire Sprinkler - UPDATED

January 19, 2022

To: City Council President Shand

From: Deputy Chief Steve Bradbury
Building Commissioner Greg Earls

Re: Short Term Rental Units and Automatic Fire Sprinkler Systems

The following are the requirements to provide automatic fire sprinklers in one- and two-family dwellings being used as Short-Term Rental Units.

One- and Two-Family Dwellings are covered by the 2015 International Residential Code and is revised in Massachusetts by 780 CMR 9th Edition.

780 CMR defines "Lodging House" as:

A one-family dwelling with five or fewer guest rooms where one or more occupants is primarily permanent in nature and compensation is provided for the guest rooms. A building licensed as a "lodging house" in accordance with M.G.L. c 140 22 through 31 shall comply with 780 CMR requirements according to its appropriate use and occupancy classification.


780 CMR R313.2 One- and Two-Family Dwellings Automatic Fire Systems. One- and two-family dwellings used as a lodging house shall be equipped with an automatic sprinkler system installed in accordance with NFPA 13D. Only one- and two-family dwellings having and aggregate area greater than 14,400 square feet shall have fire sprinklers installed in accordance with NFPA 13D.

The definition is contrary to the highlighted portion of the code for lodging houses as it is defined as an owner-occupied single-family dwelling yet is referred in 780 CMR Building Code as a one- or two-family dwelling.

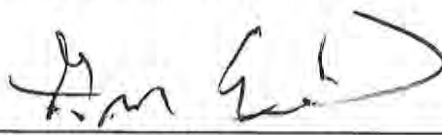
Furthermore, the second sentence of 780 CMR R313.2, referenced above and not highlighted, requires a one- and two-family dwelling only greater than 14,400 sq ft to have an automatic fire sprinkler system.

In short, we have determined that 780 CMR stipulates that owner-occupied STRUs require sprinklers yet "investment properties", in which the owner does not use as a primary residence, there is no such requirement.

Given the ambiguity and contrary nature of 780 CMR in this specific case, we respectfully request that the City Council not act on the licensing of STRUs until the Commonwealth defines its position with more clarity.



Deputy Fire Chief Steve Bradbury



Building Commissioner Greg Earls

cc. Mayor Sean Reardon
Any Port, Planning Director
Jennifer Blanchet, Zoning Administrator and Enforcement Officer

January 28, 2022

To: City Council President Shand

From: Deputy Chief Steve Bradbury
Building Commissioner Greg Earls

Re: Short Term Rental Units and Automatic Fire Sprinkler Systems

After further consideration, and from discussions with State and other Local Building Commissioners, Deputy Bradbury and I have revised our position on Short Term Rental Units in regards to requiring automatic fire sprinklers systems.

If a single- or two-family dwelling is rented out, whether transient or not, the building remains a single- or two-family dwelling. Therefore, automatic fire sprinkler systems are not required. However, to differentiate these dwellings from a "lodging house", as defined by MA Building Code 780 CMR, either the entire dwelling is to be rented or guests in individual rooms must have access and use of the kitchen. Individual sleeping rooms or guest rooms may not have cooking facilities within the sleeping space. Limited-Share Rental Units, as defined in the proposed Ordinance, must allow guests use of the kitchen.

Any registration application would have the owner attest that guests will have full use of the kitchen.

This is to address automatic fire sprinkler systems in one- and two-family dwellings. Other requirements for life safety measures may be implemented.

cc. Mayor Sean Reardon
Councillor James McCauley
Any Port, Planning Director
Jennifer Blanchet, Zoning Administrator and Enforcement Officer

RECEIVED
CITY CLERK'S OFFICE
NEWBURYPORT, MA

Permit Issued: # _____

APPLICATION FOR MOVABLE SIGNAGE ON PUBLIC PROPERTY

Application Fee \$100.00
Date: 10/26/2022

FOR CITY CLERK'S OFFICE ONLY	
Date Recorded	_____
Expiration Date:	_____
Amount Paid	_____

To the City Council of the City of Newburyport:

The undersigned requests that he/she may be granted permission to place one (1) movable sign on public property and private rights-of-way open to the public. This permission will only be effective for the listed location, and will be subject to all of the terms, conditions, and limitations set forth in the Newburyport Code of Ordinances, and any applicable State and Federal laws and any condition prescribed by the City Council and/or City Departments, including, but not limited to, those conditions appearing below.

Name of applicant NEW ENGLAND SKETCHBOOK LLC / COREY PRINCE

Home address of applicant 11 GENESEE CIRCLE

City, State, Zip of applicant MILFORD, MA. 01757

Telephone of applicant 508-243-9986

Name of business NEW ENGLAND SKETCHBOOK

Address of business 1 WATER ST REAR

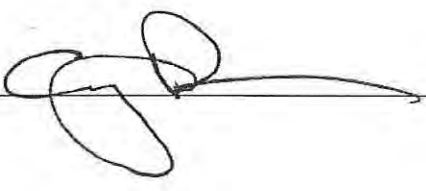
Telephone of business 978-992-1345

Description of the location and movable sign to placed on the Public Way.

ON LEFT SIDE OF "ALLEY" ON/AT 1 WATER ST. (GRAVEL AREA)

RELEASE AND INDEMNITY AGREEMENT TO ENCUMBER A PUBLIC WAY

I, the undersigned Applicant or Duly Authorized Agent, hereby agree to RELEASE, discharge and hold harmless, the City of Newburyport, a municipal corporation of the Commonwealth of Massachusetts, and its officers, employees, agents and servants from all actions, causes of action, claims, demands, damages, costs, loss of services, expenses and compensation associated with the undersigned's use of the public way as described herein.

Signature of Applicant or Duly Authorized Agent  Date 10/26/22

October 26th

Re: A-Frame sign application – 1 Water Street Rear

Business Name: New England Sketch Book

Property and Business Owner : Corey Prince

Email: corey@nesketchbook.com

Phone: 508.243.9986

For Committee Review.

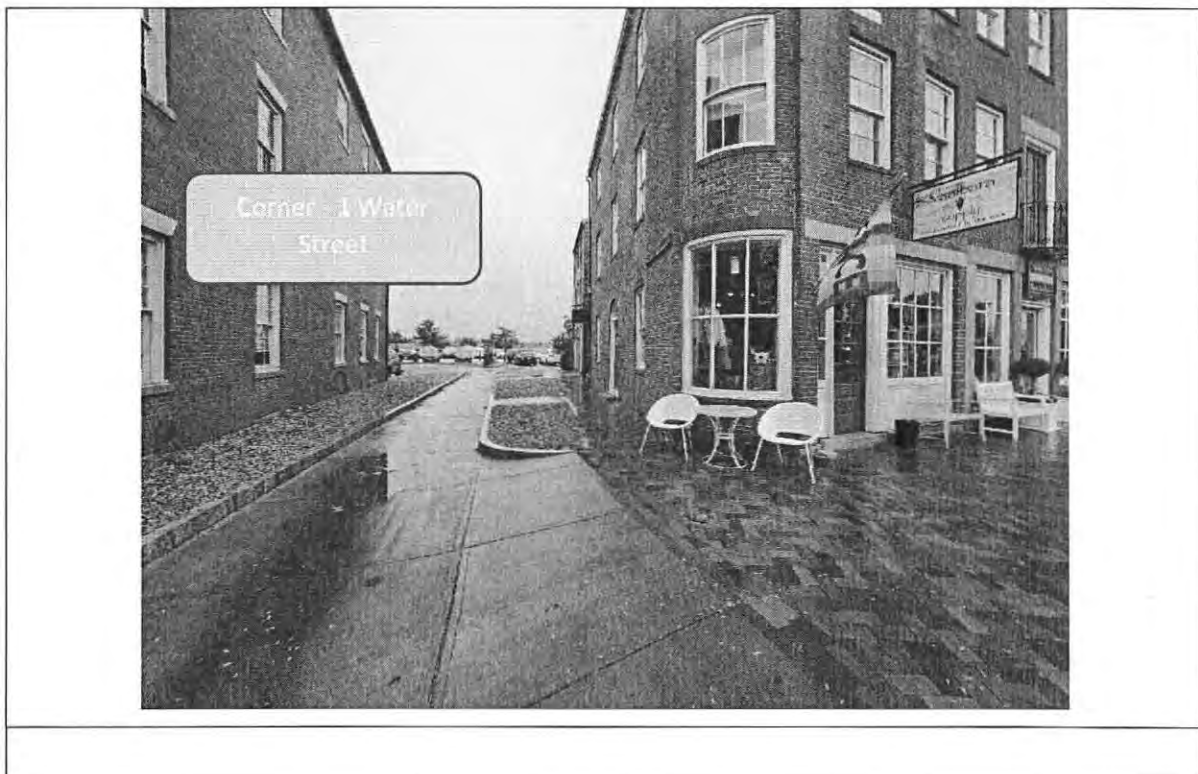
I recently purchased the commercial space located at 1 Water Street Rear to house my new retail endeavor, New England Sketch Book, with its focus on New England history, home decor and local reclaim/reuse artisans.

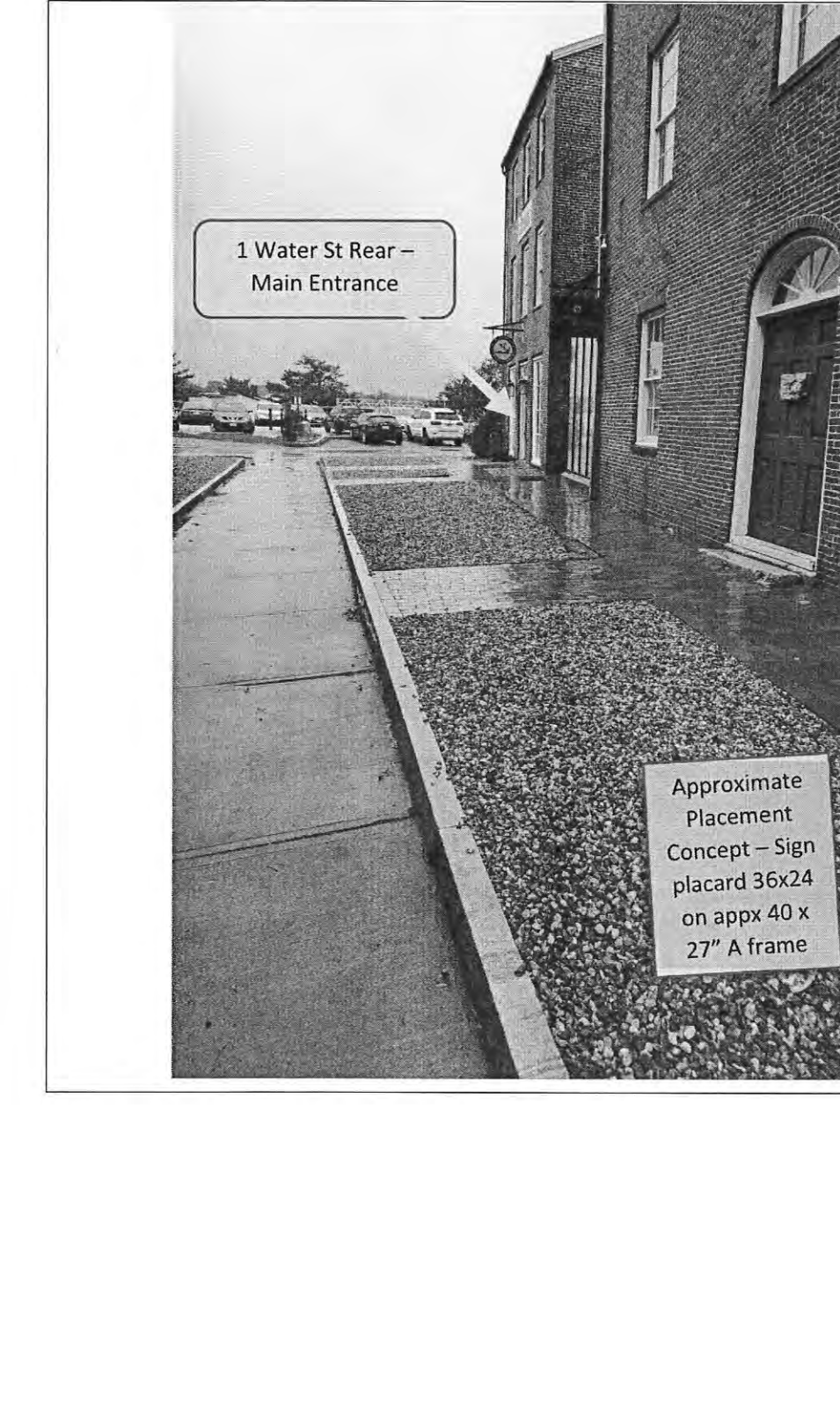
Despite its incredibly proximity to Market Square and adjacent public parking – the alley leading to this space has proven to be a challenge in drawing foot traffic off the main thoroughfare for previous occupants.

As I move forward to launch this business, I believe a well-placed sandwich board will be of significant value in building awareness and visibility for the shop and help improve interest and foot traffic without negative impact.. Given the frequent utilization of the cross walk at the front of 1 Water – an a-frame style sign adjacent to, but not on, the core brick pathways would serve this initial need.

I have included some images below to illustrate initial placement concept.

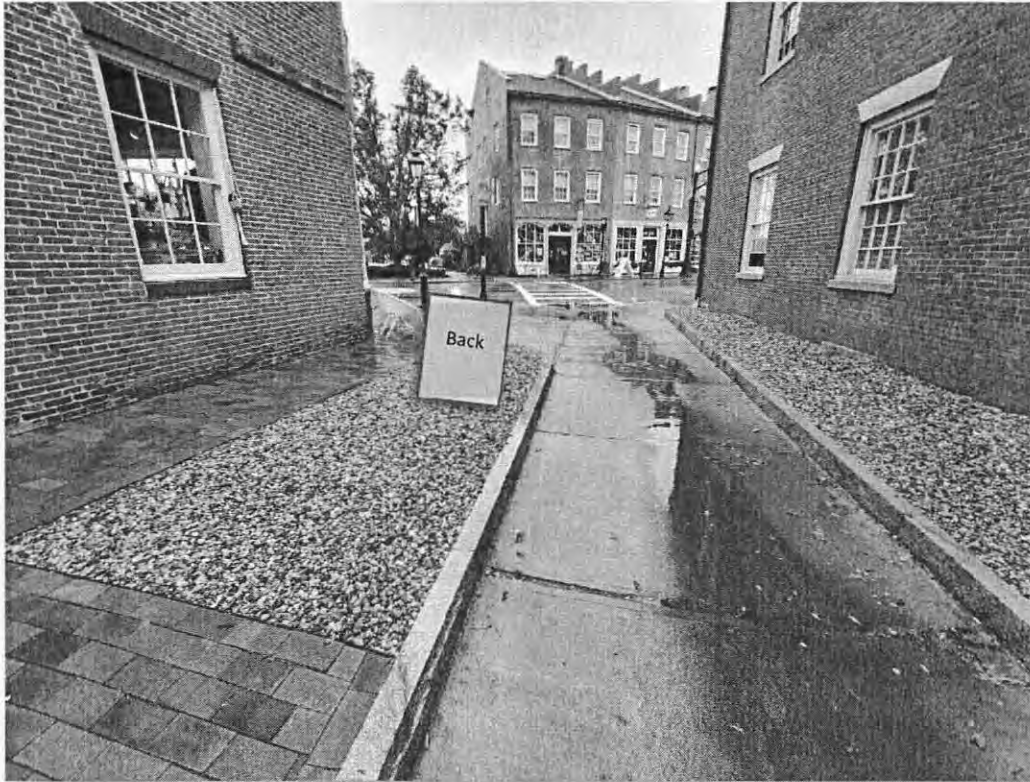
Exterior Images





1 Water St Rear –
Main Entrance

Approximate
Placement
Concept – Sign
placard 36x24
on appx 40 x
27" A frame




I hope this is helpful context and support information for this application and request.

I am committed to be a good steward of this historic space – as well as build a unique retail entity that strongly contributes to the downtown experience and to the community as a whole – and hope this application has an opportunity to move forward to approval.

Sincerely,

Corey Prince

A handwritten signature in black ink, appearing to read 'C. Prince', with a long horizontal flourish extending to the right.

Owner | Curator

New England Sketch Book

508.243.9986



CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)
10/24/2022

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).

PRODUCER Gould Insurance 41 Sparhawk St Amesbury, MA 019132403	CONTACT NAME: Christine Amenta	PHONE (A/C, No, Ext): 978-388-2354	FAX (A/C, No): 978-388-5578
	E-MAIL ADDRESS: christinea@gouldinsurance.com		
INSURED New England Sketch Book, LLC 11 Geneseo Circle Milford, MA 01757	INSURER(S) AFFORDING COVERAGE		NAIC #
	INSURER A: OHIO SECURITY INSURANCE CO		24082
	INSURER B:		
	INSURER C:		
	INSURER D:		
	INSURER E:		
INSURER F:			

COVERAGES

CERTIFICATE NUMBER:

REVISION NUMBER:

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

INSR LTR	TYPE OF INSURANCE	ADDL INSD	SUBR WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS	
A	<input checked="" type="checkbox"/> COMMERCIAL GENERAL LIABILITY <input type="checkbox"/> CLAIMS-MADE <input checked="" type="checkbox"/> OCCUR	Y		BKS64762066	07/18/2022	07/18/2023	EACH OCCURRENCE	\$ 1,000,000
							DAMAGE TO RENTED PREMISES (Ea occurrence)	\$ 300,000
							MED EXP (Any one person)	\$ 15,000
							PERSONAL & ADV INJURY	\$ 1,000,000
							GENERAL AGGREGATE	\$ 2,000,000
							PRODUCTS - COMP/OP AGG	\$ 2,000,000
								\$
	AUTOMOBILE LIABILITY						COMBINED SINGLE LIMIT (Ea accident)	\$
	<input type="checkbox"/> ANY AUTO						BODILY INJURY (Per person)	\$
	<input type="checkbox"/> OWNED AUTOS ONLY						BODILY INJURY (Per accident)	\$
	<input type="checkbox"/> HIRED AUTOS ONLY						PROPERTY DAMAGE (Per accident)	\$
	<input type="checkbox"/> SCHEDULED AUTOS NON-OWNED AUTOS ONLY							\$
	UMBRELLA LIAB						EACH OCCURRENCE	\$
	<input type="checkbox"/> OCCUR						AGGREGATE	\$
	EXCESS LIAB							\$
	<input type="checkbox"/> CLAIMS-MADE							\$
	DED							\$
	RETENTION \$							\$
	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY						PER STATUTE	OTH-ER
	ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH)	Y/N					E.L. EACH ACCIDENT	\$
	If yes, describe under DESCRIPTION OF OPERATIONS below		N/A				E.L. DISEASE - EA EMPLOYEE	\$
							E.L. DISEASE - POLICY LIMIT	\$

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

City of Newburyport is an additional insured

CERTIFICATE HOLDER**CANCELLATION**

City of Newburyport City Hall 60 Pleasant St 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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THE COMMONWEALTH OF MASSACHUSETTS

City OF Newburyport

RECEIVED
CLERK'S OFFICE
NEWBURYPORT, MA

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 _____

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 _____

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.

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


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	
	COMMERCIAL GENERAL LIABILITY <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	AUTOMOBILE LIABILITY <input type="checkbox"/> ANY AUTO <input type="checkbox"/> OWNED AUTOS ONLY <input checked="" type="checkbox"/> SCHEDULED AUTOS <input checked="" type="checkbox"/> HIRED AUTOS ONLY <input checked="" type="checkbox"/> NON-OWNED AUTOS ONLY <input type="checkbox"/> 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)	\$
								\$
	UMBRELLA LIAB <input type="checkbox"/> OCCUR EXCESS LIAB <input type="checkbox"/> CLAIMS-MADE DED RETENTION \$						EACH OCCURRENCE	\$
							AGGREGATE	\$
								\$
B	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY 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"/> 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)

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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CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)

12/15/2021

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).

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

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	
	COMMERCIAL GENERAL LIABILITY <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	AUTOMOBILE LIABILITY <input type="checkbox"/> ANY AUTO <input type="checkbox"/> OWNED AUTOS ONLY <input checked="" type="checkbox"/> SCHEDULED AUTOS <input checked="" type="checkbox"/> HIRED AUTOS ONLY <input checked="" type="checkbox"/> NON-OWNED AUTOS ONLY			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)	\$
								\$
	UMBRELLA LIAB <input type="checkbox"/> OCCUR EXCESS LIAB <input type="checkbox"/> CLAIMS-MADE DED <input type="checkbox"/> RETENTION \$						EACH OCCURRENCE	\$
							AGGREGATE	\$
								\$
B	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY 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	07/01/2021	07/01/2022	PER STATUTE	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	02/01/2022	02/01/2023	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).

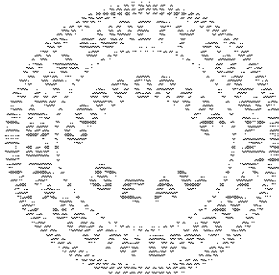
NOW, THEREFORE, the condition of this obligation is such that if the Principal shall pay the amount of actual damages, not to exceed the amount of this bond, to any person who purchases a vehicle from the Principal and who suffers loss on account of: (a) the Principal's default or nonpayment of valid 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

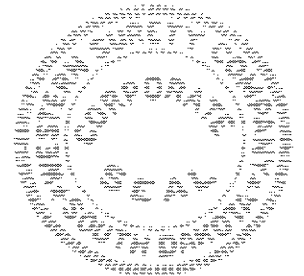
L. Nelson, Assistant Secretary

WESTERN SURETY COMPANY

By

Paul T. Bruflat

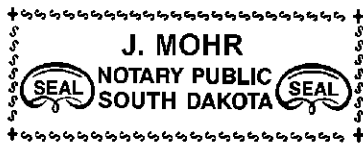
Paul T. Bruflat, Vice President



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 > Owner/Obligee Services > Validate Bond Coverage.



Committee Items – December 12, 2022

Neighborhood & City Services

In Committee:

- APPT00351_11_14_2022 Jean L. Berger 33 Middle St. Tree Commission 12/1/2025
- APPT00352_11_14_2022 Stephanie Pellegrini 11 Lois St. Tree Commission 12/1/2025
- APPT00359_11_28_2022 Robert Uhlig 174 Merrimac St. Tree Commission 12/15/2025
- COMM00439_11_01_2022 Owen Smith letter re: Parks Dept
- COMM00446_11_14_2022 Snow and Ice Plan 2022-2023



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 6:47

To: President and Members of the City Council
From: Sean R. Reardon, Mayor
Date: November 14, 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 1, 2025.

Jean L. Berger
33 Middle Street
Newburyport, MA 01950



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
NOV -3 PM 6:47

To: President and Members of the City Council
From: Sean R. Reardon, Mayor
Date: November 14, 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 1, 2025.

Stephanie Pellegrini
11 Lois Street
Newburyport, MA 01950



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 read 'Robert Uhlig', with a large, stylized flourish at the end.

Robert Uhlig
174 Merrimac Street
Newburyport, MA 01950
email bobuhlig@gmail.com
cell #978-270-4876

Owen Smith
175 Storey Avenue
Newburyport, MA 01950
osmith87@gmail.com

RECEIVED
CITY CLERK'S OFFICE
NEWBURYPORT, MA
2022 OCT 24 PM 1:05

October 21, 2022

Richard Jones
City Clerk
PO Box 550
Newburyport, MA 01950

Dear Clerk Jones:

It has been more than three weeks since the Mayor withdrew their Parks Reorganization Proposal that was submitted to the City Council. The reasoning of the Mayor's withdrawal was stated in the first sentence of the Mayor's September 27, 2022 press release: "In order to give all stakeholders more time to review details and prepare for next steps".

I am not aware of any request for comments or proposals from the community. As a resident with young children, I would consider myself a stakeholder. I think in order for Mayor to make effective change in the delivery of city services, the Mayor should actively engage stakeholders.

I am providing the following comments for the public record. I believe it is imperative that the Mayor review the concerns with the withdrawn plan and create a plan that addresses the long-term needs of our community.

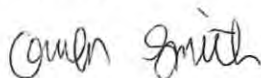
- 1) The Parks Department still exists as a separate entity in the city government. The Parks Director has been vacant since July. I would expect the Parks Director be accountable to the city for the oversight of the city parks. I have raised concerns about playground maintenance and inspections. I learned that after the elimination of the Parks Director, there was no one on staff that was certified to perform playground inspections. Not having certified people on staff to oversee this safety function during peak park use is concerning. Not having a proactive inspection program brings unnecessary liability to the city.
- 2) If the new reorganization plan will merge the Parks Department into the Department of Public Services (DPS), an assessment of the operational and planning structure needs to be completed. DPS's primary mission is the maintenance of our city's critical infrastructure. The new organization needs to be designed to allow for effective planning and maintenance of our city's assets.
- 3) The previous proposal stated that a Parks Division will be created within the DPS. This would create a 4th division. Currently the Water and Sewer

enterprise funds (which are raised with user rates and fees) fund 2/3 of the administration. Will the added scope of work be considered when allocating funds? The added workload will be a burden because the plan specifically states that DPS personnel will be the primary point of contact. Is it fair to have the water and sewer users fund the additional administrative burden?

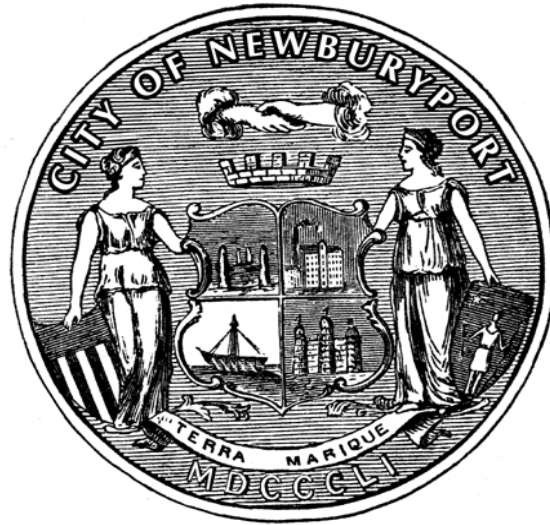
- 4) Workflows regarding the city's parks would move from one organization into multiple organizations. In my experience, the infrastructure operator, planner, and maintainer should be one organization. The proposed plan takes various functions of this enterprise and moves it to unrelated entities. DPS would perform maintenance and field customer service requests. The people at DPS would not make decisions pertaining to parks use, but would refer them to the Parks Commission. The Parks Commission would not have oversight on DPS operations. The Mayor's Office will work on planning and interfacing with endowments. Recreation activities will be managed by the Council of Aging and Youth Services. Community groups will have to know their way around to coordinate parks maintenance, use, and scheduling. This sounds like a lot of overlapping tasks, which would be managed by different people. How will there be accountability in the city's government to ensure the continued stewardship of our parks if multiple people are in charge?
- 5) The reason I became active in municipal politics is because there is a need for stewardship of our critical infrastructure. DPS's primary mission should be the management of our critical infrastructure. Adding the additional workload of parks will distract the DPS from its primary mission. There are millions of dollars of upcoming needs (dam repairs, water resiliency, climate resiliency, the backlog of highway projects for pedestrian access, just to name a few). The DPS should be prioritizing these needs. Recent news in Jackson, MS and Cambridge, MA highlights the need to keep this a priority.

It is my hope that the city council holds the Mayor accountable to submitting an inclusive plan that addresses the needs of our parks and the needs for our critical infrastructure. This plan should seek stakeholder input in a public forum, with a public docket so the community has confidence that the proposed reorganization is in the public interest.

Sincerely,



Owen Smith



City of Newburyport
Department of Public Services

SNOW AND ICE PLAN

2022-2023 Season

Sean Reardon, Mayor

Jamie Tuccolo, Acting Director

Ronald Keefe, General Foreman

Jennifer Sullivan, Administrative Assistant/ Dispatch

Introduction:

The City of Newburyport takes great pride in making our public roadways as safe as possible under the worst of winter conditions. Keeping our public ways safe and accessible during snow and ice events is of highest priority in order to reduce the likelihood of personal injury to the general public, automobile accidents and property damage. The City's goal is to quickly open the streets and make them passable so that essential vehicular traffic can safely negotiate roadways. Residents can help us do this by working together.

Snow Emergency Parking Ban:

The City of Newburyport implements a snow emergency parking ban when it is predicted that we will receive two or more inches of snow accumulation. If a parking ban is in effect, it will appear on the City's website www.cityofnewburyport.com. To receive email notifications, go to the city website select the "Notify Me" button on the front page and sign up.

In addition, thirteen flashing blue lights will be activated throughout the city at the following locations, usually at least six hours before a declared snow emergency:

March's Hill at Bromfield St.

Graf Rd at Low St

Route 113 at Hoyt's Lane

Water St. at Shandel Dr.

Market Square

Storey Ave, Ferry Rd and Moseley Ave Intersection

Malcolm Hoyt Dr. at Parker St.

High St. at State St.

Route 1 Rotary and State St.

Route 1 at Merrimac St.

Merrimac, Moseley and Spofford (Roundabout)

Storey Ave. across from Daniel Lucy Way

Green St. at Merrimac St

You may also contact The Department of Public Services Weather Event and Emergency Information Line at 978-463-0472 to find out the status of the parking ban. Parking regulations are strictly enforced to ensure that streets remain accessible for snowplows, fire apparatus and other emergency vehicles. **Any vehicle that impedes the snow removal process will be towed at owner's expense.**

Alternate Delegated Parking Areas:

The City of Newburyport offers alternative designated parking areas for on-street cars that include the following: Titcomb Street Parking Garage, Green Street Municipal Lot (except in areas posted no parking during snow emergency), Cashman Park (off Merrimac Street), Cushing Park (Washington Street) NRA Waterfront Lots East and West, Hales Court Lot (corner of Hales Court and Prince Place) and State Street Lot (corner of Harris Street and State Street). All alternate delegated parking areas are park at own risk. In order for DPS to clear these lots, temporary parking bans and vehicle removal may be posted and announced on the City website, social media and Weather Event and Emergency Information Line at 978-463-0472. After snow removal is complete in a lot, lots will open for parking.

PLEASE NOTE: All vehicles must be removed from the above listed lots within 12 hours following the cancellation of the snow emergency (weekends included) or vehicles are subject to be ticketed and towed at the owner's expense.

SNOW EMERGENCY CANCELLATION INFORMATION can be obtained by checking www.cityofnewburyport.com or calling the Weather Event and Emergency Information Line at 978-463-0472.

DPS will lift the city-wide Snow Emergency parking restriction as soon as possible. The city-wide parking restriction will only be lifted when the DPS Director, Deputy Director or General Foreman determine that on- street parking will not cause a public safety issue to emergency response vehicles. DPS may seek advice from the City Marshal or Fire Chief to assist us in making this determination.

On some narrow streets, the DPS may post temporary no parking signs after the snow emergency has been lifted in order to maintain a safe and adequate vehicle travel lane. Many of these streets are located in Wards 1, 2 and 3. DPS will evaluate these streets on a daily basis to see if these signs may be removed once the roadway has an adequate travel lane width.

Snow Plowing:

The following is a general description of how the Department of Public Services plows snow from city streets.

Step 1. Pretreatment (1"-2" of accumulated snow)

When a snowstorm is predicted, DPS begins by pretreating all main and secondary roads prior to the storm starting. This serves two purposes: to keep traffic safely moving and to prevent the snow from bonding to the pavement. If the snow event is less than 2" inches of accumulated snow, DPS may halt salting operations once all of the roads have been pretreated and evaluate if additional treatment is required.

Step 2. Snow plowing/clearing (2" or greater)

Snow plowing begins when snow accumulates two (2) or more inches. Over 48 city and privately operated snow clearing vehicles/equipment may be dispatched to respond to a snow plowing event. DPS crews and private contractors will continue to plow until the snow event ends. DPS will continue to monitor the conditions of the roadways and determine if additional snow clearing equipment is needed or if equipment may need to be reassigned to another section of the city.

Step 3. Post storm clean-up and clearing

Once the snow event has concluded, DPS conducts city-wide final snow clearing operations. This procedure includes one last round of snow clearing and placing salt to prevent freezing issues. General cleanup to make the roadways safe for vehicular and pedestrian traffic. Snow removal from corners, piles, etc. operation may take days or weeks, depending on total amount snow accumulation. DPS will prioritize this operation based on the following in order of importance.

1. Main streets and school routes are treated to achieve the safest possible conditions.
2. Secondary roads and major intersections are treated to improve safety.
3. Snow piles at intersections are removed from the corners to improve sight lines for existing vehicles. Snow may be removed from narrow streets to improve the access for emergency and public service vehicles. Snow removal is time consuming and labor intensive; the DPS Director or Deputy Director will prioritize these streets solely based on public safety.

SAFETY REMINDER: When driving, please stay 200 feet behind any snowplow and NEVER pass a plow truck. Visibility is not good for the snowplow operator.

Sidewalks:

The removal of snow and ice from sidewalks is the responsibility of tenants, occupants and property owners. The City of Newburyport clears designated sidewalks following each storm, but only after all of the roads has been cleared. These sidewalks are in the downtown areas, surrounding schools and other city-owned property.

The City's Code of Ordinances ([Sec. 12-52](#)) requires tenants, occupants and property owners to remove snow and ice from their bordering sidewalks within six hours after the snow ceases to fall if it ceases to fall in the daytime and before 12:00 noon if it ceases to fall in the nighttime. If a property owner/occupant neglects to do so, he/she shall be subject to fine of \$50 per event. Violations of this section may be enforced by any police officer, Health director or his/her designees.

Driveways

DPS tries to minimize the amount of snow that gets plowed across driveways, however, snow plows cannot "go around" driveways. Plow blades cannot be lifted as they pass by a driveway. Unfortunately, snow will be plowed into driveways during curb-to-curb plowing. You may wish to clear your driveway several times during the storm or wait until the storm and plowing activities have ended.

Snowplowing, shoveling, or throwing snow back onto the street when clearing driveways, yards, roofs or sidewalks is prohibited by City Ordinance [Sec. 12-7](#) and violators can be fined \$50.

Mailboxes, Fences & Shrubbery Damage

The City will not pay for damaged mailboxes, fences, and shrubbery unless actual contact is made. Residents should mark out such items in drift prone areas. Claims for these damages should be submitted to the Auditor's Office no more than 30 days to be considered for replacement or payment at the City's option.

Notifications

All residents and business owners are strongly urged to sign up for announcements or urgent alerts from any or all City departments. On the City of Newburyport's website homepage, click on the large gray button that reads "Notify Me" to choose your notification preferences. Weather-related and other emergency notifications are provided by the City via news announcement posted to the website. If you are signed up for notifications, you will receive an e-mail alert letting you know that a new announcement has been posted by the city. This is especially useful in receiving the latest messages about parking restrictions and other information.

GPS Communications:

DPS has GPS units in all plowing vehicles allowing for accurate record keeping of time, location, fuel consumption, speed and safety. DPS and contracted plowing vehicles are all equipped with the units. The GPS units also help with making sure roads are cleared in a fair amount of time, helps alleviate damage claims to property and break downs.

Please note that this plan is always a work in progress. DPS learns from our experiences and technology changes, DPS may find different ways to conduct pretreatment, snow clearing and snow removal with greater efficiency and lower cost.

Committee Items – December 12, 2022

Planning & Development

In Committee:

- ORDR00394_11_28_2022 Hancock Street Tree Maintenance Access Easement
- ODNC00125_10_11_2022 Amend to Ch 5 Buildings
- COMM00444_11_01_2022 Planning & Development Net Zero Memo
- APPT00353_11_14_2022 Andrew Shapiro 20 Eagle St. Affordable Housing Trust 12/1/2024
- APPT00357_11_28_2022 Jamison Gagnon 17 Daniel Lucy Way Comm. Preservation Act Cmte. 12/15/2025

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

In City Council November 28, 2022:

Motion to refer to collectively COMM00454 and ORDR ORDR00396 to Public Safety, and refer ORDR00394 to Planning & Development, and approve on 2nd reading APPT00354 and APPT00355 by Councillor Zeid, seconded by Councillor Wright. Councillor Cameron recused. Roll call vote. 9 yes (1 remote CP), 1 no (JM), 1 recused (EC). Motion passes.



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,

lhm 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

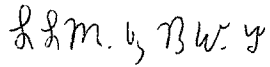
227 Union Street, Suite 606
New Bedford, MA 02740

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

(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");

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

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)

SEAL AND SIGNATURE OF REGISTER
 #213 9/16/21
 44309-201
 RESERVED FOR REGISTER USE ONLY

NOTES
 THE PURPOSE OF THIS PLAN IS TO SHOW PARCELS AS SHOWN ON PLAN RECORDED IN BOOK 2312 PAGE 600. LEAVITT COURT IS AS SHOWN ON SAID PLAN AND IS NOT TO BE CONSIDERED AS A PART OF THIS PLAN. ON-THE-GROUND INSTRUMENT SURVEY PERFORMED BETWEEN OCTOBER 14, 2020 AND MARCH 30, 2021.
 THE REGISTER HAS REVIEWED THE PLAN AND HAS FOUND IT TO BE IN ACCORDANCE WITH THE REQUIREMENTS OF CHAPTER 266A, MASS. REGISTRATION NO. 41733.
 THE REGISTER HAS REVIEWED THE PLAN AND HAS FOUND IT TO BE IN ACCORDANCE WITH THE REQUIREMENTS OF CHAPTER 266A, MASS. REGISTRATION NO. 41733.
 THE REGISTER HAS REVIEWED THE PLAN AND HAS FOUND IT TO BE IN ACCORDANCE WITH THE REQUIREMENTS OF CHAPTER 266A, MASS. REGISTRATION NO. 41733.



PLS. SIGN AND DATE
 9/16/21
 EVERETT J. CHAMBERLAIN, P.L.L.C. MASS. REGISTRATION NO. 41733
 DATE

LOCAL TITLE INFORMATION
 OWNER: CAS WASHINGTONS REALTY TRUST
 DEED REFERENCE: BOOK 31841 PAGE 272
 ASSESSOR: MAP 25 PARCEL 42
 PLAN REF: LOTS 1, 2, 3, 4, 7 & LEAVITT COURT AS SHOWN ON PLAN RECORDED IN BOOK 2312 PAGE 600
 OWNER: WILIAM F. & JAYE L. COBY
 DEED REFERENCE: MAP 25 PARCEL 43
 ASSESSOR: LOTS 2, 4, 6 & 8 AS SHOWN ON PLAN RECORDED IN BOOK 2312 PAGE 600
 PLAN REF:

CITY OF NEWBURYPORT
 OFFICE OF THE CITY CLERK
 I, JAYE L. COBY, CITY CLERK, DO HEREBY CERTIFY THAT THIS PLAN IS IN ACCORDANCE WITH THE REQUIREMENTS OF CHAPTER 266A, MASS. REGISTRATION NO. 41733.
 9/16/21
 JAYE L. COBY
 CITY CLERK
 9/16/21
 DATE

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

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

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

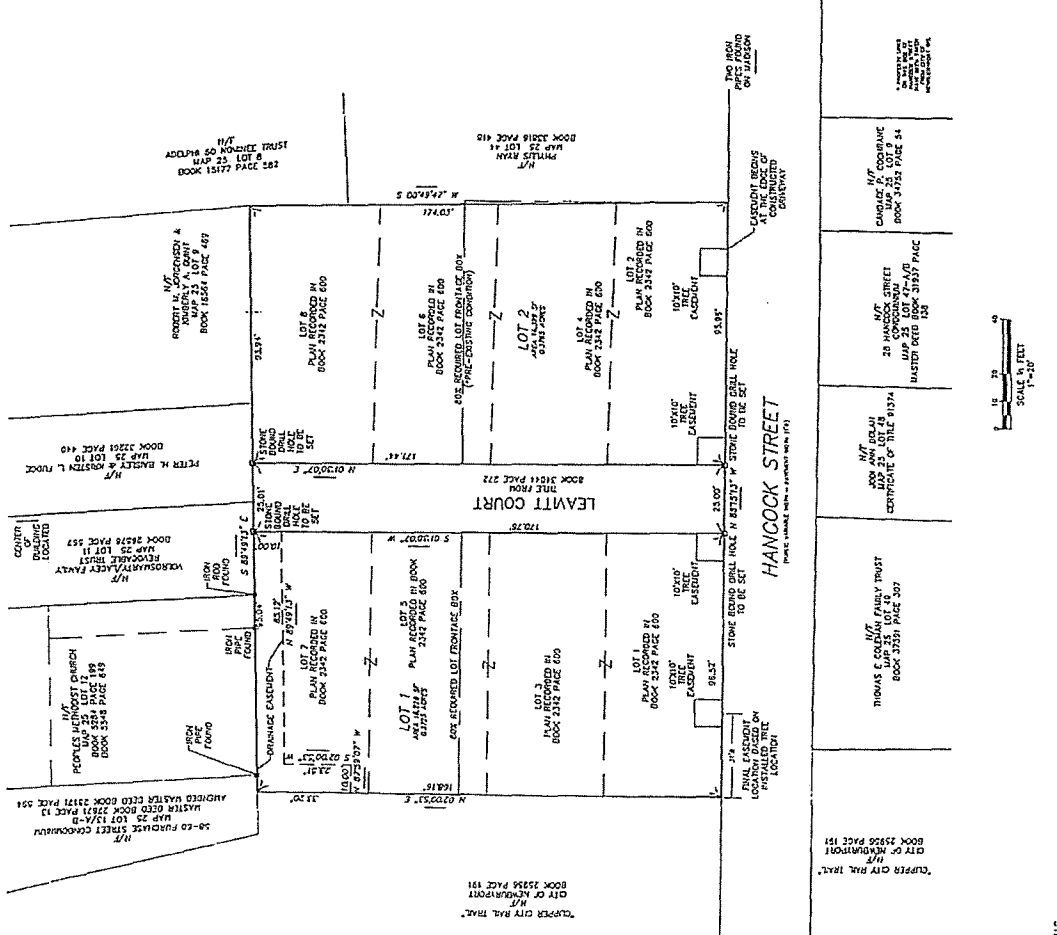
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 CASWELL DEVELOPMENT, LLC

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



WINTER GEC, LLC
 14 WINDING STREET
 NEWBURYPORT, MA 01950
 508-270-2575

CONTRACT NO. 1911 WINTER GEC, LLC
 14 WINDING STREET
 NEWBURYPORT, MA 01950
 508-270-2575

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:

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

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:

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

APPEALS:

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:

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

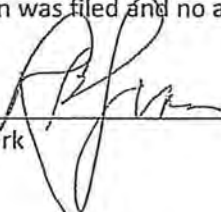
Bonnie Sontag
Bonnie Sontag, Chair

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



Date

7/14/2021



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

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:

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:

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:

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

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:

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

APPEALS:

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:

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:

October 11, 2022

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

AN ORDINANCE TO AMEND CHAPTER 5 BUILDINGS AND BUILDING REGULATIONS

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

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

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

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

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

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

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

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

Councillor James J. McCauley

In City Council October 11, 2022:

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



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

MEMORANDUM

TO: Kim Turner, Special Projects Manager

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

CC: Sean R. Reardon, Mayor
Andrew Levine, Chief of Staff
Molly Ettenborough, Recycling and Energy Manager

RE: Net Zero Energy Goals & Municipal Facility Design
Newburyport Code of Ordinances / Section 5-48 (ODNC00111_05_09_2022)

DATE: October 28, 2022

This memorandum is in relation to the above referenced Ordinance, originally adopted in late 2021 and subsequently amended for greater clarity and simplicity by Council adoption of a revised version on 8/29/2022 (*final/most recent version attached hereto for your convenience*). As requested, the purpose of this memorandum is to summarize and clarify the minimum Ordinance requirements as distinguished from the broader policy level goals or targets identified therein.

Explicit Ordinance Requirements

At minimum this Ordinance requires the following [*bold font emphasis added*]:

- A. **“Every design or engineering contract** entered into by the City, as well as any **Request for Proposals (RFP)** issued by the City, for a **Significant City Project** shall require the design or engineering contractor, or a subcontractor associated with them, to demonstrate **experience** within the past three (3) years **designing facilities to Net Zero** Energy usage and/or Net Zero Energy goals”; and
- B. *“the architectural and/or engineering team responsible for the design of such facilities shall be required to provide to the City, under their applicable contract and scope of work, a report summarizing the following key information:”* [**energy efficiency measures; methods/levels of on-site renewable energy generation studied/utilized in the final design; projected annual energy usage of the facility; and the net gap between on-site generation and what is still required from the electric grid**]; and
- C. *“The report hereunder shall be provided forthwith to the Mayor, City Council and Energy Advisory Committee (EAC) for consideration during the design phase”;* and

- D. *“Any request for funding to design a Significant City Project shall include reference to such reports (if already available) or confirmation of the proposed timeline for subsequent report preparation and submission”*; and
- E. *“All Significant City Projects shall be designed to **utilize the electric grid for any energy** required for facility operation **which cannot be provided on-site** through renewable energy sources.”*

While the Ordinance does not explicitly require new or renovated facilities to meet an absolute net zero threshold on usage, it does require that any gap in on-site generation be pulled from the electric grid, and it does require the report referenced in items B through D above to be submitted and reviewed early enough in the design and funding of any “Significant City Project” such that the feasibility of achieving net zero goals can be publicly reviewed by the Mayor and Council in relation to funding for, and construction of, these projects.

Policy Targets/Goals Identified within the Ordinance

Beyond the above explicit requirements, the Ordinance establishes the following broader goals/targets [*bold font emphasis added*]:

- 1. *“... the policy of the City of Newburyport that its municipal facilities (buildings, structures or facilities): (i) **consume the minimum amount of energy, with an ideal of “net zero energy” for each individual facility and when measured across the City’s entire portfolio of facilities**; and (b) that the construction, maintenance, and operation of its facilities result in the **minimal emission of greenhouse gases (GHG) associated with such energy usage**”*; and
- 2. *“Every Significant City Project shall be designed with the **explicit goal of Net Zero Energy usage, both for the subject facility individually, and as part of the City’s overall portfolio of municipal facilities**”*; and
- 3. *“... while this Section 5-48, and the reporting requirements herein, do not apply to smaller scale projects, all City officials are encouraged to implement a similar energy analysis and net zero energy goal during the design phase of **any municipal project**”*; and
- 4. With respect to the use of fossil fuels to cover energy needs beyond that which can be generated on-site, *“offset **remaining energy usage through renewable energy sourcing on the applicable electric grid.**”*

Since adoption of the Ordinance (both *original and most recent version*), design for the following municipal facilities, under oversight by the Office of Planning & Development, has been undertaken in accordance therewith:

- 1. **Market Landing Park Expansion – Visitor Center/Restroom Facility** (*expected to be net-zero on yearly energy usage through the use of solar arrays and energy efficiency upgrades to insulation and mechanical equipment, with net metering to the electric grid in order to offset daily and seasonal fluctuations*); and
- 2. **Cutter/West End Fire Station** (*expected to be net-zero on yearly energy usage through the use of solar arrays and energy efficiency upgrades to insulation and mechanical equipment, with net metering to the electric grid in order to offset daily and seasonal fluctuations*).



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

RECEIVED
CITY CLERK'S OFFICE
NEWBURYPORT, MA

60 PLEASANT STREET - P.O. BOX 550-8 PM 4:38
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 Affordable Housing Trust. This term will expire on December 1, 2024.

Andrew Shapiro
20 Eagle Street
Newburyport, MA 01950

ANDREW C. SHAPIRO, AICP

P: (240) 643-3683 | E: acshapiro@gmail.com | L: [linkedin.com/in/acshapiro](https://www.linkedin.com/in/acshapiro) | LOC: Newburyport, MA

November 7, 2022

Ms. Christine Jackson
Executive Assistant to Mayor Sean Reardon
City of Newburyport
60 Pleasant Street
Newburyport, MA 01950

Ms. Jackson:

I am writing to express my sincere interest in serving on the City of Newburyport's Affordable Housing Trust (the Trust). If appointed to serve, this would be my second stint volunteering on a City Board. From 2015 to 2019 I served on the Planning Board, where I participated in several meaningful discussions regarding housing. For this reason and my over decade of experience advancing housing policies at the local level in Massachusetts as a municipal economic and community development professional, I feel that I can offer a helpful perspective as a Member of the Trust.

I am currently Assistant Town Manager and Director of Community and Economic Development for the Town of North Andover where I oversee a division consisting of five departments – Planning, Zoning, Building, Health, and Conservation. In my capacity, I am also responsible for maintaining the Town's status as a Housing Choice Community, as designated by the Commonwealth of Massachusetts. The Housing Choice Initiative rewards municipalities that have produced certain rates or amounts of new housing units in the last five years and that adopted best practices related to housing production that will sustain a 21st century workforce and increase access to opportunity for Massachusetts residents.

Prior to my role in North Andover, I served as Director of Economic Development for the City of Lowell and as Economic Development Planner for the City of Salem. The following are a sample of housing related projects I worked on in these capacities:

North Andover:

- Currently leading the Town's effort to be in full compliance with Section 3A of the State's Zoning Act;
- Participated in a process to successfully pass an inclusionary zoning bylaw, requiring at least 15 percent of new multi-family housing developments to be affordable to households earning no more than 80 percent of the Area Median Income (AMI);

Lowell:

- Led City's effort to designate an Urban Center Housing Tax Increment Financing (UCH-TIF) Zone, which resulted in the redevelopment of Parcels 8 and 9 in the Hamilton Canal Innovation District into a 125 unit mixed-income multi-family development;
- Worked with developers of market-rate housing to utilize City's Housing Development Incentive Program (HDIP) zone;

Salem:

- Managed process to redevelop former Salem District Court property, which was redeveloped into 61 units of market-rate housing with ground floor commercial space;
- Managed process to investigate feasibility of redeveloping Salem Superior Court property and adjacent municipal surface parking lot;
- Staffed Design Review Board and Salem Redevelopment Authority, which have approval authority over projects in Downtown Salem.

I hold a Master's of Urban and Regional Planning, which I earned from Virginia Tech in 2011 and a Bachelor of Arts in Political Science, which I earned from Syracuse University in 2004. Since 2015, I have been certified by the American Institute of Certified Planners (AICP).

It would be an honor to again serve my community, this time to offer my perspective to the Affordable Housing Trust, which serves a tremendously vital function. Attached to this cover letter is my resume. I can be reached at 240-643-3683 or acshapiro@gmail.com. Thank you for your consideration.

Sincerely,



Andrew Shapiro, AICP

ANDREW C. SHAPIRO, AICP

F: (240) 643-3683 | E: acshapiro@gmail.com | L: [linkedin.com/in/acshapiro](https://www.linkedin.com/in/acshapiro) | LOC: Newburyport, MA

EXPERIENCE

TOWN OF NORTH ANDOVER | North Andover, MA

Assistant Town Manager / Director of Community and Economic Development April 2022 - Present

- In addition to performing all functions of "Director of Community and Economic Development" role, responsible for administration and oversight of Town's \$9.1 million in American Rescue Plan Act (ARPA) funding, as well as other special projects and initiatives as directed by the Town Manager.
- Lead all public engagement activities related to ARPA, including management of an outside consultant that provides polling and sentiment tracking assistance. Utilize data gleaned from these processes to inform how the Town expends its ARPA resources.
- Represent the Town before regional and state coalition stakeholder groups for purposes of coordination on economic development, transportation, and other long range planning initiatives.

Director of Community and Economic Development 2019 – April 2022

- Oversee activities and staff (5 direct reports; 16+ indirect) of Division which includes five departments: Planning, Zoning, Conservation, Health, and Inspectional Services; \$1.6+ million budget across all departments.
- Oversee maintenance of the Town's status as a "Housing Choice Community" as designated by the Commonwealth of Massachusetts. This designation rewards municipalities that are producing new housing and have adopted best practices to promote sustainable housing development. Recent accomplishments include the passage of inclusionary zoning bylaw and permitting/construction of over 500 new multi-family units within the past three years.
- Played leading role and/or co-leading role in several projects/initiatives, including: negotiation of a community benefits agreement for construction of a 3.8 million square foot Amazon distribution facility; negotiation of a community benefits agreement for a mixed-use redevelopment of a 76 acre property; gaining Town Management and Select Board approval to opt into the State's Property Assessed Clean Energy (PACE) program; a broad range of projects related to the Town's response to the Covid-19 pandemic, including grants to small businesses, distribution of free tests and personal protective equipment (PPE) to the community, and development of policies to guide Town operations.
- Led several community outreach and engagement efforts for long range planning projects (Downtown Improvements Master Plan, plan for a major commercial corridor, Municipal Vulnerability Preparedness and All-Hazards Mitigation Plan, etc.) and provided updates about these and other major initiatives at Select Board meetings.

CITY OF LOWELL | Lowell, MA

Director of Economic Development 2017 – 2019

- Oversaw a team of three employees that worked with me to devise and implement the City of Lowell's overall economic development strategy; engage businesses of all sizes to assess needs, explain City services and permitting procedures; and underwrite loans and tax increment financing agreements.
- Partnered on the issuance of four loans from a non-profit economic development partner organization totaling \$235,000 to small businesses located in Downtown Lowell.
- Supported development of new mixed-income multi-family housing by underwriting Housing Development Incentive Program (HDIP) tax increment exemption (TIE) agreements and spearheading development of City's Urban Center Housing Tax Increment Financing (UCH-TIF) Plan and Zone.
- Represented the City on UMass Lowell's Economic Development Committee, which undertook a number of initiatives, including bolstering support for its Innovation Hub and the Massachusetts Medical Device Development Center (M2D2), which housed several startups working on cutting edge technological and STEM-focused endeavors.

CITY OF SALEM | Salem, MA

Economic Development Planner

2013 – 2017

- Wrote successful grant applications for infrastructure, historic preservation, public art, and social program projects totaling over \$3.8 million; managed these and other projects totaling close to \$9.7 million.
- Managed the City's business incentive programs, business recruitment and retention initiatives, and coordinated with state and local economic development agencies and organizations, including the Massachusetts Office of Business Development (MOBD), MassDevelopment, MA Executive Office of Housing and Economic Development (EOHED), Massachusetts Life Sciences Center, the Salem Chamber of Commerce, and more.
- Oversaw redevelopment of City's former District Court property into 61 units of market rate housing with ground floor commercial space; included liaising with State's Division of Capital Asset Management and Maintenance (DCAMM), overseeing issuance of a request for proposals (RFP) for redevelopment, and working with selected developer through permitting process.
- Managed consultant contracts and activities related to planning, capital improvement and pre-development / feasibility analysis projects (example projects: production of economic development plan for an environmental justice neighborhood and pre-development study of a City-owned parcel).

CITY OF BOSTON | Boston, MA

Regional Planner, Mayor's Office of Emergency Management

2012 – 2013

- Managed over \$7.3 million in Urban Area Security Initiative (UASI) grant funded projects for the Metro Boston Homeland Security Region, which is comprised of Boston and eight surrounding municipalities.
- Projects entailed significant regional coordination, planning, project/budget management, subject matter comprehension, and stakeholder engagement.
- Examples of projects: emergency sheltering of functional needs populations, regional evacuation planning, and emergency and pet sheltering initiatives.

UBS – U.S. OFFICE OF PUBLIC POLICY | Washington, DC

Political Action Committee (PAC) Administrator

2007 – 2009

- Managed the UBS Americas Fund for Better Government 2008 election fundraising cycle, resulting in over \$1.4 million in contributions and \$1.3 million in expenditures.
- Represented the firm at events in and around Washington, DC in order to convey public policy goals and interests to elected officials and various stakeholders.
- Coordinated activities of the PAC Board, consisting of 27 senior officials from UBS business units in the Americas (Investment Bank, Wealth Management, Global Asset Management), including the CEO of the Americas.

AMERICAN BANKERS ASSOCIATION | Washington, DC

Senior Program Manager, Grassroots Advocacy

2004 – 2007

- Served as primary generator of grassroots communications garnering support and opposition to federal legislation.
- Monitored legislative activity and served as a point-person for association membership on responding to issues related to banking and financial services public policy.
- Aided in the production of a grassroots newsletter targeted to over 70,000 bank employees from around the U.S., outlining issues of importance to the financial services industry.

EDUCATION

SUFFOLK UNIVERSITY | Boston, MA

2020 – 2021

Certificate, Local Government Leadership and Management

- Program offered in partnership with the Massachusetts Municipal Association (MMA)
- Coursework: Strategic Leadership, Budgeting and Financial Management, Human Resources Management, Contemporary Management Challenges for Local Government, and Administrative Strategies of Local Government

VIRGINIA TECH | Alexandria, VA

2009 – 2011

Master's, Urban and Regional Planning

- Concentration: Land Use and Physical Development Planning (3.81 GPA)
- Capstone Major Paper: GIS and Census-Based Examinations of the Variables that Influence the Success of Carsharing and Carsharing Market Strength in San Francisco

SYRACUSE UNIVERSITY – MAXWELL SCHOOL OF CITIZENSHIP AND PUBLIC AFFAIRS | Syracuse, NY

2000 – 2004

Bachelor of Arts, Political Science

- Minor: Management Studies
- Syracuse University London Program, Spring 2003
- Theta Chi International Fraternity, Alpha Chi Chapter

PROFESSIONAL MEMBERSHIPS AND CERTIFICATIONS

- American Institute of Certified Planners (AICP) 2015 – Present
- Member, American Planning Association (APA), National and Massachusetts Chapters 2015 – Present

VOLUNTEERISM AND BOARD PARTICIPATION

- Merrimack Valley Comprehensive Economic Development Strategy (CEDS) Stakeholder 2022 – Present
- Merrimack Valley Regional Transit Authority (MVRTA) Advisory Board, Town of North Andover Rep. 2019 – Present
- Targeted Economic Development Strategy Steering Committee, Town of North Andover Rep. 2019 – Present
- Coalition of Columbia Gas Impacted Communities, Town of North Andover Rep. 2019 – Present
- Merrimack River District Commission Steering Committee, Town of North Andover Rep. 2019 – 2020
- UMass Lowell Economic Development Committee | Lowell, MA 2018 – 2019
- MassHire Greater Lowell Workforce Board | Lowell, MA 2018 – 2019
- Planning Board (Secretary), City of Newburyport, MA 2015 – 2019
- North Shore Workforce Investment Board | Salem, MA 2013 – 2017
- Salem Main Streets Steering Committee | Salem, MA 2013 – 2017

AWARDS

- Northeast Independent Living Program Americans with Disabilities Act (ADA) Champion 2022



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

JAMISON GAGNON
978.270.1712
Jamie.Gagnon@gmail.com

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)

Billerica, MA & Reston, VA

Senior Director- Federal & State Government Affairs

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)

Billerica, MA & Washington, D.C.

Director- State Government Affairs

Nov. 2013-Feb. 2016

Senior Manager- State Government Affairs

Oct. 2012- Oct. 2013

Manager- State Government Affairs & Business Development

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 1st 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).

Committee Items – December 12, 2022

Public Safety

In Committee:

- APPL00115_11_28_2022 Winter Shanties behind Custom House 12/4/22-3/5/23
- ORDR00396_11_28_2022 Cherry Street Signage
- COMM00454_11_28_2022 Ltr from Robert and Susan True re: ORDR00396
- ORDR00387_11_01_2022 Signage Forrester St.

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 STANDED

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 MORRIS

Address: 1 MARKET SQUARE, NEWBURYPORT Telephone: 978-499-9993

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.

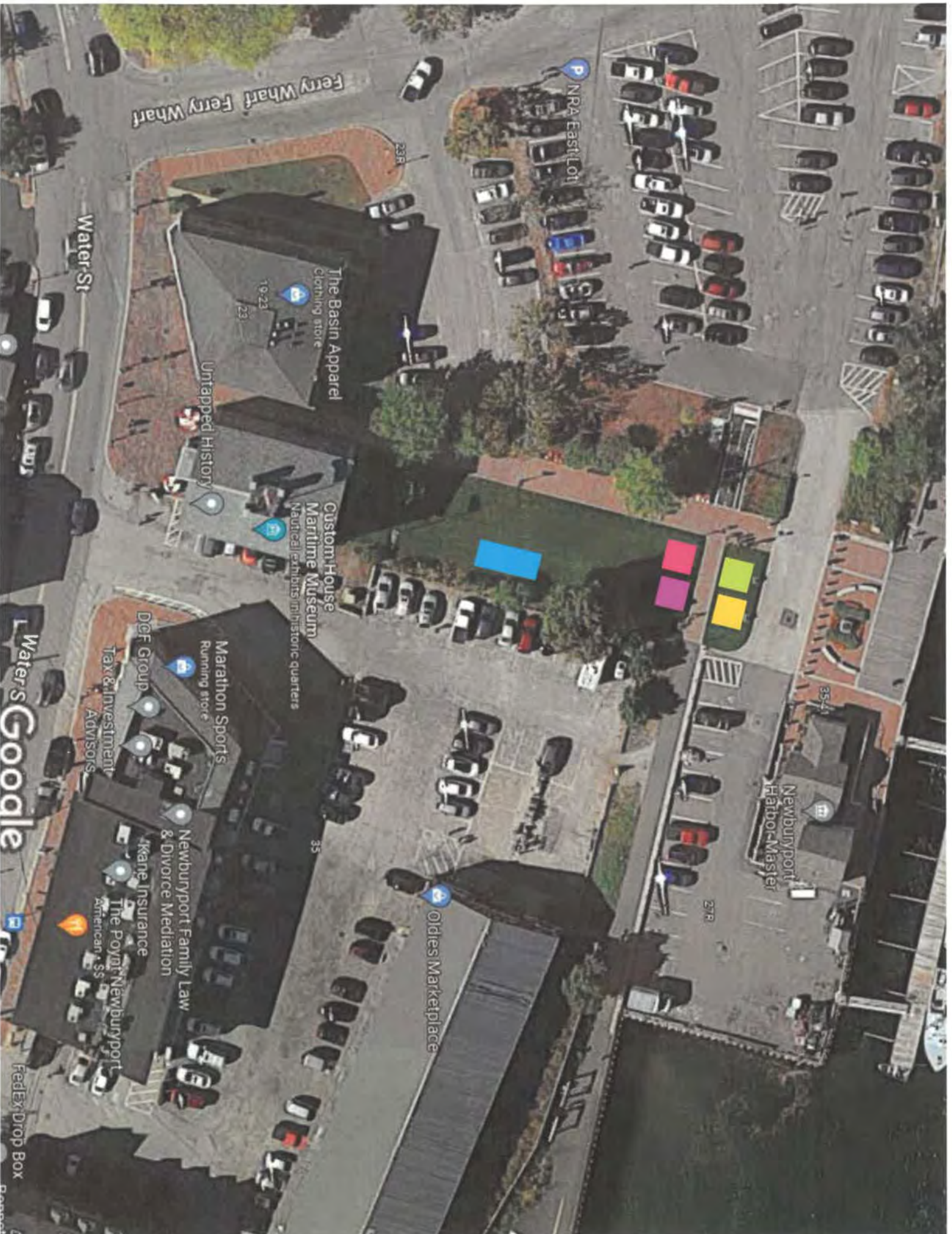
(5) *Failure to notify.* If the event fails to notify residents and provide documentation to the city clerk, pursuant to subsection (d)(5) above, shall render that organization ineligible to receive an event permit for a period of twelve (12) months unless special leave is granted by two-thirds supervote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



P NRA East Lot

Ferry Wharf Ferry Wharf

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

Newburyport Family Law
& Divorce Mediation
Kane Insurance

The Poynt Newburyport
American, \$5

Oldies Marketplace

Newburyport
Harbor-Master

Google

FedEx Drop Box

Newburyport

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

In City Council November 28, 2022:

Motion to refer to collectively COMM00454 and ORDR ORDR00396 to Public Safety, and refer ORDR00394 to Planning & Development, and approve on 2nd reading APPT00354 and APPT00355 by Councillor Zeid, seconded by Councillor Wright. Councillor Cameron recused. Roll call vote. 9 yes (1 remote CP), 1 no (JM), 1 recused (EC). Motion passes.

From: "SUSAN P.C. TRUE" <snooza007@comcast.net>
Date: November 28, 2022 at 10:16:12 AM EST
To: Jennie Donahue <JDonahue@cityofnewburyport.com>
Subject: Cherry Street Dead End/Not A Through Way signage request

Dear Councilor Donahue,

My husband and I are new residents to Cherry Street, living in the last house on the lower portion of the road, which is a dead end.

In the few months we have lived here, we have noticed 'traffic' turning around at the narrow end portion of the road adjacent to our property. We have arranged our vehicles to accommodate that activity to protect our vehicles, our house and yard.

However, most disturbing, several times we have seen cars make their turn between the corner of our house and the fire hydrant on the opposite side of the road. The hydrant is 17' from the corner of our house, 14' from the tarred road edge closest to the corner of our house.

We believe a sign would alert drivers that this portion of Cherry Street is not a through way.

Thank you,
Robert and Susan True
24 Cherry Street
Newburyport

CITY OF NEWBURYPORT



IN CITY COUNCIL

ORDERED:

November 1, 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 and markings to the following intersection:

Street: Forrester Street at the intersection of Merrimac Street.

Signage: Signage sufficient to delineate the twenty (20) feet restriction on the east and west side of Forrester St at the intersection with Merrimac St.

Councillor Christine Wallace

In City Council November 1, 2022:

Motion to refer to Public Safety by Councillor Zeid, seconded by Councillor Cameron. So voted.