

CITY COUNCIL “HYBRID”

MEETING AGENDA

December 13, 2021

107 State Street Hearing 6:00 pm – 7:00 pm

Executive Session to Discuss Real Estate relating to Coffin St. 7:00 pm

Council Photo 7:15 pm

City Council Regular Meeting 7:30 pm

LOCATION: City Council Chambers, City Hall

60 Pleasant Street, Newburyport

Zoom Details:

Please click the link below to join the webinar:

<https://us02web.zoom.us/j/87977934012>

Or One tap mobile :

US: +13017158592

Or Telephone:

US: +1 301 715

Webinar ID: 879 7793 4012

1. **MOMENT OF SILENCE**
2. **PLEDGE OF ALLEGIANCE**
3. **CALL TO ORDER**
4. **LATE FILE**
5. **RESOLUTION**
 - ORDR313_12_13_2021 Recognizing the First Responders from 8/2/2021
6. **PUBLIC COMMENT**
7. **MAYOR'S COMMENT**

CONSENT AGENDA

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

8. **APPROVAL OF MINUTES**
 - November 29, 2021 (Approve)
9. **COMMUNICATIONS**
 - APPL058_12_13_2021 Girl Scout Cookie Sale Saturdays 1/1/22, 1/22/22, & 2/5/22 (PS)
Market Sq. & Inn St.
10. **TRANSFERS**
11. **APPOINTMENTS**
 - APPT295_12_13_2021 David Zinck 6 Laurel Rd. Electrical Inspector 1/1/2023

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

Ad Hoc Committee on Economic Development

- ODNC098_10_12_2021 Permanent Parklets Legislation

Ad Hoc Committee on Market Landing Park and COTW

- ORDR296_10_25_2021 Additional funding the market landing park restroom facility

Budget and Finance

- ORDR300_11_08_2021 Low St and Brown School Gym Order
- ORDR301_11_08_2021 Authorizing-Acquisition-57-Low-St
- ORDR309_11_08_2021 57 Low Street
- TRAN113_11_29_2021 Buc Budget Cont. \$213,963.47 to Fire Sal Deputy Chief \$8,606.69, Fire Sal Firefighters \$180,926.78, Fire Paid Holidays \$24,430
- TRAN114_11_29_2021 Sewer Retained Earnings \$223,000 to Sew Maint-Equipment \$40,000 and CIP Generator Replacement \$183,000
- ORDR311_11_29_2021 Morrill Foundation Gift Acceptance

Education

- COMM273_10_13_2020 Ltr of Non-Support from Mayor on Acts of 1987
- COMM329_05_24_2021 Statement of Interest, School Building Authority
- COMM358_10_12_2021 School Strategic Plan documents

License & Permits

- ODNC047_01_27_2020 General Ordinance - Short Term Rental Units Rules
- APPL056_11_29_2021 2nd Hand Motor Vehicle License RL Currie
- APPL057_11_29_2021 2nd Hand Motor Vehicle License Plum Autoworks

Neighborhoods & City Services

- COMM299_02_08_2021 Phillips Dr. Neighborhood Committee Ltr
- ODNC102_11_08_2021 Late File - Ch. 17 Stormwater Management Revisions
- Poll Hearing 14 Shandel Drive

Planning & Development

- ODNC046_01_27_2020 Zoning Amendment Short Term Rental Unit (STRU)
- ORDR305_11_08_2021 Late File - Evergreen-Parcel-A
- ORDR306_11_08_2021 Late File - Evergreen-Parcel-C
- ORDR307_11_08_2021 Late File - Evergreen Trail Easement
- ORDR308_11_08_2021 Late File - Evergreen Utilities Access Easement

Public Safety

- ORDR302_11_08_2021 Late File - Stop Sign at the Intersection of Rawson and Highland Aves.
- APPL055_11_29_2021 Cultural Survival Bazaar Inn Street 7/16/22-7/17/22 10am-8pm
- COMM380_11_29_2021 Jillian Bayko Ltr. Ferry Rd. Dog Park Fence
- ORDR310_11_29_2021 Holiday Parking 2021

END OF CONSENT AGENDA

REGULAR AGENDA

9. MAYOR'S UPDATE

10. FIRST READING APPOINTMENTS

11. COMMUNICATIONS

12. TRANSFERS

13. SECOND READING APPOINTMENTS

- | | | | | |
|----------------------|-----------------|-----------------|------------------------|------------|
| • APPT289_11_29_2021 | Omni Raimo | 11 Marquand Ln. | Comm. On Disabilities | 12/15/2024 |
| • APPT290_11_29_2021 | Howard M. Adams | | Special Police Officer | |
| • APPT291_11_29_2021 | Paul Knowlton | 37 Milk St. | Tree Comm. | 12/15/2024 |
| • APPT292_11_29_2021 | Debbie Campbell | 10 Chestnut St. | Comm. On Disabilities | 12/15/2024 |
| • APPT294_11_29_2021 | Nikhil Gehani | 18 Strong St. | Human Rights Comm. | 12/30/2024 |

14. ORDERS

15. ORDINANCES

- | | | |
|----------------------|---|-------------------------|
| • ODNC084_07_12_2021 | Streets, Sidewalks, & Other Public Places Alterations & Maintenance | 2 nd Reading |
| • ODNC094_08_30_2021 | Municipal Fee Schedule | 2 nd Reading |
| • ODNC092_08_30_2021 | Zoning Amendment Encouraging Outdoor and Recreational Activities | 2 nd Reading |
| • ODNC096_09_13_2021 | Codification of Parking Orders | 2 nd Reading |

16. COMMITTEE ITEMS

Ad Hoc Committee on Economic Development

In Committee:

- **ODNC098 10 12 2021 Permanent Parklets Legislation**

Ad Hoc Committee on Market Landing Park and COTW

In Committee:

- **ORDR296 10 25 2021 Additional funding the market landing park restroom facility**
- COMM261_08_31_2020 Proposed Timeline, Waterfront
- ORDR227_12_14_2020 Appropriate NRA funds for RFP award

Budget & Finance

In Committee:

- **ORDR300 11 08 2021 Low St and Brown School Gym Order**
- **ORDR301 11 08 2021 Authorizing-Acquisition-57-Low-St**
- **ORDR309 11 08 2021 57 Low Street**
- **TRAN113 11 29 2021 Buc Budget Cont. \$213,963.47 to Fire Sal Deputy Chief \$8,606.69, Fire Sal Firefighters \$180,926.78, Fire Paid Holidays \$24,430**
- **TRAN114 11 29 2021 Sewer Retained Earnings \$223,000 to Sew Maint-Equipment \$40,000 and CIP Generator Replacement \$183,000**
- **ORDR311 11 29 2021 Morrill Foundation Gift Acceptance**

Education

In Committee:

- COMM273 10 13 2020 Ltr of Non-Support from Mayor on Acts of 1987
- COMM329 05 24 2021 Statement of Interest, School Building Authority
- COMM358 10 12 2021 School Strategic Plan documents

General Government

In Committee:

- COMM325_05_10_2021 Ordinance Review Committee Report
- COMM330_05_24_2021 Code of Ordinances Edited May 2021

License & Permits

In Committee:

- ODNC047 01 27 2020 General Ordinance - Short Term Rental Units Rules
- APPL056 11 29 2021 2nd Hand Motor Vehicle License RL Currie
- APPL057 11 29 2021 2nd Hand Motor Vehicle License Plum Autoworks
- COMM229_02_24_2020 Ltr re: Implementation of Short-Term Rental Ordinance

Neighborhoods & City Services

In Committee:

- COMM299 02 08 2021 Phillips Dr. Neighborhood Committee Ltr
- ODNC102 11 08 2021 Late File - Ch. 17 Stormwater Management Revisions
- Poll Hearing 14 Shandel Drive
- ODNC091_08_30_2021 Street, way or grounds specifications
- ORDR288_10_12_2021 Establishing Pickleball Courts

Planning & Development

In Committee:

- ODNC046 01 27 2020 Zoning Amendment Short Term Rental Unit (STRU)
- ORDR305 11 08 2021 Late File - Evergreen-Parcel-A
- ORDR306 11 08 2021 Late File - Evergreen-Parcel-C
- ORDR307 11 08 2021 Late File - Evergreen Trail Easement
- ORDR308 11 08 2021 Late File - Evergreen Utilities Access Easement
- COMM231_03_09_2020 Ltr re: Short-Term Rental Ordinance
- COMM346_08_30_2021 Ltr. Jane Snow Coffin St. safety concerns
- COMM338_08_09_2021 Blight at State & High, Abandoned Global Oil Service Station
- COMM351_09_13_2021 Notice of Public Hearing Pursuant 107 State St. (Oct 12, 2021 7 pm)
- COMM352_09_13_2021 ORDER Pursuant to G.L. c.139, §1 on Dangerous Building at 107 State St.
- ORDR281_09_13_2021 Authorizing Land Taking w/Waiver of Appraisal & Damages w/Bond

Public Safety

In Committee:

- ORDR302 11 08 2021 Late File - Stop Sign at the Intersection of Rawson and Highland Aves.
- APPL055 11 29 2021 Cultural Survival Bazaar Inn Street 7/16/22-7/17/22 10am-8pm
- COMM380 11 29 2021 Jillian Bayko Ltr. Ferry Rd. Dog Park Fence
- ORDR310 11 29 2021 Holiday Parking 2021
- APPT165_04_13_2020 Dr. Robin Blair 18 Market St. Board of Health 4/30/2023
- ORDR200_07_30_2020 List of Crosswalks Amended
- COMM283_01_27_2021 Ltr from Jim McCarthy-speed limit
- COMM334_06_28_2021 Crosswalk Rawson Ave/High St/Highland Ave
- COMM335_06_28_2021 Safety Review Rawson Ave Ltr. Daniel Blest
- COMM345_08_30_2021 Public Safety Concern, Parker Street

- COMM346_08_30_2021 Ltr. Jane Snow Coffin St. safety concerns

Public Utilities

In Committee:

- COMM290_02_08_2021 Falmouth Broadband Feasibility Study (full text in Clerk's office)
- COMM295_02_08_2021 Best Best & Krieger Small Cells Order Annual Meeting
- COMM296_02_08_2021 Natoa FCC Small Wireless Facilities Rules Compliance Guide

Rules

In Committee:

- COMM220_01_27_2020 Proposed City Council Rule 9F
- ORDR170_02_24_2020 Amendment Council Rules 2020 (COTW)
- ORDR171_02_24_2020 Amendment to Rule 17B (COTW)
- ORDR239_02_8_2021 Council Rule 7 and 10B

17. GOOD OF THE ORDER

18. ADJOURNMENT

CONSENT AGENDA

CITY COUNCIL “HYBRID”

MEETING MINUTES

November 29, 2021

107 State Street Hearing 6:00 pm – 8:00 pm

Tax Classification hearing 8:00 pm

Pole Hearing 8:10 pm

City Council Regular Meeting 8:15 pm

LOCATION: City Council Chambers, City Hall

60 Pleasant Street, Newburyport

Zoom Details:

Please click the link below to join the webinar:

<https://us02web.zoom.us/j/87977934012>

Or One tap mobile :

US: +13017158592

Or Telephone:

US: +1 301 715

Webinar ID: 879 7793 4012

107 STATE STREET HEARING:

CALL TO ORDER

The City Council President Jared Eigerman called the hearing to order at 6:00 pm and asked the City Clerk, Richard B. Jones, to call the roll. The following City Councillors answered present Lane, McCauley, Shand, Tontar, Vogel, Wallace, Zeid, and Eigerman. 10 present (remote BL, CT, SZ), 2 absent (AK, JD).

6:03 PM Councillor Khan present.

PUBLIC COMMENT

Bronson De Stadler, 19 Walnut St.

Pam Kipp, 11 Tremont St.

Jeff Roelofs, 44 Merrimac St.

Tom Kolterjahn, 64 Federal St.

Marc Cendron, 91 High St.

Pat Fallon, 108 State St.

Mary Murphy, 106 State St.

Stephanie Niketic, 93 State St.

Marge Kaczala, 109 State St.

6:23 PM Councillor Devlin present

DISCUSSION:

Attorney Roelofs gave an update on discussions between Global and Exxon Mobile. Attorney Roelofs expressed his opposition to the declaration of a nuisance order against Global. Council President Eigerman stated that he had had some correspondence with Global, as well as staff, Zoning Administrator Jennifer Blanchette, Councillor-Elect Jennie Donahue, and Mayor Donna Holaday. After further discussion the hearing recessed from 6:50 pm – 7:20 pm for the express purpose of Attorneys Roelofs and Blake to discuss the possibility of a bilateral agreement. After the recess, further discussion ensued. The hearing was continued until 6:00 pm, December 13th. Motion to adjourn the meeting at 7:26 pm by Councillor Vogel, seconded by Councillor Khan. So voted.

**TAX CLASSIFICATION HEARING:
CALL TO ORDER**

The City Council President Jared Eigerman called the hearing to order at 8:00 pm and asked the City Clerk, Richard B. Jones, to call the roll. The following City Councillors answered present Khan, Lane, McCauley, Shand, Tontar, Vogel, Wallace, Zeid, and Eigerman. 11 present (remote BL, CT, SZ, JD).

HEARING:

Council President Eigerman opened the Tax Classification Hearing asking for anyone that wished to speak on the matter. Hearing none Council President Eigerman closed the hearing.

**POLE HEARING:
CALL TO ORDER**

The City Council President Jared Eigerman called the hearing to order at 8:00 pm and asked the City Clerk, Richard B. Jones, to call the roll. The following City Councillors answered present Khan, Lane, McCauley, Shand, Tontar, Vogel, Wallace, Zeid, and Eigerman. 11 present (remote BL, CT, SZ, JD).

The Clerk read the notice.

DISCUSSION

John Butler from National Grid described the installation of 120 feet of 3 inch conduit. Abutter Mark Guay, Esq., 14 Shandal Drive, asked who, what, when, where, and how. Mr. Butler stated that it would be a matter of a several days, not weeks, and that they would not be storing equipment. After questioning by Councillor Vogel, Mr. Butler stated that they would notify abutters most likely by mail. Motion to refer to Neighborhood & City Services by Councillor Zeid, seconded by Councillor McCauley. So voted. Council President Eigerman closed the hearing.

City Council Regular Meeting 8:15 pm

- 1. **MOMENT OF SILENCE**
- 2. **PLEDGE OF ALLEGIANCE**
- 3. **CALL TO ORDER**

The City Council President Jared Eigerman called the City Council meeting to order at 7:30 pm and asked the City Clerk, Richard B. Jones, to call the roll. The following City Councillors answered present Khan, Lane, McCauley, Shand, Tontar, Vogel, Wallace, Zeid, Devlin, and Eigerman. 11 present (BL, CT, SZ, JD remote)

LATE FILE

- COMM380_11_29_2021 Jillian Bayko Ltr. Ferry Rd. Dog Park Fence
- APPL057_11_29_2021 2nd Hand Motor Vehicle License Plum Autoworks

Motion to waive the rules and accept the late files by Councillor Vogel, seconded by Councillor Khan. Roll call vote. 11 yes. Motion passes.

- 4. **PUBLIC COMMENT**
Sean Reardon, 5 Lois Street
Jillian Bayko
Nikhil Gehani, 18 Strong Street
Steve Cavanugh, 16 Lafayette Street
Jennie Donahue, 18 Cherry Street

- 5. **MAYOR'S COMMENT**

CONSENT AGENDA

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

6. APPROVAL OF MINUTES

- November 8, 2021

(Approve)

7. COMMUNICATIONS

- APPL055_11_29_2021 Cultural Survival Bazaar Inn Street 7/16/22-7/17/22 10am-8pm (PS)
- COMM379_11_29_2021 Appropriations for Fiscal Year 2023 (R&F)
- APPL056_11_29_2021 2nd Hand Motor Vehicle License RL Currie (L&P)

8. TRANSFERS

- TRAN113_11_29_2021 Buc Budget Cont. \$213,963.47 to Fire Sal Deputy Chief \$8,606.69, Fire Sal Firefighters \$180,926.78, Fire Paid Holidays \$24,430 (B&F)
- TRAN114_11_29_2021 Sewer Retained Earnings \$223,000 to Sew Maint-Equipment \$40,000 and CIP Generator Replacement \$183,000 (B&F)

9. APPOINTMENTS

**Referred to Planning & Development*

Re-Appointment

- *APPT287_11_29_2021 Stephen Moore 10 N. Atkinson St. Conservation Comm. 12/15/2024

Appointment

- *APPT288_11_29_2021 Jamie Pennington 8 Buck St. Planning Board 12/15/2026
- APPT289_11_29_2021 Omni Raimo 11 Marquand Ln. Comm. On Disabilities 12/15/2024
- APPT290_11_29_2021 Howard M. Adams Special Police Officer
- APPT291_11_29_2021 Paul Knowlton 37 Milk St. Tree Comm. 12/15/2024
- APPT292_11_29_2021 Debbie Campbell 10 Chestnut St. Comm. On Disabilities 12/15/2024
- APPT293_11_29_2021 Joseph Morgan 55 Hill St. Community Preservation Act Comm. 2/1/2023
- APPT294_11_29_2021 Nikhil Gehani 18 Strong St. Human Rights Comm. 12/30/2024

APPT287_11_29_2021, APPT288_11_29_2021, APPT293_11_29_2021 removed at the request of Councillor Zeid.

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

Budget and Finance

- ORDR277_08_30_2021 Municipal Fee Schedule Fiscal Year 2022
- ODNC094_08_30_2021 Municipal Fee Schedule
- ORDR280_09_13_2021 Cutter Fire Station Loan Order
- ORDR281_09_13_2021 Authorizing Land Taking w/Waiver of Appraisal & Damages w/Bond
- COMM360_10_25_2021 Memo Conf. Water Main Replacement Phillips Dr.
- TRAN112_11_08_2021 Gen. Fund Free Cash \$250,000 to Compensated Absences Reserve Fund \$250,000
- ORDR297_11_08_2021 FY22 Residential Factor
- ORDR298_11_08_2021 FY22 Tax Rate

- ORDR299_11_08_2021 Prior Year Bills City Solicitor
 - ORDR303_11_08_2021 Late File - Local Acceptance MGL Ch 60, Sec. 23B
- Planning & Development**
- ODNC092_08_30_2021 Zoning Amendment Encouraging Outdoor and Recreational Activities

Public Safety

- ODNC096_09_13_2021 Late File Codification of Parking Orders

END OF CONSENT AGENDA

Motion to approve the Consent Agenda as amended by Councillor Khan, seconded by Councillor Vogel. Roll call vote. 11 yes. Motion passes.

REGULAR AGENDA

9. MAYOR'S UPDATE

Motion to receive and file by Councillor Vogel, seconded by Councillor Khan. Roll call vote. 11 yes. Motion passes.

10. FIRST READING APPOINTMENTS

**Referred to Planning & Development
Re-Appointment*

- *APPT287_11_29_2021 Stephen Moore 10 N. Atkinson St. Conservation Comm. 12/15/2024
Appointment
- *APPT288_11_29_2021 Jamie Pennington 8 Buck St. Planning Board 12/15
- APPT293_11_29_2021 Joseph Morgan 55 Hill St. Community Preservation 2/1/2023

Motion to receive and file collectively by Councillor Zeid, seconded by Councillor Devlin. Roll call vote. 8 yes, 3 no (CT, BV, BC). Motion passes.

11. COMMUNICATIONS

- COMM380_11_29_2021 Jillian Bayko Ltr. Ferry Rd. Dog Park Fence
Motion to receive and file by Councillor Khan, seconded by Councillor Connell. Motion withdrawn. Motion to refer to Public Safety by Councillor Lane, seconded by Councillor Tontar. Roll call vote. 11 yes. Motion passes.
- APPL057_11_29_2021 2nd Hand Motor Vehicle License Plum Autoworks
Motion to refer to License & Permits by Councillor Vogel, seconded by Councillor Khan. Roll call vote. 11 yes. Motion passes.

12. TRANSFERS

13. SECOND READING APPOINTMENTS

- APPT286_11_08_2021 Sarah Holden 34 Toppans Ln. Housing Authority 12/1/2026
Motion to approve on 2nd reading by Councillor Vogel, seconded by Councillor Khan. Roll call vote. 11 yes. Motion passes.

14. ORDERS

- ORDR310_11_29_2021 Holiday Parking 2021
Motion to refer to Public Safety by Councillor Vogel, seconded by Councillor Khan. Roll call vote. 11 yes. Motion passes.
- ORDR311_11_29_2021 Morrill Foundation Gift Acceptance
- Motion to refer to Budget & Finance by Councillor Khan, seconded by Councillor Zeid. Roll call vote. 11 yes. Motion passes.

- ORDR312_11_29_2021 Adjudging 107 State St. - DRAFT
Discussed at 6:00 PM Public Hearing Meeting

15. ORDINANCES

- ODNC084_07_12_2021 Streets, Sidewalks, & Other Public Places Alterations & Maintenance 1st reading
(Moved to a date certain on 11/8/2021)
Motion to approve on 1st reading on the floor from 11/8/2021 by Councillor Connell, seconded by Councillor McCauley. Motion to strike “approval process” and insert “submittal requirements” in Sec. 12-203 by Councillor Vogel, seconded by Councillor Shand. Roll call vote. 7 yes, 4 no (BL, JM, BC, JD). Motion passes. Motion to approve as amended by Councillor Khan, seconded by Councillor Tontar. Roll call vote. 7 yes, 4 no (AK, CT, HS, BC). Motion passes.
- ODNC086_08_09_2021 Loading Zone - Liberty Street 2nd reading
- ODNC099_10_12_2021 Parking Restriction Carter Street 2nd reading
- ODNC100_10_25_2021 Amended Parking Union St 2nd reading
- ODNC101_10_25_2021 Bus Stop Designation Low St 2nd reading
Motion to approve collectively on 2nd reading by Councillor Vogel, seconded by Councillor Khan. Roll call vote. 11 yes. Motion passes.

16. COMMITTEE ITEMS

Ad Hoc Committee on Economic Development

In Committee:

- ODNC098_10_12_2021 Permanent Parklets Legislation

Ad Hoc Committee on Market Landing Park and COTW

In Committee:

- COMM261_08_31_2020 Proposed Timeline, Waterfront
- ORDR227_12_14_2020 Appropriate NRA funds for RFP award
- ORDR296_10_25_2021 Additional funding the market landing park restroom facility

Budget & Finance

In Committee:

- **ORDR277 08 30 2021 Municipal Fee Schedule Fiscal Year 2022**
Motion to receive and file by Councillor Zeid, seconded by Councillor Khan. Roll call vote. 11 yes. Motion passes.
- **ODNC094 08 30 2021 Municipal Fee Schedule**
Motion to approve on 1st reading by Councillor Zeid, seconded by Councillor Khan. Scrivener’s error in section 2-G Misc. license and application fees seventh line to replace “operation” with “operate”. Roll call vote. 11 yes. Motion passes.
- **ORDR280 09 13 2021 Cutter Fire Station Loan Order**
Motion to approve by Councillor Zeid, seconded by Councillor McCauley. Roll call vote. 11 yes. Motion passes.
- **ORDR281 09 13 2021 Authorizing Land Taking w/Waiver of Appraisal & Damages w/Bond**
Motion to approve by Councillor Zeid, seconded by Councillor McCauley. Roll call vote. 11 yes. Motion passes.
- **COMM360 10 25 2021 Memo Conf. Water Main Replacement Phillips Dr.**
Motion to receive and file by Councillor Zeid, seconded by Councillor McCauley. Roll call vote. 11 yes. Motion passes.
- **TRAN112 11 08 2021 Gen. Fund Free Cash \$250,000 to Compensated Absences Reserve Fund \$250,000**
Motion to approve collectively with ORDR299_11_08_2021 by Councillor Zeid, seconded by Councillor Vogel. Roll call vote. 11 yes. Motion passes.

- **ORDR297 11 08 2021 FY22 Residential Factor**
Motion to approve by Councillor Zeid, seconded by Councillor McCauley. Roll call vote. 11 yes. Motion passes.
- **ORDR298 11 08 2021 FY22 Tax Rate**
Motion to approve by Councillor Zeid, seconded by Councillor Khan. Motion to amend to \$12.13 by Councillor Tontar, seconded by Councillor Vogel. Roll call vote. 8 no, 3 yes (BC, BV, JE). Motion fails. Roll call vote. 10 yes, 1 no (CT). Motion passes.
- **ORDR299 11 08 2021 Prior Year Bills City Solicitor**
Motion to approve collectively with TRAN112_11_08_2021 by Councillor Zeid, seconded by Councillor Vogel. Roll call vote. 11 yes. Motion passes.
- **ORDR303 11 08 2021 Late File - Local Acceptance MGL Ch 60, Sec. 23B**
- Motion to approve by Councillor Zeid, seconded by Councillor Khan. Roll call vote. 11 yes. Motion passes.
- ORDR300_11_08_2021 Low St and Brown School Gym Order
- ORDR301_11_08_2021 Authorizing-Acquisition-57-Low-St
- ORDR309_11_08_2021 57 Low Street

Education

In Committee:

- COMM273_10_13_2020 Ltr of Non-Support from Mayor on Acts of 1987
- COMM329_05_24_2021 Statement of Interest, School Building Authority
- COMM358_10_12_2021 School Strategic Plan documents

General Government

In Committee:

- COMM325_05_10_2021 Ordinance Review Committee Report
- COMM330_05_24_2021 Code of Ordinances Edited May 2021

License & Permits

In Committee:

- ODNC047_01_27_2020 General Ordinance - Short Term Rental Units Rules
- COMM229_02_24_2020 Ltr re: Implementation of Short-Term Rental Ordinance

Neighborhoods & City Services

In Committee:

- ODNC091_08_30_2021 Street, way or grounds specifications
- COMM299_02_08_2021 Phillips Dr. Neighborhood Committee Ltr
- COMM337_07_12_2021 Central Congregational Request crosswalk painting
- ORDR288_10_12_2021 Establishing Pickleball Courts
- ODNC102_11_08_2021 Late File - Ch. 17 Stormwater Management Revisions

Planning & Development

In Committee:

- **ODNC092 08 30 2021 Zoning Amendment Encouraging Outdoor and Recreational Activities**
Motion to approve on 1st reading by Councillor Shand, seconded by Councillor McCauley. Roll call vote. 11 yes. Motion passes.
- ODNC046_01_27_2020 Zoning Amendment Short Term Rental Unit (STRU)
- COMM231_03_09_2020 Ltr re: Short-Term Rental Ordinance
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- ORDR281_09_13_2021 Authorizing Land Taking w/Waiver of Appraisal & Damages w/Bond

- **ORDR304 11 08 2021 Late File - Evergreen Conservation Restriction**
Motion to waive the rules to remove from committee by Councillor Shand, seconded by Councillor Vogel. Roll call vote. 11 yes. Motion passes. Motion to approve by Councillor Shand, seconded by Councillor Vogel. Roll call vote. 11 yes. Motion passes.
- ORDR305_11_08_2021 Late File - Evergreen-Parcel-A
- ORDR306_11_08_2021 Late File - Evergreen-Parcel-C
- ORDR307_11_08_2021 Late File - Evergreen Trail Easement
- ORDR308_11_08_2021 Late File - Evergreen Utilities Access Easement

Public Safety

In Committee:

- **ODNC096 09 13 2021 Late File Codification of Parking Orders**
Motion to approve on 1st reading by Councillor McCauley, seconded by Councillor Vogel. Motion to amend Sec. 13-168 Harrison Street to add “south”. Councillor Zeid recused. Roll call vote. 9 yes, 1 recused (SZ), 1 absent (JD). Motion passes. Roll call vote as amended. 9 yes, 1 recused (SZ), 1 absent (JD). Motion passes.
- APPT165_04_13_2020 Dr. Robin Blair 18 Market St. Board of Health 4/30/2023
- ORDR200_07_30_2020 List of Crosswalks Amended
- COMM283_01_27_2021 Ltr from Jim McCarthy-speed limit
- COMM334_06_28_2021 Crosswalk Rawson Ave/High St/Highland Ave
- COMM335_06_28_2021 Safety Review Rawson Ave Ltr. Daniel Blest
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Public Utilities

In Committee:

- COMM290_02_08_2021 Falmouth Broadband Feasibility Study (full text in Clerk’s office)
- COMM295_02_08_2021 Best Best & Krieger Small Cells Order Annual Meeting
- COMM296_02_08_2021 Natoa FCC Small Wireless Facilities Rules Compliance Guide

Rules

In Committee:

- COMM220_01_27_2020 Proposed City Council Rule 9F
- ORDR170_02_24_2020 Amendment Council Rules 2020 (COTW)
- ORDR171_02_24_2020 Amendment to Rule 17B (COTW)
- ORDR239_02_8_2021 Council Rule 7 and 10B

17. GOOD OF THE ORDER

December 13th 7:15 PM City Council Photo

18. ADJOURNMENT

Motion to adjourn at 10:40 PM by Councillor Vogel, seconded by Councillor Khan. Roll call vote. 9 yes, 2 absent (SZ, JD). Motion passes.

COMMUNICATIONS

November 22, 2021

Dear Newburyport City Council members,

My name is Cara Ripley and I am a volunteer Troop Leader for Girl Scout Troop 67103. Our troop consists of 13 third grade students from Bresnahan Elementary School. We are requesting permission to sell Girl Scout Cookies at a booth in Market Square or Inn Street on Saturday, January 1, Saturday, January, 22, and Saturday, February 5. Thank you for your time and consideration.

Sincerely,

Cara Ripley



40 Phillips Drive

Newburyport, MA 01950

978-518-6012

RECEIVED
CITY CLERK'S OFFICE
NEWBURYPORT, MA
2021 NOV 22 PM 3:48

**APPOINTMENTS
FIRST READING**



CITY OF NEWBURYPORT
OFFICE OF THE MAYOR
DONNA D. HOLADAY, MAYOR

RECEIVED
CITY CLERK'S OFFICE
NEWBURYPORT, MA
2021 DEC -7 PM 3:00

60 PLEASANT STREET - P.O. BOX 550
NEWBURYPORT, MA 01950
978-465-4413 PHONE
978-465-4402 FAX

Donna D. Holaday (dmm)

To: President and Members of the
City Council

From: Donna D. Holaday, Mayor

Date: December 7, 2021

Subject: Re-Appointment

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

David Zinck
6 Laurel Road
Newburyport, MA 01950

BIO

David Zinck

City Electrical Inspector

City of Newburyport, MA

A Newburyport resident, David Zinck came an electrician at the tender age of 12, and entered trade school at the age of 14. He graduated at 17 years old, and worked for three different contractors, before getting his license at the age of 21. Dave started his own business at age 29.

Dave became the wiring inspector for the City of Newburyport on April Fool's Day in 1994, and has been the wiring inspector and city electrician for 27 years. His knowledge of the National Electrical Code is exemplary. David's knowledge and experience surpasses all in the trade.

END OF CONSENT AGENDA

BEGINNING OF REGULAR AGENDA

**APPOINTMENTS
SECOND READING**

SECOND READING APPOINTMENTS

- APPT289_11_29_2021 Omni Raimo 11 Marquand Ln. Comm. On Disabilities 12/15/2024
- APPT290_11_29_2021 Howard M. Adams Special Police Officer
- APPT291_11_29_2021 Paul Knowlton 37 Milk St. Tree Comm. 12/15/2024
- APPT292_11_29_2021 Debbie Campbell 10 Chestnut St. Comm. On Disabilities 12/15/2024
- APPT294_11_29_2021 Nikhil Gehani 18 Strong St. Human Rights Comm. 12/30/2024

In City Council November 29, 2021:

Motion to approve the Consent Agenda as amended by Councillor Khan, seconded by Councillor Vogel.
Roll call vote. 11 yes. Motion passes.



CITY OF NEWBURYPORT
OFFICE OF THE MAYOR
DONNA D. HOLADAY, MAYOR

RECEIVED
CITY CLERK'S OFFICE
NEWBURYPORT, MA

2021 NOV 12 AM 10:29

60 PLEASANT STREET - P.O. BOX 550
NEWBURYPORT, MA 01950
978-465-4413 PHONE
978-465-4402 FAX

To: President and Members of the City Council
From: Donna D. Holaday, Mayor
Date: November 10, 2021
Subject: Appointment

Donna D. Holaday

I hereby appoint, subject to your approval, the following named individual as a member of Commission on Disabilities. This term will expire on December 15, 2024.

Omni Raimo

Omni Raimo
11 Marquand Lane
Newburyport, MA 01950

OMNI P. RAIMO
11 Marquand Lane
Newburyport, MA 01950
781-775-9327
omniraimo@yahoo.com

Service and results-oriented professional credited with a strong ability to establish rapport and maintain respectful, trusting and effective working relationships with internal and external business partners. Successful leader known for effectively coaching and managing others to achieve organizational goals and objectives. Recognized ability to find the right balance between business partnership and employee advocacy to drive business initiatives and results while maintaining employee engagement. A strong track record in benefits administration and full life-cycle recruiting.

EXPERIENCE

Cotting School, Lexington, Massachusetts

Advancement and Outreach Coordinator, September 2019-present

- Maintain the donor database, entry of all gift data and donor information
- Generate targeted reports, verify data, and support the donor segmentation and cultivation activities
- Create personalized and timely acknowledgement letters to recognize gifts and provide donors with accurate receipt information
- Help draft general donor appeals at targeted times and to targeted audiences
- Support the execution of special events to connect with donors, alumni, parents and other constituents to cultivate donors and spread awareness about Cotting School
- Assist with the regular communication with parents about events and notices from the school and other partners
- Support outreach and communication in a wide variety of platforms, including: annual report, newsletters, Blog posts and other social media postings, letters, meetings and advertisements.
- Serve as a job coach for students as part of the students' educational experience
- Assist with marketing initiatives as a member of the Marketing Task Force
- Manage, maintain and create content for Cotting's Facebook, Instagram, Twitter and LinkedIn accounts

Hamilton-Wenham Regional School District, Wenham, Massachusetts

Human Resources and Benefits Administrator, March 2017-August 2019

- Coordinated and delivered key HR processes and programs to ensure high quality HR support to our internal clients across the district
- Managed and ensured success in all day-to-day human resources functions including: Recruiting/Interviewing/Hiring, background checks, onboarding and new hire orientation, COBRA, FMLA, STD and LTD, health, dental, 403b, and flexible spending account, workers compensation and unemployment administration, open enrollment, benefits administration, employee relations and primary HR contact for approximately 400 employees and retirees
- General HR Administrative functions including correspondence generation, record keeping, personnel file maintenance, HRIS entry, etc.
- Supervised one Human Resources Assistant

MiddleOak, Salem, Massachusetts

Temporary Payroll and Human Resources, May 2016-February 2017

- Recruited for payroll and human resources projects, such as audits, ACA, pension and 401k census, to help the company through the end of the year as they were merging

Cotting School, Lexington, Massachusetts

Human Resources Consultant, October 2012-August 2013

- Recruited to be the temporary Human Resources Manager during a leave of absence

Human Resources Manager, November 2007-December 2010

- Headed and ensured success in all day-to-day human resources functions including: Recruiting/Interviewing/Hiring, background checks, onboarding and new hire orientation, COBRA, FMLA, STD and LTD, health, dental, 401K, and flexible spending account, workers compensation and unemployment administration, open enrollment, employee record keeping, and acted as primary HR contact for approximately 200 employees
- Fostered successful vendor relationships
- Audited and maintained employee files and HR databases
- Resolved employee relations/conflict management issues
- Developed and updated job postings, edited manuals, training and handbooks
- Monitored benefits best practices and legal compliance
- Supervised two receptionists
- Researched and attended college job fairs for recruiting and marketing purposes
- Member of the marketing task force

Macy's, Boston, Massachusetts, 2006-November 2007

Human Resources Manager

- Oversaw all day-to-day human resources functions including: recruitment, hiring, onboarding, coaching and counseling, career development and was the primary resource for a building of approximately 400 associates and executives
- Directed succession planning and developed skill assessments per department □ Executed full life-cycle recruitment for approximately 300-450 requisitions, including job postings, candidate identification through: networking, referrals and cold calling, candidate evaluation and resume screening, interviewing, reference checks and offer negotiation
- Addressed employee relation issues, internal investigations and exit interviews and conducted touch bases
- Liaised with the employee union representative to resolve issues
- Coached and counseled employees and supervisors
- Organized the annual performance appraisal process

Macy's, Peabody, Massachusetts, 2005 to 2006

Office Manager

- Collaborated with the human resources manager and human resources pyramid to ensure proper staffing through: recruiting, interviewing and hiring sales-driven, service oriented associates, scheduling interviews, processing new hires and terminations, PeopleSoft input and maintenance, and new hire orientation
- Assessed and addressed performance issues in a timely manner
- Enhanced customer satisfaction through addressing and resolving customer issues
- Expedited all invoice payments, vouchers and other operations financial functions
- Facilitated walk-in applicant traffic, pre-screened, interviewed, and scheduled interviews
- Organized and maintained all paperwork and systems input functions

Macy's, Natick, Massachusetts, 2004 to 2005

Group Sales Manager

- Oversaw all aspects of multiple departments with an annual volume of over \$2.5 million while maintaining customer service as the top priority
- Improved employee performance through identifying areas of opportunity and coaching and counseling
- Successfully supervised a team of fifteen to twenty associates
- Recruited, interviewed, hired and developed sales-driven, service-oriented associates
- Enhanced level of customer service while demonstrating knowledge of store products and services
- Taught training classes
- Resolved employee relations issues
- Produced and delivered mid-year and annual reviews
- Planned and executed successful inventories

Mullen Advertising, Wenham, Massachusetts, 2001 to 2003

Account Coordinator-Public Relations

- Contributed to the success of my account teams through: administrative support, choosing media outlets and pitching stories, acting as the primary contact for general media and client relations, researching and organizing data to maximize our clients' media coverage, and creating media coverage clip reports
- Organized and attended client events, press events and media tours
- Supervised interns assigned to my accounts

EDUCATION, TRAINING AND CERTIFICATION

SHRM-SCP Certification, May 2016

SHRM-SCP Certification Exam Preparation Course, May 2016, Middlesex Community College, Bedford, MA

Management Development Training Program, 2004, Macys East, Braintree, MA

University of Rhode Island, B.S., Fashion Merchandising, 2001 Kingston, RI



CITY OF NEWBURYPORT
OFFICE OF THE MAYOR
DONNA D. HOLADAY, Mayor

RECEIVED
CITY CLERK'S OFFICE
NEWBURYPORT, MA

NOV 16 AM 10:22

60 PLEASANT STREET - P.O. Box 550
NEWBURYPORT, MA 01950
978-465-4413 PHONE
978-465-4402 FAX

To: President and Members of the
City Council

From: Donna D. Holaday, Mayor

Date: November 16, 2021

Subject: Appointment

I hereby appoint, subject to your approval, the following named individual as a Special Police Officer with the Newburyport Police Department to assist the Police Department with traffic details.

Howard M. Adams



CITY OF NEWBURYPORT

POLICE DEPARTMENT

MARK R. MURRAY
CITY MARSHAL

4 GREEN STREET
NEWBURYPORT, MA 01950

TEL: 978-462-4411
FAX: 978-462-0396

November 12, 2021

TO: Mayor Donna Holaday
FR: City Marshal Mark Murray
RE: Special Police Appointment

Mayor,

I am requesting that Howard M. Adams, Retired Sergeant from the Newburyport Police Department, be appointed as a Special Police Officer to assist the police department with traffic details. This police department has had a long and successful program of utilizing retired officers for special work. They are well trained, understand policing and how to effectively monitor and direct traffic.

Our special police roster is limited, with older officers no longer able to continue this work. Having officers such as retired Officer Adams willing to continue is a benefit to the police department's ability to meet the demand of traffic officers.

Howard M. Adams

Thank you for your consideration in this matter. If you need any additional information please let me know.

City Marshal Mark Murray

Howard M. Adams

SUMMARY OF QUALIFICATIONS

Veteran police officer with twenty-eight years of law enforcement experience. Senior member of Newburyport Police Command Staff. Excellent communication and interpersonal skills in leading, training, supervising, and motivating employees to achieve goals and objectives for the betterment of the department. Demonstrated success in developing loyal, long-term, professional relationships with both colleagues and community members. Member of FBI Law Enforcement Executive Development Association. Graduate of Massachusetts Police Leadership Institute and The Municipal Police Academy.

EXPERIENCE

NEWBURYPORT POLICE DEPARTMENT, Newburyport, MA, *Police Sergeant*, 2003-2021

- Supervised patrol officers, detectives and dispatchers on a daily basis
- Responsible for all department crime reporting to the Executive Office of Public Safety
- Managed department's alcohol procedures and testing equipment, reporting directly to the Massachusetts Office of Alcohol Testing
- Domestic Violence Officer and former member of the Jeanne Geiger Crisis Center High Risk Team
- Conducted employee performance evaluations on a quarterly basis
- Trained in Critical Incident Management and School Threat Assessment.
- Massachusetts State 911 administrator
- Original member of the Citizens' Advisory Group
- Managed Motor Vehicle Compliance Program

EDUCATION

Western New England College, Springfield, MA

M.S. Criminal Justice Administration, 1997

Springfield College, Springfield, MA

B.S. Human Services, 1996



CITY OF NEWBURYPORT
OFFICE OF THE MAYOR
DONNA D. HOLADAY, MAYOR

RECEIVED
CITY CLERK'S OFFICE
NEWBURYPORT, MA
2021 NOV 17 AM 8:56

60 PLEASANT STREET - P.O. Box 550
NEWBURYPORT, MA 01950
978-465-4413 PHONE
978-465-4402 FAX

To: President and Members of the City Council
From: Donna D. Holaday, Mayor
Date: November 16, 2021
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, 2024.

Paul Knowlton
37 Milk St. Unit 5
Newburyport, MA 01950

Honorable Mayor Donna Holaday
60 Pleasant Street
Newburyport, MA 01950

Dear Mayor Holaday,

I would like to become a member of the Newburyport Tree Commission.

I have been working with the Tree Commission as a volunteer assisting with Spring and Fall tree maintenance for the past two seasons.

I have been a resident of Newburyport since 1997 and I have witnessed the loss of a tremendous amount of tree cover throughout the city, so I am motivated to help repopulate the city with new healthy, diverse, and appropriately placed trees.

Although I do not have formal training in tree care I worked for four summers during college installing and maintaining trees and shrubs for commercial and residential landscapers. I am an avid perennial gardener with several mature perennial flower beds, and I would like to add my enthusiasm for all things green to the Tree Commission.

I believe I could be an asset to the Tree Commission. I am interested in working on all phases of the Tree Commission mission, especially the planning and efficient use of Tree Commission and city resources.

I hope that you agree that I could add value to the Tree Commission.

My resume is enclosed for your consideration.
Please let me know if you have any questions.

Sincerely,
Paul Knowlton
37 Milk St Unit 5
978-609-4257

PAUL J. KNOWLTON

P.O. BOX 908, NEWBURYPORT, MASSACHUSETTS 01950
(978) 609-4257 | paulknowlton0819@gmail.com

SUMMARY

Software Validation Engineer/Quality Assurance Engineer with experience in the biotech/pharmaceutical industry and the financial services industry. Expert in validating software in FDA regulated environments. Proficient in testing the proprietary software developed by two leading financial services institutions. Firsthand line experience in financial services operations roles. Proven ability to manage a heavy workload and meet deadlines. Known for strong written and oral communications skills.

EXPERIENCE

SUNOVION PHARMACEUTICALS, Marlborough, MA

July 2018-Present

Manager, Computer Systems Quality (March 2021 – Present)

Global Validation Specialist (*contract position*), Computer Systems Quality (July 2018 – March 2021)

- Execute system risk assessments for GAMP 5 Category 4 (configurable) computer systems to confirm they will support GxP business processes and to determine the impact the system will have on patient safety, product quality and data integrity.
- Author validation documentation for systems such as LabVantage LIMS, SAS Life Sciences Analytics and Oracle Empirica Solutions used for clinical development and quality activities in a pharmaceutical environment.
- Instruct system end-users as to the purpose and objectives of Computer System Validation (CSV) and Good Documentation Practices (GDP) so that they are able to correctly execute project validation test scripts.
- Lead periodic reviews of validated systems in production to ensure that they remain compliant and fit for intended use.
- Responsible for initiating corrective actions and improvements guidelines as necessary as part of the periodic review cycle.

SANOFI, Framingham, MA

September 2017-May 2018

Validation Specialist III (*contract position*), Information Technology & Solutions (ITS) - CSV and Compliance

- Developed and executed new procedures for periodic audits of user access for 16 ITS pharmaceutical manufacturing systems and 4,300 system users to ensure compliance with updated ITS SOPs.
- Corresponded extensively with and offered guidance to system user managers to review user access, verify user training and resolve all user access issues for 100% of the system users.
- Supported yearly Laboratory Equipment Requalification Assessment project to confirm compliance with newly created Sanofi Quality Control laboratory equipment requalification assessment SOPs.
- Combined and enhanced ITS SOPs and other documents from the Sanofi Framingham and Allston sites as part of the ITS Document Harmonization project and formatted the documents for migration to GEODE+.

FOUNDATION MEDICINE, Cambridge, MA

August 2016-September 2017

Sequence Principal Consultant, Process Engineering

- Teamed with project managers and software developers to deliver software change requests for Nautilus LIMS and integrated custom applications as required by FDA 21 CFR Part 820 CGMP quality system regulation (QSR) and internal SOPs.
- Scheduled meetings with project stakeholders as needed, and shepherded documentation through the QSR change control process to ensure stakeholders reviewed and approved documentation in a timely manner.
- Wrote and executed Operational Qualifications (OQs) to validate and verify that software changes met the needs of the stakeholders and complied with FDA regulations and internal requirement specifications.
- Reviewed and edited Installation Qualifications (IQs) written by software developers to confirm accuracy and adherence to good documentation practices (GDP).
- Reviewed change control and validation/verification documentation executed by team members for completeness and adherence to GDP.
- Authored non-conformance reports and test execution incident reports as needed after review of executed

- documentation, and collaborated with the compliance department to resolve issues.
- Created and updated work instructions for use by end-users in the FMI laboratories.

CASHSTAR, Portland, ME

September 2014-July 2016

Quality Assurance Engineer

- Designed, developed, and executed test plans and test scripts for desktop and mobile device testing of web-based e-Commerce and digital gifting applications.
- Leveraged proprietary testing automation software to increase productivity, and for regression testing.
- Utilized Agile/Scrum Software Development Lifecycle practices to ensure continuous process improvement.
- Participated with cross-functional team members in daily stand-ups, sprint planning meetings, and sprint retrospectives.
- Used Jira, Confluence, TestRail and BrowserStack to manage and execute project tasks, report and track issues, and to create, update and store team documentation.
- Supported monthly production deployment of system enhancements.

BIOGEN, Cambridge, MA

October 2013-September 2014

Technical Writer/Validation Analyst, IT Data Sciences

- Created and executed test plans and detailed test scripts for web applications per project timelines, and based on business requirements and technical specifications.
- Actively participated in developing business requirements and technical specifications with internal and external cross-functional team members from the beginning of the SDLC until all QA documentation was finalized.
- Published system impact assessments and project quality risk management plans for review by the quality compliance department.
- Wrote and executed installation plans and installation qualifications (IQs) to ensure successful implementation of software.
- Identified, logged, and tracked software defects until all defects were fixed or otherwise resolved.
- Utilized SharePoint and myCIMS to collaborate with cross-functional team members and to route documents for review, electronic signatures, and version control.

PAREXEL INTERNATIONAL CORPORATION, Billerica, MA

August 2006-January 2013

Software Validation Engineer, Perceptive Informatics (now PAREXEL Informatics)

- Collaborated with project managers and programmers at PAREXEL sites in the US, India, and the UK to deliver software change requests (CRs) for clinical trials on time and as demanded by clients, internal SOPs, FDA 21 CFR Part 11 and GxP regulations.
- Evaluated business requirement specification and technical specification updates to identify discrepancies with the corresponding CRs, to ensure business processes remained aligned with client needs, and to recommend process improvements.
- Created and executed test plans, test cases, IQs, and traceability matrices to confirm clinical trial CR amendments worked as intended, to regression test surrounding system functionality, and to verify Oracle database updates using Microsoft Access and a working knowledge of SQL.
- Utilized BugZero to track software defects until resolved with programmers and project management team.
- Reviewed test scripts written by validation services and project management staff to provide supervision and to verify completeness and accuracy.
- Created and updated Visio call flows per client specifications to ensure efficient CR development and timely implementation.

FIDELITY MANAGEMENT AND RESEARCH COMPANY, Merrimack, NH

2005

Quality Assurance Engineer (*contract position*), Fidelity eBusiness Group (FeB)

- Reviewed Systems Design Specifications (SDS) document to determine that it accurately defined a website enhancement using FeB conventions.
- Recommended changes and additions for the SDS to the business analyst and worked with the business analyst to resolve these items.
- Developed and executed test cases for the above enhancement to the Fidelity.com website for the On-Line Trade Exchange (OLTX) QA team.

- Published bug tracking report daily and shared it with project manager, analysts, and programmers, and managed bugs throughout the project life cycle.
- Sustained dialog via phone, email, and meetings with the above groups to exchange updates regarding bug status and open items.
- Worked with FeB development teams and production support to ensure that the third quarter suite of enhancements moved to production without incident.

PFPC GLOBAL FUND SERVICES, Lynnfield and Westborough, MA

1997-2005

Note: Bank of New York/Mellon acquired PFPC Global Fund Services from PNC Bank in 2010

Software Quality Assurance and Tester Intermediate, Advanced Output Solutions (AOS) (2002-2005)

- Executed acceptance testing and provided development and production support for PFPC and AOS largest full service mutual fund transfer agent (TA) client.
- Ensured accurate and complete data transmissions from SuRPAS systems and cooperated with systems staff to resolve data transmission issues.
- Assisted print mail operations to resolve timely production issues concerning trade confirmations, checks and periodic statements.
- Coordinated and directed medium and small size projects involving three PFPC proprietary mainframe TA systems (SuRPAS, FSR and PAR).
- Identified and documented project issues and resolved problems by working with AOS and TA programmers and operations staff.
- Maintained relationships with AOS clients via phone, fax, e mail, and on-site meetings.

Testing Systems Analyst, FSR Acceptance Testing (2000-2002)

- Carried out acceptance testing to support the design, development, implementation, and maintenance of mainframe and windows applications.
- Collaborated with BSAs, programmers, and end users to identify and evaluate requirements for testing new software and software enhancements.
- Developed test plans that ensured software changes will work as they are designed to, and do not adversely affect existing system functionality.
- Executed test cases by manually executing trades, maintaining online screens, and reviewing output to verify its completion and accuracy.
- Projects included large client conversions from competitors' TA systems, fund mergers, and online enhancements.
- Prepared weekly status reports throughout the life cycle of each project referral.

Senior Investor Services Specialist, NSCC Operations (1998-2000)

- Monitored daily NSCC transmissions and resolved rejected and exception items utilizing PFPC mainframe TA systems (PAR and FSR).
- Interacted daily with PFPC clients and broker/dealers via telephone, fax, and e mail to resolve Fund/SERV and networking problems.
- Trained new and less seasoned individual contributors to bring them up to speed and helped them resolve complex problems.
- Teamed with PFPC proprietary systems personnel to identify systems and NSCC interface breakdowns and implement solutions.
- Utilized telephone contacts at the NSCC to ensure accurate transmission of trade and networking data.

Investor Services Specialist, Control Accounting (1997-1998)

- Executed daily settlement responsibilities for PFPC clients utilizing PFPC developed Microsoft windows based software and mainframe systems.
- Reconciled demand deposit accounts using Excel and Lotus 1-2-3 spreadsheet software and Microsoft Access based programs.
- Researched and resolved issues involving shareholder accounts utilizing PFPC mainframes and internal and external contacts.

EDUCATION

Bachelor of Arts, Economics, UNIVERSITY OF MASSACHUSETTS, Amherst, MA

Paul Knowlton

01 April 2021



CITY OF NEWBURYPORT
OFFICE OF THE MAYOR
DONNA D. HOLADAY, MAYOR

RECEIVED
CITY CLERK'S OFFICE
NEWBURYPORT, MA

2021 NOV 18 PM 5:03

60 PLEASANT STREET - P.O. Box 550
NEWBURYPORT, MA 01950
978-465-4413 PHONE
978-465-4402 FAX

To: President and Members of the City Council
From: Donna D. Holaday, Mayor
Date: November 18, 2021
Subject: Appointment

I hereby appoint, subject to your approval, the following named individual as a member of Commission on Disabilities. This term will expire on December 15, 2024.

Debbie Campbell
10 Chestnut Street
Newburyport, MA 01950

From: Debbie Campbell <schollcampbell@yahoo.com>

Sent: Monday, November 8, 2021 7:26 PM

To: Donna Holaday <DHoladay@CityofNewburyport.com>; NCODchair@gmail.com

Subject: [Ext]Commission on Disabilities

Dear Mayor Holaday,

I would like to put forth my name to volunteer to serve on the Newburyport Commission on Disabilities.

I am a Newburyport resident living at 10 Chestnut St for the past 7 years and 18 Jefferson St. for 16 years previously. I am currently employed as an Administrative Assistant at a vocational school where I have worked for 19 years.

Previous to working in the school system I worked for various organizations for 15 years that serviced people with various disabilities: Northeast Independent Living, Goodwill Industries, the State Department of Mental Health in Lawrence, the Point After Club. I have a Bachelor of Science degree in Rehabilitation Services Education from the University of Connecticut. I have done vocational evaluation, vocational counseling, ADA surveys and advocacy.

I would appreciate your consideration of my interest and experience to serve on the NOCD.

Thank you for your time and attention to this letter.

Sincerely,

Debbie Scholl Campbell

cc: Jennie Donahue

Donna Holaday

From: Debbie Campbell <schollcampbell@yahoo.com>
Sent: Thursday, November 11, 2021 9:47 AM
To: Donna Holaday; ncodchair@gmail.com
Subject: [Ext]Resume for Debbie Campbell for Commission on Disabilities

external e-mail use caution opening

Debbie Scholl Campbell
10 Chestnut Street, Newburyport, MA 10950
978-239-2250
schollcampbell@yahoo.com

23 years Administrative Assistant School Experience 1998-Present

- Essex North Shore Agricultural and Technical School, Formerly Essex Aggie since 2006
- Amesbury Middle School
- New England League of Middle Schools
- Governor Dummer Academy

18 years Human Services Work History

- Clerical Unit Coordinator, Point After Club, Mental Health and Retardation Services, Inc
- Skills Specialist, Northeast Independent Living
- Assistant Program Coordinator/Job Developer, North Shore Assoc. for Retarded Citizens, Danvers, MA
- Professional/Foster Parent, NFI, Danvers, MA
- Case Manager, DMH, Lawrence, MA
- Rehabilitation Counselor/Vocational Evaluator, Goodwill Industries, Lowell, MA
- Vocational Evaluation Counselor, EMARC, Stoneham, MA
- Group Home Relief Staff, EMARC, Melrose
- Vocational Evaluator, FAVARH, Avon, CT

Business Experience

- 1988-1989 Owner, Other Points Needlework, Newburyport, MA
- 1986-1987 Manager, State Street Candle and Mug, Newburyport, MA
- Have worked various part-time retail positions 1986 to present

Activities

- Leadership Role in AFSCME Local 245, past three years
- 7 years as a ceramic artist and 40+ years as a hobby craftsperson

1990s:

- Community Member, School Council, Cashmen Elementary School, Amesbury

- Special Needs Notifier, Amesbury Emergency Management Agency, Amesbury
- Community Access Monitor, MA Office on Disabilities, Boston

Education

Bachelor of Science Degree, Rehabilitation Services Education, University of Connecticut



CITY OF NEWBURYPORT
OFFICE OF THE MAYOR
DONNA D. HOLADAY, MAYOR
RECEIVED
CITY CLERK'S OFFICE
NEWBURYPORT, MA
NOV 23 AM 11:08

60 PLEASANT STREET - P.O. Box 550
NEWBURYPORT, MA 01950
978-465-4413 PHONE
978-465-4402 FAX

To: President and Members of the City Council
From: Donna D. Holaday, Mayor
Date: November 23, 2021
Subject: Appointment

I hereby appoint, subject to your approval, the following named individual as a member of the Human Rights Commission. This term will expire on December 30, 2024.

Nikhil Gehani
18 Strong Street
Newburyport, MA 01950

Dear Mayor Holaday,

I would like to submit for your consideration my interest in joining the Human Rights Commission of the City of Newburyport as a volunteer commissioner. As the son of immigrants, I've experienced what it means to live in a truly inclusive community – and what it means to live in the opposite.

Growing up in the Midwest, I thought the stories my mother told me - of being the subject of racial and xenophobic verbal abuse – were relics of the past. But when I experienced it over several years and in several different manners, I realized we had much work to do.

In my professional life, I work at a nonprofit organization committed to advancing equity and opportunity in America, with a particular focus on areas such as education and economic mobility. Prior to this, I worked for organizations doing the same in sub-Saharan Africa, Asia, and Latin America. In these roles, I've learned not only how to navigate cultural differences but how to find points of overlap and similarity. It takes real, substantive action to ensure all people have the chance to build fruitful lives and live in inclusive communities.

As a Newburyport resident and parent, I'd like to help ensure that this wonderful community continues to uphold the human rights of all persons, and become a beacon of inclusivity for the surrounding region. I believe that, given my expertise in communications, branding and marketing, coupled with my commitment to diversity, inclusion and equity, I can make meaningful contribution to the Human Rights Commission as well as the City of Newburyport.

I appreciate your time and consideration.

Sincerely,
Nikhil Gehani

18 Strong Street
Newburyport, MA

Nikhil Gehani

Objective

I am passionate about using marketing and consumer strategy to help brands achieve organizational objectives. I thrive at the intersection of brand, innovation, and impact.

Experience

Key Accomplishments:

1. [Brand Building]:
Developed the Inclusive Fintech 50 brand to elevate inclusive fintech startups - in its first two years it attracted over 1,000 applications from 100+ countries.
2. [Brand Equity]:
Repositioned the MIX brand, which contributed to the nonprofit's acquisition by industry-leader Accion Int'l.
3. [New Business]:
Pitched and won \$2MM+ from General Motors to create a first-in-class website and a real-time social media marketing pilot program, BrandLive.

December 2020 – current

Associate Partner of Communications, [New Profit](#)

I lead and manage the four-person communications team at the pioneering venture philanthropy organization that invests in social entrepreneurs creating equity and opportunity in America. I oversee relationships with our creative agency and PR agency partners to create high-impact creative experiences; identify, select, and activate on-site and virtual speaking opportunities; and implement our earned media strategy. I support the social media, profile-building, and thought leadership strategies for several key leaders; work closely with the donor relations team to develop and implement stewardship efforts and new donor pitches (including the upcoming Giving Pledge Annual Gathering); secure paid media partnerships with outlets including Worth Media and Social Innovation Summit; and oversee the email, social media, website, and content programs for New Profit.

February 2018 – December 2020

Director of Marketing & Communications [MIX \(a division of Accion\)](#)

I led the communications strategy and execution for a global nonprofit focused on inclusive finance. In this role, I (1) managed the MIX brand and initiatives across owned, earned, and paid channels, (2) supported social entrepreneurs building inclusive financial services, and (3) built the profile of our team through events and articles. I learned how to create big brand impact with limited resources, how to inspire and manage team members and external vendors, and how to effectively guide and support senior leadership including our CEO, COO, and Board of Directors. I also developed the comms strategy for a major restructuring and our acquisition in June 2020 by Accion's Center for Financial Inclusion.

July 2015 – January 2018

Manager, Marketing & Comms [Microfinance Information Exchange \(MIX\)](#)

After grad school I joined a 20-year old nonprofit to rejuvenate its brand, which had gathered dust in a rapidly evolving industry. Through a major website and brand strategy redesign, I positioned MIX for its next chapter, enabling the team to develop new program lines, secure new funding partners, and build strategic partnerships. I also boosted our leadership's visibility by securing speaking and panelist roles at the United Nations General Assembly, SOCAP, European Microfinance Week, and Malaysia Fintech Week, among others. MIX and its initiatives have been featured in *NPR*, *The Economist*, *VentureBurn*, *Disrupt Africa*, *The Wall Street Journal*, and several local and regional outlets. My writing has been featured in *NextBillion*, *ImpactAlpha*, *TechCrunch*, and more ([samples](#)).

August 2013 – June 2015

Graduate Student [George Washington University](#)

I spent two years learning how startups, through innovative products, partnerships, and business models, could reduce poverty and create inclusive economies. I supplemented my coursework in International Development through internships with a startup impact investment firm, Encite Capital, a social enterprise in Kenya developed by Water & Sanitation for the Urban Poor, and the impact investing media company ImpactAlpha. Fun facts: I wrote the winning essay for the Bretton Woods Committee competition that encouraged the international financial institutions to deepen their utilization of impact investments and was the graduate speaker at GWU's Graduate Welcome Ceremony.

January 2011 – July 2013

Brand Strategist [Digra](#)

Emerging from the Great Recession, I led the digital consumer strategy for Buick, GMC, and Owens Corning, sifting through MRI and comScore data, surfacing customer insights for creative briefs, and ensuring our efforts led to meaningful business outcomes. I led the creative team through idea generation, concept development, and execution across digital advertising, website, event activations, and online integrations. I led the strategy for General Motors' digital-first owner experience and its Investor Relations website.

March 2010 – December 2010

Social Media Data Analyst [Digra](#)

Like most brands at the time, General Motors was relatively new to Facebook, Twitter, and YouTube. I helped our clients understand the evolving space, measure sentiment and engagement, and adapt marketing and product strategies based on deep data analysis. In this role I learned not only how to use data to generate actionable insights, but the importance of data to decision making in communications and branding.

August 2008 – February 2010

Ad Coordinator [GTB \(UpJob\)](#)

In my first role out of undergrad, I supported the internal ad operations at Ford Motor Company's agency-of-record. While there, I learned how to (1) 'manage up' with different personalities, (2) succeed in a fast-paced environment, and (3) manage multiple projects with a keen eye for detail. I also picked up a mentor who helped me refine my writing skills.

Education

B.A. Marketing

Michigan State

M.A. Int'l Development

George Washington

Skills

- Strategic communications
- Digital marketing
- Brand development and management
- Presentation design
- Stakeholder engagement and communications
- Leadership and collaboration

Interests

I'm an avid commuter cyclist, Tottenham Hotspur supporter, and weekend trail runner.

I also play the drums, write short stories, and enjoy vegetable gardening.

Contact

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[www.nikhil-gehani-com](#)

ORDINANCES

CITY OF NEWBURYPORT



IN CITY COUNCIL

ORDERED:

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

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

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

Chapter 12 – Streets, Sidewalks, and Other Public Places

Article VII – Alterations and Maintenance

Section 12-200 – Purpose.

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

Section 12-201 – Definitions.

The following definitions allow to this Article VII:

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

includes smaller scale repairs such as emergency work, pavement patching, crack filling and sealing, sidewalk or curb repairs, minor drainage and utility repairs, re-painting of existing markings, and projects of similar scale and effect. Some examples of maintenance include but are not limited to:

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

Section 12-202 – Approval required.

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

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

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

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

Section 12-204 – Annual Reporting and Planning.

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

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

Councillor Christine Wallace, Ward 4

Councillor James McCauley, Ward 5

In City Council July 12, 2021:

Motion to refer to Neighborhood & City Services by Councillor Tontar, seconded by Councillor McCauley. So voted.

In City Council October 25, 2021:

Motion to approve on 1st reading by Councillor Connell, seconded by Councillor McCauley. Motion to amend by Councillor Wallace, seconded by Councillor McCauley to modify Sec. 12-202 1c to read: "Changes in signage, signals, pavement markings, or anything that changes traffic flow or on-street parking patterns done in the context of an alteration.", the insertion of 12-202 2c that would add "Emergency work as determined by Department of Public Services.", to add to Sec. 12-202 2d which would read: "Changes in signage, signals, pavement markings, or anything that changes traffic flow or on-street parking patterns done in the context of a maintenance.", and in Sec. 12-204 2i to replace the word "approval" with the word "review". Motion to continue to November 8th by Councillor Vogel, seconded by Councillor Connell. Motion withdrawn. Motion to refer back to Neighborhood and City Services with the condition to come out on November 8th by Councillor Connell, seconded by Councillor Vogel. Roll call vote 5 yes (BC, AK, HS, CT, BV), 6 no. Motion fails. Motion to postpone to a date certain, November 8th, by Councillor Zeid, seconded by Councillor Shand. Roll call vote 7 yes, 4 no (JD, BL, JM, JE). Motion passes.

In City Council November 8, 2021:

Motion to move to a date certain, November 29, 2021, by Councillor McCauley, seconded by Councillor Shand. So voted.

In City Council November 29, 2021:

Motion to approve on 1st reading on the floor from 11/8/2021 by Councillor Connell, seconded by Councillor McCauley. Motion to strike "approval process" and insert "submittal requirements" in Sec. 12-203 by Councillor Vogel, seconded by Councillor Shand. Roll call vote. 7 yes, 4 no (BL, JM, BC, JD). Motion passes. Motion to approve as amended by Councillor Khan, seconded by Councillor Tontar. Roll call vote. 7 yes, 4 no (AK, CT, HS, BC). Motion passes.

CITY OF NEWBURYPORT



IN CITY COUNCIL

ORDERED:

AN ORDINANCE ON APPROVED FEES AND THE CODIFYING PROCEDURE OF PUBLISHING IN A "MUNICIPAL FEE SCHEDULE"

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

The Code of Ordinances, City of Newburyport Massachusetts is amended to make the following insertions and deletions related to the following Chapters, Articles and Divisions addressing municipal fees. Furthermore, Appendix B – Municipal Fee Schedule will be created to identify city council approved fees for city departments.

CHAPTER 2 ADMINISTRATION

ARTICLE V DEPARTMENTS

DIVISION 4: FIRE

Sec. 2-364. Duties of fire department ~~Effect of article on rules, orders, ordinances relating to department.~~

The fire department may in its discretion prescribe fees subject to approval by order of the city council and published in Appendix B - Municipal Fee Schedule.

~~The provisions of this article shall not repeal, affect or change any rule or order in force on January 1, 1989, relating to the fire department, or the officers or members thereof, except as herein specified.~~

CHAPTER 2 ADMINISTRATION

ARTICLE V DEPARTMENTS

DIVISION 5: DEPARTMENT OF PUBLIC SERVICES

Sec. 2-368. Board of water and sewer commissioners.

The board of water and sewer commissioners may in its discretion prescribe for the users of said water and sewer system or systems such prices, rates, annual rentals or charges based on the benefits derived therefrom as it may deem proper, subject, however, to such rules and regulations to approval by order of the city council and published in Appendix B - Municipal Fee Schedule. ~~as may be fixed by the vote of the city council, whose affirmative vote shall be required for any change in such prices, rates annual rentals or charges proposed by the board.~~ The board of water and sewer commissioners may grant such abatements from water and sewer rates or charges as may be lawful and necessary.

CHAPTER 3 ANIMALS**ARTICLE II DOGS****Sec. 3-27. Licensing of dogs and kennels.**

- (a) All dogs six (6) months old or older must be licensed and tagged. Licensing will be done ~~in~~ by the office of the city clerk. The owner or keeper of any dog in the city shall obtain a license for such dog by April first of each year. The license fees for dogs shall be as ~~follows~~ established by order of the city council and published in Appendix B - Municipal Fee Schedule.

~~(1) Neutered males and spayed females \$10.00~~

~~(2) Unneutered males and unspayed females 15.00~~

Senior citizens (aged 65 and over) who show proof of age shall be entitled to a license without paying said fees for their dogs, provided, however, that any applicable late fees shall still apply.

Any blind, deaf or mobility-impaired person who is the owner or keeper of a dog trained to guide and assist ~~him/her/them~~ shall ~~may~~ receive a license for such dog from the office of the city clerk, for which ~~and~~ no fee shall be charged. Also, dogs between six (6) months and one (1) year of age, placed for training as guide dogs, ~~shall~~ may also receive a license from the office of the city clerk at no fee, provided that satisfactory evidence is presented ~~that~~ by its owner or keeper that such ~~the~~ dog was placed by an organization which supplies such guide dogs.

- (b) Kennel license fees shall be ~~as follows:~~ established by order of the city council and published in Appendix B - Municipal Fee Schedule.

~~(1) Four (4) dogs \$ 30.00~~

~~(2) Five (5) to ten (10) dogs 50.00~~

~~(3) Ten (10) or more dogs 100.00~~

CHAPTER 4 - BOATS, DOCKS AND WATERWAYS,**ARTICLE II HARBOR****DIVISION: USE REGULATIONS****Sec. 4-73. Fees.**

- (a) *Establishment.* The harbor commission shall establish fees and may amend them, from time to time, for all the facilities governed by this division. The commission shall establish fees subject to the approval by order of the city council. The fees ~~schedule~~ shall be published in Appendix B - Municipal Fee Schedule, ~~and available to the public upon request.~~

- (c) *Fees and permits for commercial fish pier.*

- (2) Pier usage permits shall be renewed on May 1 and shall be valid for the period of one (1) year (May 1 to April 30). Applications shall be made available at city hall in the office of planning and development. All fishing vessels, businesses, corporations and individuals operating on the "fish pier" must have a minimum of one hundred thousand dollars (\$100,000.00) ~~liability~~ liability insurance and property damage as a condition of issuance of a pier use permit. Fish dealers and fuel dealers shall be required to carry additional insurance or post a bond if deemed necessary by the harbor commission. Said insurance must name the city as an insured party. Vessels holding a pier usage permit are allowed to load and unload their trucks on the pier and unload up to twenty thousand (20,000) pounds of fish per day. A fee per pound in excess of ~~A fee of five cents (\$0.05) per pound for each pound in excess of~~ twenty thousand (20,000) pounds shall be assessed by the harbor master subject to approval by order of the city council.

Sec. 4-207. Fees.

Licenses are subject to resident, non-resident and rack fees approved by order of the city council and published in Appendix B - Municipal Fee Schedule. ~~(a) Residents (Residents License) \$100.00~~

~~(b) Non-Residents (Non-Residents License) \$200.00~~

~~(c) Rack Fee \$2.00 per rack~~

~~(Ord. of 11-25-13(1))~~

**CHAPTER 5 BUILDINGS AND BUILDING REGULATIONS
ARTICLE III BUILDING CONSTRUCTION STANDARDS**

Sec. 5-62. Fees.

The following fees for building permits for buildings or structures pursuant to the state building code adopted in section 5-61 shall be pursuant to the schedule set forth in annually by order of the city council and published in the Municipal Fee Schedule on file with the city clerk ~~this section~~, and shall be payable to the office of the city treasurer/collector by the owner before such a permit is issued. All religious societies, churches, hospitals, charitable institutions and persons building fall-out shelters for protection in the event of enemy attacks, shall be exempted from payment of all fees under this section.

~~(1) First one thousand dollars (\$1,000) of cost estimate: \$ 50.00~~

~~(2) Each additional one thousand dollars (\$1,000.00) of cost estimate or part thereof: 10.00~~

Sec. 5-111. Permit fee cost for plumbing.

The fees for plumbing permits shall be pursuant to the schedule approved annually by order of the city council and published in the Municipal Fee Schedule, on file with the city clerk.

Plumbing Permit Fee

Residential	Fee
Permit fee:	\$20.00
Inspection fee:	\$30.00
Charge for each fixture:	\$5.00
Replacement hot water heater:	\$30.00
Commercial	Fee
Permit fee:	\$30.00
Inspection fee:	\$30.00
Charge for each fixture:	\$10.00
Replacement hot water heater:	\$40.00

Sec. 5-112. Permit fee cost for gas.

The fees for gas permits shall be pursuant to the schedule approved annually by order of the city council and published in the Municipal Fee Schedule, on file with the city clerk.

Gas Permit Fee

Residential	Fee
Permit fee:	\$20.00
Inspection fee:	\$30.00
Appliance fee:	\$5.00
Replacement hot water heater:	\$30.00

Commercial	Fee
Permit fee:	\$30.00
Inspection fee:	\$30.00
Appliance fee:	\$10.00
Replacement hot water heater:	\$40.00

Sec. 5-113. Permit fee cost for sheet metal.

The fees for sheet metal permits pursuant to the schedule approved by order of the city council and published in Appendix B - Municipal Fee Schedule.

Residential	Fee
Permit fee:	\$75.00
Inspection fee:	\$30.00
Re-inspection fee:	\$35.00
If work started before a permit:	\$150.00
Commercial	Fee
Permit fee:	\$150.00
Inspection fee:	\$30.00
Re-inspection fee:	\$35.00
Charge for each fixture:	\$10.00
If work started before a permit:	\$300.00

Sec. 5-151. Fee schedule.

The fees for electrical permits pursuant to the schedule approved by order of the city council and published in Appendix B - Municipal Fee Schedule.

Electrical Permit Fee Schedule

Residential	
New Construction (includes service)	Fee is based on the projected building cost as shown on the building permit. First \$50,000 \$150.00 Each additional \$1,000.00 or fraction thereof \$1.00
Additions/renovations (service not included)	\$50.00 for the permit plus \$3 for each plug, switch, light, appliance, special equipment, etc. = fee
Services — New, changed, or altered	Overhead (includes 1st panel or main circuit breaker enclosure) \$45.00 Underground (includes 1st panel or main circuit breaker enclosure) \$85.00 Each additional panel \$20.00
Garages	Attached \$60.00 Detached \$100.00
Commercial/Industrial	

New construction	Fee is based on the projected building cost as shown on the building permit. First \$100,000 \$300.00 Each additional \$1,000.00 or fraction thereof \$1.00
Additions/renovations (service not included)	\$60.00 for the permit plus \$3 for each (service not included) plug, switch, light, appliance, special equipment, etc.— fee
Services — New, changed, or altered	Each 200 amps or fraction thereof \$50.00 (includes 1st panel or main circuit breaker enclosure) Each additional panel \$20.00
Miscellaneous	Burglar/fire alarm systems residential \$45.00 Burglar/fire alarm systems commercial \$85.00 Central heat or A/C residential \$45.00 Central heat or A/C commercial \$85.00 Swimming pool above ground \$55.00 Swimming pool inground \$85.00 Hot water heater replace residential \$30.00 Hot water heater replace commercial \$40.00 Utility lighting retrofit \$65.00 Tel/data systems \$85.00 Remove and reinstall for siding \$55.00 Gas piping grounding \$30.00

Sec. 5-153. Permit and inspection fees.

Fees for the issuance of permits and performance of inspections by the city electrical inspector shall be established by order of the city council and published in Appendix B - Municipal Fee Schedule, ~~from time to time, by the city council.~~

**CHAPTER 7 FIRE PREVENTION AND PROTECTION
ARTICLE I IN GENERAL**

Sec. 7-4. Annual master box connection fee.

Each fire alarm user shall, on or before July 1 of each year, remit to the city treasurer/collector a connection fee ~~of three hundred dollars (\$300.00)~~ for each master box connection to the municipal fire alarm system as established by order of the city council and published in Appendix B - Municipal Fee Schedule.

Sec. 7-28. Fees.

~~(a) The fees previously charged for such keeping, or storage of flammables or explosives are hereby repealed and replaced by the fees listed in subsection (b) of this section.~~

~~(b)~~ The fee for keeping or storage of flammables or explosives, as regulated by M.G.L. ch. 148, § 13 shall be as follows established by order of the city council and published in Appendix B - Municipal Fee Schedule.

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Class A, B and C Liquids

1 gallon to 10,000	\$ 50.00
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10,001 gallons to 25,000	100.00
25,001 gallons to 50,000	200.00
50,001 gallons and over	300.00

CHAPTER 9 LICENSES, PERMITS AND BUSINESS REGULATIONS

ARTICLE I IN GENERAL

Sec. 9-1. Lodging house licenses.

- (a) The license commission may grant licenses for lodging houses under M.G.L. ~~A~~ c. 140, § 23. Such licenses shall be for the period provided in M.G.L. ~~A~~ c. 140, § 4. A fee of ~~two dollars (\$2.00)~~ for such license is hereby established by order of the city council and published in Appendix B - Municipal Fee Schedule.
- (b) The license commission may grant a general license to an owner of a bed and breakfast establishment. A bed and breakfast establishment shall be defined as an owner-occupied building containing no more than ten (10) guest rooms, not including living quarters for owner occupants and having a common entrance or entrances. Common cooking facilities may be included providing that service is limited to those who are owners of the building and those rooming in the building. Said general license shall be renewed annually for a fee of ~~twenty dollars (\$20.00)~~ as established by order of the city council and published in Appendix B - Municipal Fee Schedule.

Sec. 9-42. License fee.

The fee for each license granted under this article shall be established by order of the city council and published in Appendix B - Municipal Fee Schedule. The license fee ~~shall be five dollars (\$5.00)~~ payable to the city clerk for the use of the city at such time as the license is granted.

Sec. 9-82. License fee.

The fee for any license to be issued under this article shall be established by order of the city council and published in Appendix B - Municipal Fee Schedule. A reduced amount will be established for any license ~~or renewal thereof, shall be fifty dollars (\$50.00), but if a license is issued on or after November first in any year, the fee shall be twenty five dollars (\$25.00).~~

Sec. 9-162. Same—Fee; issuance.

Any license issued by the ~~licensing board e commission~~ under section 9-157 shall be issued by and signed by the city clerk as clerk of the ~~licensing board e commission~~ upon payment of a license fee as established by order of the city council and published in Appendix B - Municipal Fee Schedule. ~~of forty six dollars (\$46.00).~~ Every hawker and peddler so licensed shall be assigned a number by the ~~licensing board e commission~~, which shall keep a record of all licenses issued.

Sec. 9-170. Limitations.

- (e) The solicitor's identification card application fee shall ~~be~~ be established by order of the city council and published in Appendix B - Municipal Fee Schedule. The identification card ~~is~~ fifty dollars (\$50.00) per person ~~and~~ is not transferable. Should an applicant fail to meet the provisions of application, the fee is nonrefundable.

Sec. 9-177. License procedure.

The owner of any such retail store shall apply to the city council for a license to remain open between the hours of 11:00 p.m. and 5:00 a.m. Said application shall be available from the office of the city clerk. The city clerk shall then forward said application to the city council's committee on licenses and permits. The committee, after due deliberation, shall, make a recommendation to the city council. The city council shall have the authority to place any restrictions it deems applicable on said license. The city council shall make the final determination as to the granting of such a license. Application for renewal shall be received by the city clerk by March 1 of each year. The council in granting a license shall determine that the proposed use is in harmony with the purpose and intent of this article. The fees for a license under this section shall be established by order of the city council and published in Appendix B -

Municipal Fee Schedule. The license fee, shall be ~~fifteen dollars (\$15.00)~~ payable to the City of Newburyport upon approval of an application.

**CHAPTER 11 PARKS AND RECREATION
ARTICLE I IN GENERAL**

Sec. 11-7. Fees.

- (b) *Fees and charges.* ~~In consultation with the parks commission, the city council establishes the following. The fees and charges for reserved use of parks and playgrounds shall be approved by order of the city council and published in Appendix B - Municipal Fee Schedule. ; parks and playgrounds not listed below are typically unavailable for reserved use:~~

	Group/Hourly Rate							
	A	B[±]	C	D	E	F^{±±}	G^{±±}	H^{±±}
Athletic Fields and Courts								
Cashman Park Ballfield	N/C	\$5.00	\$15.00	N/C	N/A	\$25.00	\$100.00	\$200.00
Perkins Park Ballfield	N/C	\$5.00	\$15.00	N/C	N/A	\$25.00	\$100.00	\$200.00
Cashman Park Soccer Field	N/C	\$5.00	\$15.00	N/C	N/A	\$25.00	\$100.00	\$200.00
Cherry Hill Soccer Field Parcel A	N/C	\$5.00	\$15.00	N/C	N/A	\$25.00	\$100.00	\$200.00
Cherry Hill Soccer Field Parcel B	N/C	\$5.00	\$15.00	N/C	N/A	\$25.00	\$100.00	\$200.00
Bradley Fuller Park Track	N/C	\$5.00	\$15.00	N/C	N/A	\$25.00	\$100.00	\$200.00
Bradley Fuller Park Infield	N/C	\$5.00	\$15.00	N/C	N/A	\$25.00	\$100.00	\$200.00
Bradley Fuller Park North Field	N/C	\$5.00	\$15.00	N/C	N/A	\$25.00	\$100.00	\$200.00
Woodman Park Multi-use Field	N/C	\$5.00	\$15.00	N/C	N/A	\$25.00	\$100.00	\$200.00
Cashman Park Tennis	N/C	\$5.00	\$15.00	N/C	N/A	\$25.00	\$100.00	\$200.00
Perkins Park Tennis	N/C	\$5.00	\$15.00	N/C	N/A	\$25.00	\$100.00	\$200.00
Bartlet Mall Basketball Courts	N/C	\$5.00	\$15.00	N/C	N/A	\$25.00	\$100.00	\$200.00
Cashman Park Basketball Court	N/C	\$5.00	\$15.00	N/C	N/A	\$25.00	\$100.00	\$200.00
G.W. Brown School Playground Basketball	N/C	\$5.00	\$15.00	N/C	N/A	\$25.00	\$100.00	\$200.00
Perkins Park Basketball Courts	N/C	\$5.00	\$15.00	N/C	N/A	\$25.00	\$100.00	\$200.00
Woodman Park Basketball Courts	N/C	\$5.00	\$15.00	N/C	N/A	\$25.00	\$100.00	\$200.00
Moseley Woods Lawn	N/C	\$5.00	\$15.00	N/C	N/A	\$25.00	\$100.00	\$200.00
Atkinson Common, Lower, Founders Field	N/C	\$5.00	\$15.00	N/C	N/A	\$25.00	\$100.00	\$200.00
Atkinson Common, Lower, Repe Field	N/C	\$5.00	\$15.00	N/C	N/A	\$25.00	\$100.00	\$200.00
Atkinson Common, Lower, Hawkes Field	N/C	\$5.00	\$15.00	N/C	N/A	\$25.00	\$100.00	\$200.00
Atkinson Common Tennis	N/C	\$5.00	\$15.00	N/C	N/A	\$25.00	\$100.00	\$200.00
Small Parks	A	B	C	D	E	F[±]	G[±]	H[±]
Brown Square	N/C	N/A	N/A	N/C	N/C	\$25.00	\$100.00	\$200.00
Cornelius Doyle Triangle	N/C	N/A	N/A	N/C	N/C	\$25.00	\$100.00	\$200.00
Joppa Park	N/C	N/A	N/A	N/C	N/C	\$25.00	\$100.00	\$200.00
Moulton Square	N/C	N/A	N/A	N/C	N/C	\$25.00	\$100.00	\$200.00

Washington Park (Eppa Way, Pond Street, High Street)	N/C	N/A	N/A	N/C	N/C	\$25.00	\$100.00	\$200.00
270 Water Street (Perkins Park)	N/C	N/A	N/A	N/C	N/C	\$25.00	\$100.00	\$200.00
Patriek Tracy Square (Tracy Place)	N/C	N/A	N/A	N/C	N/C	\$25.00	\$100.00	\$200.00
Newburyport Skate Park (Nook Schoolyard)	N/C	\$5.00	\$15.00	N/C	N/A	\$25.00	\$100.00	\$200.00
Mid to Large Parks	A	B	C	D	E	F[*]	G[*]	H[*]
Atkinson Common, Upper (other than athletic fields or courts)	N/C	N/A	N/A	N/C	N/C	\$25.00	\$100.00	\$200.00
Atkinson Common, Lower (other than athletic fields or courts)	N/C	N/A	N/A	N/C	N/C	\$25.00	\$100.00	\$200.00
Atwood Park/Garrison Gardens	N/C	N/A	N/A	N/C	N/C	\$25.00	\$100.00	N/A
Bartlet Mall (other than athletic fields or courts)	N/C	N/A	N/A	N/C	N/C	\$25.00	\$100.00	\$200.00
Cashman Park (other than athletic fields or courts)	N/C	N/A	N/A	N/C	N/C	\$25.00	\$100.00	\$200.00
Clipper City Rail Trail (any segments)	N/C	N/A	N/A	N/C	N/C	\$25.00	\$100.00	\$200.00
Cushing Park (other than athletic fields or courts)	N/C	N/A	N/A	N/C	N/C	\$25.00	\$100.00	\$200.00
Inn Street Mall	N/C	N/A	N/A	N/C	N/A	\$25.00	\$100.00	\$200.00
March's Hill	N/C	N/A	N/A	N/C	N/C	\$25.00	\$100.00	\$200.00
Market Landing Park	[per Newburyport Waterfront Trust]							
Market Square Bullnose	N/C	N/A	N/A	N/C	N/A	\$25.00	\$100.00	\$200.00
Moseley Woods Pavilion	N/C	N/A	N/A	N/C	N/C	\$25.00	\$100.00	\$200.00

~~^{*} Up to 50% of the fee may be waived in exchange for in-kind services at the sole discretion of the parks commission.~~

~~^{**} Any charitable non-profit registered as a 501c3 may apply for a fee reduction or waiver from the parks commission.~~

~~The parks commission is under no obligation to offer any reduction or waiver.~~

~~Any reduction or waiver is at the sole discretion of the parks commission.~~

N/C = no charge, N/A = not applicable

- a. Pursuant to the section 11-4(d), the parks commission shall include in its annual report to the city council a list of all permitted activities, with relevant details such as the computed fee, discounts, and waivers, final charged fee, date of the event, and group for each.
- b. Subletting any permit to groups not named on the application is prohibited.
- c. All fees paid are non-refundable unless the scheduled event is cancelled within thirty (30) days of the event.
- d. For Groups B, C, and D (recurring field use), ~~the a fee will be assessed to utilize the concession stand/restroom at Atkinson Common, Lower, shall be fifty dollars (\$50.00) per month.~~ Group E, F, G, and H (special events), may request use of the restrooms for a one-time fee a one-time fee of one hundred dollars (\$100.00).
- e. A booth or tent shall be no more than one-hundred and twenty (120) square feet in area.

- f. While longer-term special events are generally discouraged, events lasting longer than two (2) weeks may request a fee reduction from the parks commission. The parks commission is under no obligation to offer any reduction and any reduction shall be offered at the sole discretion of the parks commission.

CHAPTER 12 STREETS, SIDEWALKS AND OTHER PUBLIC PLACES

ARTICLE I IN GENERAL

Sec. 12-1.3. Signs in public ways.

(d) *Regulations for temporary signs.*

(2) *Banners.*

c. The applicant shall pay a deposit fee to the city clerk ~~of twenty-five dollars (\$25.00)~~ for each banner as approved by order of the city council and published in Appendix B - Municipal Fee Schedule. ~~Such, except that such~~ fee shall be waived for an application filed for a city sponsored event.

(3) *Moveable signs.*

b. A movable sign permit shall require payment of an annual fee to the city ~~as approved by order of the city council and published in Appendix B - Municipal Fee Schedule. of fifty dollars (\$50).~~ Each such permit shall commence on the first day of April and expire on March 31. The permit fee for new businesses opening during the annual period shall be prorated ~~at a rate of \$5.00 a month.~~

Sec. 12-1.5. Signage, merchandising and beautification on public ways.

(f) To place an A-frame sign in a public way, the applicant shall first obtain a license, by submitting a written application to the city clerk as directed by that official, and pay a biennial licensing fee ~~of one hundred dollars (\$100.00)~~ per A-frame sign. Such fees are approved by order of the city council and published in Appendix B - Municipal Fee Schedule.

Table 12-1.5

Proposed Object in Public Way	City Council Approval?	Permit from City Clerk?	Permit Fee	Max. Permit Duration	Max. Quantity of Object	Max. Dimensions	Permitted Locations
A-frame signs*	Not required	Required	\$100.00 see Appendix B	2 years	1 per public entrance to commercial buildings	2' W x 2' D x 4' H, and less than four (4) square feet total	Sidewalk directly adjacent to related building
Merchandise displays* (tables, clothing racks, or actual merchandise only)	Not required	Not required	N/A	N/A	1 per primary public entrance to commercial buildings	8' W x 4' D x 5' H. May be placed in segments, but aggregate width permitted for each primary public entrance cannot [exceed] eight (8) feet	Sidewalk directly adjacent to related primary public entrance, parallel to exterior wall, starting within four (4) feet of primary public entrance
Beautification	Not	Not	N/A	N/A	N/A	N/A	Sidewalk

items (e.g. planters)	required	required					directly adjacent to a lawfully occupied commercial building
* Exceptions may be granted by city council on location, size, or moveability by written request of applicant.							

CHAPTER 12 STREETS, SIDEWALKS AND OTHER PUBLIC PLACES
ARTICLE IV EXCAVATIONS

Sec. 12-70. Drain layers/utility contractors license.

- (a) The city council may license suitable and competent persons to be drain layers/utility contractors.
- (b) The fee for each drain layers/utility contractors license shall be set by order the city council and published in Appendix B - Municipal Fee Schedule. ~~in the amount of five hundred dollars (\$500.00) per year.~~
- (c) Drain layers/utility contractors license shall be valid January 1st to December 31st for each year.

Sec. 12-71. Permission required; repair; traffic flow.

~~Sec. 12-71A(a).~~ Application and fee for permit.

All persons desiring to open a permanently constructed street, sidewalk or public way for any purpose whatsoever shall make applications in writing to the director of public ~~works services~~ for a street opening permit. The applicant shall ~~pay remit payment to the director of public works one hundred dollars (\$100.00) for each street opening permit required established by order of the city council and published in Appendix B - Municipal Fee Schedule. of the applicant.~~

~~Sec. 12-71B(b).~~ Performance bond.

Each applicant for a permit under section 12-71 and section 12-71A shall upon receiving a permit, further post with the director of public works a five thousand dollar (\$5,000.00) performance bond payable to the City of Newburyport in order to protect the city in event that after the opening work has been completed, in the final written judgment of the director of public works, the area is not properly restored by the applicant to at least comparable if not better than its condition prior to the opening. No permit is valid nor work may commence until applicant has posted the performance bond.

CHAPTER 12 STREETS, SIDEWALKS AND OTHER PUBLIC PLACES
ARTICLE V PUBLIC PLACES
DIVISION 2: CEMETERIES

Sec. 12-101. Cemetery fees established.

The schedule of fees set forth in this section shall be established by order of the city council and published in Appendix B - Municipal Fee Schedule. ~~Fees are hereby established for services performed by the city in the Highland and Old Hill Cemeteries of the city.~~

- ~~(1) Digging of graves and rental of lowering devices and greens \$200.00~~
- ~~(2) Purchase of single grave 150.00~~

**CHAPTER 13 TRAFFIC AND MOTOR VEHICLES
ARTICLE IV SPECIFIC STREET SCHEDULES
DIVISION 6: STOPPING, STANDING AND PARKING**

Sec. 13-180.1. Paid parking permits.

(f) *Cost, dates of issuance and prorations.*

- (1) The annual cost of said permits shall be established by order of the city council and published in Appendix B - Municipal Fee Schedule.

Sec. 13-181. Parking lots.

- (h) Hourly rates for parking lots shall be established by order of the city council and published in Appendix B - Municipal Fee Schedule.

Sec. 13-183a. Plum Island parking.

Parking rates for the Plum Island Parking lot shall be established by order of the city council and published in Appendix B - Municipal Fee Schedule. Any person who shall park a vehicle unlawfully on Plum Island shall be subject to a parking fine as noted in chapter 1, section 1-18. Handicap parking violations are specifically excluded from this section.

**CHAPTER 15 VEHICLES FOR HIRE
ARTICLE II TAXI CABS**

Sec. 15-32. Fees and terms for permits/licenses.

All permits and licenses granted under this chapter shall continue and remain in full force and effect for a period from the first day of October each year until midnight on the September 31 of the year in which said permit or license was granted. The fees for such permits are established by order of the city council and published in Appendix B - Municipal Fee Schedule.

- ~~(1) The fee for a permit shall be fifty dollars (\$50.00) each year or any part of a year for each taxicab payable in advance of the application for a permit.~~
- ~~(2) The fee for a license shall be twenty five dollars (\$25.00) per year or any part of a year.~~

APPENDIX B – MUNICIPAL FEE SCHEDULE

SECTION 1 – TITLE AUTHORITY AND PURPOSE

1-A – SHORT TITLE AND PURPOSE

This ordinance shall be known as the “Municipal Fee Schedule for the City of Newburyport”, herein after referred to as the “Municipal Fee Schedule”. The purpose of this ordinance is to establish municipal fees for city departments.

1-B – AUTHORITY

This ordinance is adopted pursuant to the authority granted by M.G.L. ch

SECTION 2 – MUNICIPAL FEES BY CATEGORY

2-A - ANIMALS

<u>Licensing of dogs and kennels</u>	<u>Fee</u>
Neutered males and spayed females	\$10.00
Un-neutered males and un-spayed females	\$15.00
Senior citizens (aged 65 and over) who show proof of age shall be entitled to a license without paying said fees for their dogs, provided, however, that any applicable late fees shall still apply.	
<u>Kennel license fees</u>	<u>Fee</u>
Four (4) dogs	\$10.00
Five (5) to ten (10) dogs	\$15.00
Eleven (11) or more dogs	\$100.00
<u>Stray Animal Fees</u>	<u>Fee</u>
Pick-up of domestic stray animal, during city hall hours	\$40.00
Pick-up of domestic stray animal, outside of city hall hours	\$50.00
Boarding of stray animal and animal shelter	\$35/day

2-B – BOATS, DOCKS AND WATERWAYS (HARBORMASTER DEPARTMENT)

<u>Commercial Fish Pier</u>	<u>Fee</u>
Five cents (\$0.05) per pound for each pound in excess of twenty thousand pounds (20,000) of fish per day	\$10
Annual Permit, includes use of hoist/parking	\$1,700
<u>Commercial Shellfish Pier</u>	<u>Fee</u>
Residents License	\$100
Non-Residents License	\$200
Rack Fee	\$2.00 per rack
<u>Waterways, Moorings, etc. Annual Permits</u>	<u>Fee</u>
Waterways, includes Dinghy up to 12 ft	\$5 per foot
Moorings	\$4 per foot
Moorings, overnight only	\$50
Dinghy Dock	\$250

<u>Rates for Central Waterfront Docks</u>	<u>Fee</u>
<u>Weekday/Weekend 'Transient' Rates (3-hour increments)</u>	
Under 20 ft LOA	\$10 flat fee
21 to 40 ft LOA	\$20 flat fee
41 to 60 ft LOA	\$30 flat fee
<u>Weekday 'Day' Rates per foot</u>	
Under 50 ft LOA	\$3 per foot
51 to 100 ft LOA	\$4 per foot
Over 101 ft LOA	\$5 per foot
<u>Weekend 'Day' Rates per foot</u>	
Under 50 ft LOA	\$4 per foot
51 to 100 ft LOA	\$5 per foot
Over 101 ft LOA	\$6 per foot
<u>Dinghy up to 12 ft (up to 3 hours)</u>	
Weekday	\$5.00 flat fee
Weekend	\$10.00 flat fee

2-C – BUILDING INSPECTION PERMITS (PLUMBING, GAS, METAL & ELECTRICAL)

<u>Building Permits</u>	<u>Fees</u>
First one thousand dollars (\$1,000) of cost estimate	\$50

Each additional one thousand dollars (\$1,000) of estimate or part thereof.	<u>\$10</u>
<u>Plumbing Permit Fees</u>	<u>Fees</u>
Permit fee	<u>\$40</u>
Inspection/Re-inspection fee	<u>\$45</u>
Charge for each fixture	<u>\$10</u>
Replacement hot water heater	<u>\$60, residential</u> <u>\$75, commercial</u>
<u>Gas Permit Fees</u>	<u>Fees</u>
Permit fee	<u>\$40</u>
Inspection/Re-inspection fee	<u>\$45</u>
Appliance fee	<u>\$5, residential</u> <u>\$10, commercial</u>
Replacement hot water heater	<u>\$60, residential</u> <u>\$50, commercial</u>
<u>Sheet Metal Permit Fees</u>	<u>Fees</u>
Permit fee	<u>\$75.00, residential</u> <u>\$150.00, commercial</u>
Inspection fee:	<u>\$30.00</u>
Re-inspection fee:	<u>\$35.00</u>
Charge for each fixture	<u>\$10.00</u>
If residential work started before a permit	<u>\$150.00</u>
If commercial work started before permit	<u>\$300.00</u>

<u>Residential Electrical Permit Fees</u>	<u>Fee</u>
New Construction - Fee is based on the projected building cost as shown on the building permit.	<u>First \$50,000 = \$180</u> <u>Each additional \$1,000 = \$1.00</u>
Additions/Renovations (service not included)	<u>\$60 permit plus \$3 per item, maximum allowable charge \$300</u>
Garages Added On	<u>\$80, attached</u> <u>\$125, detached</u>
Generators	<u>\$45, manual start</u> <u>\$85, automatic</u>
Services—New, changed, or altered	<u>Single Family Overhead = \$45</u> <u>Single Family Underground = \$85</u> <u>Multi Family = \$85 plus \$20 each additional unit-, sub- or house- panel</u>
Temporary Service	<u>\$50</u>
Solar	<u>\$100 up to 10kW (>10kW use commercial solar rate)</u>
<u>Commercial Electrical Permit Fees</u>	<u>Fee</u>
New construction - Fee is based on the projected building cost as shown on the building permit.	<u>First \$100,000 is \$300</u> <u>Each additional \$1,000 or fraction thereof is \$1.00</u>
Additions/renovations (service not included)	<u>\$60.00 for the permit plus \$3 for each (service not included) plug, switch, light, appliance, special equipment, etc.= fee</u>
Services—New, changed, or altered	<u>Each 200 amps or fraction thereof \$50.00</u> <u>(includes 1st panel or main circuit breaker enclosure)</u> <u>Each additional panel \$20.00</u> <u>Temporary Service \$65</u>

<u>Miscellaneous Electrical Permits</u>	<u>Fee</u>
<u>Burglar/fire alarm systems</u>	<u>\$50, residential</u> <u>\$85, commercial</u>
<u>Central heat or A/C</u>	<u>\$65, residential</u> <u>\$85, commercial</u>
<u>Swimming pool – Above Ground</u>	<u>\$65</u>
<u>Swimming Pool – In Ground</u>	<u>\$95</u>
<u>Marina Commercial</u>	<u>\$150</u>
<u>Re-inspection</u>	<u>\$30</u>
<u>Hot water heater replacement</u>	<u>\$40, residential</u> <u>\$50, commercial</u>
<u>Utility lighting retrofit</u>	<u>\$65</u>
<u>Tel/data systems</u>	<u>\$85</u>
<u>Remove and reinstall for siding</u>	<u>\$55</u>
<u>Gas piping grounding</u>	<u>\$35</u>

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

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

<u>Public Records Access</u>	<u>Fee</u>
<u>Resident Listing Books</u>	<u>\$15</u>
<u>Zoning Ordinances</u>	<u>\$20</u>
<u>Subdivision</u>	<u>\$25</u>

2-E- FINANCE DEPARTMENT

<u>Treasurer/Collector Fees</u>	<u>Fee</u>
<u>Municipal Lien Certification:</u>	
<u>Standard Fee</u>	<u>\$25</u>
<u>Land with four or more family residences</u>	<u>\$100</u>
<u>Commercial, Industrial or Utility</u>	<u>\$150</u>
<u>Farms, Forestland and other</u>	<u>\$50</u>
<u>Demand Fee for Motor Vehicles and Real Estate</u>	<u>\$15</u>
<u>Assessor Fees</u>	<u>Fee</u>
<u>Abutter's List</u>	<u>\$5</u>
<u>Abutter's List with Labels</u>	<u>\$15</u>
<u>Public Request through Vision Appraisal</u>	<u>\$25</u>

2-F – FIRE PREVENTION AND PROTECTION

<u>Fire Protection / Hazardous Material Permits</u>	<u>Fee</u>
<u>Master box connection to the municipal fire alarm system</u>	<u>\$300 / annually</u>
<u>Fire Alarm Systems (Panels)</u>	<u>\$50</u>

<u>Unvented Gas Appliance</u>	<u>\$50</u>
<u>Sprinkler System</u>	<u>\$50 residential</u> <u>\$100 commercial</u>
<u>Oil Burner Installation/Repair</u>	<u>\$50</u>
<u>Explosive/Fire Hazardous Material Permits</u>	
<u>Blasting</u>	<u>\$50</u>
<u>Black Powder</u>	<u>\$50</u>
<u>Combustible Fibers/Dust</u>	<u>\$50</u>
<u>Fireworks</u>	<u>\$50</u>
<u>Model Rockets</u>	<u>\$25</u>
<u>Welding</u>	<u>\$50</u>
<u>Hazardous Materials Processing</u>	<u>\$50</u>
<u>Smoke Detectors/CO Inspection</u>	<u>Fee</u>
<u>Single Family/ Unit</u>	<u>\$50</u>
<u>Any Building with 2 Units</u>	<u>\$100</u>
<u>Any Building with 3-6 Units</u>	<u>\$150</u>
<u>Any Building with 7 or more Units</u>	<u>\$500</u>
<u>Commercial Cooking/Tents Permits</u>	<u>Fee</u>
<u>Commercial Cooking</u>	<u>\$50</u>
<u>Tents (Commercial)</u>	
<u>Up to 1,999 square feet</u>	<u>\$0.00</u>
<u>Over 2,000 square feet</u>	<u>\$50</u>
<u>Storage Tanks/Burners</u>	<u>Fee</u>
<u>LP Gas Storage</u>	<u>\$50</u>
<u>Flammable Liquid, Solid, Gas Storage</u>	
<u>Storage Tanks</u>	
<u>Up to 1,100 Gallons</u>	<u>\$50</u>
<u>Over 1,100 Gallons</u>	<u>\$100</u>
<u>Propane Tank Installation</u>	
<u>Up to 999 Gallons</u>	<u>\$50</u>
<u>Over 1,000 Gallons</u>	<u>\$100</u>
<u>Removal of Tanks</u>	<u>\$50, above ground</u> <u>\$100, below ground</u>
<u>Miscellaneous Fire Permits</u>	<u>Fee</u>
<u>Outside Burning</u>	<u>\$10</u>
<u>Reports</u>	<u>\$10</u>
<u>Any Permit not listed but required</u>	<u>\$50</u>

2-G- LICENSES, PERMITS, SIGNS AND BUSINESS REGULATIONS

<u>Lodging house licenses</u>	<u>Fees</u>
<u>Lodging houses</u>	<u>\$2</u>
<u>Bed and Breakfast</u>	<u>\$20</u>
<u>Transient Vendor/Food Trucks License</u>	<u>Fees</u>
<u>Annual notice for transient vendor license applications</u>	<u>\$10</u>
<u>Transient vendors, excluding food trucks</u>	<u>\$1,000</u>
<u>Food trucks</u>	<u>\$1,500</u>

<u>Application processing fee for transient vendors</u>	<u>\$50.00</u>
<u>Additional fee for notification to registered party</u>	<u>\$1.00</u>

<u>Signs in public ways</u>	<u>Fee</u>
<u>Permanent signs fee</u>	<u>\$150</u>
<u>Temporary Signs, banners</u>	<u>\$2</u>
<u>Temporary Signs, moveable signs effective on first day of April and expiring on March 31st</u>	<u>\$50/annually</u> <u>\$5/month, prorated for new businesses</u>
<u>A-Frame sign biennial license fee</u>	<u>\$100 per sign</u>

<u>Vehicles for hire licenses/permits/sales</u>	<u>Fee</u>
<u>Annual permit for taxicabs</u>	<u>\$50</u>
<u>Fee for license for taxicabs</u>	<u>\$25</u>
<u>Taxi Driver fee</u>	<u>\$15</u>
<u>Permit restoration after suspension or revocation</u>	<u>\$50</u>
<u>Class II Auto Sales</u>	<u>\$75</u>

<u>Miscellaneous license and application fees</u>	<u>Fees</u>
<u>Establishments with pool and billiard tables license fee</u>	<u>\$5</u>
<u>Establishments with bowling alleys license fee</u>	<u>\$5</u>
<u>Pawn broker annual license fee before November 1st</u>	<u>\$50</u>
<u>Pawn broker annual license fee after November 1st</u>	<u>\$25</u>
<u>Hawkers/peddler License fee</u>	<u>\$46</u>
<u>Application fee for Solicitor Identification Card</u>	<u>\$50</u>
<u>License for retail stores to operate between 11:00pm and 5:00am</u>	<u>\$15</u>
<u>Storage or keeping of flammables or explosives of Class A, B and C liquids:</u>	
<u>1 gallon to 10,000</u>	
<u>10,001 gallons to 25,000</u>	<u>\$50</u>
<u>25,001 gallons to 50,000</u>	<u>\$100</u>
<u>50,001 gallons and over</u>	<u>\$200</u>
	<u>\$300</u>

2-H – MUNICIPAL FACILITY USE FEE

<u>Senior/Community Center</u>	<u>Fee (see note below)</u>	<u>Reference</u>
<u>Weekday Rates: Monday through Thursday 8:00am – 10:00pm, Friday 8:00am – 4:00pm</u>		
<u>Community Room A + B + Dining Room / Kitchen</u>	<u>\$100/hour – Private Function</u> <u>\$50/hour – Funds Raised</u>	<u>By order</u>
<u>Community Room A or B</u>	<u>\$50/hour – Private Function</u> <u>\$25/hour – Funds Raised</u>	<u>By order</u>
<u>Dining Room/Kitchen</u>	<u>\$75/hour – Private Function</u> <u>\$50/hour – Funds Raised</u>	<u>By order</u>
<u>Arts & Crafts Room, Billiards Room, Board Room, Computer Lab, Exercise Equipment Room, Library, Wellness Room</u>	<u>\$50/hour – Private Function</u> <u>\$25/hour – Funds Raised</u>	<u>By order</u>
<u>Weekend Rates: Friday 4:00pm through Monday 7:00am</u>		
<u>Community Room A + B + Dining Room / Kitchen – Weekday</u>	<u>\$150/hour – Private Function</u> <u>\$100/hour – Funds Raised</u>	<u>By order</u>
<u>Community Room A or B</u>	<u>\$100/hour – Private Function</u> <u>\$75/hour – Funds Raised</u>	<u>By order</u>

<u>Dining Room/Kitchen</u>	<u>\$125/hour – Private Function</u> <u>\$100/hour – Funds Raised</u>	<u>By order</u>
<u>Arts & Crafts Room, Billiards Room, Board Room, Computer Lab, Exercise Equipment Room, Library, Wellness Room</u>	<u>\$100/hour – Private Function</u> <u>\$75/hour – Funds Raised</u>	<u>By order</u>

Note: Non-commercial, public gatherings that do not raise funds are \$0/hour on weekdays and \$50/hour on the weekends.

<u>City Hall Auditorium</u>	<u>Fee (see note below)</u>	<u>Reference</u>
<u>Weekday Rates: Monday through Thursday 8:00am – 10:00pm, Friday 8:00am – 4:00pm</u>		
<u>Auditorium</u>	<u>\$75/hour – Private Function</u> <u>\$50/hour – Funds Raised</u>	<u>By order</u>
<u>Set-up/access to reserved space prior to event</u>	<u>\$35/hour – Private Function</u> <u>\$35/hour – Funds Raised</u>	<u>By order</u>
<u>Weekend Rates: Friday 4:00pm through Monday 7:00am</u>		
<u>Auditorium</u>	<u>\$125/hour – Private Function</u> <u>\$75/hour – Funds Raised</u>	<u>By order</u>
<u>Set-up/access to reserved space prior to event</u>	<u>\$35/hour – Private Function</u> <u>\$35/hour – Funds Raised</u>	<u>By order</u>

Note: Non-commercial, public gatherings that do not raise funds are \$0/hour and \$50/hour for Auditorium and \$35/hour for Set-up/Access.

2-I– PARKING FEES (PERMITS, RATES)

<u>Parking Permits</u>	<u>Fee</u>
<u>Resident Annual Permit – Paid Parking Facilities</u>	<u>\$15.00</u> <u>\$5.00, Senior Rate</u>
<u>Employee Quarterly Permit, All Day Parking Facilities</u>	<u>\$50.00</u>
<u>Resident Monthly Pass for Titcomb Street Garage</u>	<u>\$60.00</u>
<u>Non-Resident Monthly Pass for Titcomb Street Garage</u>	<u>\$80.00</u>
<u>Employee Pass for Titcomb Street Garage</u>	<u>\$50.00</u>
<u>Parking, Hourly Fees in Lots</u>	<u>Fee</u>
<u>Hourly Fee – Waterfront Trust Lot, State Street Lot, Titcomb Street Garage, NRA West and East Lot</u>	<u>\$1.00/hour</u>
<u>Hourly Fee – Green Street Lot, Prince Place Lot and Hales Court Lot</u>	<u>\$1.50/hour</u>
<u>Plum Island Parking Lot</u>	<u>Fee</u>
<u>Resident</u>	<u>\$10.00, Weekday</u> <u>\$12.00, Weekend</u>
<u>Non-Resident</u>	<u>\$15.00, Weekday</u> <u>\$20.00, Weekend</u>

2-J– PARKS AND RECREATION FEES

	<u>Group Hourly Rate, see Municipal Code Reference</u>							
<u>Athletic Fields and Courts</u>	<u>A</u>	<u>B*</u>	<u>C</u>	<u>D</u>	<u>E</u>	<u>F**</u>	<u>G**</u>	<u>H**</u>
<u>Cashman Park Ballfield</u>	<u>N/C</u>	<u>\$5.00</u>	<u>\$15.00</u>	<u>N/C</u>	<u>N/A</u>	<u>\$25.00</u>	<u>\$100.00</u>	<u>\$200.00</u>
<u>Perkins Park Ballfield</u>	<u>N/C</u>	<u>\$5.00</u>	<u>\$15.00</u>	<u>N/C</u>	<u>N/A</u>	<u>\$25.00</u>	<u>\$100.00</u>	<u>\$200.00</u>
<u>Cashman Park Soccer Field</u>	<u>N/C</u>	<u>\$5.00</u>	<u>\$15.00</u>	<u>N/C</u>	<u>N/A</u>	<u>\$25.00</u>	<u>\$100.00</u>	<u>\$200.00</u>
<u>Cherry Hill Soccer Field Parcel A</u>	<u>N/C</u>	<u>\$5.00</u>	<u>\$15.00</u>	<u>N/C</u>	<u>N/A</u>	<u>\$25.00</u>	<u>\$100.00</u>	<u>\$200.00</u>
<u>Cherry Hill Soccer Field Parcel B</u>	<u>N/C</u>	<u>\$5.00</u>	<u>\$15.00</u>	<u>N/C</u>	<u>N/A</u>	<u>\$25.00</u>	<u>\$100.00</u>	<u>\$200.00</u>
<u>Bradley Fuller Park Track</u>	<u>N/C</u>	<u>\$5.00</u>	<u>\$15.00</u>	<u>N/C</u>	<u>N/A</u>	<u>\$25.00</u>	<u>\$100.00</u>	<u>\$200.00</u>

	Group Hourly Rate, see Municipal Code Reference							
<u>Athletic Fields and Courts</u>	<u>A</u>	<u>B*</u>	<u>C</u>	<u>D</u>	<u>E</u>	<u>F**</u>	<u>G**</u>	<u>H**</u>
<u>Bradley Fuller Park Infield</u>	<u>N/C</u>	<u>\$5.00</u>	<u>\$15.00</u>	<u>N/C</u>	<u>N/A</u>	<u>\$25.00</u>	<u>\$100.00</u>	<u>\$200.00</u>
<u>Bradley Fuller Park North Field</u>	<u>N/C</u>	<u>\$5.00</u>	<u>\$15.00</u>	<u>N/C</u>	<u>N/A</u>	<u>\$25.00</u>	<u>\$100.00</u>	<u>\$200.00</u>
<u>Woodman Park Multi-use Field</u>	<u>N/C</u>	<u>\$5.00</u>	<u>\$15.00</u>	<u>N/C</u>	<u>N/A</u>	<u>\$25.00</u>	<u>\$100.00</u>	<u>\$200.00</u>
<u>Cashman Park Tennis</u>	<u>N/C</u>	<u>\$5.00</u>	<u>\$15.00</u>	<u>N/C</u>	<u>N/A</u>	<u>\$25.00</u>	<u>\$100.00</u>	<u>\$200.00</u>
<u>Perkins Park Tennis</u>	<u>N/C</u>	<u>\$5.00</u>	<u>\$15.00</u>	<u>N/C</u>	<u>N/A</u>	<u>\$25.00</u>	<u>\$100.00</u>	<u>\$200.00</u>
<u>Bartlet Mall Basketball Courts</u>	<u>N/C</u>	<u>\$5.00</u>	<u>\$15.00</u>	<u>N/C</u>	<u>N/A</u>	<u>\$25.00</u>	<u>\$100.00</u>	<u>\$200.00</u>
<u>Cashman Park Basketball Court</u>	<u>N/C</u>	<u>\$5.00</u>	<u>\$15.00</u>	<u>N/C</u>	<u>N/A</u>	<u>\$25.00</u>	<u>\$100.00</u>	<u>\$200.00</u>
<u>G.W. Brown School Playground Basketball</u>	<u>N/C</u>	<u>\$5.00</u>	<u>\$15.00</u>	<u>N/C</u>	<u>N/A</u>	<u>\$25.00</u>	<u>\$100.00</u>	<u>\$200.00</u>
<u>Perkins Park Basketball Courts</u>	<u>N/C</u>	<u>\$5.00</u>	<u>\$15.00</u>	<u>N/C</u>	<u>N/A</u>	<u>\$25.00</u>	<u>\$100.00</u>	<u>\$200.00</u>
<u>Woodman Park Basketball Courts</u>	<u>N/C</u>	<u>\$5.00</u>	<u>\$15.00</u>	<u>N/C</u>	<u>N/A</u>	<u>\$25.00</u>	<u>\$100.00</u>	<u>\$200.00</u>
<u>Moseley Woods Lawn</u>	<u>N/C</u>	<u>\$5.00</u>	<u>\$15.00</u>	<u>N/C</u>	<u>N/A</u>	<u>\$25.00</u>	<u>\$100.00</u>	<u>\$200.00</u>
<u>Atkinson Common, Lower, Founders Field</u>	<u>N/C</u>	<u>\$5.00</u>	<u>\$15.00</u>	<u>N/C</u>	<u>N/A</u>	<u>\$25.00</u>	<u>\$100.00</u>	<u>\$200.00</u>
<u>Atkinson Common, Lower, Pepe Field</u>	<u>N/C</u>	<u>\$5.00</u>	<u>\$15.00</u>	<u>N/C</u>	<u>N/A</u>	<u>\$25.00</u>	<u>\$100.00</u>	<u>\$200.00</u>
<u>Atkinson Common, Lower, Hawkes Field</u>	<u>N/C</u>	<u>\$5.00</u>	<u>\$15.00</u>	<u>N/C</u>	<u>N/A</u>	<u>\$25.00</u>	<u>\$100.00</u>	<u>\$200.00</u>
<u>Atkinson Common Tennis</u>	<u>N/C</u>	<u>\$5.00</u>	<u>\$15.00</u>	<u>N/C</u>	<u>N/A</u>	<u>\$25.00</u>	<u>\$100.00</u>	<u>\$200.00</u>
<u>Small Parks</u>	<u>A</u>	<u>B</u>	<u>C</u>	<u>D</u>	<u>E</u>	<u>F*</u>	<u>G*</u>	<u>H*</u>
<u>Brown Square</u>	<u>N/C</u>	<u>N/A</u>	<u>N/A</u>	<u>N/C</u>	<u>N/C</u>	<u>\$25.00</u>	<u>\$100.00</u>	<u>\$200.00</u>
<u>Cornelius Doyle Triangle</u>	<u>N/C</u>	<u>N/A</u>	<u>N/A</u>	<u>N/C</u>	<u>N/C</u>	<u>\$25.00</u>	<u>\$100.00</u>	<u>\$200.00</u>
<u>Joppa Park</u>	<u>N/C</u>	<u>N/A</u>	<u>N/A</u>	<u>N/C</u>	<u>N/C</u>	<u>\$25.00</u>	<u>\$100.00</u>	<u>\$200.00</u>
<u>Moulton Square</u>	<u>N/C</u>	<u>N/A</u>	<u>N/A</u>	<u>N/C</u>	<u>N/C</u>	<u>\$25.00</u>	<u>\$100.00</u>	<u>\$200.00</u>
<u>Washington Park (Eppa Way, Pond Street, High Street)</u>	<u>N/C</u>	<u>N/A</u>	<u>N/A</u>	<u>N/C</u>	<u>N/C</u>	<u>\$25.00</u>	<u>\$100.00</u>	<u>\$200.00</u>
<u>270 Water Street (Perkins Park)</u>	<u>N/C</u>	<u>N/A</u>	<u>N/A</u>	<u>N/C</u>	<u>N/C</u>	<u>\$25.00</u>	<u>\$100.00</u>	<u>\$200.00</u>
<u>Patrick Tracy Square (Tracy Place)</u>	<u>N/C</u>	<u>N/A</u>	<u>N/A</u>	<u>N/C</u>	<u>N/C</u>	<u>\$25.00</u>	<u>\$100.00</u>	<u>\$200.00</u>
<u>Newburyport Skate Park (Nock Schoolyard)</u>	<u>N/C</u>	<u>\$5.00</u>	<u>\$15.00</u>	<u>N/C</u>	<u>N/A</u>	<u>\$25.00</u>	<u>\$100.00</u>	<u>\$200.00</u>
<u>Mid to Large Parks</u>	<u>A</u>	<u>B</u>	<u>C</u>	<u>D</u>	<u>E</u>	<u>F*</u>	<u>G*</u>	<u>H*</u>
<u>Atkinson Common, Upper (other than athletic fields or courts)</u>	<u>N/C</u>	<u>N/A</u>	<u>N/A</u>	<u>N/C</u>	<u>N/C</u>	<u>\$25.00</u>	<u>\$100.00</u>	<u>\$200.00</u>
<u>Atkinson Common, Lower (other than athletic fields or courts)</u>	<u>N/C</u>	<u>N/A</u>	<u>N/A</u>	<u>N/C</u>	<u>N/C</u>	<u>\$25.00</u>	<u>\$100.00</u>	<u>\$200.00</u>
<u>Atwood Park/Garrison Gardens</u>	<u>N/C</u>	<u>N/A</u>	<u>N/A</u>	<u>N/C</u>	<u>N/C</u>	<u>\$25.00</u>	<u>\$100.00</u>	<u>N/A</u>
<u>Bartlet Mall (other than athletic fields or courts)</u>	<u>N/C</u>	<u>N/A</u>	<u>N/A</u>	<u>N/C</u>	<u>N/C</u>	<u>\$25.00</u>	<u>\$100.00</u>	<u>\$200.00</u>
<u>Cashman Park (other than athletic fields or courts)</u>	<u>N/C</u>	<u>N/A</u>	<u>N/A</u>	<u>N/C</u>	<u>N/C</u>	<u>\$25.00</u>	<u>\$100.00</u>	<u>\$200.00</u>

	Group Hourly Rate, see Municipal Code Reference							
Athletic Fields and Courts	A	B*	C	D	E	F**	G**	H**
<u>Clipper City Rail Trail (any segments)</u>	<u>N/C</u>	<u>N/A</u>	<u>N/A</u>	<u>N/C</u>	<u>N/C</u>	<u>\$25.00</u>	<u>\$100.00</u>	<u>\$200.00</u>
<u>Cushing Park (other than athletic fields or courts)</u>	<u>N/C</u>	<u>N/A</u>	<u>N/A</u>	<u>N/C</u>	<u>N/C</u>	<u>\$25.00</u>	<u>\$100.00</u>	<u>\$200.00</u>
<u>Inn Street Mall</u>	<u>N/C</u>	<u>N/A</u>	<u>N/A</u>	<u>N/C</u>	<u>N/A</u>	<u>\$25.00</u>	<u>\$100.00</u>	<u>\$200.00</u>
<u>March's Hill</u>	<u>N/C</u>	<u>N/A</u>	<u>N/A</u>	<u>N/C</u>	<u>N/C</u>	<u>\$25.00</u>	<u>\$100.00</u>	<u>\$200.00</u>
<u>Market Landing Park</u>	<u>[per Newburyport Waterfront Trust]</u>							
<u>Market Square Bullnose</u>	<u>N/C</u>	<u>N/A</u>	<u>N/A</u>	<u>N/C</u>	<u>N/A</u>	<u>\$25.00</u>	<u>\$100.00</u>	<u>\$200.00</u>
<u>Moseley Woods Pavilion</u>	<u>N/C</u>	<u>N/A</u>	<u>N/A</u>	<u>N/C</u>	<u>N/C</u>	<u>\$25.00</u>	<u>\$100.00</u>	<u>\$200.00</u>

* Up to 50% of the fee may be waived in exchange for in-kind services at the sole discretion of the parks commission.

** Any charitable non-profit registered as a 501c3 may apply for a fee reduction or waiver from the parks commission.

The parks commission is under no obligation to offer any reduction or waiver.

Any reduction or waiver is at the sole discretion of the parks commission.

N/C = no charge, N/A = not applicable

- (1) Group A: City of Newburyport departments, including Newburyport Public Schools; other non-profit and for-profit education located within the city; and active duty military.
- (2) Group B: Recurring use by exclusively youth leagues.
- (3) Group C: Recurring use by organizations, including adult sports leagues.
- (4) Group D: Recurring use by organizations that do not charge end-users any fee to participate, including pick-up leagues.
- (5) Group E: Special events held by individuals or groups with up to twenty-five (25) attendees.
- (6) Group F: Special events held by individuals or groups with twenty-six (26) to fifty (50) attendees.
- (7) Group G: Special events held by individuals or groups with fifty (50) to two-hundred (200) attendees.
- (8) Group H: Special events held by individuals or groups with greater than two-hundred (200) attendees.

For Groups B, C, and D (recurring field use), a fee to utilize the concession stand/restroom at Atkinson Common, Lower, shall be fifty dollars (\$50.00) per month. Group E, F, G, and H (special events), may request use of the restrooms for a one-time fee of one-hundred dollars (\$100.00)

2-K- PLANNING DEPARTMENT FEES

<u>Documentation Fees</u>	<u>Fee</u>
<u>Form A - Approval Not Required</u>	<u>\$200/lot or lot line change</u>
<u>Form B - Preliminary Subdivision</u>	<u>\$100 base plus \$100 per lot</u>
<u>Form C - Definitive Subdivision</u>	<u>\$1,000 base plus \$250/lot if Preliminary Plan was approved or \$500/lot otherwise</u>
<u>Modification of a Definitive Plan</u>	<u>\$500 base plus \$175/lot</u>
<u>Special Permit / Modification</u>	<u>\$200</u>
<u>Site Plan Review - Major Project</u>	<u>\$500</u>
<u>Site Plan Review - Minor Project</u>	<u>\$200</u>
<u>Repetitive Petition</u>	<u>\$200</u>
<u>Publication and Abutters fee</u>	<u>\$350 per project</u>
<u>Preliminary Plan, Modification of a Definitive Plan, or Modification of a Special Permit</u>	<u>Fee</u>
<u>2 - 15 Lots/Units</u>	<u>\$2,000</u>
<u>16 - 20 Lots/Units</u>	<u>\$3,000</u>
<u>21 - 25 Lots/Units</u>	<u>\$4,250</u>
<u>More than 25 Lots/Units</u>	<u>\$5,000</u>
<u>Ten or fewer Parking Spaces</u>	<u>\$1,000</u>
<u>Ten or more Parking Spaces</u>	<u>\$1,500</u>

<u>Initial Definitive Plan, Special Permit or Site Plan</u>	<u>Fee</u>
<u>2 - 15 Lots/Units</u>	<u>\$4,000</u>
<u>16 - 20 Lots/Units</u>	<u>\$6,000</u>
<u>21 - 25 Lots/Units</u>	<u>\$10,000</u>
<u>More than 25 Lots/Units</u>	<u>\$20,000</u>
<u>Minor Site Plan Review</u>	<u>\$500</u>
<u>Major Site Plan Review</u>	<u>\$1,500</u>
<u>Ten or fewer Parking Spaces</u>	<u>\$2,000</u>
<u>Ten or more Parking Spaces</u>	<u>\$5,000</u>

2-L- POLICE DEPARTMENT FEES

<u>Records Request</u>	<u>Fee</u>
<u>Per page mailed or faxed</u>	<u>\$1</u>
<u>Per page walk-in</u>	<u>\$0.50</u>
<u>Per report up to 6 pages</u>	<u>\$5.00</u>

<u>Firearms License</u>	<u>Fee</u>
<u>License fee for firearms</u>	<u>\$100.00</u>
<u>Police Details Administrative Fee</u>	<u>10%</u>

2-M- HEALTH DEPARTMENT FEES

<u>Day Camps and Funeral Directors</u>	<u>Fee</u>
<u>Administrative Determination of Applicability</u>	<u>\$75</u>
<u>Bed & Breakfast License</u>	<u>\$60</u>
<u>Body Art Practitioner (tattoo/piercing)</u>	<u>\$20</u>
<u>Body Art Establishment</u>	<u>\$200</u>
<u>Day Camp for Children</u>	<u>\$100</u>
<u>Day Care Service for Children</u>	<u>\$50</u>
<u>Certificate of Compliance</u>	<u>\$50</u>
<u>Document Preparation Fee</u>	<u>\$25, first page</u> <u>\$2 each add'l page</u>
<u>Disposal Works Installers Exam</u>	<u>\$10</u>
<u>Burial Permit</u>	<u>\$10</u>
<u>Funeral Directors</u>	<u>\$50</u>
<u>General License / Permit</u>	<u>\$100</u>
<u>Housing Section 8 Inspection</u>	<u>\$50</u>
<u>Special Inspection</u>	<u>\$75</u>

<u>Title V /Septic and Wells</u>	<u>Fee</u>
<u>Disposal Works Installers Exam</u>	<u>\$10</u>
<u>Disposal Works Installers Permit</u>	<u>\$100</u>
<u>Ground Water Test (Deep Hole)</u>	<u>\$100</u>
<u>Perk Test</u>	<u>\$150</u>
<u>Deep Hole Test</u>	<u>\$100</u>
<u>Well Permit</u>	<u>\$25</u>

<u>Food Service Establishment – Plan Review</u>	<u>Fee</u>
<u>Plan Review (Construction)</u>	<u>\$150</u>
<u>Plan Review (Food Establishment)</u>	<u>\$150</u>

<u>Plan Review (Mobile Food)</u>	<u>\$75</u>
<u>Plan Review (Mobile Food Kitchen)</u>	<u>\$150</u>
<u>Plan Review (Residential Kitchen)</u>	<u>\$75</u>
<u>Food Service Establishment - Permits</u>	<u>Fee</u>
<u>Permit Fee</u>	<u>\$230</u>
- <u>Each Seat (Max of \$450)</u>	<u>\$5/seat</u>
<u>Frozen Dessert</u>	<u>\$25</u>
<u>Milk & Ice Cream</u>	<u>\$10</u>
<u>Mobile Food</u>	<u>\$165</u>
<u>Mobile Food Kitchen Annual</u>	<u>\$350</u>
<u>Catering Establishment</u>	<u>\$100</u>
<u>Retail Food</u>	<u>\$230</u>
<u>Residential Kitchen</u>	<u>\$230</u>
<u>Seasonal Establishment</u>	<u>\$165</u>
<u>Re-Inspections (Additional)</u>	<u>\$35</u>
<u>Temporary Food Events</u>	<u>Fee</u>
<u>One- or Two-Day Event</u>	<u>\$100</u>
<u>Three or More Day Event</u>	<u>\$50/day</u>
<u>Pop Up Event</u>	<u>\$25 / \$50</u>
<u>Refundable Deposit</u>	<u>Fee</u>
<u>Cooking Event Organizer</u>	<u>\$500</u>
<u>Non-Cooking</u>	<u>\$100</u>

<u>Solid Waste Hauler Permit</u>	<u>Fee</u>
<u>First Vehicle</u>	<u>\$250</u>
<u>Each Additional Vehicle</u>	<u>\$50</u>

<u>Septage / Fats, Oils, Grease / Other Offal Substances Hauler Permit</u>	<u>Fee</u>
<u>First Vehicle</u>	<u>\$250</u>
<u>Each Additional Vehicle</u>	<u>\$50</u>

<u>Pools, Stables, Skating Rinks, Tobacco, Tanning Establishments</u>	<u>Fee</u>
<u>Skating Rink</u>	<u>\$100</u>
<u>Swimming Pool</u>	<u>\$110</u>
<u>Special Purpose Pool</u>	<u>\$110</u>
<u>Stable (Barn Fee)</u>	<u>\$25</u> <u>\$5 per horse</u>
<u>Tanning Establishment</u>	<u>\$100</u>
<u>Tobacco</u>	<u>\$100</u>

2-N- PUBLIC WAYS FEES (DEPARTMENT OF PUBLIC SERVICES – HIGHWAY)

<u>Permits for Public Ways (Streets, Sidewalks)</u>	<u>Fee</u>
<u>License fee for drain layers or utility contractors</u>	<u>\$500/annually</u>
<u>Street opening, trench permit</u>	<u>\$100 excavation fee plus \$2/sq-ft</u>
<u>Sidewalk permit</u>	<u>\$100</u>
<u>Curb Cut</u>	<u>\$100 application, DPS review</u>
<u>Electricity Access Permit</u>	<u>\$25 per day, \$300 per month</u>
<u>Right of Way (ROW) Occupancy (dumpster, staging)</u>	<u>\$50 per week</u>
<u>Special Events (trash, staging)</u>	<u>\$45/hr/employee</u>

<u>Burials and Cremations Permits</u>	<u>Fee</u>
<u>Digging of graves and rental of lowering devices and greens in the Highland and Old Hill Cemetery</u>	<u>\$200</u>
<u>Purchase of single grave in the Highland and Old Hill Cemetery</u>	<u>\$150</u>
<u>Full burials</u>	<u>\$550 (Summer)</u> <u>\$750 (Winter)</u>
<u>Cremations</u>	<u>\$200</u>
<u>Additional Fee for Weekend Burial/Cremations</u>	<u>\$300</u>
<u>Pauper Burial</u>	<u>\$50</u>

2-O- RECYCLING AND SOLID WASTE

<u>Yard Waste Facility and Landscaper Permit</u>	<u>Fee</u>
<u>Under 65 years of age,</u>	
<u>First Vehicle</u>	<u>\$20</u>
<u>Second Vehicle</u>	<u>\$10</u>
<u>Over 65 years of age</u>	<u>\$5</u>
<u>Replacement Sticker</u>	<u>\$0.00</u>
<u>Landscaper Permit</u>	<u>\$250</u>
<u>Curbside Bulk Waste Stickers</u>	<u>Fee</u>
<u>Any furniture item</u>	<u>\$5</u>
<u>Mattress (trash)</u>	<u>\$20</u>
<u>Mattress (recycled)</u>	<u>\$15</u>

<u>Recycling Center Fees – Appliances</u>	
<u>Clothes Washer/Dryer (stackable) - \$20.00</u>	<u>Microwave - \$1.00 (metal), \$5.00 (plastic)</u>
<u>Clothes Washer/Dryer - \$10.00</u>	<u>Refrigerator - \$15.00 (regular), \$5.00 (dorm-size)</u>
<u>Dehumidifier - \$10.00</u>	<u>Room Air Conditioner - \$10.00</u>
<u>Dishwashers - \$5.00</u>	<u>Stove - \$10.00</u>
<u>Recycling Center Fees – Electronics</u>	
<u>Copier Machine - \$5 (<30lbs), \$25 (>30lbs)</u>	<u>Televisions (CRT <32") - \$10 (10-19"), \$15 (20-31"),</u>
<u>Computer (CPU Tower) - \$5</u>	<u>Televisions (CRT >32") - \$20 (32-35"), \$25 (>=36")</u>
<u>Electronics, miscellaneous - \$0 to \$3, varies by size</u>	<u>Televisions (Flatscreen) - \$5 <= 32", \$10 >32"</u>
<u>Monitor - \$10 (CRT), \$5 (flat-screen)</u>	<u>TV (wood case) - \$25</u>
<u>Printer - \$5 (inkjet), \$10 (laserjet)</u>	<u>TV (Projection) - \$30 <= 200lbs, \$0.22/lb > 200 lbs</u>
<u>Printer over 30lbs - \$25</u>	<u>VCR/DVD - \$2</u>
<u>Recycling Center Fees – Miscellaneous</u>	
<u>Mattresses - \$15 (recycling), \$20 (curbside)</u>	<u>Tire - \$3/each (rim or no rim)</u>
<u>Helium Tank - \$1</u>	<u>Water Cooler - \$5 (small), \$10 (large)</u>
<u>Propane tank - \$1 (gas grill size)</u>	<u>Water Tank - \$3</u>

2-P- WATER AND SEWER FEES (DEPARTMENT OF PUBLIC SERVICE – WATER AND SEWER)

<u>Water Consumption Usage Rates</u>	<u>Fee</u>
<u>First 3,000 cu-ft for Residential and Non-residential</u>	<u>\$5.94/100 cu-ft</u>
<u>3,001 cu-ft and over for Residential and Non-residential</u>	<u>\$6.69/100 cu-ft</u>
<u>Residential Service Charge – Meters 1" or smaller</u>	<u>\$25/quarter</u>
<u>Residential Service Charge – Meters larger than 1"</u>	<u>\$125/quarter</u>
<u>Non-Res Service Charge – Meters 1" or smaller</u>	<u>\$30/quarter</u>
<u>Non-Res Service Charge – Meters larger than 1"</u>	<u>\$125/quarter</u>
<u>Sewer Usage Rates</u>	<u>Fee</u>
<u>First 3,000 cu-ft</u>	<u>\$9.84/100 cu-ft</u>

<u>3,001 cu-ft and over</u>	<u>\$10.60/100 cu-ft</u>
<u>Customer Service Charge – All customers</u>	<u>\$25/quarter</u> <u>\$30/quarter (Newbury)</u>
<u>Customer Service Charges</u>	<u>Fee</u>
<u>Emergency Call</u>	<u>\$400</u>
<u>Water On/Off</u>	<u>\$50</u>
<u>Water off, Meter Out</u> <u>Water on, Meter In</u>	<u>\$75</u>
<u>Labor – Water</u>	<u>\$75</u>
<u>Cut & Cap Water Service</u>	<u>\$400</u>
<u>Water Reconnect</u>	<u>\$400</u>
<u>Property Transfer</u>	<u>\$60</u>
<u>New Service Connections</u>	<u>Fee</u>
<u>1 Inch</u>	<u>\$2,500</u>
<u>2 Inch</u>	<u>\$4,270</u>
<u>4 Inch</u>	<u>\$7,140</u>
<u>6 Inch</u>	<u>\$10,000</u>
<u>Water Main Connections</u>	<u>Fee</u>
<u>8 Inch</u>	<u>\$13,000</u>
<u>12 Inch</u>	<u>\$16,000</u>
<u>16 Inch</u>	<u>\$20,000</u>
<u>Tap Fees</u>	<u>Fee</u>
<u>Tap 1 - 2 inch</u>	<u>\$400</u>
<u>Tap 4 - 6 inch</u>	<u>\$650</u>
<u>Tap 8 inch</u>	<u>\$800</u>
<u>Greater than 8 inch</u>	<u>\$1,200</u>
<u>Meter Charge</u>	<u>Fee</u>
<u>5/8 Inch</u>	<u>Market Cost (Variable)*</u>
<u>1 Inch</u>	<u>Market Cost (Variable)*</u>
<u>Greater than 1 inch</u>	<u>Market Cost (Variable)*</u>
<u>Meter horns fittings</u>	<u>Market Cost (Variable)*</u>
<u>Meter Test</u>	<u>\$150</u>
<u>Valve Repair</u>	<u>\$100</u>
<u>Sewer Connection Fees</u>	<u>Fee</u>
<u>Cut & Cap Service</u>	<u>\$1,500</u>
<u>Sewer Reconnect</u>	<u>\$225</u>
<u>Property Transfer</u>	<u>\$60</u>
<u>I/I Fee</u>	<u>\$300</u>
<u>Contractor Services</u>	<u>Fee</u>
<u>Hydrant Flow Test</u>	<u>\$150</u>
<u>Hydrant Charge</u>	<u>\$400</u>
<u>Hydrant Charge Newbury</u>	<u>\$75</u>
<u>Inspection</u>	<u>\$60</u>

In City Council August 30, 2021:

Motion to refer to Budget & Finance collectively by Councillor Zeid, seconded by Councillor Connell. Roll call vote. 11 yes.

In City Council November 29, 2021:

Motion to approve on 1st reading by Councillor Zeid, seconded by Councillor Khan. Scrivener's error in section 2-G Misc. license and application fees seventh line to replace "operation" with "operate". Roll call vote. 11 yes. Motion passes.

CITY OF NEWBURYPORT



IN CITY COUNCIL

ORDERED:

AN ORDINANCE TO AMEND CERTAIN PROVISIONS OF THE NEWBURYPORT ZONING ORDINANCE, INCLUDING USE TABLE, LIST OF ALLOWABLE USES, DIMENSIONAL TABLE, AND PARKING REQUIREMENTS.

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

WHEREAS, The Newburyport City Council works to encourage outdoor and recreational activities, and

WHEREAS, there are limited areas within the City to provide for the development, creation or expansion of said outdoor activities uses.

THEREFORE, LET IT BE ORDAINED THAT Sections V-D (Table of Use Regulations), V-E (List of Allowable Uses), VI-A (Dimensional Controls) and VII-B (Parking Requirements) be amended and revised, pursuant to Section XII-B (Adoption and Amendment) to read as follows, with deletions ~~stricken through and bold~~ and additions **double underlined and in bold** as follows:

Section V-D – Table of Use Regulations

USE	NUM	CON	HSR-A, HSR-B	R-1	R-2	R-3	B-1	B-2	B-3	I-1	I-1B	I-2	M	WMD	WMU
Country club <u>Outdoor Health and Recreational Facility (j)</u>	305	NP	NP	NP <u>SP</u>	NP <u>SP</u>	NP	NP	NP	NP	NP <u>SP NP</u>	NP <u>SP NP</u>	NP <u>SP NP</u>	NP	NP	NP
Indoor Health and Recreational Facility (j)	406	NP	NP	NP	NP	SP	P	P	P	NP	NP	NP	NP	NP	SP(e)

Add a footnote (j) as follows:

(j) The Planning Board shall act as the designated Special Permit Granting Authority (SPGA) for this use. Indoor Health and Recreational Facility (use #406) and Outdoor Health and Recreational Facility (use #305) may be located on one parcel of land, where such uses are legally existing, allowed as-of-right or by Special Permit.

Section V-E – List of Allowable Uses

Country club Outdoor Health and Recreational Facility	305	Country club, Outdoor Recreational and Health Facility , including but not limited to tennis, swimming, riding, golf, or other similar outdoor recreation facility. Such facilities may also be enclosed for portions of the year by a retractable or mobile temporary enclosure system (which shall be treated as a Structure building for the purposes of setbacks requirements) by approval by the Special Permit Granting Authority (SPGA).
Indoor Health and Recreational Facility	406	Enclosed facilities which include exercise or health clubs and recreational organizations.

Section VI-A – General Regulations (Table of Dimensional Requirements)

Use	Num.	District	Lot Area	Street Frontage	Height	% Lot Cov.	Open Space	Front	Side	Rear
Country club Outdoor Health and Recreational Facility	305	R2	130196, 02000 <u>(4.5 acres)</u>	200	30	10 <u>30 (n)</u>	NA	50	50	50
Indoor Health/ and Recreational Facility	406	B-1	20,000	90	35	30	NA	20	20	20
	406	B-2	10,000	60	40	100	NA	0	0	0
	406	B-3	20,000	90	40	60	NA	20	20	20
	406	WMU	10,000	60	40	30	NA	20	20	20

~~(n) The Planning Board may, in their discretion, owing to the use of temporary enclosure systems, waive this requirement and permit a larger lot coverage as part of the Special Permit hereunder.~~

Section VII-B – Parking Requirements

USE	NUM	PARKING REQUIREMENT
Country club Outdoor Health and Recreational Facility	305	1 per 2 employees plus 1 per company vehicle 1 per 5300 square feet of air conditioned gross floor area (GFA) 3 per court- 1000 sq ft of court area 1 per 300 sq ft of surface pool area Parking requirements shall be cumulative for all uses on the lot
Indoor Health/ and Recreational Facility	406	For health club 1 per 100 square feet of gross floor area (GFA) For indoor tennis club or similar facility 3 per court and 1 per 300 square feet of air conditioned GFA 1 per 1000 square ft of court area

		<p>1 per 300 sq ft of other indoor recreational areas Parking requirements shall be cumulative for all uses on the lot</p>
--	--	--

James J. McCauley, Ward 5 City Councillor

In City Council August 30, 2021:

Motion to refer ODNC092_08_30_2021 to Planning & Development, by Councillor Zeid, seconded by Councillor Connell. Roll call vote. 11 yes. Motion passes.

In City Council November 29, 2021:

Motion to approve on 1st reading by Councillor Shand, seconded by Councillor McCauley. Roll call vote. 11 yes. Motion passes.

CITY OF NEWBURYPORT



IN CITY COUNCIL

ORDERED:

Introduced September 13, 2021

Amended in committee on 11/4/21

AN ORDINANCE TO CODIFY ORDERS OF THE CITY COUNCIL REGARDING STOPPING, STANDING AND PARKING, AND MAKE FURTHER CORRECTIONS

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

THAT the Code of Ordinances, City of Newburyport, Massachusetts, is hereby amended by amending Sections 13-29 – Snow emergencies, 13-168 – Parking restricted on certain streets, 13-169 – Bus stops; parking restricted, 13-171.1 – Pick-up and drop-off areas, 13-172 – Taxicab stands, 13-174 – Parking limited—Generally, 13-175 – Same—Two hours, 13-176 – Same—One hour, 13-176.1 – Same—Thirty minutes, 13-176.2 – Same—Fifteen minutes, 13-179 – Handicapped parking, 13-180 – Resident parking, 13-180.1 – Paid parking permits, 13-183a – Plum Island parking, and 13-184 – Handicapped parking regulations, all of Division 6 – Stopping, Standing and Parking, of Article IV. – Specific Street Schedules, of Chapter 13 – Traffic and Motor Vehicle, and by adding new Section 13-185 to Division 6 – Stopping, Standing and Parking, of Article IV. – Specific Street Schedules, of Chapter 13 – Traffic and Motor Vehicles, to read as follows, with deletions ~~double-stricken-through-and-italicized~~, and additions double-underlined and italicized:

Sec. 13-29. – Snow emergencies.

Upon the declaration of a snow emergency by the Director of the Department of Public Services~~superintendent of the department of public works~~, no parking shall be allowed on any street or way in the city unless specifically allowed by order of the City Council. The ~~director~~~~superintendent~~, upon such declaration, shall cause notice of the snow emergency to be given by posting notice on the city's website, as well as radio broadcast or other suitable media. Upon the declaration of the end of the snow emergency by the ~~director~~~~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:

Sec. 13-168. – Parking restricted on certain streets.

No person shall park any vehicle on the following streets or portions of streets as indicated below:

Street	Restriction
...	...
<u>Birch Street</u>	<u>On the southerly side, for its entirety.</u>
...	...
<u>Charter Street</u>	<u>On the northeasterly side, for its entirety.</u>
...	...
Cherry Street	<u>On the westerly side Both sides from the intersection of Route 1 <u>Bypass</u> north and continuing approximately <u>four hundred and fifty-two (452)</u>452 feet in a northerly direction, <u>and on the easterly side for its entirety.</u></u>
Center Street	<u>On the westerly side from Water Street to Middle Street.</u>
...	...
<u>Crow Lane</u>	<u>No parking during prescheduled, licensed events at Woodman Park on the northerly side starting a point two hundred and fifty-seven (257) feet east of Storeybrook Drive and running easterly to a point three hundred and ninety-four (394) feet from said drive, and on the southerly side starting at a point three hundred and fifty-one (351) feet east of Storeybrook Drive and running easterly to a point four hundred and thirty-six (436) feet from said drive.</u>
...	...
<u>Fair Street</u>	<u>On the westerly side for a distance of forty-seven (47) feet running in a southerly direction from the intersection of Middle</u>

	<u>Street.</u>
<u>Fair Street</u>	<u>On the westerly side at the intersection of Essex Street for a distance of twenty (20) feet running in a northerly direction.</u>
...	...
<u>Fruit Street</u>	<u>On the westerly side from a point one hundred and sixty-two (162) feet north of High Street for a distance of nine (9) feet.</u>
...	...
Green	East side from High Street to a point 135 feet north of High Street.
Green	East side from a point 50 feet south of Harris Street to a point 75 feet north of Harris Street.
...	...
<u>Golden Street</u>	<u>On both sides for a distance of six (6) feet at the end of certain pathways maintained by the Newburyport Housing Authority, as marked on the street surface.</u>
...	...
Harris	Southwesterly side from Park Street in a northwesterly direction for a distance of 100 feet.
Harris	South side from Green Street to a point 35 feet east of Green Street.
Harris	North side from Green Street to a point 30 feet west of Green Street.
Harris	South side from Park Street to a point 110 feet east of Park Street (Bus stop).
<u>Harrison Street</u>	<u>On both sides from a point two hundred and ten (210) feet north of the intersection of Purchase Street to Purchase Street. No parking on easterly side from a point 100 feet west south of Water Street to Water Street.</u>
...	
<u>High Street</u>	<u>On the northerly side for a distance of forty (40) feet from Kent Street running in an</u>

	<u><i>easterly direction; and twenty (20) feet from Kent Street running in a westerly direction.</i></u>
<u><i>High Street</i></u>	<u><i>On the northerly side beginning at a point one hundred and eighty (180) feet east of Ashland Street and running for a distance of thirty five (35) feet.</i></u>
...	...
<u><i>Johnson Street</i></u>	<u><i>On the westerly side from a point three hundred and forty-two (342) feet northerly of Low Street to a point three hundred and sixty-nine (369) feet northerly of Low Street, and on the easterly side from a point three hundred and forty (340) feet north of Low Street to a point three hundred and sixty-nine (369) feet northerly of Low Street, to accommodate a crosswalk across Johnson Street at this location.</i></u>
...	...
<u><i>Howard Street</i></u>	<u><i>On the southwesterly side beginning at Chapel Street and running southeasterly for a distance of one hundred and thirty (113) feet</i></u>
...	...
<u><i>Liberty Independent Street</i></u>	<u><i>On the southeasterly side from Water Street to Liberty Street, and both sides from Liberty Street to Middle Street</i></u>
<u><i>Lime Street</i></u>	<u><i>On the northwesterly side from Water Street to Milk Street</i><i>Between School and Purchase Streets.</i></u>
<u><i>Lime</i></u>	<u><i>Southwesterly side of Lime Street from Water to School Streets.</i></u>
<u><i>Lime</i></u>	<u><i>Northeasterly side from Prospect Street to Milk Street.</i></u>
<u><i>Lime</i></u>	<u><i>Southwesterly side of Lime Street from School Street to Milk Street.</i></u>
...	...

Merrimac Street	On the south <u>westerly</u> side from the intersection of Boardman Street for a distance of 40 <u>forty (40)</u> feet in an <u>the southeasterly direction and for a distance of thirty-nine (39) feet in the northwesterly direction.</u>
...	...
<u>M Street</u>	<u>On both sides, starting a point three hundred and seven (307) feet from the intersection of Old Point Road and running southwesterly for a distance of one hundred and eighty (180) feet.</u>
...	...
<u>North Atkinson Street</u>	<u>No parking from 7:00 am to 9:00 am and from 2:00 2:00 pm to 4:00 pm on school days only, on the northwesterly side starting at the intersection of High Street and running southwesterly for a distance of nine hundred and twenty-five (925) feet, and on the southeasterly side starting a point eighty-five (85) feet southwesterly of the intersection of High Street and running <u>northeasterly</u> to the intersection with High Street.</u>
...	...
Park <u>Street</u>	<u>On the southeasterly</u> East side from High Street to Harris Street.
Park	East side from High Street to Pond Street
...	...
<u>Pike Street</u>	<u>On the easterly side for its entirety, and on the westerly side from the southwesterly lot line of 10 Pike Street (Map 008, Lot 013) to <u>Water Street</u></u>
...	...
<u>Plum Island Turnpike</u>	<u>On the southwesterly side at the driveway to the Parker River National Wildlife Refuge Visitor Center, located at 4 Plum Island Turnpike (Map 032, Lot 002), and running northwesterly from such driveway for a</u>

	<u>distance of two hundred (200) feet.</u>
...	...
<u>Salem Street</u>	<u>On the southeasterly side, for its entirety.</u>
...	...
<u>Simmons Drive</u>	<u>On the northerly side starting at point five hundred and seventy-four (574) feet from the intersection of North Atkinson Street and running in an easterly direction for a distance of ten (10) feet, with the intention to restrict parking in front of the walkway to 13 Simmons Drive (Map 040, Lot 082).</u>
...	...
<u>State Street</u>	<u>On the northwesterly side starting at the intersection of Prince Place and running northeasterly past 88 State Street (Map 001, Lot 016) and 84-86 State Street (Map 001, Lot 015 A/I) for a distance of forty-three (43) feet.</u>
<u>State Street</u>	<u>On the easterly side starting at the northerly edge of the driveway at 143A State Street (Map 034, Lot 018) and extending northeasterly for a distance of ten (10) feet.</u>
...	...
<u>Water Street</u>	<u>On both the northerly and southerly sides starting at the intersection of Fair Street and running in an easterly direction for a distance of twenty-six (26) feet, to accommodate a crosswalk six (6) feet in width across Water Street.</u>
<u>Union Street</u>	<u>Both sides, beginning at the westerly bound of 18 Union Street and running easterly for a distance of 226 feet</u>
...	...

Sec. 13-169. – Bus stops; parking restricted.

...

- (c) The following streets or portions of streets shall be designated as a bus stop:

Street	Extent
State Street	Westerly side from Harris Street to the entrance of the <u>municipal</u> parking lot at the corner of Harris and State Streets.
Water Street	Northerly side opposite Charles Street within an area designated by the City Engineer for a distance of 80 feet
Merrimac Street	Southeasterly side beginning at a point 25 feet from Titcomb Street and running westerly for a distance of 60 feet.

Sec. 13-171. - Service zones.

No person shall park a vehicle other than a commercial vehicle used exclusively for loading and unloading for a period of time longer than one-half hour between the hours of 8:00 a.m. and 6:00 p.m. excluding Sundays and holidays in the following designated service zones:

EXPAND

Street	Extent
Ashland	Easterly side from a point 25 feet from the intersection of High Street to a point 75 feet from the intersection of High Street.
Green Street	Westerly side adjacent to 26 Green Street for a distance of 60 feet.
<u>Liberty Street</u>	<u>The first space on the northerly side running for a distance of 25 feet beginning at the curb extension at the corner of State Street and Liberty Street</u>
Green Street Lot	Alter size of existing service zone on easterly side to <u>60</u> feet allowing for appropriate space for existing handicapped parking sites.
Pleasant	Northerly side from a point XXX feet from Inn Street.
State St.	Easterly side from a point 421 feet north of Parker Street to a point 481 feet north of Parker Street..
State St.	Westerly side opposite Threadneedle Alley for a distance approximately 75 feet in the southerly direction.
Warren St.	Easterly side from a point 100 feet west of the intersection of Merrimac Street to a point 140 feet west of the intersection of Merrimac Street.

Sec. 13-171.1. – Pick-up and drop-off areas.

~~(a)(1)~~ A designated area located on the north side of Low Street from the Low Street entrance of the main parking lot to the exit of the circular driveway in front of the Rupert A. Nock Middle School and Edward G. Molin Upper Elementary School, for the express purpose of allowing vehicles to stop temporarily for pick-up and drop-off of persons utilizing the middle school

facilities. The driver of the vehicle must remain in the vehicle at all times while in this designated area. There is a twenty-five dollar (\$25.00) fine for violation of this section.

~~(b)(2)~~ A designated area consisting of one (1) parking space on the ~~easterly~~East side of Summer Street at the entrance to St. Paul's Episcopal church, 35 Summer Street (Map 046, Lot 036), for the express purpose of allowing vehicles to stop temporarily for pick-up and drop-off of persons. There is a twenty-five dollar (\$25.00) fine for violation of this section.

Merrimac	At 42 Merrimac Street northerly for a distance of 60 foot.

Sec. 13-174. – Parking limited–Generally.

No person shall park any vehicle on the following streets or portions of streets during the times indicated below:

Street	Extent
Atkinson Common (in front of)	From a point approximately <u>seventy-five (75)</u> 75 feet west of Plummer Avenue along front of Atkinson Common northeasterly <u>northwesterly</u> side of High Street and thence along Moseley Avenue to Chase Street between the hours of 8:00 p.m. and 6:00 a.m.
Carter Street	Carter Street on the easterly side from High Street to a point <u>seventy-five (75)</u> 75 feet north of the intersection <u>corner</u> of Eagle Street and Carter Street during school hours.
Green	For longer than 15 minutes on the northwesterly side of 31 Green Street for 1 space.
Greenleaf <u>Street</u>	Northeasterly side from Pond Street to Auburn Street between the hours of 8:00 p.m. and 6:00 a.m.
Hale Street	At the entrances to Little River nature trails between dusk and dawn. Dusk and dawn are defined as civil twilight, respectively.
Harris	For longer than 15 minutes on the northerly side 2 parking spaces in front of 2 Harris

	Street (Newburyport Health Center). This limitation to be effective only as long as Newburyport Health Center is located at 2 Harris Street.
High	Southwesterly side from Auburn Street for a distance of 100 feet west, between the hours of 8:00 a.m. to 4:00 p.m. on any day except Saturdays, Sundays and holidays.
<u>High Street</u>	One-hour parking <u>only</u> , northerly side from Broad Street to Oakland Street, between the hours of 8:00 a.m. to 6:00 p.m.
<u>High Street</u>	For a period of no longer than <u>fifteen (15)</u> minutes on the northerly side from a point <u>twenty (20)</u> 20 feet east of Ashland Street to a point <u>sixty (60)</u> 60 feet east of Ashland Street.
<u>High Street</u>	South side from Toppans Lane to a point <u>one hundred and seventy (170)</u> 170 feet in a westerly direction, while school is in session, 7:00 a.m. to 3:30 p.m.
Highland Avenue	One-hour parking, northeasterly side from Rawson Avenue in a southeasterly direction towards Toppans Lane for a distance of <u>five hundred and twenty-five (525)</u> 60 feet between the hours of 8:00 a.m. to 8:00 p.m.
<u>Low Street</u>	Northeasterly Westerly side from a point commencing at the <u>southeasternmost driveway</u> entrance to the <u>Rupert A. Nock Middle School and Edward G. Molin Upper Elementary School</u> and continuing <u>northwesterly</u> for approximately <u>three hundred (300)</u> 300 feet between the hours of 7:00 a.m. and 4:00 p.m., weekdays only.
<u>Low Street</u>	Southwesterly Easterly side from a point commencing across from the <u>Rupert A. Nock Middle School and Edward G. Molin Upper Elementary School</u> driveway closest to Hale Street and continuing <u>southeasterly</u> for approximately <u>three hundred (300)</u> 300 feet between the hours of 7:00 a.m. and 4:00 p.m. weekdays only.
<u>Merrimac</u>	One hour parking, for longer than 1 hour between the hours of 7:00 a.m. and 5:00 p.m. during weekdays on both sides between Warren Street and Oakland Street.

Merrimac	Both sides, between Broad and Tyng Streets, during the period from 4:45 p.m. to 5:15 p.m. weekdays.
Prospect	On the north side beginning at a point 160 feet east of Lime Street and continuing east for 70 feet between the hours of 8:00 a.m. and 4:00 p.m. when school is in session.

Sec. 13-175. – Same–Two hours.

No person shall park a vehicle for longer than two (2) hours between the hours of 8:00 a.m and 8:00 p.m. May 1st to September 30th and between the hours of 8:00 a.m. and 6:00 p.m. October 1st to April 30th except Sundays and holidays in the following described streets or parts thereof:

Street	Extent
Ashland Street	Both sides in a northerly direction from High Street, east side to Stanley Avenue, west side to a point at the northern boundary of property known as 36 Ashland Street (<u>Map 068, Lot 143</u>) 8:00 a.m. to 8:00 p.m.
	Its entire length
Dawes Street	Both sides from Ashland Street to end of property at 16 Dawes Street (<u>Map 068, Lot 133</u>) 8:00 a.m.—6:00 p.m.
	Its entire length.
Garden Street	Both sides from State Street to Otis Place.
	From Harris Street to Merrimac Street.
	From Pleasant Street to Merrimac Street
High Street	Northerly side from Ashland Street for a distance northwesterly of approximately <u>one hundred and thirty-five (135)</u> 135 feet.
Merrimac <u>Street</u>	<u>On the northerly side from Somerby Landing easterly for a distance of two hundred (200) feet to the crosswalk</u> Northwest side from west corner of Market Landing to the east side of

	<i>Riverside Park.</i>
<u>Merrimac Street</u>	<u><i>On the northerly side from the intersection with McKay's Wharf Way and running westerly for one hundred and eighty (180) feet.</i></u>
<u>Middle</u>	<i>From State Street to Federal Street.</i>
	<i>Its entire length.</i>
<u>Otis Place</u>	<i>Both sides.</i>
	<i>Westerly side from Liberty Street to Water Street</i>
<u>Pleasant Street</u>	From State Street to Green Street both sides, exclusive of existing thirty minute, <u><i>one hour, service zone, handicapped</i></u> parking restrictions and northerly side in front of City Hall.
<u>Prospect</u>	<i>Southerly side from State Street to Fruit Street</i>
<u>State Street</u>	From Market Square to Garden Street, both sides.
<u>Unicorn</u>	<i>Both sides from Pleasant Street to municipal parking lot.</i>
<u>Water Street</u>	Northerly side from <u><i>intersection of Fair Street</i></u> to a point <u><i>three hundred and thirty-five (335)</i></u> 335 feet <u><i>westerly</i></u> of Fair Street.
Water Street	Southerly side from Market Square <u><i>Elbow Lane easterly</i></u> to Center Street.

Sec. 13-176. – Same–One hour.

No person shall park a vehicle for longer than one (1) hour in the following described streets or parts thereof:

Street	Extent
<u>Atkinson Street</u>	On the northwesterly side, and also on the southeasterly side 30 feet from Strong Street.
Beacon Avenue	Northeastbound and southwestbound drivers on Beacon Avenue at Oak Street.

<u>Buck Street</u>	Westerly side from High Street to Washington Street.
<u>Center Street</u>	Between Middle and Liberty Street in an easterly direction.
<u>Congress Street</u>	Southerly side from Olive Street to Buck Street, and northerly side from Olive Street to Kent Street.
<u>Dove Street</u>	Easterly and westerly sides from Munroe Street to Merrimac Street.
<u>Eagle Street</u>	Southerly and northerly sides from Kent Street to Carter <u>Charter</u> Street.
<u>Franklin Street</u>	Southerly side of Franklin Street from Purchase Street to Water Street.
Garden Street	Both sides from State Street to Otis Place.
<u>High Street</u>	Northerly sides from Carter Street to Broad Street.
Highland Avenue	Northeasterly and southwesterly sides from a distance of 125 [feet] to a distance of 500 feet from Toppans Lane.
Lime	Westerly side from Water to School Streets.
Lime	Southeasterly side from Prospect Street to Purchase Street.
Market	Westerly side from Birch Street to Washington Street.
<u>Merrill Street</u>	Easterly and westerly sides from Congress Street to Merrimac Street.
<u>Merrimac Street</u>	Southerly side and northerly side between Titcomb and Green Streets.
<u>Merrimac Street</u>	Southwesterly side, beginning at the point at which the northwesterly side of Strong Street intersects Merrimac Street and ending at a point on the southwesterly side of Merrimac Street, 213 feet northwest of the point of beginning.
<u>Merrimac Street</u>	Northerly side, commencing at the corner of Summer Street and proceeding in an

	easterly direction for a distance of 300 feet.
Ocean <u>Street</u>	Southerly and northerly sides from Warren Street to Carter Street.
Pleasant Street	North Southerly from Hale's Court to the Post Office driveway
Summit Place	Northwesterly side from High Street for a distance of approximately 500 feet.
Warren <u>Street</u>	Easterly side from Munroe Street to Merrimac Street, and westerly side from Eagle Street to Merrimac Street.
Washington	Northerly side from a point approximately 150 feet west of Green Street to a point approximately 195 feet west of Green Street.
Washington <u>Street</u>	Southerly side from Olive Street to Kent Street, and northerly side from Olive Street to Buck Street.
Water <u>Street</u>	Northeasterly side of Water Street from Federal Street to Ship Street.

Sec. 13-176.1. - Same—Thirty minutes.

No person shall park a vehicle for longer than thirty (30) minutes in the following described streets or parts thereof:

Street	Extent
Green <u>Street</u>	Easterly Post office side, from <u>United States Postal Service</u> end of post office driveway to intersection of Pleasant Street.
Pleasant Street	South side from the <u>United States Postal Service driveway</u> Office Driveway to Green Street.
Pleasant <u>Street</u>	Northerly side, <u>two (2)</u> 3 spaces in front of City Hall.

<i>Pleasant</i>	<i>Southwesterly side from Unicorn Street to Green Street.</i>
Water Street	From a point twenty (20) <u>20</u> feet east of Independent Street to the <u>westerly</u> edge of the Water Street entrance to <u>the parking lot at 54 Water Street (Map 016, Lot 063)</u> the Tannery parking lot and <u>no parking at anytime</u> between <u>said Water Street</u> entrance and <u>the exit from said parking lot.</u>

Sec. 13-176.2. - Same—Fifteen minutes.

No person shall park a vehicle for longer than fifteen (15) minutes in the following described streets or parts thereof:

Street	Extent
<i>Liberty Street</i>	<i>Two (2) spaces on the southerly side located at the intersection of State Street.</i>
<i>Merrimac Street</i>	<i>One (1) space on the northerly side directly in front of 226 Merrimac Street <u>so long as such parcel is occupied by a retail use, during those hours that such retail use is open for business.</u></i>
<i>Pleasant Street</i>	<i><u>One (1) space on the northerly side directly in front of 92 Pleasant Street (Map 047, Lot 33A) so long as such parcel is occupied by a food service use, during those hours that such food service use is open for business.</u></i>

Sec. 13-179. – Handicapped parking.

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

Beacon Avenue:

One space on the southerly side in an easterly direction at the entrance to Perkins Playground.

Boardman Street:

One (1) space at 17 Boardman, end unit.

Green Street municipal parking lot:

Two (2) van accessible spaces in the southeast corner .

Two (2) spaces in the northwest corner at the end of the building known as One Merrimac Street.

One (1) van accessible space in the northeast corner at the end of the building known as One Merrimac Street.

One (1) space, southwest corner

Green Street:

Westerly side, one (1) space at the handicapped ramp entrance to City Hall.

Westerly side, one (1) space at the handicapped ramp entrance to the police station.

Westerly side, two (2) spaces adjacent to the Immaculate Conception Church.

~~↳~~ *Parking Hale's Court Lot:*

One (1) space southeast corner of lot adjacent to the kiosk.

Harris Street:

One (1) space at intersection of State Street on north side adjacent to library children's room.

Liberty Street:

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

Lime Street

One (1) space at 70 Lime Street until June 30, 2025.

One (1) space on Lime St, on the corner of Water St., at the vicinity 100 Water Street until June 30, 2025 but may be extended by the Parking Clerk administratively upon presentation of documentation by any resident showing a continued need.

One (1) space on Ship St on the westerly side in the vicinity of 23 Ship St. until June 30, 2025 but may be extended by the Parking Clerk administratively upon presentation of documentation by any resident showing a continued need.

Lower Custom House Way:

One (1) space at the southerly and proximate to Water Street.

Merrill Street:

One (1) space in front of 12 Merrill Street.

Otis Place

One (1) space in front of 21 Otis Place.

Pike Street:

Two (2) spaces on the east side adjacent to the Salvation Army building.

Pleasant Street:

One (1) space in front of 16 Pleasant Street.

Two (2) spaces in front of City Hall at 60 Pleasant Street.

The first space after the driveway leading from the U.S. Post Office Building.

Plum Island Point Parking Lot:

Five (5) handicapped spaces.

Pop Crowley Way parking lot at Cashman Park Playground:

One (1) space in the parking lot on the northerly side of Pop Crowley Way meaning and intending said space to be the last space before the Way turns and runs in a southeasterly direction.

Purchase Street:

One (1) space in front of the Emma Andrews Library at 77 Purchase Street.

Prince Place Municipal Parking Lot:

Two (2) spaces at the northern end of lot.

Market Landing Park:

Three (3) spaces northwest corner along the berm for the boardwalk, after the entrance to the lot from Waterfront Trust Lot.

Two (2) spaces in the southeast corner abutting walkway and pop-up park.

One (1) space south side of the lot, first parking space upon entering the lot on the west side.

Three (3) spaces along the boardwalk on the north side of the lot.

Two (2) spaces on the east side and one (1) on the west side of the egress/walkway for the boardwalk.

One (1) space south side of the lot, first parking space upon entering the lot on the west side.

State Street:

On the westerly side of State Street at the corner of Pleasant Street.

Adjacent to TD Bank.

State Street:

One (1) space at intersection of Harris Street adjacent to library main entrance walkway.

State Street:

One (1) space on the west side of State Street; said space is the first legal space on the south side of the Market Square nubbin.

State Street Parking Lot:

Two (2) van accessible spaces at the northeast corner of the municipal lot.

Summit Place:

One (1) space on the southerly side starting at a point 437 feet east of Toppans Lane and extending easterly for a distance of twenty (20) feet.

Titcomb Street:

One (1) space on the east side adjacent to the Garrison Inn.

Unicorn Street:

Two (2) side by side van accessible spaces located on the southeast end of Unicorn, adjacent to Pleasant Street.

Waterfront Trust Lot

Two (2) van accessible spaces northwest corner, first 2 spaces entering the lot from Merrimac Street.

One (1) space northeast side adjacent to handicap ramp to sidewalk.

Sec. 13-179.1. – Temporary handicapped parking permit.

The city clerk may, from time to time, in the sole judgment of that office permit a temporary handicapped parking space for the use of a resident at their home for a period not to exceed forty-five (45) days, when:

~~(a)(e)~~ Limitations.

...

~~(b)(d)~~ Findings of the city clerk.

...

~~(c)(e)~~ Enforcement. This section shall be enforced in the same manner as all handicapped parking spaces.

Sec. 13-180. – Residential parking zones.

Preamble. Residential parking zones may be established: (1) where a *bona fide* hardship exists caused by unique or special conditions; and/or (2) where the city has imposed one- or two- or four- hour parking limits on residential streets bordering commercial zones; and/or (3) where the residents of these residential districts suffer from unreasonable burdens in gaining access to their residences.

(a) *Definitions.* As used in this section:

~~(1)~~ Residential parking permit zone shall mean a residential district where curbside parking on public highways is limited to not more than two (2) or four (4) consecutive hours between 8:00 a.m. and 6:00 p.m. Monday—Saturday from October 1 through April 30, and between 8:00 a.m. and 8:00 p.m. Monday—Saturday from May 1 through September 30, excepting Sundays and holidays throughout the year, and unless a parking permit authorized by this section has been validly issued for the parked vehicle.

~~(2)~~ Resident only parking zones shall mean a residential district where curbside parking on public highways is restricted to vehicles of residents that properly display a parking permit authorized by this section.

~~(3)~~ Inn Street Mixed-Use Area shall mean the contiguous area generally bounded by Market Square to the northeast, State Street to the southeast, Pleasant Street to the southwest, and the Inn Street Mall to the northwest, and including all parcels within Assessor's Block 4, with the exception of Assessor's Parcels 4-1, 4-1-A, 4-2 (Inn Street Playground), and 4-30 (Inn Street Mall itself).

(b) Posting of residential parking permit signs.

...

(c) Issuance of residential parking permits.

...

- (2) Limited eligibility. Notwithstanding anything in this Code to the contrary, ~~no residential parking permit shall be issued to a household with access to two (2) or more off-street parking spaces located at or adjacent to the lot where such household resides, such as within a private or shared garage or driveway, shall be issued no more than two (2) vehicle parking permits. Reserved.~~

...

- (4) Whenever the Parking Clerk or ~~their parking clerk or his~~ designee shall find that the applicant qualifies under the provisions of this section for a residential parking permit and that the vehicle registration and license show the same address, ~~they~~ ~~he~~ shall issue to the applicant one (1) residential parking permit for the vehicle described in the application.

...

(d) *Renewal and transfer of permits.*

- (1) Upon submission of evidence to the Parking Clerk that the ~~parking clerk that he or she is still qualified for a residential parking permit, a~~ holder of a valid permit for the previous year remains eligible for a residential parking permit, such holder shall be entitled to a new residential parking permit for the current year.
- (2) Upon ~~surrender of a holder's his or her existing residential parking permit and~~ completion of a new application, the holder of a valid residential parking permit shall receive a new parking permit to be transferred to another qualifying vehicle.

...

- (f) *Visitor parking permits.* The Parking Clerk ~~parking clerk~~ shall also coordinate the issuance of one (1) ~~portable~~ visitor parking permit ~~placards~~ per household which shall be used by visitors of the residents of the zone. Visitor permits will not be replaced if lost. The visitor permit shall be used only while visitors are actually visiting the household to which the permits are issued. ~~The permit must be fully visible and readable from the exterior of the vehicle. Such placards are to be displayed on the front dashboard, directly above the steering mechanism of the vehicle. Such placards shall be returned to the resident at the conclusion of the visit.~~ Any abuse in the use of a visitor parking permit ~~placard~~ shall result in the revocation of the permit by the parking clerk.

(g) *Designation of two-hour residential parking permit zones.*

- (1) *Zone 1: Includes the following streets between State Street, Water Street, Federal Street and Fair Street, and High Street:*

Center Street, on the easterly side from Liberty Street to Middle Street.

Charter Street, on the southwesterly side for its entirety.

Essex Street, on both sides for its entirety.

Fair Street, on the southeasterly side from Water Street to Prospect Street, and on the northwesterly side the southwesterly edge of the driveway at 2 Fair Street (Map 008, Lot 028) to Prospect Street.

Fruit Street, on both sides for its entirety.

Garden Street, on both sides for its entirety.

Independent Street, on the northwesterly side from Water Street to Liberty Street.

Liberty Street, on both sides from Fair Street to Independent Street, and on the southwesterly side only from Independent Street to Federal Street.

Middle Street, on the southwesterly side from State Street to Federal Street.

Orange Street, on both sides for its entirety.

Otis Place, on both sides for its entirety.

Pike Street, on the westerly side from Liberty Street to the southwesterly lot line of 10 Pike Street (Map 008, Lot 013).

Prospect Street, on the southerly side from State Street to Federal Street.

Spring Street, on both sides for its entirety.

Temple Street, on the southwesterly side from State Street to Federal Street.

(2) Zone 2: Includes the following streets between State Street, Merrimac Street, Boardman Street, and High Street~~Fair and Federal:~~

Birch From Market Street to Summer Street, northerly side

Court From High Street to Washington Street, southeasterly side

~~Green From Harris Street to Merrimac Street~~

Green From High Street to Merrimac Street, both sides~~From Washington Street, except westerly side to Loading Zone in front of 26 Green Street~~

Harris ~~From Green Street to State Street, both sides~~ on the northeasterly side for its entirety

Market From ~~High~~Washington Street to Merrimac Street, both sides

Park ~~From High Street to Harris Street~~ on the northeasterly side for its entirety

Pleasant From property at 66 Pleasant Street to Summer Street, both sides

Summer From property at 31 Summer Street to Merrimac Street, easterly side

Titcomb From Merrimac Street to Washington Street, both sides

~~Washington — From Green Street to WinterMarket Street, both sidesnorthwesterly side~~

~~*Washington Street, on the northerly side running in a westerly direction from Green Street to Market Street, and on the southerly side running in a westerly direction from Court Street to Market Street.*~~

~~Washington — From Court Street to Market Street, Southeasterly side~~

Winter From Washington Street to High Street, westerly side

~~*Birch Street, on the northerly side for its entirety.*~~

~~*Green Street, on the northwesterly side from Washington Street to the service zone at 26 Green Street (Map 047, Lot 003).*~~

~~*Harris Street, on the northeasterly side for its entirety.*~~

~~*Market Street, on both sides from Washington Street to Merrimac Street.*~~

~~*Park Street, on the northwesterly side for its entirety.*~~

~~*Pleasant Street, on both sides from Titecomb Street to Summer Street exclusive of 15-minute restrictions.*~~

~~*Summer Street, on the easterly side for its entirety.*~~

~~*Titecomb Street, on both sides for its entirety.*~~

~~*Washington Street, on the northerly side running in a westerly direction from Green Street to Market Street, and on the southerly side running in a westerly direction from Court Street to Market Street.*~~

~~*Winter Street, on the northwesterly side from Washington Street to High Street.*~~

~~*Middle Street.*~~

~~*Temple Street.*~~

~~*Spring Street.*~~

(3) Zone 3:

Arlington From Highland Avenue, both sides to northerly end of those properties known as #23 and #24 on each side of street respectively

Ashland Beginning at the lower end of Ashland Court and proceeding northerly on the westerly side of Ashland Street to a point of six (6) feet north of the property line between 2 Ashland Street and 345 Merrimac Street

Ashland Beginning at the lower corner of Ashland Court and proceeding northerly on the easterly side of Ashland Street and Merrimac Street

Bricher	All
Cherry	All
Ferry	In front of property known as 1 Ferry Road, southerly side
Hill	All
Lafayette	From Highland Avenue, both sides in a northerly direction from Washington Street for a distance of one hundred (100) feet
State	Beginning at 184 State Street and proceeding southerly to the end of said State Street on the westerly side

~~Arlington Street, on both sides from Highland Avenue to the northerly end of those properties known as #23 and #24 on each side of the street respectively.~~

~~Bricher Street, on both sides for its entirety.~~

~~Cherry Street, on the westerly side from Bricher Street to a point four hundred and fifty two (452) feet northerly of the intersection with the Route 1 Bypass.~~

~~Ferry Road, on the southerly side in front of 1 Ferry Road (Map 070, Lot 010).~~

~~Hill Street, on both sides for its entirety.~~

~~Lafayette Street, on both sides from Highland Avenue for a distance of two hundred and fifty (250) feet.~~

~~a. Fair Street, on the easterly side between Liberty Street and Water Street, and on the westerly side, between Liberty Street and southerly edge of driveway at 2 Fair Street.~~

~~(4) Zone 4: Includes the following streets or portions thereof designated:~~

~~a. Arlington Street, both sides from Highland Avenue to the northerly end of those properties known as #23 and #24 on each side of the street respectively.~~

~~b. Lafayette Street, both sides from Highland Avenue to the northerly end of those properties known as #18 and #25 on each side of the street respectively.~~

~~c. Cherry Street.~~

~~d. Hill Street.~~

~~e. Bricher Street.~~

~~f. Titecomb Street, both sides from the way known as Brown Square to Washington Street.~~

~~g. Green Street, on the west side running in a northerly direction from Washington Street for a distance of one hundred (100) feet.~~

- ~~h. Washington Street, on the north side running in a westerly direction from Green Street for a distance of one hundred twenty (120) feet.~~
- ~~i. Pleasant Street, both sides from the property at 66 Pleasant Street to Titecomb Street.~~
- ~~j. Winter Street, beginning at the corner of Washington Street and proceeding southerly on Winter Street to High Street.~~
- ~~k. State Street, beginning at 184 State Street and proceeding southerly to the end of said State Street on the westerly side.~~

(h) Designation of four-hour residential parking permit zones.

- (1) Includes the following streets or portions thereof designated:

State Street, on the westerly side from the intersection of ~~Parker Street~~ ~~Route 1 and State Street~~ and continuing in a northerly direction approximately one thousand, two hundred and fifty (1,250) feet.

(i) Resident only parking.

- (1) Includes the following streets or portions thereof designated:

Ashland Street, on the westerly side from Ashland Court and proceeding northerly to a point six (6) feet northerly of the property line between 2 Ashland Street (Map 068, Lot 157) and 345 Merrimac Street (Map 068, Lot 028).

Ashland Street, on the easterly side from Merrimac Street to 19-21 Ashland Street (Map 067, Lot 022 A/B).

~~Ashland Street.~~

~~Beginning at the lower corner of Ashland Court and proceeding northerly on the westerly side of Ashland Street to a point six (6) feet north of the property line between 2 Ashland Street and 345 Merrimac Street.~~

~~Beginning at the lower corner of Ashland Court and proceeding northerly on the easterly side of Ashland Street to Merrimac Street.~~

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

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

- (2) A parking permit under this subsection (j) shall not guarantee or reserve a parking space within the Green Street Parking Lot, nor shall it excuse the permit holder from observance of any traffic or parking regulation other than the time limit on parking, or from having to move all vehicles from the Green Street Parking Lot as ordered by the City during a declared snow emergency.
- (3) It shall be a violation of this section to use a parking permit issued under this subsection in any residential parking permit zone.
- (4) ~~The sticker is to be placed on the front windshield, driver's side, lower left corner.~~
- (5) The Parking Clerk or their ~~parking clerk or his~~ shall issue parking permits under this subsection on a first-come, first-served basis, or by lottery if more than four (4) complete applications are filed on the same day.

Sec. 13-180.1. – Paid parking permits.

Preamble . Resident parking permits may be issued to residents of Newburyport and employee parking permits to Downtown ~~Employees~~ Business employees and employers.

(a) *Definitions*. As used in this section:

- (1) Paid municipal parking facilities ~~parking lots~~: Green Street Lot, Harris Street Lot, Prince Place Lot, Market Landing Park East Lot, Market Landing Park West Lot, Somerby Landing Lot, Titcomb Street Garage, and Hales Court Lot pursuant to the City's license from the United States Postal Service ~~Central Business District Lot, State Street Lot, Tracey Place Lot, Newburyport Redevelopment Authority East Lot, Newburyport Redevelopment Authority West Lot, Waterfront Trust Lot.~~
- (2) All day municipal parking facilities ~~parking lots~~: Prince Place Lot, Market Landing Park East Lot, Market Landing Park West Lot, Titcomb Street Garage, and Hales Court Lot pursuant to the City's license from the United States Postal Service ~~Tracey Place Lot, Newburyport Redevelopment Authority East and West Lots.~~
- (3) *Resident*: A person who is sixteen (16) years of age or older, licensed to operate a motor vehicle in the Commonwealth of Massachusetts, and resides permanently primarily in the City of Newburyport.
- (4) *Senior Resident*: A person who is sixty-five (65) years of age or older, licensed to operate a motor vehicle in the Commonwealth of Massachusetts, and resides permanently primarily in the City of Newburyport.
- (5) *Downtown Employee*: An ~~employer or~~ employee of a Downtown Business.
- (6) *Downtown Business*: A business ~~duly licensed by the City of Newburyport and~~ located in the area bounded by High Street, Federal Street, the Merrimack River and Boardman Street ~~Winter Street~~.

(b) *Posting of paid parking permit.*

- (1) The permit is to be placed on or linked electronically to the state registration number for the vehicle pursuant to regulations issued by the parking clerk.

(c) *Issuance of resident and employee paid parking permits.*

- (1) A resident or downtown employee may apply for a one-year parking permit for one (1) or more vehicles by completing and signing an application designed to provide the following information:

...

e. For downtown employees, such parking permits may be issued on a quarterly basis (i.e. for a period of three months).

- (2) For all permit applicants, whenever the Parking Clerk or their~~parking clerk or his~~ designee shall find that the applicant qualifies under the provisions of this section 13-180.1 for a paid parking permit, ~~they~~he shall issue to the applicant one (1) paid parking permit for the one (1) vehicle described in the application.

...

(e) *Use of parking permits.*

- (1) A parking permit shall not guarantee or reserve a parking space nor shall it excuse the observance of any traffic or parking regulation, including but not limited to time restrictions, other than the requirement to pay the hourly parking fee for use of paid municipal parking facilities~~paid parking lots~~ with the exception of the Somerby Landing Lot and the Titcomb Street Garage~~Waterfront Trust Lot~~.
- (2) The parking permit does not excuse the holder from moving all vehicles from public ways, private ways open to public travel, and municipal parking facilities~~public streets~~ during a declared snow emergency.
- (3) A downtown employee paid parking permit is only valid in the designated spaces in the all-day municipal parking facilities~~parking lots of the Tracey Place lot, Newburyport Redevelopment Authority East Lot and Newburyport Redevelopment Authority West Lot~~.
- (4) Resident parking permits are valid in all the paid municipal parking facilities~~paid parking lots~~ with the exceptions of the Somerby Landing Lot and the Titcomb Street Garage~~Waterfront Trust Lot~~.

(f) Fees~~Cost~~, *dates of issuance and prorations.*

- (1) The fees for~~annual cost of~~ said permits shall be established by order of the City Council, but, except for the fee paid by senior residents, such fees shall be no less than five dollars (\$5.00) per vehicle per permit~~city council~~.
- (2) The issuance date of said permits~~the annual permits~~, discount incentive programs, amnesty periods, temporary parking permits and any proration of the permit cost shall be pursuant to regulations promulgated by the Parking Clerk~~parking clerk~~.

Sec. 13-181. – Municipal parking facilities~~Parking lots~~.

(a) No person shall park a vehicle between the hours of 8:00 a.m. to ~~8:00 p.m. (6:00 p.m. from January 1st through March 31st) 6:00 p.m.~~ Monday through Saturday, and Sunday between the hours of noon to 6:00 p.m. in the following described municipal parking facilities~~lots~~ without first satisfying the payment required by the City of Newburyport.

(1) ~~Prince Place~~Tracey Place Lot.

(2) ~~Harris Street~~State Street Lot.

(3) ~~Green Street Lot~~Central Business District Lot.

(4) ~~Market Landing Park East Lot~~Newburyport Redevelopment Authority East Lot.

(5) ~~Market Landing Park West Lot~~Newburyport Redevelopment Authority West Lot.

(6) ~~Somerby Landing Lot~~Waterfront Trust Lot.

(7) Titcomb Street Garage.

(8) Hales Court Lot pursuant to the City's license from the United States Postal Service.

(b) In order to facilitate turn-over of parking spaces, no person shall park a vehicle for a period of time longer than three (3) consecutive hours between the hours of 8:00 a.m. to 6:00 p.m. Monday through Saturday, and Sunday between the hours of noon to 6:00 p.m. in the following described lots.

(1) ~~Harris Street~~State Street Lot.

(2) ~~Green Street Lot~~Central Business District Lot.

(3) ~~Somerby Landing Lot~~Waterfront Trust Lot.

(4) Hales Court Lot pursuant to the City's license from the United States Postal Service.

A person whose vehicle remains in one of the above-listed lots beyond the three (3) consecutive hour time limit will be subject to fines for violation of this section as provided in Section 1-18 of this Code, even if payment is made for additional time.

(c) No campers or other vehicles designed to accommodate sleeping shall park in any municipal parking facility~~lot~~ described in subsection (a) above from 8:00 p.m. to 7:00 a.m. daily.-

(d) In the case of a declared snow emergency, vehicles may remain in any lot described in subsection (a) above for the duration of the declared snow emergency and for twelve (12)~~twenty-four (24)~~ hours after the declaration of the end of the snow emergency without paying a parking fee. At the end of the declared snow emergency,

- any vehicle entering a paid parking lot without a paid parking permit shall pay the required parking fee.
- (e) Four (4) spaces on the westerly side of the Green Street Lot~~Central Business District Lot~~ shall be designated for police vehicles only, and the time limit and payment requirement shall not apply to police vehicles parked in these designated spaces.
 - (f) The area known as Unicorn Street with the adjacent parking spaces shall be regulated as part of the Green Street Lot~~become part of the Central Business District Lot~~.
 - (g) No person shall park a vehicle for longer than one (1) hour in the four (4) spaces on the westerly side of the Somerby Landing Lot~~Waterfront Trust Lot~~ immediately adjacent to the easterly side of the Brown's Wharf building (Map 48, Lot 25) and in the four (4) spaces at the northerly end of said lot adjacent to the boardwalk.

...

Sec. 13-183a. -- Plum Island parking.

Any person who shall park a vehicle unlawfully on Plum Island shall be subject to a parking fine of fifty dollars (\$50.00). Handicap parking violations are specifically excluded from this section.

Sec. 13-184. – Handicapped parking regulations.

- ...
- b. The penalty for a violation made under this section is one hundred dollars (\$100.00) for the first offense and two hundred dollars (\$200.00) for each subsequent offense; and the vehicle may be removed in accordance with section 22D. This penalty is not a surchargeable offense under section 113B of chapter 175.

Councillor Jared J. Eigerman

Councillor Afroz K. Khan

In City Council November 8, 2021:

Motion to approve on 1st reading by Councillor McCauley, seconded by Councillor Khan.
Motion withdrawn. Motion to to refer back to Public Safety by Councillor McCauley, seconded by Councillor Khan. So voted.

In City Council November 29, 2021:

Motion to approve on 1st reading by Councillor McCauley, seconded by Councillor Vogel.

Motion to amend Sec. 13-168 Harrison Street to add “south”. Councillor Zeid recused. Roll call vote. 9 yes, 1 recused (SZ), 1 absent (JD). Motion passes. Roll call vote as amended. 9 yes, 1 recused (SZ), 1 absent (JD). Motion passes.

COMMITTEE ITEMS

Committee Items- December 13, 2021
Ad Hoc Committee on Economic Development

- **ODNC098_10_12_2021 Permanent Parklets Legislation**

CITY OF NEWBURYPORT



IN CITY COUNCIL

ORDERED:

October 12, 2021

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

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

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

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

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

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

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

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

(2) Duration.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

~~b. Renewal permits.~~

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

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

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

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

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

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

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

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

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

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

Councillor James J. McCauley

Councillor Byron J. Lane

In City Council October 12, 2021:

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

Committee Items- December 13, 2021
Ad Hoc Committee on Market Landing Park and Park & COTW

ORDR296_10_25_2021 Additional funding the market landing park restroom facility

CITY OF NEWBURYPORT



IN CITY COUNCIL

ORDERED:

AN ORDER APPROPRIATING ARCHITECTURAL DESIGN FUNDS FOR MARKET LANDING PARK EXPANSION & VISITOR CENTER/BATHROOM FACILITY

WHEREAS, Order 284 included the appropriation of funds for final design of Market Landing Park Expansion (*Sasaki Contract Task 7*) using former Newburyport Redevelopment Authority (NRA) revenues transferred to the City on dissolution; and

WHEREAS, due to limited remaining NRA revenues transferred to the City, said Order 284 does not include appropriation of funds for final design of the proposed Visitor Center/Bathroom Facility; and

WHEREAS, there is value in the City proceeding on parallel track with final design for said Facility in conjunction with final design for Market Landing Park Expansion; and

WHEREAS, it is crucial that formal consensus be reached on the final architectural design of said Facility;

NOW, THEREFORE, the City Council hereby orders the following:

1. The City appropriates the sum of \$187,825 (quoted design fee plus 10% contingency) from Downtown Paid Parking Revenues for the final architectural design of such facility (*Sasaki Contract Task 7*); and
2. Authorizes Sasaki Associates to proceed to initial twenty-five (25%) schematic design of such facility in coordination with plans for the surrounding Market Landing Park Expansion, and then to return to the City Council for authorization to proceed to the remaining seventy-five percent (75%) and one hundred percent (100%) design submissions (*Sasaki Contract Task 7*).

Councillor Sharif I. Zeid

Councillor Jared J. Eigerman

In City Council October 25, 2021:

Motion to refer to Ad Hoc Committee on Market Landing Park by Councillor Zeid, seconded by Councillor Tontar. Roll call vote. 10 yes, 1 absent. Motion passes.

Committee Items-December 13, 2021

Budget & Finance

Budget & Finance

In Committee:

ORDR300_11_08_2021	Low St and Brown School Gym Order COTW
ORDR301_11_08_2021	Authorizing-Acquisition-57-Low-St COTW
ORDR309_11_08_2021	57 Low Street COTW
TRAN113_11_29_2021	Bdgt Ct. \$213,963.47 to Fire Sal. Chf \$8,606.69, FireFighters \$180,926.78, Fire Pd. Holidays \$24,430
TRAN114_11_29_2021	Sewer Rtd Earnings \$223K to Sew Maint-Equipment \$40,K and CIP Generator Replacement \$183k
ORDR311_11_29_2021	Morrill Foundation Gift Acceptance

CITY OF NEWBURYPORT



IN CITY COUNCIL

ORDERED:

November 8, 2021

AN ORDER (1) AUTHORIZING PURCHASE OF A 2.7-ACRE PORTION OF 57 LOW STREET, (2) APPROPRIATING \$225,000 TO PURCHASE AND REMEDIATE SUCH PROPERTY FOR IMMEDIATE OCCUPANCY BY YOUTH SERVICES, (3) ASSIGNING CUSTODY TO YOUTH SERVICES, AND (4) APPROPRIATING \$200,000 TO REOPEN THE BROWN SCHOOL GYMNASIUM

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

- 1) The City Council approves and authorizes the purchase of that portion of the real property commonly known as 57 Low Street, depicted in the attached plan as Lot A-1, for the sale price of Two-Hundred and Twenty Thousand Dollars and (\$220,000): (a) for general municipal purposes, with the exception of that portion of Lot A-1 to be reserved for open space and conservation purposes; and (b) for open space and conservation purposes as to that portion of Lot A-1 depicted in the attached "Area of Conservation Restriction.
- 2) The City Council appropriates the sum of **Two-Hundred and Twenty-Five Thousand Dollars (\$225,000)** from Special Revenue Fund No. 2760 (Sale of Municipal Buildings) to pay the costs (a) to purchase Lot A-1, and (b) to remediate mold and otherwise prepare, as soon practicable, the building at Lot A-1 for safe occupancy by the Newburyport Youth Services department.
- 3) Upon acquisition of Lot A-1, pursuant to M.G.L c. 40, § 15A, the City Council authorizes transfer of care, custody, management, and control of such Lot A-1 to the Youth Services department.
- 4) The City Council appropriates the sum of **Two-Hundred Thousand Dollars (\$200,000)** from Special Revenue Fund No. 2760 (Sale of Municipal Buildings), to pay the costs to repair and/or improve: (a) the gymnasium of the former Brown School to enable its reopening for municipal purposes (including installation of a heating system), as soon as practicable; and (b) to secure the remainder the former Brown School, now unoccupied, against weather, trespass, and damage.
- 5) The remaining balance in Special Revenue Fund No. 2760 (Sale of Municipal Buildings) of **Two-Hundred and Sixty-Eight Thousand, Five Hundred Dollars (\$268,500)** shall remain available for future appropriation by vote of the City Council.

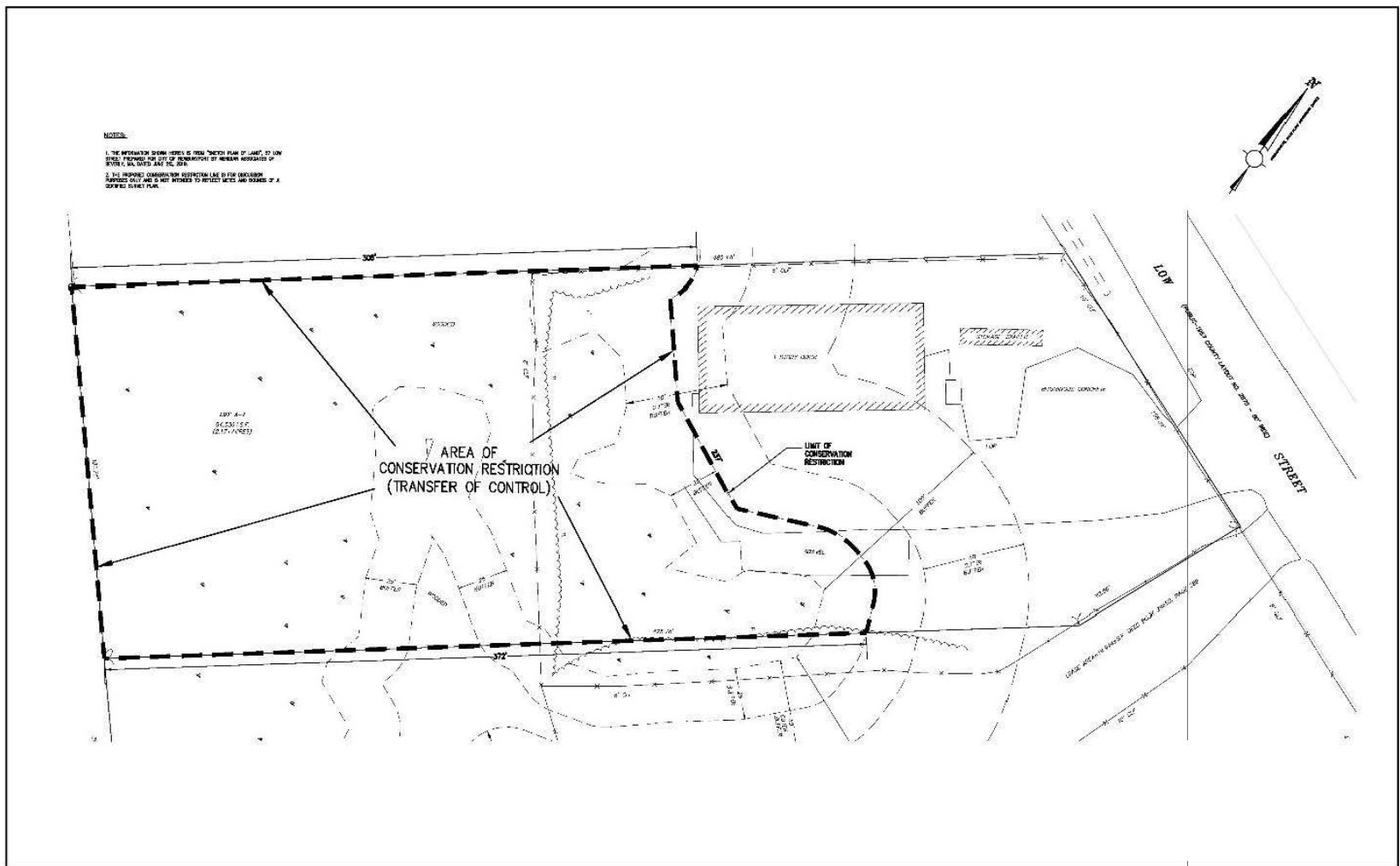
Councillor Sharif I. Zeid, Ward 1

Councillor Jared J. Eigerman, Ward 2


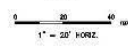
In City Council November 8, 2021:

Motion to refer ORDR300, ORDR301, and ORDR309 to Budget & Finance and COTW collectively by Councillor Zeid, seconded by Councillor Vogel. So voted.

Plan of "Area of Conservation Restriction (Transfer of Control)"



NOTES:
 1. THE INFORMATION SHOWN HEREIN IS FROM THE CITY PLAN OF JANET, 27 LOW STREET, PREPARED FOR CITY OF NEWBURYPORT BY NEWMAN ASSOCIATES OF BOSTON, MA, DATED JAN. 1978.
 2. THE PROPOSED CONSERVATION RESTRICTION LINE IS FOR INFORMATION PURPOSES ONLY AND IS NOT INTENDED TO REFLECT ACTS AND DEEDS OF A GENERAL EJECT PLAN.

 <p>CITY OF NEWBURYPORT DEPARTMENT OF PUBLIC SERVICES 16A FERRY WAY NEWBURYPORT, MA 01950</p>	<table border="1"> <thead> <tr> <th>Rev. No.</th> <th>Date</th> <th>Drawn</th> <th>Check</th> <th>Description</th> </tr> </thead> <tbody> <tr> <td> </td> <td> </td> <td> </td> <td> </td> <td> </td> </tr> </tbody> </table>	Rev. No.	Date	Drawn	Check	Description						Designed By: G. CASHIN Drawn By: A.S. WHITE Date: DECEMBER 3, 2020	SCALE:  1" = 20' HORIZ.	<p>57 LOW STREET NEWBURYPORT, MA TRANSFER OF CONTROL (CONSERVATION RESTRICTION)</p>	Sheet No. 1 OF 1 C-1
	Rev. No.	Date	Drawn	Check	Description										

CITY OF NEWBURYPORT



IN CITY COUNCIL

ORDERED:

November 8, 2021

THAT the City Council of the City of Newburyport hereby approve and authorize the purchase of a portion of that property located at 57 Low Street (*depicted as Lot A-1 on the attached plan*) for general municipal purposes.

FURTHER ORDERED THAT, at the recommendation of the Mayor, \$220,000 is appropriated from free cash to pay costs of purchasing a portion of that property located at 57 Low Street (*depicted as Lot A-1 on the attached plan*), on the terms and conditions contained in: (a) the attached Letter of Intent (*dated July 10, 2020*), notwithstanding an extended date to be granted by the Commonwealth for the closing of this real estate transaction; and (b) the attached draft deed to the City provided by the Commonwealth of Massachusetts Division of Capital Asset Management and Maintenance (DCAMM), for "general municipal purposes," and that the Mayor and the Treasurer are authorized to take any other action necessary or convenient to carry out this Order.

Councillor Heather L. Shand

Councillor Charles F. Tontar

Councillor Bruce L. Vogel

Councillor Barry N. Connell

In City Council November 8, 2021:

Motion to refer ORDR300, ORDR301, and ORDR309 to Budget & Finance and COTW collectively by Councillor Zeid, seconded by Councillor Vogel. So voted.

CITY OF NEWBURYPORT



IN CITY COUNCIL

ORDERED:

November 8, 2021

**AN ORDER (1) AUTHORIZING PURCHASE OF A 2.7-ACRE PORTION OF 57 LOW STREET,
(2) APPROPRIATING \$900,000 TO PURCHASE SUCH PROPERTY, REMOVE THE EXISTING STRUCTURE,
AND CONSTRUCT A 5000SF METAL GARAGE (WITH CONCRETE PAD) FOR USE BY THE DEPARTMENT OF
PUBLIC SERVICES,**

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

- 1) The City Council approves and authorizes the purchase of that portion of the real property commonly known as 57 Low Street, depicted in the attached plan as Lot A-1, for the sale price of Two-Hundred and Twenty Thousand Dollars and (\$220,000): (a) for general municipal purposes, with the exception of that portion of Lot A-1 to be reserved for open space and conservation purposes; and (b) for open space and conservation purposes as to that portion of Lot A-1 depicted in the attached "Area of Conservation Restriction.
- 2) The City Council appropriates the sum of Nine Hundred Thousand Dollars (\$900,000) from the sale of a Municipal Bond to pay the costs (a) to purchase Lot A-1, and (b) remove the existing building, and (c) to construct a 5000sf metal building with concrete pad for use as a parking garage for DPS and Parks Dept vehicles.

Councillor James J McCauley, Ward 5

In City Council November 8, 2021:

Motion to refer ORDR300, ORDR301, and ORDR309 to Budget & Finance and COTW collectively by Councillor Zeid, seconded by Councillor Vogel. So voted.

Plan of "Area of Conservation Restriction (Transfer of Control)"



CITY OF NEWBURYPORT FY 2022

RECEIVED
CITY CLERK'S OFFICE
NEWBURYPORT, MA

TRANSFER/APPROPRIATION REQUEST

NOV 23 AM 9:43

Department: Mayor's Office
Submitted by: Donna D. Holaday, Mayor **Date Submitted:** 11/29/2021

Transfer From:

Account Name:	<u>BUC BUDGET CONTINGENCY</u>	Balance:	<u>\$ 214,144.91</u>
Account Number:	<u>01132007-57805</u>	Category:	<u>\$ -</u>
Amount:	<u>\$213,963.47</u>	Trans I/O:	<u>\$ (208,124.96)</u>

Why Funds Are Available:

The City budgets an annual contingency for expiring collective bargaining agreements.

Transfer To:

Account Name:	<u>FIR SAL DEPUTY CHIEF</u>	Balance:	<u>\$ 75,892.47</u>
Account Number:	<u>01220001-51102</u>	Category:	<u>\$ 2,372,044.46</u>
Amount:	<u>\$8,606.69</u>	Trans I/O:	<u>\$ -</u>

Why Funds Are Needed:

To fund FY2021 and FY2022 cost items in the the newly settled collective bargaining agreements between the City of Newburyport and the IAFF Local 827 effective July 1, 2020 and July 1, 2021. See attached memorandum of agreement.

Transfer To:

Account Name:	<u>FIR SAL FIRE FIGHTERS</u>	Balance:	<u>\$ 1,455,825.44</u>
Account Number:	<u>01220001-51142</u>	Category:	<u>\$ 2,372,044.46</u>
Amount:	<u>\$180,926.78</u>	Trans I/O:	<u>\$ -</u>

Why Funds Are Needed:



See above.

Transfer To:

Account Name:	<u>FIR PAID HOLIDAYS</u>	Balance:	<u>\$ 86,483.42</u>
Account Number:	<u>01220001-51402</u>	Category:	<u>\$ 2,372,044.46</u>
Amount:	<u>\$24,430.00</u>	Trans I/O:	<u>\$ -</u>

Why Funds Are Needed:

See above.

Donna D. Holaday, Mayor:  Date: 11/23/21
 Ethan R. Manning, Auditor:  Date: 11/23/21

Sponsor: Charles F. Tontar, Councillor At-Large

City Council Approval:

**Memorandum of Agreement between
Local 827, IAFF and the City of Newburyport**

Article 2, Section I: Agency Service Fee

Replace as follows: The City agrees to deduct Union dues from the Union members who voluntarily agree in writing to have their dues deducted and to mail said dues with a list of names from whom dues have been deducted to the Union. In accordance with M.G.L. 150E, the City agrees to deduct an agency fee from those who voluntarily agree to pay such fee in writing from all employees who elect to remain nonmembers and mail said fee with a list of names from whom the fee has been deducted to the Union. The Agency Fee for non-members shall be ninety percent (90%), of the weekly dues.

Article 9, Section III: Paid Holiday and Personal

Add to list of holidays: Juneteenth (effective 7/1/20) and Firefighter's Memorial Day (effective 7/1/21)

Article 10, Section I: Wages and Differentials

Add 3rd paragraph: Employees shall receive a 3% step increase after 7 years of service, starting July 1, 2022. Employees continue to be eligible for an additional 3% step at 15 years of service.

Add 4th paragraph: As of July 1, 2021, fire department dispatchers promoted to the position of a uniformed firefighter will have a starting base salary at 100% base salary (year 2) level in Appendix A. If no dispatcher accepts the firefighter position the City will attempt to hire from the ranks of the call firefighters. If the City is unable to hire in this manner, a firefighter may be hired from the active civil service list. In this case, the entry level pay for such position will follow these steps:

Start	76% of firefighters salary
After 12 months	84% of firefighters salary
After 18 months	92% of firefighters salary
After 2 years	100% of firefighters salary

Add Section II: Calculation of Pay: Regular salaries shall be calculated in the following manner starting with the prior fiscal year's salary appearing in Appendix A:

Step 1: Add any negotiated percentage (%) upgrade to the starting salary.

Step 2: Add any negotiated cost of living (COLA) percentage (%) to the total of Step 1.

Step 3: Add any negotiated step increase that may be based on members years of service to the total of Step 2, compounding each percentage (%) onto the next if there are multiple step increases.

Step 4: Add any EMT percentage (%), based on members EMT status, to the total of Step 3.

Step 5: Add any educational incentive percentage (%), based off of the educational pay chart in this Agreement, to the total amount of step of step 4.

Step 6: If any member of this Agreement carries another title/position (e.g. Hazardous Materials Team, EMS Coordinator) said stipend for that title/position shall be applied to the total amount of step 5.

After applying all appropriate steps, this total is the adjusted regular salary whereby all other further calculations are derived (i.e. overtime rate, holiday pay, longevity). It is to be understood that if changes are made through negotiations, such changes would be applied as outlined in this section.

Article 12, Section I: Sick Leave

Replace sub-section (d) as follows: Employees hired July 1, 2016 or later shall be eligible to buy back 50 % of their accrued sick time upon retirement up to a maximum of one hundred and twenty (120) days. This shall include all call firefighters who are members of the Newburyport Fire Department prior to July 1, 2021.

Add sub-section (e): Employees hired after July 1, 2021 shall be eligible to receive a maximum of one hundred and ten (110) days of sick leave buyback based on 50% payment for accrued sick time.

Article 12, Section II: Bereavement Leave

Add to list of family members: Domestic partner, aunt and uncle

Article 13, Section I: Clothing Allowance

Replace as follows: The clothing allowance for uniformed members of the Fire Department shall remain at \$1500.00 for the entire contract period and paid in the first pay period of July. No increase shall be provided during the term of the contract. The City shall continue to provide and maintain all protective clothing and equipment at its own expense. The foregoing amount shall be paid directly to the individual employee.

Article 21, Section I: Education Incentive

Add sentence: This section shall not apply to fire dispatchers.

Article 19, Section I: Hours

Add sentence: The Deputy Chief shall have use of a City vehicle 24 hrs/day, 7 days/week. Such use shall be in accordance with the City's Take-Home Vehicle Policy. The City shall also provide the Deputy Chief with a cell phone.

Article 21, Section IV: EMT Stipend

Replace as follows: Effective July 1, 2014, all new members of the bargaining unit will be are required to possess and maintain a valid state of Massachusetts Emergency Medical Technician certificate within twelve (12) months of employment with the City. Said new members shall also be required to maintain their EMT certification at the highest level that they have attained while in the employ of the City. Any new member who fails to comply with these EMT certification requirements will be subject to discipline, including, but not limited to, termination.

Those members of the bargaining unit hired prior to July 1, 2014 who have their EMT certification and choose not to maintain their certification at the highest level that they have attained while in the employ of the City will forfeit the EMT stipend effective immediately after the expiration of their certification.

Effective July 1, 2020, all firefighters who possess and maintain a valid Emergency Medical Technician (EMT) certification will receive an increase of 4.0% to be applied according to Article 10, Section II. Said stipend will be increase to 4.5% on July 1, 2021 and to 5.0% on July 1, 2022.

The above paragraph shall not apply for dispatchers, who will be paid an annual \$250 stipend for attaining and maintaining their EMT certification, payable in the 1st pay period of December.

Effective July 1, 2021, the City shall be responsible to provide all training necessary for re-certification at the EMT or Paramedic level of certification at no cost to the firefighter. Advanced notice will be given for scheduled training. Should a firefighter miss a class for any reason, other than approved Workers Compensation, extended sick leave with a doctor's note, or bereavement leave, he/she must make it up on his/her own time.

Effective July 1, 2021 the City shall reimburse all EMT's/Paramedics all fees associated with re-certification upon presentation of receipts to the Chief of the Department.

Article 24, Section I: Miscellaneous

Add sub-section (i): All fire Department employees are required to participate in a mandatory paperless direct deposit program. The City will provide a computer, printer and all associated supplies at all stations so all employees will have online access to pay stubs.

Add sub-section (j): The City will reimburse firefighters all fees for required training and licensing upon copies of receipts presented to the Chief.

Article 26 (New Article)

Section I: Fire Dispatchers

- A. The city will maintain one (1) fire dispatcher per shift at fire headquarters at all times (For a total of four (4) dispatchers).
- B. Fire dispatchers will be hired from the ranks of call firefighters when available and qualified.
- C. Fire dispatchers will work under the supervision of the Fire Chief at fire headquarters.
- D. One (1) fire dispatcher will be assigned to each group and will work the same hours as their assigned group.
- E. The uniform policy will be the same as the firefighters.
- F. In the event that a dispatcher is out due to but not limited to, vacation, personal, sick, training or injury and one of the other three (3) dispatchers cannot be hired to fill said shift, the City will hire a full-time firefighter at his/her overtime rate as covered by Collective Bargaining Agreement.
- G. Fire dispatchers currently employed shall retain the vacation time they currently have and shall advance as per the next step of this Agreement. Any fire dispatcher hired after July 1, 2021 shall follow the vacation schedule of this Agreement.
- H. There will be no change in the hourly overtime rate for dispatchers other than the annual percentage increases provided in this Agreement.

In making the transition from the AFSCME union to the IAFF union, it is the intent of all parties to preserve the existing compensation and benefits afforded to dispatchers unless otherwise provided for in this agreement. Corrective measures to address any inadvertent errors or omissions in making this transition shall be reviewed and agreed upon by both parties to this Agreement.

Article 27 (New Article)

Section I: Light Duty

In an effort to minimize overtime due to long term illnesses and/or injuries, the City and Union agree to the creation of a light duty policy. In the case of Newburyport Fire Department such light duty position will be the position of the fire dispatcher. In the event that it is determined that a firefighter will be out for a time period greater than 90 days, but is able to return to work in a light duty position, the city may allow the firefighter to swap positions with the most senior dispatcher within the department regardless of what shift he/she is assigned, provided that the firefighter is not taking medicine which impairs his/her performance, that the firefighter's injuries/illness does not limit his/her physical abilities and that the City is not contesting his/her IOD status.

Light duty may be required unless the firefighter is certified by a licensed physician to be unable to perform limited duties. Upon notification to the Chief of such certification of total incapacity, if the Chief disagrees, he/she may, at the City's expense, and within (7) calendar days, if possible, but in any event as soon after the seven (7) days as the doctor's schedule permits, provide for an examination and a medical report from a physician. The Chief shall furnish such report to the firefighter upon receipt.

In the event that the firefighter's physician disagrees with the findings of the City's physician, the two physicians shall designate a third neutral physician, with the expertise in the medical area of the firefighter's injury/illness, who within seven (7) days of the furnishing of the City's physicians report, or as soon thereafter as the physician's schedule permits, shall determine the firefighter's fitness for light duty, and such determination shall be binding on all parties and shall not be subject to the grievance and arbitration provisions of this Agreement. The cost of the neutral physical shall be borne equally by the City and the firefighter.

In the event that a firefighter is temporarily assigned to the dispatcher position the following steps shall be followed:

Step 1 = Firefighter on light duty is temporarily assigned to the dispatching position on his/her shift

Step 2 = The senior dispatcher will be temporarily assigned to position vacated by the light duty firefighter.

Step 3 = The junior dispatcher will be assigned to wherever the dispatching vacancy exist.


Step 4 = If and when the light duty firefighter returns to full time status all personal will return to their original shift.

If the firefighter, the City and the Union agree, the 90-day period can be waived.

Article 28, Section 1: Duration of Agreement

M.G.L. c. 150E, s. 7 limits the term of a collective bargaining agreement to three years. Given that the prior collective bargaining agreement expired on June 30, 2019 and was extended by way of a memorandum of agreement through June 30, 2020, the parties agree that the terms contained herein shall be made effective in the form of one retroactive agreement dated July 1, 2020 to June 30, 2021 followed by a signed three-year agreement dated July 1, 2021 to June 30, 2024. The terms applicable to the retroactive agreement are contained herein, unless specified, and shall be payable upon execution of the three-year agreement.

FOR THE CITY:



Mayor Donna D. Holaday

11/22/2021
Date

APPENDIX A

	Dispatcher	Firefighter	Lieutenant	Deputy Chief
FY2020	n/a	\$59,175.85	\$70,924.98	\$94,052.27
FY2021	n/a	\$60,359.37	\$72,343.48	\$95,933.32
FY2022	TBD*	\$61,566.56	\$73,790.35	\$97,851.99
FY2023	TBD*	\$63,425.87	\$76,018.82	\$100,807.12
FY2024	TBD*	\$65,664.80	\$78,702.28	\$104,365.61

*Being finalized



CITY OF NEWBURYPORT
FY 2022

RECEIVED
 CITY CLERK'S OFFICE
 NEWBURYPORT, MA

TRANSFER/APPROPRIATION REQUEST

2021 NOV 29 11:14:18

Department: Department of Public Services
Submitted by: Anthony Furnari, DPS Director **Date Submitted:** 11/29/2021

Transfer From:

Account Name:	Sewer Retained Earnings	Balance:	\$ 1,738,991.00
Account Number:	61-35920	Category:	\$ -
Amount:	\$223,000.00	Trans I/O:	\$ -

Why Funds Are Available:

The Massachusetts Department of Revenue certified Retained Earnings for the Sewer Enterprise Fund for FY2022 at \$1,738,991. These funds are available for any legal expenditure with the approval of the Mayor and a majority vote of the City Council.

Transfer To:

Account Name:	SEW MAINT-EQUIPMENT	Balance:	\$ 76,530.40
Account Number:	61440002-52406	Category:	\$ 898,761.27
Amount:	\$40,000.00	Trans I/O:	\$ -

Why Funds Are Needed:

To pay the monthly rental costs for a temporary generator at the Wastewater Treatment Facility. The Water and Sewer Commission voted unanimously to support this transfer. See attached memo.

Transfer To:

Account Name:	CIP Generator Replacement	Balance:	\$ -
Account Number:	New account	Category:	\$ -
Amount:	\$183,000.00	Trans I/O:	\$ -

Why Funds Are Needed:

To replace the failed generator at the Wastewater Treatment Facility. The Water and Sewer Commission voted unanimously to support this transfer. See attached memo.

Donna D. Holaday, Mayor: *Donna D. Holaday* Date: _____
 Ethan R. Manning, Auditor: *Eth R. Manning* Date: 11/23/21

Sponsor: Charles F. Tontar, Councillor At-Large

City Council Approval:



CITY OF NEWBURYPORT
DEPARTMENT OF PUBLIC SERVICES

16A PERRY WAY
NEWBURYPORT, MA 01950
TEL: 978-465-4463 EXT. 1701

ANTHONY J. FURNARI, DIRECTOR
JAMIE TUCCOLO, DEPUTY DIRECTOR/DIRECTOR OF OPERATIONS

MEMORANDUM

TO: Mayor Donna D. Holaday
FROM: Julie Spurr Knight, DPS Business Manager
DATE: November 23, 2021
SUBJECT: Sewer Generator Transfer of Funds

On July 7, 2021 the Waste Water Treatment Facility located at 115 Water Street experienced generator equipment failure. The Chief Operator at the treatment facility immediately procured a rental generator to support the functions of the treatment plant. Trouble shooting and investigation confirmed the generator required replacement. To date the sewer operating budget incurred over \$40,000 of expense to support the monthly cost of generator rental and emergency generator on call services.

An emergency procurement to purchase a replacement generator was conducted and a generator was ordered. The generator delivery and installation is expected in the month of December. The cost to purchase, deliver and install the new generator is \$183,000. The Department of Public Services is requesting a transfer from Sewer Retained earnings in the amount of \$223,000 to fund the expense to the operating budget and the cost of the generator replacement. The Water and Sewer Commission voted unanimously to transfer the funds on November 17, 2021.

CITY OF NEWBURYPORT



IN CITY COUNCIL

ORDERED:

November 29, 2021

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 October 25, 2021. This gift is accepted in accordance with M.G.L. Chapter 44, Section 53A.

Councillor Sharif I. Zeid, Chair Budget and Finance

In City Council November 29, 2021:

Motion to refer to Budget & Finance by Councillor Khan, seconded by Councillor Zeid. Roll call vote. 11 yes. Motion passes.

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

October 25, 2021

Hon. Donna D. Holaday, Mayor
City of Newburyport
60 Pleasant Street
Newburyport, Massachusetts, 01950

Re: Morrill Foundation Funding Directive

Dear Madam Mayor,

This letter is to advise the City that the trustees have reviewed the Parks Commission requests which were presented partially via Zoom due to ongoing issues with the COVID-19 pandemic at the City Hall Meeting held on September 21, 2021. The allocation is \$110,000.00.

It should be noted that the pandemic continued to impact several approved projects for 2020 as well as 2021. During my stay in Newburyport, Mrs. Reid's candor and professionalism in detailing the roadblocks brought clarity to the circumstances. Where feasible, alternate options were discussed and will be pursued.

The trustees have agreed upon the following projects for 2022 with the following financial allocations.

1. Garrison's Birthplace Signage - \$2,500.00. The trustees were advised that alternative funding might be forthcoming, which might cover this project. Our desire is to assure that funding is available if needed.
2. Bartlett Mall Restoration Project - \$57,500.00 is provided for the proposed granite seating and barrier at the water's edge of Frog Pond. Should the City secure funding for Garrison's signage, the \$2500.00 will be added to the Mall seating. The total would then be \$60,000.00
3. Atkinson Common Maintenance Building - \$10,000.00. The funds will purchase and install an electric ornamental door for safety and functionality.
4. Lower Atkinson Common Pickleball Court - \$40,000.00. The project will develop 3 courts and the promotion of The Newburyport Conservancy fund should complete the project.

I know that the City Council will have to formally accept these funds at its December meeting. After notification of their acceptance to all trustees, with the original acceptance letter directed to the treasurer Mr. James Agrippa Morrill, a check will be issued 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 cursive script that reads "Robert D. Morrill". The signature is written in dark ink and is positioned above the printed name.

Robert D. Morrill

Cc: James Agrippa Morrill, James Astle Morrill, Mary Haslinger, Lise Reid, Kimberly Turner, Jack Grady

Committee Items- December 13, 2021
Education Committee

- COMM273_10_13_2020 Ltr of Non-Support from Mayor on Acts of 1987
- COMM329_05_24_2021 Statement of Interest, School Building Authority
- COMM358_10_12_2021 School Strategic Plan documents



CITY OF NEWBURYPORT
OFFICE OF THE MAYOR
DONNA D. HOLADAY, MAYOR

60 PLEASANT STREET - P.O. BOX 550
NEWBURYPORT, MA 01950
978-465-4413 PHONE
978-465-4402 FAX

Oct. 1, 2020

Dear President Eigerman and City Councillors:

This letter is written in response to the City Council vote on September 14th, 2020 to approve the Acts of 1987, Chapter 329 to allow the City Council to increase the annual school budget. We have accomplished much together in the past decade in advancing our School District, including building a much needed new elementary school and renovations to the Nock/Molin. Additionally, we have increased the operational budget of our school district by nearly 50% in the past decade. I appreciate your tremendous advocacy and support for the education of our children. The development of the annual budget is a very detailed and complex process requiring months of work with input from the school's Leadership Team, School Councils, the School Committee and families. I do not see any reason to alter this extensive process and the resultant final budget developed. The Mayor is obligated by law to present a balanced annual budget. This can be very challenging particularly in the current pandemic and economic downturn. Predictions are bleak for next year's budget. Consequently, being in a leadership role with deep understanding of the city and school budgets, the Mayor and his or her Finance Team are in the best position to address these difficult decisions. Therefore, for the reasons cited above, I cannot support the City Council's vote to accept the Acts of 1987.

Sincerely,

Donna D. Holaday, Mayor

RECEIVED
CITY CLERK'S OFFICE
NEWBURYPORT, MA
2020 OCT -1 PM 4:05



CITY OF NEWBURYPORT
OFFICE OF THE MAYOR
DONNA D. HOLADAY, MAYOR

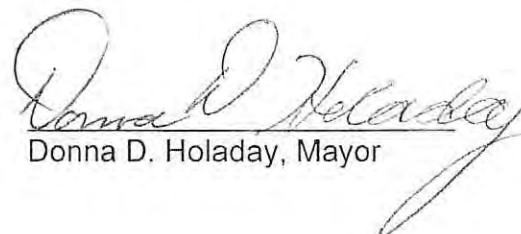
60 PLEASANT STREET - P.O. BOX 550
NEWBURYPORT, MA 01950

978-465-4413 PHONE
978-465-4402 FAX

To: President and Members of the City Council
From: Donna D. Holaday, Mayor
Date: May 18, 2021
Re: Statement of Interest (SOI) – MA School
Building Authority (MSBA)

Attached for your approval is an updated Statement of Interest (SOI) to the MA School Building Authority (MSBA) for new science labs and roof repair at Newburyport High School. The deadline to submit the SOI is Friday, June 25, 2021.

The School Committee will be voting on the SOI on their June 7, 2021 meeting. Thank you for your attention in this matter.


Donna D. Holaday, Mayor

Massachusetts School Building Authority

Next Steps to Finalize Submission of your FY 2021 Statement of Interest

Thank you for submitting your FY 2021 Statement of Interest (SOI) to the MSBA electronically. **Please note, the District's submission is not yet complete.** The District is required to mail all required supporting documentation, which is described below.

VOTES: Each SOI must be submitted with the proper vote documentation. This means that (1) the required governing bodies have voted to submit each SOI, (2) the specific vote language required by the MSBA has been used, and (3) the District has submitted a record of the vote in the format required by the MSBA.

- **School Committee Vote:** Submittal of all SOIs must be approved by a vote of the School Committee.
 - For documentation of the vote of the School Committee, Minutes of the School Committee meeting at which the vote was taken must be submitted with the original signature of the Committee Chairperson. The Minutes must contain the actual text of the vote taken which should be substantially the same as the MSBA's SOI vote language.
- **Municipal Body Vote:** SOIs that are submitted by cities and towns must be approved by a vote of the appropriate municipal body (e.g., City Council/ Aldermen/Board of Selectmen) in addition to a vote of the School Committee.
 - Regional School Districts do not need to submit a vote of the municipal body.
 - For the vote of the municipal governing body, a copy of the text of the vote, which shall be substantially the same as the MSBA's SOI vote language, must be submitted with a certification of the City/Town Clerk that the vote was taken and duly recorded, and the date of the vote must be provided.

ADDITIONAL DOCUMENTATION FOR SOI PRIORITIES #1 AND #3: If a District selects Priority #1 and/or Priority #3, the District is required to submit additional documentation with its SOI.

- If a District selects Priority #1, Replacement or renovation of a building which is structurally unsound or otherwise in a condition seriously jeopardizing the health and safety of the school children, where no alternative exists, the MSBA requires a hard copy of the engineering or other report detailing the nature and severity of the problem and a written professional opinion of how imminent the system failure is likely to manifest itself. The District also must submit photographs of the problematic building area or system to the MSBA.
- If a District selects Priority #3, Prevention of a loss of accreditation, the SOI will not be considered complete unless and until a summary of the accreditation report focused on the deficiency as stated in this SOI is provided.

ADDITIONAL INFORMATION: In addition to the information required above, the District may also provide any reports, pictures, or other information they feel will give the MSBA a better understanding of the issues identified at a facility.

If you have any questions about the SOI process please contact the MSBA at 617-720-4466 or SOI@massschoolbuildings.org.

Massachusetts School Building Authority

School District Newburyport

District Contact Donna D Holaday TEL: (978) 465-4413

Name of School Newburyport High

Submission Date 5/14/2021

SOI CERTIFICATION

To be eligible to submit a Statement of Interest (SOI), a district must certify the following:

- ✓ The district hereby acknowledges and agrees that this SOI is NOT an application for funding and that submission of this SOI in no way commits the MSBA to accept an application, approve an application, provide a grant or any other type of funding, or places any other obligation on the MSBA.
- ✓ The district hereby acknowledges that no district shall have any entitlement to funds from the MSBA, pursuant to M.G.L. c. 70B or the provisions of 963 CMR 2.00.
- ✓ The district hereby acknowledges that the provisions of 963 CMR 2.00 shall apply to the district and all projects for which the district is seeking and/or receiving funds for any portion of a municipally-owned or regionally-owned school facility from the MSBA pursuant to M.G.L. c. 70B.
- ✓ The district hereby acknowledges that this SOI is for one existing municipally-owned or regionally-owned public school facility in the district that is currently used or will be used to educate public PreK-12 students and that the facility for which the SOI is being submitted does not serve a solely early childhood or Pre-K student population.
- ✓ After the district completes and submits this SOI electronically, the district must mail hard copies of the required documentation described under the "Vote" tab, on or before the deadline.
- ✓ The district will schedule and hold a meeting at which the School Committee will vote, using the specific language contained in the "Vote" tab, to authorize the submission of this SOI. This is required for cities, towns, and regional school districts.
- ✓ Prior to the submission of the SOI, the district will schedule and hold a meeting at which the City Council/Board of Aldermen or Board of Selectmen/equivalent governing body will vote, using the specific language contained in the "Vote" tab, to authorize the submission of this SOI. This is not required for regional school districts.
- ✓ On or before the SOI deadline, the district will submit the minutes of the meeting at which the School Committee votes to authorize the Superintendent to submit this SOI. The District will use the MSBA's vote template and the vote will specifically reference the school and the priorities for which the SOI is being submitted. The minutes will be signed by the School Committee Chair. This is required for cities, towns, and regional school districts.
- ✓ The district has arranged with the City/Town Clerk to certify the vote of the City Council/Board of Aldermen or Board of Selectmen/equivalent governing body to authorize the Superintendent to submit this SOI. The district will use the MSBA's vote template and submit the full text of this vote, which will specifically reference the school and the priorities for which the SOI is being submitted, to the MSBA on or before the SOI deadline. This is not required for regional school districts.
- ✓ The district hereby acknowledges that this SOI submission will not be complete until the MSBA has received all of the required vote documentation in a format acceptable to the MSBA. If Priority 1 is selected, your SOI will not be considered complete unless and until you provide the required engineering (or other) report, a professional opinion regarding the problem, and photographs of the problematic area or system. If Priority 3 is selected, your SOI will not be considered complete unless and until you provide a summary of the accreditation report focused on the deficiency as stated in this SOI.

**LOCAL CHIEF EXECUTIVE OFFICER/DISTRICT SUPERINTENDENT/SCHOOL COMMITTEE CHAIR
(E.g., Mayor, Town Manager, Board of Selectmen)**

Chief Executive Officer * School Committee Chair Superintendent of Schools

_____	_____	_____
(signature)	(signature)	(signature)
Date	Date	Date

* Local chief executive officer: In a city or town with a manager form of government, the manager of the municipality; in other cities, the mayor; and in other towns, the board of selectmen unless, in a city or town, some other municipal office is designated to the chief executive office under the provisions of a local charter. Please note, in districts where the Superintendent is also the Local Chief Executive Officer, it is required for the same person to sign the Statement of Interest Certifications twice.

Massachusetts School Building Authority

School District Newburyport

District Contact Donna D Holaday TEL: (978) 465-4413

Name of School Newburyport High

Submission Date 5/14/2021

Note

The following Priorities have been included in the Statement of Interest:

1. Replacement or renovation of a building which is structurally unsound or otherwise in a condition seriously jeopardizing the health and safety of school children, where no alternative exists.
2. Elimination of existing severe overcrowding.
3. Prevention of the loss of accreditation.
4. Prevention of severe overcrowding expected to result from increased enrollments.
5. Replacement, renovation or modernization of school facility systems, such as roofs, windows, boilers, heating and ventilation systems, to increase energy conservation and decrease energy related costs in a school facility.
6. Short term enrollment growth.
7. Replacement of or addition to obsolete buildings in order to provide for a full range of programs consistent with state and approved local requirements.
8. Transition from court-ordered and approved racial balance school districts to walk-to, so-called, or other school districts.

SOI Vote Requirement

I acknowledge that I have reviewed the MSBA's vote requirements for submitting an SOI which are set forth in the Vote Tab of this SOI. I understand that the MSBA requires votes from specific parties/governing bodies, in a specific format using the language provided by the MSBA. Further, I understand that the MSBA requires certified and signed vote documentation to be submitted with the SOI. I acknowledge that my SOI will not be considered complete and, therefore, will not be reviewed by the MSBA unless the required accompanying vote documentation is submitted to the satisfaction of the MSBA.

SOI Program: Core

Potential Project Scope: Renovation\ Addition

Is this a Potential Consolidation? No

Is this SOI the District Priority SOI? Yes

School name of the District Priority SOI: Newburyport High

Is this part of a larger facilities plan? Yes

If "YES", please provide the following:

Facilities Plan Date: 3/29/2021

Planning Firm: Newburyport Public Schools/City of Newburyport

Please provide a brief summary of the plan including its goals and how the school facility that is the subject of this SOI fits into that plan:

FY22-26 Capital Improvement Plan: The Newburyport Public Schools, working with the City of Newburyport, updates a 5-year Capital Improvement Plan annually. This plan lists capital needs for all school facilities across the district. The CIP is presented by the Director of Facilities to, and approved by the School Committee before being sent to the Mayor and City Council for prioritization with other capital needs across the city. In recent years the CIP submitted for consideration to the Mayor's Office has included the following for Newburyport High school: exterior woodwork restoration, sidewalk replacements, roof replacement, technology upgrades, energy reduction programs, auditorium sound and lighting system replacement, fire alarm system upgrade, security updates and others. Funding is appropriated as available, and some projects find other sources of funding through grants and/or donations. The current CIP can be found on the city website at:

https://www.cityofnewburyport.com/sites/g/files/vyhlf3521/f/uploads/fy2022-2026_capital_improvement_program_proposed_3-29-2021.pdf

Please provide the current student to teacher ratios at the school facility that is the subject of this SOI: 11 students per teacher

Please provide the originally planned student to teacher ratios at the school facility that is the subject of this SOI: 11 students per teacher

Does the District have a Master Educational Plan that includes facility goals for this building and all school buildings in District? Yes

If "YES", please provide the author and date of the District's Master Educational Plan.

The City of Newburyport has a Master Plan that includes an educational component. The development of the Master Plan was spearheaded by members of the Planning Department and was adopted by the Newburyport City Council in December of 2017. The Master Plan can be found on the city website at:

<https://www.cityofnewburyport.com/sites/g/files/vyhlf3521/f/uploads/2017-master-plan-final-printed-version-w-adoption-dates.pdf>

Is there overcrowding at the school facility? No

If "YES", please describe in detail, including specific examples of the overcrowding.

Has the district had any recent teacher layoffs or reductions? No

If "YES", how many teaching positions were affected? 0

At which schools in the district?

Please describe the types of teacher positions that were eliminated (e.g., art, math, science, physical education, etc.).

Has the district had any recent staff layoffs or reductions? No

If "YES", how many staff positions were affected? 0

At which schools in the district?

Please describe the types of staff positions that were eliminated (e.g., guidance, administrative, maintenance, etc.).

Please provide a description of the program modifications as a consequence of these teacher and/or staff reductions, including the impact on district class sizes and curriculum.

Does Not Apply

Please provide a description of the local budget approval process for a potential capital project with the MSBA. Include schedule information (i.e. Town Meeting dates, city council/town council meetings dates, regional school committee meeting dates). Provide, if applicable, the District's most recent budget approval process that resulted

in a budget reduction and the impact of the reduction to the school district (staff reductions, discontinued programs, consolidation of facilities).

SECTION 6-2: ANNUAL BUDGET MEETING The mayor shall call a joint meeting of the city council and school committee, to include the superintendent of schools, before the commencement of the annual budget process to review the financial condition of the city, revenue and expenditure forecasts, and other relevant information prepared by the mayor in order to develop a coordinated budget. SECTION 6-3: SUBMISSION OF OPERATING BUDGET; BUDGET MESSAGE No later than May 15 of each year, the mayor shall submit to the city council a proposed operating budget for all city agencies, which shall include the school department, for the ensuing fiscal year with an accompanying budget message and supporting documents. The proposed operating budget shall provide a complete fiscal plan of all city funds and activities. The school budget, as adopted by the school committee shall be submitted to the mayor at least 10 days before the submission of the proposed operating budget to the city council. The mayor shall notify the school committee of the date by which the proposed budget of the school committee shall be submitted to the mayor. The mayor and the superintendent of schools shall coordinate the dates and times of the school committee's budget process under the General Laws. Public Hearing - The city council shall publish in at least one (1) local newspaper a notice of the proposed operating budget as submitted by the mayor. The notice shall state (1) the times and places where copies of the entire proposed operating budget are available for inspection by the public, and (2) the date, time and place not less than 14 days after its publication, when a public hearing on the proposed operating budget will be held by the city council. The city council shall adopt the proposed operating budget, with or without amendments, within 45 days following the date the proposed budget is filed with the city clerk. Funding a capital project would likely require an override vote.

General Description

BRIEF BUILDING HISTORY: Please provide a detailed description of when the original building was built, and the date(s) and project scopes(s) of any additions and renovations (maximum of 5000 characters).

Original construction of Newburyport High School was completed in 1937. A complete renovation and addition occurred from 1999 to 2002.

A project to rehabilitate the exterior woodwork on the high school was completed in 2020. This historic restoration was designed and monitored by an architectural firm with extensive historic restoration experience, and following strict historic restoration standards.

TOTAL BUILDING SQUARE FOOTAGE: Please provide the original building square footage PLUS the square footage of any additions.

215000

SITE DESCRIPTION: Please provide a detailed description of the current site and any known existing conditions that would impact a potential project at the site. Please note whether there are any other buildings, public or private, that share this current site with the school facility. What is the use(s) of this building(s)? (maximum of 5000 characters).

Newburyport High School sits on a 13.3 acre site at the top of a hill in a residential neighborhood.

The site also includes the War Memorial Stadium which was recently renovated (completed 2016) including an artificial turf field. The Stadium is used for various sporting events as well as the site for the high school's graduation ceremony.

There is a concession stand near the Stadium along with a small electrical shed that provides power to the Stadium. A baseball field is also located on the site.

The parking areas are insufficient for the number of staff in the building. Some staff and all students have to park off-site. Any project that requires a lay-down area for materials is challenging when done while school is in session.

ADDRESS OF FACILITY: Please type address, including number, street name and city/town, if available, or describe the location of the site. (Maximum of 300 characters)

Newburyport High School
241 High Street
Newburyport, MA 01950

BUILDING ENVELOPE: Please provide a detailed description of the building envelope, types of construction materials used, and any known problems or existing conditions (maximum of 5000 characters).

Exterior walls of the building are brick. They are in generally good condition.

Most windows are over-sized double-hung wooden sash. The one major exception is the south façade which has aluminum frame windows overlooking the stadium. The size of the double-hung windows make them difficult to operate. Most are in good condition, but there are some, particularly on the northeast side of the building that are showing signs of deterioration due to their exposure to the north-east wind coming off the ocean.

Doors are a combination of wooden historic replica and aluminum store-front style. The wooden doors are

sometimes problematic from a security standpoint during wet or humid weather when they swell and do not automatically latch securely. During these times they require regular adjustment.

Over the center main portion of the 1937 portion of the building is an asphalt shingled hip roof. This section of roof is in poor condition, needing regular maintenance to replace shingles that blow off during strong wind storms, and leaking in areas where flashing has apparently failed. This roof was installed in 1995.

The remaining sections on the 1937 portion of the building are flat PVC roofs that were last replaced in 1995 as part of a district-wide roofing project. There have been numerous leaks on all four of these separate sections (Library, Auditorium, East Classroom Wing, West Classroom Wing) as can be seen by the number of patches in these areas and stained ceilings that are visible in areas such as the Auditorium.

The five sections described above are on the Building A section of the high school and are in need of replacement as they are approaching 25 years of age.

The EPDM roof on the 2002 addition is in good condition. A small project was conducted on this roof circa 2011 to correct an issue with the membrane pulling away from the bases of several of the roof top air handling units.

Has there been a Major Repair or Replacement of the EXTERIOR WALLS? YES

Year of Last Major Repair or Replacement:(YYYY) 2002

Description of Last Major Repair or Replacement:

The exterior walls on the original (1937) portion of the building have not had a major repair or replacement other than repointing. The addition that was constructed from 1999 to 2002 replaced an earlier addition that was constructed circa 1960.

Roof Section A

Is the District seeking replacement of the Roof Section? YES

Area of Section (square feet) 6000

Type of ROOF (e.g., PVC, EPDM, Shingle, Slate, Tar & Gravel, Other (please describe)

Shingle

Age of Section (number of years since the Roof was installed or replaced) 26

Description of repairs, if applicable, in the last three years. Include year of repair:

Replacement of shingles that have blown off has occurred in each of the last three years. Repairs have also been made to flashing around ductwork that protrudes through this roof.

Roof Section B

Is the District seeking replacement of the Roof Section? YES

Area of Section (square feet) 35100

Type of ROOF (e.g., PVC, EPDM, Shingle, Slate, Tar & Gravel, Other (please describe)

Flat PVC-this section is made up of four separate areas all last replaced in 1995 including east classrooms, west classrooms, auditorium & library.

Age of Section (number of years since the Roof was installed or replaced) 26

Description of repairs, if applicable, in the last three years. Include year of repair:

Patching has been performed numerous times on this roof over the past three years including most recently December 2019.

Roof Section C

Is the District seeking replacement of the Roof Section? NO

Area of Section (square feet) 18400

Type of ROOF (e.g., PVC, EPDM, Shingle, Slate, Tar & Gravel, Other (please describe)

Flat EPDM over south classroom area addition that was constructed in 1999-2002

Age of Section (number of years since the Roof was installed or replaced) 20

Description of repairs, if applicable, in the last three years. Include year of repair:

Minor patching in 2018 & 2019.

Roof Section D

Is the District seeking replacement of the Roof Section? NO

Area of Section (square feet) 7900

Type of ROOF (e.g., PVC, EPDM, Shingle, Slate, Tar & Gravel, Other (please describe))

Gym-ballasted EPDM installed in 1999-2002 during the renovation and addition project. Proposed addition would be constructed over this section.

Age of Section (number of years since the Roof was installed or replaced) 20

Description of repairs, if applicable, in the last three years. Include year of repair:
None

Roof Section E

Is the District seeking replacement of the Roof Section? NO

Area of Section (square feet) 3500

Type of ROOF (e.g., PVC, EPDM, Shingle, Slate, Tar & Gravel, Other (please describe))

Cafeteria-sloped PVC installed during the renovation and addition project from 1999 to 2002.

Age of Section (number of years since the Roof was installed or replaced) 20

Description of repairs, if applicable, in the last three years. Include year of repair:
Patching of seams in the built-in rain gutter in 2019.

Roof Section F

Is the District seeking replacement of the Roof Section? NO

Area of Section (square feet) 450

Type of ROOF (e.g., PVC, EPDM, Shingle, Slate, Tar & Gravel, Other (please describe))

Standing seam metal roofing over "connector" areas between the original building and the addition that was constructed in 1999-2002. This includes 9 small separate roof areas.

Age of Section (number of years since the Roof was installed or replaced) 20

Description of repairs, if applicable, in the last three years. Include year of repair:
Patching of seams and flashing along rising brick walls 2018 & 2019.

Window Section A

Is the District seeking replacement of the Windows Section? NO

Windows in Section (count) 374

Type of WINDOWS (e.g., Single Pane, Double Pane, Other (please describe))

Wooden double-hung, double pane windows.

Age of Section (number of years since the Windows were installed or replaced) 20

Description of repairs, if applicable, in the last three years. Include year of repair:
Miscellaneous sash replacements 2017/2018, two replaced in 2020 and one in 2021.

Window Section B

Is the District seeking replacement of the Windows Section? NO

Windows in Section (count) 60

Type of WINDOWS (e.g., Single Pane, Double Pane, Other (please describe))

Aluminum double pane

Age of Section (number of years since the Windows were installed or replaced) 20

Description of repairs, if applicable, in the last three years. Include year of repair:
None

Window Section C

Is the District seeking replacement of the Windows Section? NO

Windows in Section (count) 14

Type of WINDOWS (e.g., Single Pane, Double Pane, Other (please describe))

Large wood-frame fixed glass double pane (library & auditorium)

Age of Section (number of years since the Windows were installed or replaced) 20

Description of repairs, if applicable, in the last three years. Include year of repair:

Exterior trim board replacement on one window in 2019

MECHANICAL and ELECTRICAL SYSTEMS: Please provide a detailed description of the current mechanical and electrical systems and any known problems or existing conditions (maximum of 5000 characters).

Both the mechanical and electrical systems were updated as part of the renovation and addition project between 1999 and 2002.

Heat is provided to the school by two natural gas-fired Smith Boilers which provide hot water to various terminal devices throughout the school including nine interior air handling units and three roof-top air handling units which provide fresh air throughout the building. Heat to the classrooms is provided by ceiling mounted fan coil units, and offices generally receive their heat via variable air volume boxes and baseboard radiant heat.

Two Trane chillers provide chilled water for air conditioning to about 90% of the building. In recent years the chillers have required a significant amount of service and repair work to keep them operating at full capacity. At times they have been difficult to keep running when they are needed most and have been costly to maintain. They should be considered for replacement.

Both boilers are fully operational and receive regular preventive maintenance from in-house staff with assistance from contractors from time to time. The interior fire walls of one boiler were rebuilt in 2013, and the other in 2018.

All mechanical equipment is operational and is in a condition that would be expected at this stage of its life cycle. Mechanical equipment receives regular preventive maintenance from in-house staff with assistance from contractors from time to time.

The entire electrical system from the main switch gear to all branch circuit wiring was replaced during the renovation and addition project from 1999-2002. The main electrical service is 480/277 volt, 4000 amp, three phase. The switch gear and all distribution panels were manufactured by General Electric.

A 250KW Kohler generator provides backup power to selected equipment and emergency lighting.

Lighting throughout the building is a combination of T-8 and compact fluorescent as well as recently converted LED fixtures.

Boiler Section 1

Is the District seeking replacement of the Boiler? YES

Is there more than one boiler room in the School? YES

What percentage of the School is heated by the Boiler? 100

Type of heating fuel (e.g., Heating Oil, Natural Gas, Propane, Other)

Natural gas

Age of Boiler (number of years since the Boiler was installed or replaced) 20

Description of repairs, if applicable, in the last three years. Include year of repair:

Interior fire brick replaced 2013

Boiler Section 2

Is the District seeking replacement of the Boiler? YES

Is there more than one boiler room in the School? YES

What percentage of the School is heated by the Boiler? 100

Type of heating fuel (e.g., Heating Oil, Natural Gas, Propane, Other)

Natural gas

Age of Boiler (number of years since the Boiler was installed or replaced) 20

Description of repairs, if applicable, in the last three years. Include year of repair:

Interior fire brick replaced 2018

Boiler Section 3

Is the District seeking replacement of the Boiler? YES

Is there more than one boiler room in the School? YES

What percentage of the School is heated by the Boiler? 0

Type of heating fuel (e.g., Heating Oil, Natural Gas, Propane, Other)

Natural gas (domestic hot water)

Age of Boiler (number of years since the Boiler was installed or replaced) 20

Description of repairs, if applicable, in the last three years. Include year of repair:

None

Boiler Section 4

Is the District seeking replacement of the Boiler? NO

Is there more than one boiler room in the School? YES

What percentage of the School is heated by the Boiler? 0

Type of heating fuel (e.g., Heating Oil, Natural Gas, Propane, Other)

Electricity (domestic hot water for kitchen)

Age of Boiler (number of years since the Boiler was installed or replaced) 5

Description of repairs, if applicable, in the last three years. Include year of repair:

Replaced in 2016

Boiler Section 5

Is the District seeking replacement of the Boiler? NO

Is there more than one boiler room in the School? YES

What percentage of the School is heated by the Boiler? 0

Type of heating fuel (e.g., Heating Oil, Natural Gas, Propane, Other)

Electricity (domestic hot water for science labs)

Age of Boiler (number of years since the Boiler was installed or replaced) 4

Description of repairs, if applicable, in the last three years. Include year of repair:

Replaced in 2017

Has there been a Major Repair or Replacement of the HVAC SYSTEM? YES

Year of Last Major Repair or Replacement:(YYYY) 2002

Description of Last Major Repair or Replacement:

All mechanical equipment was replaced during the renovation and addition project from 1999 to 2002.

Has there been a Major Repair or Replacement of the ELECTRICAL SERVICES AND DISTRIBUTION SYSTEM? YES

Year of Last Major Repair or Replacement:(YYYY) 2002

Description of Last Major Repair or Replacement:

All electrical equipment was replaced during the renovation and addition project from 1999 to 2002.

BUILDING INTERIOR: Please provide a detailed description of the current building interior including a description of the flooring systems, finishes, ceilings, lighting, etc. (maximum of 5000 characters).

Interior walls are generally constructed of metal studs and gypsum wall board and finished with an egg-shell paint.

Most floors are vinyl composite tile with carpeting in offices, the auditorium and library. Most ceilings areas are suspended grids with acoustical ceiling tile, with some gypsum wall board ceilings in select areas.

Lighting is typically T-8 and compact fluorescent with some recently converted LED fixtures in some areas such as the gym, auditorium, cafeteria, stairways and parking lots. The first phase of a three-phase project to convert the remaining lighting to LED was completed in 2020 utilizing Green Communities funding and utility rebates. A Green Communities funding application for the next phase will be submitted in the fall of 2021.

PROGRAMS and OPERATIONS: Please provide a detailed description of the current grade structure and programs offered and indicate whether there are program components that cannot be offered due to facility constraints, operational constraints, etc. (maximum of 5000 characters).

Newburyport High School serves grades nine through twelve and the curriculum is designed around two interconnected premises. First, students will acquire and demonstrate competencies in areas of academics, career options, personal/social relationships and wellness. Second, a major aspect of demonstrating those competencies is successful completion of a core curriculum and elective course work to earn the minimum of 110 credits to be eligible for graduation.

Courses are offered in art and theater, English, math, history/social studies, science and technology, world language, wellness and physical education, and special education.

The one area that is most restricted by facility constraints at Newburyport High School is the Science, Technology and Engineering program. A shortage of teaching and lab space limits the amount of lab time that each class can be allotted.

EDUCATIONAL SPACES: Please provide a detailed description of the Educational Spaces within the facility, a description of the number and sizes (in square feet) of classrooms, a description of science rooms/labs including ages and most recent updates, a description of the cafeteria, gym and/or auditorium and a description of the media center/library (maximum of 5000 characters).

- 9 Math classrooms average approximately 750 sq. ft.
- 9 Social Studies classrooms average approximately 750 sq. ft.
- 6 English classrooms average approximately 800 sq. ft.
- 6 Science classrooms average approximately 850 sq. ft. (most recent updates 2002)
- 4 Science Labs average approximately 750 sq. ft. (two currently utilized as a science classroom)
- 6 World Language classrooms and one language lab each average approximately 800 sq. ft.
- 5 Special Education classrooms range from 750 to 1200 sq. ft. The Nutrition Lab is 1350 sq. ft.
- One computer lab is 800 sq. ft. and the other was recently converted to a general classroom.

The Distance Learning Lab is a 1200 Sq. Ft. lecture hall

The Art Suite includes 2 classrooms at 1600 & 1800 sq. ft, Photo Lab at 280 sq. ft. and Graphic Arts Computer Lab at 900 sq. ft.

The Library is 6600 sq. ft. and includes a PC Lab, Mac Lab, and quiet study area.
(the Library was renovated in 2012 including new carpeting, paint, furniture & technology)

The Auditorium is 6600 sq. ft. and seats approximately 660 people.

The Theater Program has a 900 sq. ft. room adjacent to the Auditorium

Theater also operates the TV Production Lab (580 sq. ft.) and TV Studio (340 sq. ft.) The Band Room is 1580 sq. ft.

The 2300 sq. ft. Wood Shop is now used by the ceramics program, but the kiln for this program remains in another wing of the building which is an inconvenience.

The Gym is 12,670 sq. feet including a fitness room

Three sets of bleachers can seat approximately 600 people

The Gym includes a full basketball court along with two smaller side courts

There is a walking track around the perimeter of the gym

The PE Department also has a 1200 sq. ft. Wellness Classroom

The Cafeteria is approximately 8800 sq. ft. and can seat approximately 300 students. There are currently three lunch periods served by a full kitchen of approximately 1500 sq. ft. An adjacent room has been converted to

additional cafeteria space to allow us to spread students out more in the short-term, and eventually decrease to two lunch periods to better accommodate the academic schedule.

CAPACITY and UTILIZATION: Please provide the original design capacity and a detailed description of the current capacity and utilization of the school facility. If the school is overcrowded, please describe steps taken by the administration to address capacity issues. Please also describe in detail any spaces that have been converted from their intended use to be used as classroom space (maximum of 5000 characters).

Newburyport High School currently serves about 800 students. While there are always challenges to find space for all of the programs and services that are offered, the school is not considered to be overcrowded.

The original Television Production Room is now used as an office for the Technology Department. The Television Production program was relocated into a room that is also used by a Music Technology class.

One computer lab was converted to a general classroom since the lab setting was no longer required due to technological advances.

Two Science Labs are currently used as a Science classrooms, reducing to 2 the number of labs.

A room that has been used as a Foreign Language Lab is being converted to a general classroom in the summer of 2021.

MAINTENANCE and CAPITAL REPAIR: Please provide a detailed description of the district's current maintenance practices, its capital repair program, and the maintenance program in place at the facility that is the subject of this SOI. Please include specific examples of capital repair projects undertaken in the past, including any override or debt exclusion votes that were necessary (maximum of 5000 characters).

The Newburyport Public School Facilities Department consists of a Director of Facilities, Head of Maintenance, two Maintenance Technicians, one Groundskeeper and 17 Custodians serving the three buildings in the district. Service contractors are used to supplement the Facilities Department staff typically working under service contracts for regular predictable maintenance needs on equipment such as emergency generators, fire sprinkler systems, fire alarm systems and several others.

The Facilities Department utilizes the School Dude Maintenance Direct CMMS for all routine maintenance requests. Faculty and Staff are asked to submit requests for any maintenance or custodial needs through School Dude. The requests are routed to the Director of Facilities and Head of Maintenance, and then assigned to appropriate personnel for completion. The Technicians and Custodians mark the work requests complete, and they are then reviewed by the Director of Facilities before being closed.

Preventive maintenance is also scheduled through School Dude, utilizing the PM Direct program. Schedules are developed and maintained for equipment needing regular service. The program then creates a work request when maintenance comes due, and it gets assigned to the appropriate Technician or service contractor. Completion and close-out follows the same procedure as above.

The Newburyport Public Schools, working with the City of Newburyport, updates a 5-year Capital Improvement Plan annually. This plan lists capital needs for all facilities across the district. The CIP is presented by the Director of Facilities to, and approved by the School Committee before being sent to the Mayor and City Council for prioritization with other capital needs across the city. Funding is appropriated as available.

This process has led to a number of projects at the schools, most notably construction of the new Bresnahan School, renovation of the Nock-Molin School and renovation of the War Memorial Stadium at Newburyport High School. Other projects at Newburyport High School that have gone through this process and found funding from various sources include the ongoing Exterior Woodwork Restoration Project, sound and lighting upgrades in the

Auditorium, replacement of the fire alarm panel, security upgrades and exterior masonry work to prevent water infiltration which was causing a serious problem with efflorescence.

Priority 5

Question 1: Please provide a detailed description of the issues surrounding the school facility systems (e.g., roof, windows, boilers, HVAC system, and/or electrical service and distribution system) that you are indicating require repair or replacement. Please describe all deficiencies to all systems in sufficient detail to explain the problem.

The roof sections that are included in this SOI are on the Building A section of Newburyport High School. This is the original portion of the building that was constructed in 1937. The current roofing was installed in 1995, just prior to the major renovation that was undertaken on the high school between 1999 and 2002. We identify these roofs as Pitched Roof, East Classrooms, West Classrooms, Auditorium and Library.

As one of the highest structures in Newburyport, and within close proximity to the ocean, the Pitched Roof section on the high school is often subjected to very strong winds. It is not uncommon for pieces of shingle to be found on the lower roofs and the grounds surrounding the building. Additionally, this section of roof is penetrated by two large air intake and exhaust ducts in the back center of the roof, and other ductwork out of the east and west ends. These areas have been frequently problematic as can be seen by the stained ceiling areas in the attic. The cupola also projects from this roof section, but recent work on the cupola has resolved problems associated with that.

As a part of the renovation and addition project several pieces of mechanical equipment, as well as some skylights were removed from the flat roof sections of Building A. Additionally, other mechanical equipment was installed, and the increase in foot traffic, equipment and materials on these roofs during the construction project caused additional wear and tear, and numerous issues. This has resulted in a patch-worked roof with many potential infiltration points.

As the roof has continued to age, many of the patches have begun to detach. Water has found its way under the membrane taking its toll on the insulation and causing it to compact in areas, interrupting the drain channels that were initially built into the roof when it was installed. Ponding can now be seen in many areas with the water unable to reach the drains.

Water has made its way into classrooms and hallways (most recently in the area of Room 340) on the third floor, but has also found its way through wall cavities and come out on the first floor near the Student Support offices. Water stains and falling plaster indicate leaks in the auditorium and on the stage. Intermittent leaking occurs around the skylights in the library.

Priority 5

Question 2: Please describe the measures the district has already taken to mitigate the problem/issues described in Question 1 above.

Patching each of these roof sections has been an ongoing task since the completion of the renovation and addition project in 2002. This has been done by both in-house staff and roofing contractors including CJ Phoenix, Hurley Roofing and Garland.

In 2011 Gale Associates assisted with a project to repair leaks around the ductwork on the east and west ends of the pitched roof.

As part of the Exterior Woodwork Project-Phase 3, the cupola was restored which solved several water infiltration issues on and around the cupola.

Hurley Roofing spent two full days patching and repairing areas of the four flat roof section in 2016 that are included in this SOI, and they have been back each year since to address additional issues.

The Newburyport City Council approved \$20,000 to be used for high school roof repairs in November of 2017. A little over half of these funds have been expended.

The Director of Facilities conducts roof inspections on a regular basis. The most recent inspection was conducted on May 11, 2021.

Priority 5

Question 3: Please provide a detailed explanation of the impact of the problem/issues described in Question 1 above on your district's educational program. Please include specific examples of how the problem prevents the district from delivering the educational program it is required to deliver and how students and/or teachers are directly affected by the problem identified.

Leaks sometimes cause the need for teachers to find another space in which to conduct their class, or choose to arrange students around barrels and buckets that are catching water from an active leak. If a class is moved to another space the teacher may not have all of the resources and teaching aids that they would normally work with in their home classroom, thus diminishing the quality of the lesson on that particular day. Often other spaces are not available.

Additionally, poor air quality is always a concern when building components become damp from an active leak. If the leak has gone on unnoticed for a period of time before the water actually makes it into a classroom, there could be concerns with mold growth on certain building materials, and it becomes imperative to dry them out as quickly as possible.

Leaks can and have caused damage to teaching materials and other items in classrooms. This causes the need for the teacher to reproduce or replace these items, taking time away from other tasks more directly associated with teaching, and wastes resources.

Priority 5

Question 4: Please describe how addressing the school facility systems you identified in Question 1 above will extend the useful life of the facility that is the subject of this SOI and how it will improve your district's educational program.

A new roof will provide protection for these sections of Newburyport High School for the next 25 to 30 years. This in turn will free up both manpower and financial resources that are now being used on roof related issues, to be allocated to other issues throughout the facility. A new roof would also likely provide an improved R-value for the roof, saving on energy costs.

Please also provide the following:

Have the systems identified above been examined by an engineer or other trained building professional?:
YES

If "YES", please provide the name of the individual and his/her professional affiliation (maximum of 250 characters):

Steve Bergholm, Director of Facilities

Newburyport Public Schools

The date of the inspection: 5/11/2021

A summary of the findings (maximum of 5000 characters):

PITCHED ROOF

-some missing/broken asphalt shingles

-water stains around duct penetrations

EAST CLASSROOMS

-standing water cannot reach drains

-loose flashing and exposed edge of membrane

-soft spots noticed in insulation beneath membrane

-small gouge noted

WEST CLASSROOMS

-standing water

-soft spots noted in insulation beneath membrane

-roof fastener poking up beneath membrane

LIBRARY

- minor ponding
- soft spots in insulation noticed beneath membrane
- some patched failing
- missing mortar above windows in rising walls

AUDITORIUM

- minor ponding noted
- soft spots in insulation beneath membrane
- small gouge noted
- failing mortar in wall rising above roof section

Priority 7

Question 1: Please provide a detailed description of the programs not currently available due to facility constraints, the state or local requirement for such programs, and the facility limitations precluding the programs from being offered.

The twenty first century workforce and higher education institutions are demanding students that are self-starting, independent thinking and problem solving individuals. Exposure to STEM curriculum provides high school students with the background, knowledge, and skill set that colleges and employers are seeking (Rhoton, 2010). Newburyport High School is ready to provide our students with the opportunity to explore a STEM curriculum where they will be actively engaged in solving advanced problems with a high level of thought and decision making. This type of program would identify Newburyport High School as being on the cutting edge of 21st century instruction; using advanced technology and equipment to model, investigate and analyze applicable problems in today's world.

Classrooms that incorporate three-dimensional learning have students building models, communicating with peers, finding solutions to complex problems, arguing evidence, collection and analyzing data. Students will develop and master skills such as problem solving, critical thinking, applied mathematics, communication, collaboration, and self management; 21st century skills that make them leaders and innovators for the future (A Framework for K-12 Science Education, 2012).

Science classrooms should be a dynamic environment with individual student experiments and projects being the focus of the room. They should include findings from scientific phenomena displayed and available to spark student curiosity. Therefore, individual teachers require separate classrooms with labs to foster long-term experimentation, maker spaces, and cohesiveness between classes. The ability to keep and display phenomena that sparks student interest and provide an experience that excites students, bringing them back for more. This would require 9 classrooms with either attached or incorporated lab spaces (currently we have 7 science classrooms and 3 labs). Students could then easily move from facilitated teacher discussion, to group discussion, and experimentation within the same room. Each lab would need to be outfitted with the appropriate lab equipment, prep rooms, and storage spaces necessary. The overall objective is to create a learning environment that sparks student leaning and excitement for science.

Currently, the Science, Technology and Math classrooms are designed to support a more traditional learning environment of lecture, with separate lab space and limited space for applied math innovation.

The outdated facilities and limited lab spaces do not support the new Massachusetts Science Standards or our vision for exemplary STEM instruction and innovative learning experiences.

Priority 7

Question 2: Please describe the measures the district has taken or is planning to take in the immediate future to mitigate the problem(s) described above.

One of the major focuses of the Newburyport Public Schools Strategic Plan is to reimagine teaching and learning. Our high school staff have worked in professional learning communities to actualize that plan. A major focus of the PLC effort has been on STEM related courses. Without a major reconfiguration and additional space for our newly proposed science and STEM related courses, our work in this needed area cannot continue. Newburyport High School needs updated facilities and additional space to offer the cross curriculum courses, dual credit courses, and shared resources and spaces that inspire innovation.

In the short term, some of the steps that have been taken to mitigate the shortcomings of the facility include:

- Two lab spaces currently used as classrooms
- Labs conducted on a limited basis in classrooms to minimize transition time from class to lab
- Lab spaces shared among several sections

Priority 7

Question 3: Please provide a detailed explanation of the impact of the problem described in this priority on your district's educational program. Please include specific examples of how the problem prevents the district from delivering the educational program it is required to deliver and how students and/or teachers are directly affected by the problem identified.

Challenges: Outdated Facilities and Limited Space

Currently the limited space and lab availability restricts spontaneity and the repeated exposure to science phenomena. there are 9 science faculty members with the hopes of increasing electives and faculty in the future. The teaching spaces include 6 formal classrooms, two physics labs converted to classrooms and 2 labs (1 chemistry, 1 biology). Unfortunately, the limited availability of lab space restricts the number of labs that we can offer. Currently, 17 sections of life sciences share the one biology lab and 13 sections of chemistry share the one chemistry lab. Physics is taught in the two labs that were converted into classrooms, which presents its own set of challenges. Since those room were designed as labs, it makes teacher directed instruction and formal assessments challenging.

As a district we are committed to high quality instructional practices that are grounded in academic research. Allowing adequate prep time, lab time, and cleanup time for all of these sections and staff members is a scheduling nightmare which leads to less than optimal instructional time.

The outdated facilities and limited lab spaces do not support the new Massachusetts Science Standards or our vision for exemplary STEM instruction and innovative learning experiences.

Additional challenges include:

- Teachers will often conduct labs within the classrooms in an effort to provide students with as much hands-on lab experience as possible. The kinds of activities and labs that can be completed in this way are restricted due to safety concerns.
- Restricts students' ability to explore their curiosity.
- Students lose significant time on learning due to transitioning between classroom and lab. In addition, much time is lost resetting the lab rooms for transition block to block.
- Most science labs require significant preparation time. Shared lab space presents several challenges when educators are trying to set up labs while other classes are running labs. This poses safety concerns.

Additionally, the doors to our current science and technology lab spaces are not wide enough to allow the movement of equipment in and out of the labs. Upgrading to wider or double doors would allow for greater flexibility with the movement of needed equipment.

Vote

REQUIRED FORM OF VOTE TO SUBMIT AN SOI

REQUIRED VOTES

If the SOI is being submitted by a City or Town, a vote in the following form is required from both the City Council/Board of Aldermen **OR** the Board of Selectmen/equivalent governing body **AND** the School Committee.

If the SOI is being submitted by a regional school district, a vote in the following form is required from the Regional School Committee only. FORM OF VOTE Please use the text below to prepare your City's, Town's or District's required vote(s).

FORM OF VOTE

Please use the text below to prepare your City's, Town's or District's required vote(s).

Resolved: Having convened in an open meeting on _____, prior to the closing date, the

_____ *[City Council/Board of Aldermen,*

Board of Selectmen/Equivalent Governing Body/School Committee] of _____ *[City/Town],* in accordance

with its charter, by-laws, and ordinances, has voted to authorize the Superintendent to submit to the

Massachusetts School Building Authority the Statement of Interest dated _____ for the

_____ *[Name of School]* located at

_____ *[Address]* which

describes and explains the following deficiencies and the priority category(s) for which an application may be submitted to the Massachusetts School Building Authority in the future

_____ ; *[Insert a description of the priority(s) checked off on*

the Statement of Interest Form and a brief description of the deficiency described therein for each priority]; and hereby further specifically

acknowledges that by submitting this Statement of Interest Form, the Massachusetts School Building Authority in no way guarantees the acceptance or the approval of an application, the awarding of a grant or any other funding commitment from the Massachusetts School Building Authority, or commits the City/Town/Regional School District to filing an application for funding with the Massachusetts School Building Authority.

CERTIFICATIONS

The undersigned hereby certifies that, to the best of his/her knowledge, information and belief, the statements and information contained in this statement of Interest and attached hereto are true and accurate and that this Statement of Interest has been prepared under the direction of the district school committee and the undersigned is duly authorized to submit this Statement of Interest to the Massachusetts School Building Authority. The undersigned also hereby acknowledges and agrees to provide the Massachusetts School Building Authority, upon request by the Authority, any additional information relating to this Statement of Interest that may be required by the Authority.

Chief Executive Officer * School Committee Chair Superintendent of Schools

(signature)

(signature)

(signature)

Date

Date

Date

* Local chief executive officer: In a city or town with a manager form of government, the manager of the municipality; in other cities, the mayor; and in other towns, the board of selectmen unless, in a city or town, some other municipal office is designated to the chief executive office under the provisions of a local charter. Please note, in districts where the Superintendent is also the Local Chief Executive Officer, it is required for the same person to sign the Statement of Interest Certifications twice.



REIMAGINE

TEACHING & LEARNING

CURRICULUM, INSTRUCTION, & ASSESSMENT DEVELOPMENT

In the winter of 2018, NPS launched a **multi-year process to develop skills-based curricula**. With a focus on engagement, skill development and data, this approach changes how our teachers design, deliver and assess instruction. To date, four cohorts of teachers have participated in workshops and teachers across the district have redesigned and reimagined **hundreds of new units of study**.

TEACHER LEADERSHIP

Investments were made to support **strong teacher leadership**. Curriculum Education Leaders (CEL) at the PK-8 level and Instructional Leaders (ILT) at the high school level are **facilitating professional learning communities** to guide the development cycle for curriculum, assessment, and instruction.

VISION FOR BILITERACY

With investments in the budget, we are pleased to have added four world language teachers at the Nock Middle School, allowing us to move forward on our aspirational vision of **providing all students with a pathway toward biliteracy**.

LITERACY INSTRUCTION

Elementary educators worked with literacy consultants from Hill for Literacy, Crafting Minds, and Keys to Literacy. PK-5 teachers began implementing **new literacy screening assessments, monthly data workshops, interventions to support identified students**, and a new word study program.



REIMAGINE

SELF-DISCOVERY & PERSONAL ACHIEVEMENT

STUDENT VOICE

A collective focus on student voice has created opportunities and structures for student input on policy, curriculum and school culture. Capacity for expanding civic engagement and dialogue has been built in partnership with Essential Partners, Anti Defamation League's World of Difference Program, and other civic education projects. Educators across the district participated in **Student Shadow days**, dialogues, and professional development to build a **student-focused culture**.

STUDENT ADVISORY PROGRAMS

Faculty at Nock Middle and NHS have developed and implemented Advisory Programs, creating opportunities for every student to meet regularly with a trusted adult. These evolving programs include **individual goal setting, community building and academic coaching**.

WELLNESS PROGRAMS

With the support of Jacalyn Bennett and the Newburyport Education Foundation, NPS designed and built a combined **wellness-fitness center in the Nock/Molin School and a fitness center at NHS**. These innovative spaces allow us to reimagine our physical education curriculum and support the expansion of our social emotional programming.

INSTRUCTIONAL TECHNOLOGY

Nock Middle school began a 1:1 Chromebook program in the fall of 2017. Since that time, students are **using technology to explore and create**, and educators are incorporating new technologies to bring their curricula to life. The pressing needs of the past school year forced us to rapidly innovate, and we continue to pursue our goal of using technology to provide students in all grades with **flexible, personalized learning opportunities**.



REIMAGINE

INTERNAL AND EXTERNAL RESOURCES

DUAL ENROLLMENT

Through these programs, students can enroll in college courses at Endicott College, Southern New Hampshire University, and Northern Essex Community College as early as their sophomore year. This year over **30% of NHS students were enrolled** in AP or Dual Enrollment classes.

NEWBURYPORT EDUCATION FOUNDATION

Generous support from the **Newburyport Education Foundation** allowed us to move forward with a number of **aspirational initiatives**: expanding PK-12 STEM Education (materials, machinery, NHS Tech Club, Sailbot), developing the Merrimack River Research Station, expanding place-based education programs, implementing a summer reading book project, supporting elementary literacy and instructional technology purchases, funding visual and performing arts festivals, and building the NHS Career Pathways Initiative.

SWASEY FOUNDATION

With the generous support of the Swasey Foundation, **educators across the district participate in hundreds of courses, workshops, and conferences every year**. We are proud to be a community of educators dedicated to creating a culture of learning.

SUPPORT PARTNERSHIPS

Enhancement of our PK-12 **social emotional resources** included the development of Bridge for Resilient Youth in Transition (BRYT) programs, the expansion of Signs of Suicide and the Screening, Brief Intervention and Referral to Treatment (SBIRT) programs, the addition of counseling/social work staff at the Bresnahan and NHS, as well as the addition of wrap around services for youth (in partnership with Home For Little Wanderers and the Middlesex Partnership for Youth).



REIMAGINE

ORGANIZATIONAL DESIGN AND OPERATIONS

LATER START TIMES

Operational and staffing patterns were reexamined to allow for implementation of **later start times at the Newburyport High School and Rupert A. Nock Middle School**. After many years of community-wide discussion and planning, later start times became a reality.

IN-DISTRICT STUDENT SUPPORT

By reallocating resources, we expanded **in-district special education programming and invested in systems** to provide enhanced support and intervention for all students. Reading, math, and literacy positions were strategically expanded throughout the district. In consultation with experts, we are building specialized language-based and therapeutic programming across all grades.

ORGANIZATIONAL STRUCTURE

Each year the superintendent and his leadership team conduct a careful examination of existing structures and operational budgets. Analysis of student needs, budget requirements, and progress on our aspirational goals guide recommendations for reorganizing and adding positions at the school and district level.

ANNUAL BUDGET ANALYSIS

We analyze staffing patterns, programs and outcomes annually to ensure that our budget is focused on high-impact areas. Examples include: developing cost-effective educational schedules, leveraging grants to support program growth, and evaluating internal controls to allow for operational savings.



REIMAGINE

A COMMUNITY OF STAKEHOLDERS

DIVERSITY, EQUITY, & INCLUSION

Students, staff and families across the district are collaborating with Culture7 Consulting to ensure that a cultural competency framework guides our work. Through professional development programs for staff, community read projects (e.g. Just Mercy by Bryan Stevenson), city group participation (e.g. Human Rights Commission, Commission for Diversity and Equity), and the establishment of parent-teacher groups (e.g. Middle School Parent-Teacher DEI Professional Learning Community), NPS has committed to the **ongoing work of creating a culture of belonging.**

UNION PARTNERSHIPS

Strong connections between district leaders and NPS school associations promote creative problem-solving and effective operations. With the success of students guiding every decision in the challenging 2019-21 school years, the NPS team **exemplified the power of "we are in this together."**

COMMUNITY COLLABORATION

Through partnerships with the NEF Business Coalition, the Newburyport Rotary Club, the Gulf of Maine Institute, the Alliance of Climate and Environmental Stewards, and many local businesses, **NPS students have opportunities to connect with local leaders, address local problems, and engage in civic action.**

PARENT PARTNERSHIPS

Whether through the Elementary School Parent Teacher Organization, the Special Education Parent Advisory Council, or School Councils, our parents and guardians are engaged and ready to help. By advocating for students, supporting the district budget, and addressing unmet needs, the **NPS parent community continues to help the district grow.**



REIMAGINE

A CULTURE THAT CULTIVATES THE BEST IN ALL OF US

DISTRIBUTED LEADERSHIP

The District Leadership Team and building principals/assistant principals meet regularly to share best practices, learn from each other and make connections across the grade levels. **Teacher leader teams** at each building help guide operational and educational decision-making. And our Student Voice programs support us in furthering our **goal of enhancing student influence** on district decision-making.

School Committee Student/Staff Recognition Program: Our School Committee has **celebrated student and staff good news** with a recognition program scheduled at the start of every school committee meeting.

SHARING THE GOOD NEWS

Social Media: Principals at all schools launched Twitter accounts in 2019 and the Bresnahan School started a Facebook page. As we move forward, we will develop a comprehensive plan for more effectively using social media channels.

Local News: The Superintendent meets regularly with education reporters from the Newburyport Daily News and The Current. In addition, he has appeared several times on local radio and cable stations.

NCMHub: Through partnerships with the NCMHub, NPS events and programs have been broadcast to the greater Newburyport Community.

DIRECTOR OF COMMUNICATIONS & INSTRUCTIONAL TECHNOLOGY

The Superintendent has reallocated resources within the district to add a Director of Communications and Instructional Technology. The District will be analyzing our communication strategies, evaluating tools, and collaborating with families, staff, and students to **ensure effective and easy access to information**.



REIMAGINE

SUPPORTS SO ALL STUDENTS ARE READY AND ABLE TO LEARN

TRAUMA SENSITIVE SCHOOLS

The Edward G. Molin School became a **trauma-sensitive school**. Eighteen educators enrolled in Lesley University's trauma-sensitive certification program and thirteen are currently certified. Teachers use the BIMAS (Behavior Intervention Monitoring Assessment System) regularly to identify students who may need additional social-emotional supports.

ALTERNATIVE DISCIPLINARY PROGRAMS

The Newburyport High School **partnered with the Positive Alternatives to Student Support (PASS) Program to offer an alternative to suspension**. This innovative intervention program connects young people to resources and supports to help them both academically and behaviorally. Through the Positive Behavior Intervention and Supports (PBIS) Programs, schools have used the **School Wide Information System (SWIS) to track and analyze disciplinary trends**, allowing PBIS teams to create effective and supportive prevention and intervention plans.

SCHOOL CULTURE PROGRAMS

Positive Behavior and Intervention Systems (PBIS) in grades PK-8 allowed the district to build shared approaches to **creating safe, supportive, and celebratory learning environments**.

Faculty at the Bresnahan and Molin School have incorporated a **Responsive Classroom model** with daily morning meetings to build community and positively support classroom management.

SOCIAL EMOTIONAL LEARNING & BEHAVIORAL HEALTH COORDINATOR

Recognizing the growing needs of our students, the Superintendent established a district level position to allow NPS to further **social-emotional learning programs**, provide professional development to staff, and **support the specific behavioral needs** of all our students.

Committee Items- December 13, 2021

License & Permits

- ODNC047_01_27_2020 General Ordinance - Short Term Rental Units Rules
- APPL056_11_29_2021 2nd Hand Motor Vehicle License RL Currie
- APPL057_11_29_2021 2nd Hand Motor Vehicle License Plum Autoworks

Amendment 8-30-2021

Reconciliation with zoning ordinance December 1, 2021



CITY OF NEWBURYPORT

IN CITY COUNCIL

ORDERED:

AN ORDINANCE TO LICENSE SHORT-TERM RENTAL UNITS

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

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

Chapter 9: LICENSES, PERMITS AND BUSINESS REGULATIONS=====

ARTICLE XI: SHORT-TERM RENTAL UNITS

~~Insert a new Section, Article XI, entitled "SHORT TERM RENTAL UNITS" as follows:~~

Sec. 9-300 Purposes.

The purposes of this Article XI include:

- a. To ~~clearly define the short-term Short Term Rental Units ("STRU"), provide a clear rental use and consistent process through which certain dwelling units may be registered within~~ regulate the use of short-term rentals in the City of Newburyport for use as STRUS;
- b. To incorporate responsibly the growth of the so-called home-share industry into Newburyport's existing neighborhoods by striking a fair balance between the preservation of permanent housing, including affordable and moderately priced housing (with or without deed restrictions), and the flexibility required for residents to benefit from this new industry; and

(redline)

- c. To ensure that potential negative impacts from the use of residential properties ~~from~~ STRUs, including, but not limited to, impacts upon public health and fire safety, and due to increased trash, noise, traffic, and parking, are mitigated to avoid adverse impacts on overall neighborhood character or property values.

Sec. 9-301 Definitions.

~~Unless~~ Except as otherwise specified ~~otherwise~~ herein, all terms used in this Article XI shall be as defined in 830 CMR 64G.00 (Room Occupancy Excise).

Booking Agent: Any natural person who, or entity that, facilitates reservations or collects payments for ~~an~~ STRU on behalf of or for an Operator.

Emergency Contact: A natural person who, in addition to the Operator, will be responsible to receive and act on complaints, problems or emergencies at an STRU, as described in Section 9-306(g) ~~supra~~.

Enforcement Agent: The person duly appointed by the City of Newburyport to investigate complaints and issue violation notices pursuant to the provisions of this Article XI.

Home-Share Rental Unit: An STRU that is a Residential Unit and the Operator's Primary Residence and is rented as ~~an~~ STRU while the Operator is not personally and physically present overnight. The allowable occupancy of a Home-Share Rental Unit for use as an STRU shall be limited to a maximum of four (4) bedrooms and a maximum of eight (8) people.

Licensing Board: The Licensing Board ~~duly established by~~ of the City of Newburyport ~~to carry out the provisions of this Article.~~

~~Enforcement Agent: The person duly appointed by the City of Newburyport to investigate complaints and issue violation notices pursuant to the provisions of this Article.~~

Limited-Share Rental Unit: An STRU that is a Residential Unit and the Operator's Primary Residence, of which only a portion is offered to guests as ~~an~~ STRU while the Operator is personally and physically present overnight. Occupancy of a Limited-Share Rental Unit shall be limited to a maximum of three (3) bedrooms for guests and a maximum of six (6) guests, and at least one (1) additional bedroom shall be exclusively used and occupied by the Operator ~~during~~ while the ~~pendency of the~~ STRU is in use by ~~any~~ guests.

Operator: A natural person who is an owner of record of the Residential Unit, or is legally authorized to act in relation to the STRU as the owner of record. Such owner may be, without limitation, an individual owner, alone or together with others, a trustee of a trust, a manager of an LLC, or an officer of a corporation. A natural person legally authorized to act for the record owner shall be duly designated by the licensing authority as the responsible party for ~~an~~ STRU. Only one natural person may be an Operator.

Comment [JDE1]: This definition should match that used in the NZO, where the use is established and regulated.
Comment [MJ(U2)]: yes

Comment [JDE3]: This definition should match that used in the NZO, where the use is established and regulated.
Comment [MJ(U4)]: yes

Comment [JDE5]: NOTE: The ordinance requires the Operator to occupy certain premises as a Primary Residence in order to qualify for an STRU license. That may not be possible, however, where the owner is an entity. For instance, the trustee of a trust or manager of an LLC may not have the right under the defining legal documents to occupy residential property held by that entity. I understand the result of this to be that STRU's are permissible in the City (with the exception of PIOD) only where the owner physically occupies the property containing the STRU as his/her primary residence.

Operator's Agent: Any natural person who or entity that manages an STRU on behalf of an Operator, including a property manager, property management company, or real estate agency. Using an agent does not relieve the Operator of any of ~~his or her~~ their duties to comply with every provision of this Article.

Owner-Adjacent Rental Unit: A Residential Unit that is not the Operator's Primary Residence and is offered as ~~a~~an STRU, but that is located on the same Lot as the Primary Residence of, and is owned by, said Operator, and is rented as ~~a~~an STRU while the Operator is personally and physically present overnight. The use of an Owner-Adjacent Rental Unit as ~~a~~an STRU shall be allowed in two-family or three-family dwellings solely where all dwelling units making up such use are owned by the same owner-occupant who also serves as the Operator of the Owner-Adjacent Rental Unit. For owner-occupied multifamily residential dwellings with three (3) or more dwelling units, in addition to the Residential Unit in which the Operator resides and uses as a Home Share and/or Limited-Share Rental Unit, the Operator shall offer only one Owner Adjacent Rental Unit as ~~a~~an STRU.

Primary Residence: The Residential Unit in which the Operator resides for no fewer than 183 days of every year and at which such residence the Operator holds a valid Massachusetts Driver's License or state-issued identification card, registers automobiles, and is registered to vote. The Operator shall demonstrate Primary Residence by submitting to the Licensing Board ~~his or her~~ their certification signed under penalty of perjury that as of the date of registration of the Residential Unit on the Short-Term Registry, the Operator either (a) has resided in the Residential Unit for no fewer than 183 days of the previous year, or (b) intends to reside in the Residential Unit for no fewer than 183 days of the year-long period of registration. Such certification shall be accompanied by at least two (2) of the following documents: evidence of valid voter registration, evidence of valid motor vehicle registration, a valid driver's license, or a valid state-issued identification card

Registration Number: A unique identification number generated by the Licensing Board for each registered STRU. Registration numbers shall be valid for one (1) year from the date of issuance, and shall be assigned to both a single STRU and a single Operator. The registration number shall be included on any listing or advertisement for the rental of the STRU.

Residential Unit: A Residential Unit is a lawful dwelling unit that makes up all or part of the three (3) following principal residential uses as defined under the Newburyport Zoning Ordinance: One-family (Use 101), Two-family (Use 102) or Multifamily (Use 103). For purposes of this ~~section~~ Article XI, the term "Residential Unit" shall not include any other use ~~contained in~~ under the Newburyport Zoning Ordinance, including, without limitation, Hotel, Lodging House, or Bed and Breakfast use.

Short Term Rental Unit ("STRU"): A Residential Unit used for residential occupancy for a period of fewer than thirty-two (32) consecutive days by a person or persons who ~~does~~do(es) not reside in the Residential Unit as their primary residence, in exchange for payment or other consideration. ~~A~~An STRU may or may not be offered or leased through a Booking Agent, and falls within one of three (3) exclusive categories: Home-Share Rental Unit, Limited-Share Rental Unit, or Owner-Adjacent Rental Unit.

Comment [JDE6]: This definition should match that used in the NZO, where the use is established and regulated.

Comment [MJ(U7)]: yes

Short-Term Rental Registry: The database of STRUs located within Newburyport and maintained by the Licensing Board in coordination with registration or other regulation of such use by the Commonwealth of Massachusetts. The location of STRUs within the City shall be made public, as may additional information in the Short-Term Rental Registry as required by law, or otherwise at the reasonable discretion of the Licensing Board.

Sec. 9-302 Short Term Rental Units generally.

No Residential dwelling unit within the City of Newburyport shall be offered as an STRU except in compliance with the provisions of the Newburyport Zoning Ordinance, this Article XI, and the terms of any license issued for said STRU by the Licensing Board pursuant thereto. A resident who rents their Primary Residence for a ~~cumulative 2 weeks or less per~~ total of no more than fourteen (14) days during a calendar year is exempted from the application and licensure process set forth herein, but must still comply with any state law or regulation relative to Short Term Rentals and obtain a modified certification letter ~~according to~~ as required under Section 9-306(f).

Sec. 9-303 Ineligible residential dwelling units and applicants.

The following types of Residential dwelling units and applicants shall not be eligible to be applied for, apply, be offered, or offer, as Short-Term Rentals or Operators:

- a. A dwelling unit that makes up all or part of a residential use as defined under the Newburyport Zoning Ordinance other than ~~One-family (Use 101), Two-family (Use 102), or Multifamily (Use 103);~~
- b. ~~Residential Units~~ A dwelling unit that has been designated as below-market or income-restricted ~~that are~~ subject to affordability covenants, or that ~~are~~ otherwise subject to housing or rental assistance under local, state or federal law, including, without limitation, so-called Section 8 housing;
- c. ~~Residential Units~~ A dwelling unit subject to any requirement of local, state or federal law that prohibits the leasing or sub-leasing of the unit or use of the unit as an STRU;
- d. ~~Residential Units, owners, Operators or applicants who or that are~~ A dwelling unit that itself, or whose owner or Operator, is the subject of three (3) or more findings by the Licensing Board or its designee of violations of this Article XI within any six- (6-) month period, or three (3) or more violations within any six- (6-) month period of any state or municipal law or regulation relating to excessive noise, improper disposal of trash, disorderly conduct, or other nuisances, private or public;
- e. "In-law apartments" as that term is defined in the Newburyport Zoning Ordinance, or successor or similar uses, such as so-called accessory dwelling units or secondary dwelling units;
- f. Campers, trailers, recreational vehicles, mobile homes, tents, lean-to-~~tos~~, or any other similar space, or structure, whether temporary ~~structure~~, or permanent;
- g. A Residential Unit located within the Smart Growth District regulated under the Zoning Ordinance.

Comment [JDE8]: Subcategories a, b, c, e, and f define the use and must be replicated in the NZO.

Comment [MJ(U9)]: For a,b,c,e,f YES

h. Any portion of a Hotel, Lodging House, or Bed and Breakfast use.

Sec. 9-304 Exemptions

The following uses of a dwelling unit shall be exempt from the requirements of this Article XI:

a. ~~Residential~~ Up to 14 days per calendar year. A resident who rents out all or any portion of their Primary Residence for a total of no more than fourteen (14) days during a calendar year is exempted from the special permit process set forth herein, but must still comply with any state law or regulation relative to Short Term Rentals and also obtain a modified certification letter as required under Section 9-306(f).

~~a-b.~~ Dwelling units contracted for hospital or convalescent stays. The use of a ~~Residential~~ dwelling unit or portion thereof (1) under a written contract between the owner of such ~~Residential~~ dwelling unit and a health-care facility, government entity, non-profit organization registered as a charitable organization with the Secretary of the Commonwealth of Massachusetts or classified by the United States Internal Revenue Services as a public charity or private foundation, or (2) for the temporary housing in such unit of natural persons who are being treated for trauma, injury, or disease, or of their family members; and

~~b-c.~~ Dwelling units used for furnished institutional or business stays: The use of a ~~Residential~~ dwelling unit or portion thereof under a written contract between the owner of such ~~Residential~~ dwelling unit and an institution or business, for the temporary housing of employees or other individuals affiliated with such institutions or business, provided, however, that the minimum duration of such stay shall be ten (10) days.

Sec. 9-305: ~~Exceptions~~ Exception for Plum Island.

~~Plum Island~~ Residential Units STRUs located within the Plum Island Overlay District (PIOD) as regulated under the ~~Newburyport~~ Zoning Ordinance shall be subject to this Article XI, including having to obtain an operator's certification letter as required under Section 9-306(f); provided, however, that.

a. Such STRUs may be ~~offered as STRUs~~ used for any number of days (consecutive or non-consecutive) ~~and~~;

b. Such STRUs need not provide off-street parking in addition to that required for the Residential Use to which the STRU is an accessory use;

c. An Operator of such STRUs within the PIOD need not meet any Primary Residence requirement under this Article, nor any limitation on Section V-G, and is not limited in the number of ~~Residential Units~~ located STRU's said Operator may make available within the PIOD ~~so offered~~ at the same time;

Comment [JDE10]: This requirement must be replicated in the NZO.

Comment [MJ(U11)]: yes

- ~~a-d.~~ The units must be licensed Operator of a Home Share Rental Unit and/or Limited Share Rental Unit within an owner-occupied multifamily residential dwelling with ~~the City~~ three (3) or more dwelling units, shall be not be limited in the number Owner-Adjacent Rental Units they may offer as an STRU; and
- e. The Operator of an Owner-Adjacent Rental Unit need not be personally and physically present overnight at all times that such STRU is occupied.

Comment [JDE12]: ?

Comment [MJ(U13): We've added the line that SRTU within PIOD to be licensed by City.

9-306 Requirements

- a. All STRUs. The STRU has been registered pursuant to Section 9-307.
- b. Limited-Share Rental Units. An Operator may offer a Limited-Share Rental Unit as ~~an~~ STRU for some or all days of its year of registration.
- c. Home-Share Rental Units. An Operator may offer a Home-Share Rental Unit as ~~an~~ STRU for some or all days of its year of registration; provided, however, that at all locations within the City except within the PIOD, the total number of days during which the Operator is not physically present for an overnight stay shall not exceed a cumulative ninety (90) (consecutive or nonconsecutive) days per each licensing year.
- d. Owner-Adjacent Units. An Operator may offer ~~his/her~~ their Owner-Adjacent Unit as a Short-Term Rental for some or all days of its year of registration, provided, however, that at all locations within the City except within the PIOD, the Operator is personally and physically present overnight.
- e. Lodging House and Bed and Breakfast. A Licensed Lodging house and/or Bed and Breakfast cannot be ~~an~~ STRU.
- f. Operator certification. An Operator shall certify under penalty of perjury at the time of registration of a Short-Term Residential Unit that the following facts are true:
 1. In the case of the Home Share Rental Unit and Limited Share Rental Unit, the Residential Unit is the Operator's Primary Residence, and in the case of the Owner Adjacent Rental Unit, the STRU is located on the same Lot as the Operator's Primary Residence;
 2. The Operator is the record owner of the Residential Unit offered as ~~an~~ STRU, or is legally authorized to act in relation to the STRU as the record owner; and
 3. Offering the Residential Unit as ~~an~~ STRU complies with all applicable deed restrictions, mortgage covenants, condominium bylaws, or other governing legal documents.

Comment [JDE14]: These requirements must be replicated in the NZO.

Comment [MJ(U15): Yes for b, c, d, e Removed f

- g. Local contact.** At the time of registration of a STRU, the Operator shall provide his or her name and contact information (including a telephone number), and, in the event the Operator is unable to respond in person to any problems or emergencies that may arise regarding the STRU when it is being occupied by guests, the name and contact information (including a telephone number) of the Emergency Contact. The Operator or Emergency Contact, shall be available 24-hours per day to respond to guests, neighbors, and City officials, and it shall be a violation of this Article if the Operator or Emergency Contact does not respond within 1 hour of being contacted by a City official or the police department.
- h. No outstanding violations.** A STRU shall not be subject to any outstanding building, sanitary, zoning, or fire code notices of violation, orders of abatement, stop work orders, or other any requirements, laws or regulations that concerns the STRU or may in any manner impede or prohibit the Operator from offering the Residential Unit as a Short-Term Rental in compliance with this Article, the Newburyport Zoning Ordinance, and all permits and approvals issued thereunder. If a notice of such violation or other order is duly issued after the Residential Unit has been listed on the Short-Term Rental Registry, the Licensing Board or its designee may suspend registration of such Residential Unit on the Short-Term Rental Registry until the corresponding violation has been cured or such order is otherwise resolved to abate any violations of law or regulation. Any City officer or department issuing said notice of violation or other order shall notify the Licensing Board and the Enforcement Agent in writing of the nature of the violation and its resolution, if any, within five (5) business days of such issuance and/or resolution.
- i. Compliance and relationship with other laws.** Operators shall comply with all applicable federal, state and local laws and regulations, including, but not limited to, the Fair Housing Act, G.L.c. 151B and local equivalents and regulations related thereto, fire codes, health codes, zoning ordinances, the Commonwealth's lodging house licensing statutes, and all other regulations applicable to residential dwellings and the provision of lodging.
- j. No illegal discrimination between or against guests.** Operators shall not discriminate between or against guests on the basis of race, color, religious creed, national origin, immigration status, sex, age, ancestry, sexual orientation, gender identity and expression, marital, family or military status, or source of income or disability with respect to housing, employment, education, public accommodations, City services, insurance, banking, credit, and healthcare.
- k. Retention of records.** The Operator shall retain and make available to the Licensing Board, or its designee, upon written request, documents that demonstrate compliance with all provisions this Article, including but not limited to: documentation of the number of days that Operator has resided during the past year or will reside in the Residential Unit in the year of registration; legal instruments evidencing that the Operator is the record owner of the Residential Unit offered as a STRU; and

documentation of the number of days during the year of registration that the Residential Unit was: ~~a~~ (i) offered, and ~~b~~(ii) rented, as ~~an~~ STRU. The Operator shall retain such records for a period of three (3) years from expiration of the yearly license to which they relate.

- i. Special conditions.** The Licensing Board may require, as a condition of any license issued under this Article, that specific improvements be made within the structure, or otherwise on the premises, as identified in the drawings submitted pursuant to section 9-307, below, and as required by the Building Commissioner, Fire Prevention Officer, and/or Zoning Administrator to achieve compliance with applicable law.
- m. Registration number.** The Operator shall include the registration number issued by the City on any listings offering the Residential Unit as ~~an~~ STRU, including by Booking Agents when their policies so permit, and shall, in all cases, ~~=~~ post a sign inside such Residential Unit providing information on the location of all fire extinguishers, fire exits, and pull fire alarms in such Residential Unit.

Sec. 9-307 Registration process, certifications, and fee.

- a. Registration process.** No Operator shall offer a Residential Unit as ~~an~~ STRU without having first filed an application for approval therefor with the Licensing Board and obtaining the Licensing Board's final approval under this Section 9-307.

 - 1. A license for operation of said STRU shall be valid for one (1) year from the date of issuance.
 - 2. The Operator shall also certify under penalty of perjury that he/she and the Residential Unit complies with all the requirements of this Article.
 - 3. An Operator registered with the Licensing Board may only hold and operate one (1) STRU license during any licensing year.
 - 4. Upon approval by the Licensing Board, the Residential Unit approved as ~~an~~ STRU shall be issued a registration number by the Licensing Board.
 - 5. Upon submission of license applications, and from time to time, as deemed necessary by the Licensing Board or its designee, the Licensing Board may compare registration information to other information managed and maintained by the City, in order to effectively verify compliance with the provisions of this Article.
 - 6. The Licensing Board shall make each approval of an STRU, and related documentation including the application, decision, and any supplemental documents, available electronically via the City website within thirty (30) days of such addition.

b. Application for Registration. Each application for registration of an STRU shall include the following information:

1. Name, address, primary phone number and secondary phone number of both the Operator and the Emergency Contact, if different;
2. Evidence that the Operator is the record owner of the STRU, or is legally authorized to act in relation to the STRU as the record owner, and in the case of a Home Share Rental Unit and Limited Share Rental Unit, the Operator's Primary Residence, and in the case of an Owner-Adjacent Rental Unit, the STRU is located on the same lot as the Operator's Primary Residence;
3. Address of the STRU;
4. The zoning district(s) of the STRU, and proof that the use evidence of the Residential Unit as a valid STRU special permit or that an STRU special permit application is allowable therein pending;
5. ~~Rental unit~~ STRU category: ~~Limited-Share Rental Unit;~~ Home-Share Rental Unit; or Owner-Adjacent Unit;
6. Massachusetts Department of Revenue identification number, if already obtained;
7. Survey and/or plot plan that indicates:
 - i. Existing structure(s) at the property;
 - ii. Location of any proposed STRU; and
 - iii. Off-street (on or off-site) parking area(s) to accommodate all uses of the property, including the proposed STRU, as required pursuant to the Newburyport Zoning Ordinance;
8. Interior layout plan(s), showing:
 - i. The bedroom(s) proposed for use by STRU guests, the Operator, and any other person occupying the proposed STRU; and
 - ii. Life safety measures for the STRU, including, but not limited to, access/egress points, location of bathrooms for use by guests, location of all smoke and carbon monoxide detectors, location of all fire extinguishers, evacuation route(s), designated location(s) within the unit for the posting of the evacuation route(s), and any other information deemed necessary by the Building Commissioner and/or Fire Prevention Officer to establish compliance with applicable building, sanitary, and/or fire safety codes; and
9. Evidence of a valid liability insurance policy.

c. Application Fees. A fee of two-hundred dollars (\$200) per STRU shall be due with each application to register Rental Units as STRUs.

d. Action Upon application. Upon submission of a complete application, including all required materials and payment of the required fee:

1. The Licensing Board shall notify the applicant in writing of the place, date, and time of the public meeting at which it will consider and act on the application. Such meeting will be held within sixty (60) days after the date upon which the Licensing Board determines that the application is complete.
 2. The Licensing Board shall approve or approve with conditions those applications for registration that meet the requirements of this Article, and shall issue written notice of its decision within seven (7) days of its meeting, which notice shall be both (1) posted on the City website, and (2) sent by U.S. Mail to the applicant.
 3. Upon approval, the STRU shall be added to the Short-Term Rental Registry.
- e. Annual registration. Each STRU shall apply for approval annually prior to the expiration of its annual registration, in the same manner as the original application.
- f. Registration upon sale or change of ownership. Registration of ~~an~~ STRU shall not automatically transfer upon any sale or other transfer in ownership of such Residential Unit to a new Operator. If a new Operator wishes to continue to list such Residential Unit as ~~an~~ STRU, such new Operator shall apply to the Licensing Board pursuant to this Article to obtain a new, unique registration number. This requirement applies regardless of whether such sale or other transfer in ownership occurs before expiration of such Residential Unit's year of registration as ~~an~~ STRU.
- g. Amending registration upon change in primary residence. Unless an exception applies under Section 9-305, if an Operator offering a Residential Unit as ~~an~~ STRU ceases to be a Primary Resident of such unit, then such Operator shall immediately notify the Licensing Board, which shall cancel the license of the Residential Unit and remove the same from the Short-Term Rental Registry.
- h. Registration by booking agent. Nothing herein shall prohibit a Booking Agent from providing registration services on behalf of an Operator with such Operator's written consent.

Sec. 9-308 Room occupancy excise.

A Residential Unit subject to the provisions of this Article that is also subject to the Room Occupancy Excise under chapter 64G of the General Laws, or to any other excise tax or surcharge applicable to STRUs, shall comply with the provisions of said statutes.

Sec. 9-309 Complaint process; violations.

- a. Complaint. A complaint alleging that ~~an~~ STRU duly registered as provided herein is being operated in violation of the terms of its registration may be filed by any person with the Enforcement Agent, which complaint shall be mailed at the same time by such complainant to the Operator of the STRU at the address set forth in the Short-Term Rental Registry. The complaint shall be in writing and contain the address of the STRU, the date and nature of the alleged violation(s), and the name and contact

information of the complainant, and shall certify that such complaint was mailed to the Operator as required.

- b. **Review of complaint.** Within seven (7) days after receipt of a complaint under this section 9-308, the Enforcement Agent shall investigate the circumstances of such complaint. Within fourteen (14) days of receipt of such complaint, the Enforcement Agent shall determine if a violation has occurred, and shall provide written notice of her determination to the complainant, the Operator, and the Licensing Board. The Enforcement Agent shall keep records of all complaints received, a summary of the investigation into the same, and the determination made and reasons ~~therefor~~therefor.
- c. **Appeal.** An Operator may appeal a determination of violation to the Licensing Board by filing a written notice of appeal with the Board no later than fourteen (14) days following issuance of the determination.
- d. **Public hearing.** Upon the filing of an appeal from the Enforcement Agent's determination of violation, the Licensing Board shall conduct a hearing on such appeal.
 - 1. The Licensing Board shall notify the Operator in writing of the place, date, and time of the public hearing no less than seven (7) days prior to the hearing date, and no later than twenty-eight (28) days after receipt of the Enforcement Agent's determination;
 - 2. Upon holding a public hearing, the Licensing Board shall determine if a violation occurred and issue a written decision giving the Licensing Board's reasons for its decision, which decision shall be (1) posted on the city website, and (2) sent by U.S. Mail to both the applicant and the Complainant.
 - 3. If the Licensing Board determines a violation has occurred, in issuing its decision the Licensing Board may issue a warning, suspend the use of the STRU until the violation is corrected, condition the use of the STRU upon the completion of remedial action determined by the Board, or make such other order as is reasonably calculated to achieve compliance.
- e. **Judicial appeal.** Any person aggrieved by a final decision of the Licensing Board may seek relief therefrom in any court of competent jurisdiction, as provided by the laws of the Commonwealth.

Sec. 9-310 Penalties

- a. **Offering an ineligible unit as ~~a~~an STRU.** Any person who offers ~~a~~an STRU, or any Booking Agent who accepts a fee for so booking such real property, where such STRU is not listed on the Short-Term Residential Registry and is not eligible for such listing, shall be subject to a fine of three-hundred dollars (\$300) per day. Each day's failure to so comply with Section 9-303 or any other order in connection with the violation described in this subsection (a) of Section 3-309 shall constitute a separate violation. The City may also seek an injunction from a court of competent jurisdiction prohibiting the offering of the STRU.
- b. **Failure to register.** Any person who offers ~~a~~an STRU eligible for registration under this Article without having registered the STRU, or any person who offers or rents a registered STRU that has been

suspended pursuant to any applicable federal, state, or municipal law, code, or regulation, shall be fined one-hundred dollars (\$100) per violation per day. Each day's failure to comply with a Violation Order or any other order in connection with the violation described in this subsection (a) of section 9-309 shall constitute a separate violation.

- c. **Failure to comply with Violation Order.** Any person who fails to comply with any notice of violation or other order issued pursuant to this Article by the Licensing Board or its designee may be fined one hundred dollars (\$100) per violation per day. Each day's failure to comply with a notice of violation or any other order shall constitute a separate violation.

Sec. 9-311 Enforcement

- a. **Enforcement by the City.** The provisions of this section may be enforced in accordance with the noncriminal disposition process of MGL Chapter 40, Section 21D, and if applicable, by seeking to restrain a violation by injunction in any court of competent jurisdiction.
- b. **Enforcement by Booking Agent.** The City of Newburyport may enter into agreements with Booking Agents for assistance in enforcing ~~the provisions~~ this Article, including, but not limited to, covenants whereby the Booking Agent shall agree: (1) to remove a listing from its platform if such listing exceeds the maximum number of days that ~~an~~ STRU may be offered under the provisions of this Article; (2) to remove a listing from its platform that is deemed ineligible for use as ~~an~~ STRU under the provisions of this Article; and (3) to prohibit an Operator from listing any STRU in the City without having first obtained a valid registration number from the Licensing Board.

Sec. 9-312 Data sharing

A Booking Agent shall provide to the Licensing Board, on a quarterly ~~basis~~, an electronic report of the listings maintained, authorized, facilitated, or advertised by such Booking Agent within the City of Newburyport during the applicable reporting period.

Sec. 9-313 Effective date.

The provisions of Article XI shall take effect on June 1, 2022.

Sec. 9-314 Severability.

The provisions of Article XI are severable. In the event that any provision of Article XI is determined by a court of competent of jurisdiction to be invalid for any reason, the remaining provisions of Article XI shall remain in full force and effect.

~~Councillor~~ _____

Councillor James J. McCauley

~~Councillor~~

ODNC047_01_27_2020
(redline)

Councillor Charles F. Tontar

Amendment 8-30-2021

Reconciliation with zoning ordinance December 1, 2021

CITY OF NEWBURYPORT



IN CITY COUNCIL

ORDERED:

AN ORDINANCE TO LICENSE SHORT-TERM RENTAL UNITS

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

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

Chapter 9: LICENSES, PERMITS AND BUSINESS REGULATIONS

ARTICLE XI: SHORT-TERM RENTAL UNITS

Sec. 9-300 Purposes.

The purposes of this Article XI include:

- a. To define short-term rental use and regulate the use of short-terms rentals in the City;
- b. To incorporate responsibly the growth of the so-called home-share industry into Newburyport's existing neighborhoods by striking a fair balance between the preservation of permanent housing, including affordable and moderately priced housing (with or without deed restrictions), and the flexibility required for residents to benefit from this new industry; and
- c. To ensure that potential negative impacts from the use of residential properties as STRUs, including, but not limited to, impacts upon public health and fire safety, and due to increased trash, noise, traffic, and parking, are mitigated to avoid adverse impacts on overall neighborhood character or property values.

Sec. 9-301 Definitions.

Except as otherwise specified herein, all terms used in this Article XI shall be as defined in 830 CMR 64G.00 (Room Occupancy Excise).

Booking Agent: Any natural person who, or entity that, facilitates reservations or collects payments for an STRU on behalf of or for an Operator.

Emergency Contact: A natural person who, in addition to the Operator, will be responsible to receive and act on complaints, problems or emergencies at an STRU, as described in Section 9-306(g).

Enforcement Agent: The person duly appointed by the City of Newburyport to investigate complaints and issue violation notices pursuant to the provisions of this Article XI.

Home-Share Rental Unit: An STRU that is a Residential Unit and the Operator's Primary Residence and is rented as an STRU while the Operator is not personally and physically present overnight. The allowable occupancy of a Home-Share Rental Unit for use as an STRU shall be limited to a maximum of four (4) bedrooms and a maximum of eight (8) people.

Licensing Board: The Licensing Board of the City of Newburyport.

Limited-Share Rental Unit: An STRU that is a Residential Unit and the Operator's Primary Residence, of which only a portion is offered to guests as an STRU while the Operator is personally and physically present overnight. Occupancy of a Limited-Share Rental Unit shall be limited to a maximum of three (3) bedrooms for guests and a maximum of six (6) guests, and at least one (1) additional bedroom shall be exclusively used and occupied by the Operator while the STRU is in use by any guests.

Operator: A natural person who is an owner of record of the Residential Unit, or is legally authorized to act in relation to the STRU as the owner of record. Such owner may be, without limitation, an individual owner, alone or together with others, a trustee of a trust, a manager of an LLC, or an officer of a corporation. A natural person legally authorized to act for the record owner shall be duly designated by the licensing authority as the responsible party for an STRU. Only one natural person may be an Operator.

Operator's Agent: Any natural person who or entity that manages an STRU on behalf of an Operator, including a property manager, property management company, or real estate agency. Using an agent does not relieve the Operator of any of their duties to comply with every provision of this Article.

Owner-Adjacent Rental Unit: A Residential Unit that is not the Operator's Primary Residence and is offered as an STRU, but that is located on the same Lot as the Primary Residence of, and is owned by, said Operator, and is rented as an STRU while the Operator is personally and physically present overnight. The use of an Owner-Adjacent Rental Unit as an STRU shall be allowed in two-family or three-family dwellings solely where all dwelling units making up such use are owned by the same owner-occupant who also serves as the Operator of the Owner-Adjacent Rental Unit. For owner-occupied multifamily residential dwellings with three (3) or more dwelling units, in addition to the

Residential Unit in which the Operator resides and uses as a Home Share and/or Limited-Share Rental Unit, the Operator shall offer only one Owner Adjacent Rental Unit as an STRU.

Primary Residence: The Residential Unit in which the Operator resides for no fewer than 183 days of every year and at which such residence the Operator holds a valid Massachusetts Driver's License or state-issued identification card, registers automobiles, and is registered to vote. The Operator shall demonstrate Primary Residence by submitting to the Licensing Board their certification signed under penalty of perjury that as of the date of registration of the Residential Unit on the Short-Term Registry, the Operator either (a) has resided in the Residential Unit for no fewer than 183 days of the previous year, or (b) intends to reside in the Residential Unit for no fewer than 183 days of the year-long period of registration. Such certification shall be accompanied by at least two (2) of the following documents: evidence of valid voter registration, evidence of valid motor vehicle registration, a valid driver's license, or a valid state-issued identification card

Registration Number: A unique identification number generated by the Licensing Board for each registered STRU. Registration numbers shall be valid for one (1) year from the date of issuance, and shall be assigned to both a single STRU and a single Operator. The registration number shall be included on any listing or advertisement for the rental of the STRU.

Residential Unit: A Residential Unit is a lawful dwelling unit that makes up all or part of the three (3) following principal residential uses as defined under the Newburyport Zoning Ordinance: One-family (Use 101), Two-family (Use 102) or Multifamily (Use 103). For purposes of this Article XI, the term "Residential Unit" shall not include any other use under the Newburyport Zoning Ordinance, including, without limitation, Hotel, Lodging House, or Bed and Breakfast use.

Short Term Rental Unit ("STRU"): A Residential Unit used for residential occupancy for a period of fewer than thirty-two (32) consecutive days by a person or persons who do(es) not reside in the Residential Unit as their primary residence, in exchange for payment or other consideration. An STRU may or may not be offered or leased through a Booking Agent, and falls within one of three (3) exclusive categories: Home-Share Rental Unit, Limited-Share Rental Unit, or Owner-Adjacent Rental Unit.

Short-Term Rental Registry: The database of STRUs located within Newburyport and maintained by the Licensing Board in coordination with registration or other regulation of such use by the Commonwealth of Massachusetts. The location of STRUs within the City shall be made public, as may additional information in the Short-Term Rental Registry as required by law, or otherwise at the reasonable discretion of the Licensing Board.

Sec. 9-302 Short Term Rental Units generally.

No dwelling unit within the City of Newburyport shall be offered as an STRU except in compliance with the provisions of the Newburyport Zoning Ordinance, this Article XI, and the terms of any license issued for said STRU by the Licensing Board pursuant thereto. A resident who rents their Primary Residence for a total of no more than fourteen (14) days during a calendar year is exempted from the application and licensure process set forth herein, but must still comply with any state law or regulation relative to Short Term Rentals and obtain a modified certification letter as required under Section 9-306(f).

Sec. 9-303 Ineligible dwelling units and applicants.

The following types of dwelling units and applicants shall not be eligible to be applied for, apply, be offered, or offer, as Short-Term Rentals or Operators:

- a. A dwelling unit that makes up all or part of a residential use as defined under the Newburyport Zoning Ordinance other than One-family (Use 101), Two-family (Use 102), or Multifamily (Use 103);
- b. A dwelling unit that has been designated as below-market or income-restricted subject to affordability covenants, or that is otherwise subject to housing or rental assistance under local, state or federal law, including, without limitation, so-called Section 8 housing;
- c. A dwelling unit subject to any requirement of local, state or federal law that prohibits the leasing or sub-leasing of the unit or use of the unit as an STRU;
- d. A dwelling unit that itself, or whose owner or Operator, is the subject of three (3) or more findings by the Licensing Board or its designee of violations of this Article XI within any six- (6-) month period, or three (3) or more violations within any six- (6-) month period of any state or municipal law or regulation relating to excessive noise, improper disposal of trash, disorderly conduct, or other nuisances, private or public;
- e. “In-law apartments” as that term is defined in the Newburyport Zoning Ordinance, or successor or similar uses, such as so-called accessory dwelling units or secondary dwelling units;
- f. Campers, trailers, recreational vehicles, mobile homes, tents, lean-tos, or any other similar space, or structure, whether temporary or permanent;
- g. A Residential Unit located within the Smart Growth District regulated under the Zoning Ordinance.
- h. Any portion of a Hotel, Lodging House, or Bed and Breakfast use.

Sec. 9-304 Exemptions

The following uses of a dwelling unit shall be exempt from the requirements of this Article XI:

- a. **Up to 14 days per calendar year.** A resident who rents out all or any portion of their Primary Residence for a total of no more than fourteen (14) days during a calendar year is exempted from the special permit process set forth herein, but must still comply with any state law or regulation relative to Short Term Rentals and also obtain a modified certification letter as required under Section 9-306(f).
- b. **Dwelling units contracted for hospital or convalescent stays.** The use of a dwelling unit or portion thereof (1) under a written contract between the owner of such dwelling unit and a health-care facility, government entity, non-profit organization registered as a charitable organization with the Secretary of the Commonwealth of Massachusetts or classified by the United States Internal Revenue Services as

a public charity or private foundation, or (2) for the temporary housing in such unit of natural persons who are being treated for trauma, injury, or disease, or of their family members; and

- c. Dwelling units used for furnished institutional or business stays: The use of a dwelling unit or portion thereof under a written contract between the owner of such dwelling unit and an institution or business, for the temporary housing of employees or other individuals affiliated with such institutions or business, provided, however, that the minimum duration of such stay shall be ten (10) days.

Sec. 9-305: Exception for Plum Island.

STRUs located within the Plum Island Overlay District (PIOD) regulated under the Zoning Ordinance shall be subject to this Article XI, including having to obtain an operator's certification letter as required under Section 9-306(f); provided, however, that.

- a. Such STRUs may be used for any number of days (consecutive or non-consecutive);
- b. Such STRUs need not provide off-street parking in addition to that required for the Residential Use to which the STRU is an accessory use;
- c. An Operator of such STRUs within the PIOD need not meet any Primary Residence requirement under this Section V-G, and is not limited in the number of STRU's said Operator may make available within the PIOD at the same time;
- d. The Operator of a Home Share Rental Unit and/or Limited Share Rental Unit within an owner-occupied multifamily residential dwelling with three (3) or more dwelling units, shall be not be limited in the number Owner-Adjacent Rental Units they may offer as an STRU; and
- e. The Operator of an Owner-Adjacent Rental Unit need not be personally and physically present overnight at all times that such STRU is occupied.

9-306 Requirements

- a. All STRUs. The STRU has been registered pursuant to Section 9-307.
- b. Limited-Share Rental Units. An Operator may offer a Limited-Share Rental Unit as an STRU for some or all days of its year of registration.
- c. Home-Share Rental Units. An Operator may offer a Home-Share Rental Unit as an STRU for some or all days of its year of registration; provided, however, that at all locations within the City except within the PIOD, the total number of days during which the Operator is not physically present for an overnight stay shall not exceed a cumulative ninety (90) (consecutive or nonconsecutive) days per each licensing year.

- d. **Owner-Adjacent Units.** An Operator may offer their Owner-Adjacent Unit as a Short-Term Rental for some or all days of its year of registration, provided, however, that at all locations within the City except within the PIOD, the Operator is personally and physically present overnight.
- e. **Lodging House and Bed and Breakfast.** A Licensed Lodging house and/or Bed and Breakfast cannot be an STRU.
- f. **Operator certification.** An Operator shall certify under penalty of perjury at the time of registration of a Short-Term Residential Unit that the following facts are true:
1. In the case of the Home Share Rental Unit and Limited Share Rental Unit, the Residential Unit is the Operator's Primary Residence, and in the case of the Owner Adjacent Rental Unit, the STRU is located on the same Lot as the Operator's Primary Residence;
 2. The Operator is the record owner of the Residential Unit offered as an STRU, or is legally authorized to act in relation to the STRU as the record owner; and
 3. Offering the Residential Unit as an STRU complies with all applicable deed restrictions, mortgage covenants, condominium bylaws, or other governing legal documents.
- g. **Local contact.** At the time of registration of an STRU, the Operator shall provide their name and contact information (including a telephone number), and, in the event the Operator is unable to respond in person to any problems or emergencies that may arise regarding the STRU when it is being occupied by guests, the name and contact information (including a telephone number) of the Emergency Contact. The Operator or Emergency Contact shall be available 24-hours per day to respond to guests, neighbors, and City officials, and it shall be a violation of this Article if the Operator or Emergency Contact does not respond within 1 hour of being contacted by a City official or the police department.
- h. **No outstanding violations.** AN STRU shall not be subject to any outstanding building, sanitary, zoning, or fire code notices of violation, orders of abatement, stop work orders, or other any requirements, laws or regulations that concerns the STRU or may in any manner impede or prohibit the Operator from offering the Residential Unit as a Short-Term Rental in compliance with this Article, the Newburyport Zoning Ordinance, and all permits and approvals issued thereunder. If a notice of such violation or other order is duly issued after the Residential Unit has been listed on the Short-Term Rental Registry, the Licensing Board or its designee may suspend registration of such Residential Unit on the Short-Term Rental Registry until the corresponding violation has been cured or such order is otherwise resolved to abate any violations of law or regulation. Any City officer or department issuing said notice of violation or other order shall notify the Licensing Board and the Enforcement Agent in writing of the nature of the violation and its resolution, if any, within five (5) business days of such issuance and/or resolution.
- i. **Compliance and relationship with other laws.** Operators shall comply with all applicable federal, state and local laws and regulations, including, but not limited to, the Fair Housing Act, G.L .c. 151B and local

equivalents and regulations related thereto, fire codes, health codes, zoning ordinances, the Commonwealth's lodging house licensing statutes, and all other regulations applicable to residential dwellings and the provision of lodging.

- j. **No illegal discrimination between or against guests.** Operators shall not discriminate between or against guests on the basis of race, color, religious creed, national origin, immigration status, sex, age, ancestry, sexual orientation, gender identity and expression, marital, family or military status, or source of income or disability with respect to housing, employment, education, public accommodations, City services, insurance, banking, credit, and healthcare.
- k. **Retention of records.** The Operator shall retain and make available to the Licensing Board, or its designee, upon written request, documents that demonstrate compliance with all provisions this Article, including but not limited to: documentation of the number of days that Operator has resided during the past year or will reside in the Residential Unit in the year of registration; legal instruments evidencing that the Operator is the record owner of the Residential Unit offered as an STRU; and documentation of the number of days during the year of registration that the Residential Unit was: (i) offered, and (ii) rented, as an STRU. The Operator shall retain such records for a period of three (3) years from expiration of the yearly license to which they relate.
- l. **Special conditions.** The Licensing Board may require, as a condition of any license issued under this Article, that specific improvements be made within the structure, or otherwise on the premises, as identified in the drawings submitted pursuant to section 9-307, below, and as required by the Building Commissioner, Fire Prevention Officer, and/or Zoning Administrator to achieve compliance with applicable law.
- m. **Registration number.** The Operator shall include the registration number issued by the City on any listings offering the Residential Unit as an STRU, including by Booking Agents when their policies so permit, and shall, in all cases, post a sign inside such Residential Unit providing information on the location of all fire extinguishers, fire exits, and pull fire alarms in such Residential Unit.

Sec. 9-307 Registration process, certifications, and fee.

- a. **Registration process.** No Operator shall offer a Residential Unit as an STRU without having first filed an application for approval therefor with the Licensing Board and obtaining the Licensing Board's final approval under this Section 9-307.
 1. A license for operation of said STRU shall be valid for one (1) year from the date of issuance.
 2. The Operator shall also certify under penalty of perjury that he/she and the Residential Unit complies with all the requirements of this Article.
 3. An Operator registered with the Licensing Board may only hold and operate one (1) STRU license during any licensing year.

4. Upon approval by the Licensing Board, the Residential Unit approved as an STRU shall be issued a registration number by the Licensing Board.
 5. Upon submission of license applications, and from time to time, as deemed necessary by the Licensing Board or its designee, the Licensing Board may compare registration information to other information managed and maintained by the City, in order to effectively verify compliance with the provisions of this Article.
 6. The Licensing Board shall make each approval of an STRU, and related documentation including the application, decision, and any supplemental documents, available electronically via the City website within thirty (30) days of such addition.
- b. Application for Registration.** Each application for registration of an STRU shall include the following information:
1. Name, address, primary phone number and secondary phone number of both the Operator and the Emergency Contact, if different;
 2. Evidence that the Operator is the record owner of the STRU, or is legally authorized to act in relation to the STRU as the record owner;
 3. Address of the STRU;
 4. The zoning district(s) of the STRU, and evidence of a valid STRU special permit or that an STRU special permit application is pending;
 5. STRU category: Limited-Share Rental Unit; Home-Share Rental Unit; or Owner-Adjacent Unit;
 6. Massachusetts Department of Revenue identification number, if already obtained;
 7. Survey and/or plot plan that indicates:
 - i. Existing structure(s) at the property;
 - ii. Location of any proposed STRU; and
 - iii. Off-street (on or off-site) parking area(s) to accommodate all uses of the property, including the proposed STRU;
 8. Interior layout plan(s), showing:
 - i. The bedroom(s) proposed for use by STRU guests, the Operator, and any other person occupying the proposed STRU; and
 - ii. Life safety measures for the STRU, including, but not limited to, access/egress points, location of bathrooms for use by guests, location of all smoke and carbon monoxide detectors, location of all fire extinguishers, evacuation route(s), designated location(s) within the unit for the posting of the evacuation route(s), and any other information deemed necessary by the Building Commissioner and/or Fire Prevention Officer to establish compliance with applicable building, sanitary, and/or fire safety codes; and
 9. Evidence of a valid liability insurance policy.

- c. **Application Fees.** A fee of two-hundred dollars (\$200) per STRU shall be due with each application to register Rental Units as STRUs.
- d. **Action Upon application.** Upon submission of a complete application, including all required materials and payment of the required fee:
 - 1. The Licensing Board shall notify the applicant in writing of the place, date, and time of the public meeting at which it will consider and act on the application. Such meeting will be held within sixty (60) days after the date upon which the Licensing Board determines that the application is complete.
 - 2. The Licensing Board shall approve or approve with conditions those applications for registration that meet the requirements of this Article, and shall issue written notice of its decision within seven (7) days of its meeting, which notice shall be both (1) posted on the City website, and (2) sent by U.S. Mail to the applicant.
 - 3. Upon approval, the STRU shall be added to the Short-Term Rental Registry.
- e. **Annual registration.** Each STRU shall apply for approval annually prior to the expiration of its annual registration, in the same manner as the original application.
- f. **Registration upon sale or change of ownership.** Registration of an STRU shall not automatically transfer upon any sale or other transfer in ownership of such Residential Unit to a new Operator. If a new Operator wishes to continue to list such Residential Unit as an STRU, such new Operator shall apply to the Licensing Board pursuant to this Article to obtain a new, unique registration number. This requirement applies regardless of whether such sale or other transfer in ownership occurs before expiration of such Residential Unit's year of registration as an STRU.
- g. **Amending registration upon change in primary residence.** Unless an exception applies under Section 9-305, if an Operator offering a Residential Unit as an STRU ceases to be a Primary Resident of such unit, then such Operator shall immediately notify the Licensing Board, which shall cancel the license of the Residential Unit and remove the same from the Short-Term Rental Registry.
- h. **Registration by booking agent.** Nothing herein shall prohibit a Booking Agent from providing registration services on behalf of an Operator with such Operator's written consent.

Sec. 9-308 Room occupancy excise.

A Residential Unit subject to the provisions of this Article that is also subject to the Room Occupancy Excise under chapter 64G of the General Laws, or to any other excise tax or surcharge applicable to STRUs, shall comply with the provisions of said statutes.

Sec. 9-309 Complaint process; violations.

- a. **Complaint.** A complaint alleging that an STRU duly registered as provided herein is being operated in violation of the terms of its registration may be filed by any person with the Enforcement Agent, which

complaint shall be mailed at the same time by such complainant to the Operator of the STRU at the address set forth in the Short-Term Rental Registry. The complaint shall be in writing and contain the address of the STRU, the date and nature of the alleged violation(s), and the name and contact information of the complainant, and shall certify that such complaint was mailed to the Operator as required .

- b. Review of complaint.** Within seven (7) days after receipt of a complaint under this section 9-308, the Enforcement Agent shall investigate the circumstances of such complaint. Within fourteen (14) days of receipt of such complaint, the Enforcement Agent shall determine if a violation has occurred, and shall provide written notice of her determination to the complainant, the Operator, and the Licensing Board. The Enforcement Agent shall keep records of all complaints received, a summary of the investigation into the same, and the determination made and reasons therefor.
- c. Appeal.** An Operator may appeal a determination of violation to the Licensing Board by filing a written notice of appeal with the Board no later than fourteen (14) days following issuance of the determination.
- d. Public hearing.** Upon the filing of an appeal from the Enforcement Agent's determination of violation, the Licensing Board shall conduct a hearing on such appeal.
 - 1. The Licensing Board shall notify the Operator in writing of the place, date, and time of the public hearing no less than seven (7) days prior to the hearing date, and no later than twenty-eight (28) days after receipt of the Enforcement Agent's determination;
 - 2. Upon holding a public hearing, the Licensing Board shall determine if a violation occurred and issue a written decision giving the Licensing Board's reasons for its decision, which decision shall be (1) posted on the city website, and (2) sent by U.S. Mail to both the applicant and the Complainant.
 - 3. If the Licensing Board determines a violation has occurred, in issuing its decision the Licensing Board may issue a warning, suspend the use of the STRU until the violation is corrected, condition the use of the STRU upon the completion of remedial action determined by the Board, or make such other order as is reasonably calculated to achieve compliance.
- e. Judicial appeal.** Any person aggrieved by a final decision of the Licensing Board may seek relief therefrom in any court of competent jurisdiction, as provided by the laws of the Commonwealth.

Sec. 9-310 Penalties

- a. Offering an ineligible unit as an STRU.** Any person who offers an STRU, or any Booking Agent who accepts a fee for so booking such real property, where such STRU is not listed on the Short-Term Residential Registry and is not eligible for such listing, shall be subject to a fine of three-hundred dollars (\$300) per day. Each day's failure to so comply with Section 9-303 or any other order in connection with the violation described in this subsection (a) of Section 3-309 shall constitute a separate violation. The City may also seek an injunction from a court of competent jurisdiction prohibiting the offering of the STRU.

- b. **Failure to register.** Any person who offers an STRU eligible for registration under this Article without having registered the STRU, or any person who offers or rents a registered STRU that has been suspended pursuant to any applicable federal, state, or municipal law, code, or regulation, shall be fined one-hundred dollars (\$100) per violation per day. Each day's failure to comply with a Violation Order or any other order in connection with the violation described in this subsection (a) of section 9-309 shall constitute a separate violation.
- c. **Failure to comply with Violation Order.** Any person who fails to comply with any notice of violation or other order issued pursuant to this Article by the Licensing Board or its designee may be fined one hundred dollars (\$100) per violation per day. Each day's failure to comply with a notice of violation or any other order shall constitute a separate violation.

Sec. 9-311 Enforcement

- a. **Enforcement by the City.** The provisions of this section may be enforced in accordance with the noncriminal disposition process of MGL Chapter 40, Section 21D, and if applicable, by seeking to restrain a violation by injunction in any court of competent jurisdiction.
- b. **Enforcement by Booking Agent.** The City of Newburyport may enter into agreements with Booking Agents for assistance in enforcing this Article, including, but not limited to, covenants whereby the Booking Agent shall agree: (1) to remove a listing from its platform if such listing exceeds the maximum number of days that an STRU may be offered under the provisions of this Article; (2) to remove a listing from its platform that is deemed ineligible for use as an STRU under the provisions of this Article; and (3) to prohibit an Operator from listing any STRU in the City without having first obtained a valid registration number from the Licensing Board.

Sec. 9-312 Data sharing

A Booking Agent shall provide to the Licensing Board, on a quarterly basis, an electronic report of the listings maintained, authorized, facilitated, or advertised by such Booking Agent within the City of Newburyport during the applicable reporting period.

Sec. 9-313 Effective date.

The provisions of Article XI shall take effect on June 1, 2022.

Sec. 9-314 Severability.

The provisions of Article XI are severable. In the event that any provision of Article XI is determined by a court of competent of jurisdiction to be invalid for any reason, the remaining provisions of Article XI shall remain in full force and effect.

Councillor James J. McCauley

Councillor Charles F. Tontar

In City Council January 27, 2020:

Motion to refer to License & Permit by Councillor Devlin, seconded by Councillor Zeid. So voted.

THE COMMONWEALTH OF MASSACHUSETTS

OF

RECEIVED
CITY CLERK'S OFFICE
NEWBURYPORT, MA

2021 NOV 19 AM 11:28

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 SECOND 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? RL Currie Corp.

Business address of concern. No. 6 New PASTURE ROAD St.,
Newburyport City — Town.

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

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

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

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

President RANDY L Currie 111 Georgetown Rd West Newbury Ma

Secretary RANDY L Currie 111 Georgetown Rd West Newbury Ma

Treasurer RANDY L Currie 111 Georgetown Rd West Newbury Ma

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

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

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

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

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

4.5 ACRES w/A PAVED AREA AS WELL AS A 10000 sq ft
CONCRETE BLOCK COMMERCIAL BUILDING FOR ADMINISTRATIVE
SALES AND REPAIRS

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

If so, state name of manufacturer _____

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

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

If so, in what city — town NEWBURYPORT

Did you receive a license? Yes For what year? 2010 - 2021
(Yes or No) APPROX

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 Gandy L. Currie
(Duly authorized to represent the concern herein mentioned)

Residence 111 GEORGETOWN RD
WEST NEWBURY MA 01985

IMPORTANT

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

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

APPLICANT WILL NOT FILL THE FOLLOWING BLANKS

Application after investigation _____
(Approved or Disapproved)

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

Signed _____

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

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

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

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

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

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

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

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

APPLICANT WILL NOT FILL THE FOLLOWING BLANKS

Application No. _____

Class _____ License No. _____

Name _____

St. and No. _____

City — Town _____

Date Issued _____

Remarks _____



Boston
114 Turnpike Road
3rd Floor - 114
Westborough, Massachusetts 01581
+1 (800) 647-1113 Fax: +1 (866) 547-4882

Continuation Certificate

To be attached to and form a part of surety bond number LSF006317 (the "Bond"), cross reference bond number 5010479 for Used Dealers and Salesmen dated the 25th day of October, 2007, in the penal sum of 25,000 USD issued by The Ohio Casualty Insurance Company as surety (the "Surety"), on behalf of RE Currie Corp as principal (the "Principal"), in favor of CITY OF NEWBURYPORT, as obligee (the "Obligee").

The Surety hereby certifies that this Bond is continued in full force and effect until the 25th day of October, 2022, subject to all covenants and conditions of said Bond.

Said Bond has been continued in force upon the express condition that the full extent of the Surety's liability under said Bond, and this and all continuations thereof, for any loss or series of losses occurring during the entire time the Surety remains on said Bond, shall in no event, either individually or in the aggregate, exceed the penal sum of the Bond.

IN WITNESS WHEREOF, the Surety has set its hand and seal this 10th day of September, 2021.

The Ohio Casualty Insurance Company
(Surety)

By: Timothy A. Mikolajewski
Timothy A. Mikolajewski, Assistant Secretary



THE COMMONWEALTH OF MASSACHUSETTS

City OF Newburyport

RECEIVED
CITY CLERK'S OFFICE
NEWBURYPORT, MA

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

7/17/2021 11:17 AM 8:09

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

1. What is the name of the concern? Plum Autoworks Inc

Business address of concern. No. 71 Storey Ave _____ St.,
Newburyport MA _____ City - Town.

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

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

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

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

President Nancy J London 11 Warrenton Rd Haverhill MA 01832

Secretary " "

Treasurer " "

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

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

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

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

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

Premises Located At 71 Storey Ave Approx Frntg
100 Ft office Bldg Consisting of 2 offices Lot is
Approx 100 Ft in depth From St

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

If so, state name of manufacturer _____

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

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

If so, in what city — town Newburyport ma

Did you receive a license? yes
(Yes or No)

For what year? Past 15 YRS

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

Sign your name in full

John Paulus Green Man
(Duly authorized to represent the concern herein mentioned)

Residence 11 Waverston Rd Haverhill MA
01832

IMPORTANT

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

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

APPLICANT WILL NOT FILL THE FOLLOWING BLANKS

Application after investigation _____
(Approved or Disapproved)

License No. _____ granted _____ Fee \$ _____

Signed _____

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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.

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

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

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

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

APPLICANT WILL NOT FILL THE FOLLOWING BLANKS

Application No. _____

Class _____ License No. _____

Name _____

St. and No. _____

City — Town _____

Date Issued _____

Remarks _____

SELECTED
MAY 18 2004
REGISTRATION DIVISION

Memorandum

To: Municipal Licensing Authorities of Motor Vehicle Dealers
From: William E. McVey, Deputy General Counsel
Date: May 2004
Re: Issues Relating to Class 2 Dealers under G.L. 140, Section 58

1. Purpose

The primary purpose of this Memorandum is to provide information to Cities and Towns about the amendments relative to Class 2 dealers that were made to G.L. c. 140, §58 by Chapter 422 of the Acts of 2002 (a copy of which is enclosed). The Legislature amended Section 58 to require Class 2 dealers to post and maintain a bond (or, if permitted, equivalent proof of financial responsibility, e.g., certificate of deposit or letter of credit) with the municipal licensing authority in the amount of \$25,000. The amendments also authorize the licensing of two additional types of businesses engaged in used vehicle sales. The amendment became effective almost a year ago, on March 24, 2003, but some municipalities may be unaware of it and some other issues remain to be clarified.

2. Bond Requirement

The bond requirement is only applicable to Class 2 dealers. It is not applicable to a Class 1 dealer who buys and sells used vehicles and it is not applicable to a Class 3 dealer who sells used vehicles. The bond is for the benefit of a person who purchases a vehicle from the Class 2 licensee and suffers a financial loss. The list of intended beneficiaries is contained within the Act. The bonding requirement modifies the municipal licensing process for Class 2 dealers (and affects the dealer's ability to retain the license). It also affects the RMV, since the agency is prohibited from knowingly issuing or renewing Dealer Plates if it becomes aware that a Class 2 dealer lacks the legally required bond. The RMV will revoke the General Registration and Dealer Plates when it becomes aware the dealer does not have a bond or when it is informed by a municipality that it has revoked a Class 2 license. The RMV has become aware that some municipalities are not enforcing the bond requirement and have been licensing Class 2 dealers without a bond. A municipality that fails to enforce the bond requirement faces potential liability from claimants under the bond.

3. Dealers Subject to Bond Requirement

All Class 2 dealer-licensees (no exceptions) renewing or obtaining a new license in 2004 (and in future years) are subject to the bonding requirement of \$25,000. This is true even if the dealer is not selling vehicles covered by the warranty requirements of G.L. c.90, §7N ¼. G.L. c.140, §58 (c)(1) states:

The person shall obtain a bond, or equivalent proof of financial responsibility as described in paragraph (5), and continue in effect a surety bond or other equivalent proof of financial responsibility satisfactory to the municipal licensing authority in the amount of \$25,000 executed by a surety company authorized by the insurance department to transact business in the commonwealth.

The law prohibits a city or town licensing authority from issuing or renewing a Class 2 license unless it is satisfied that a bond or the equivalent meeting the requirements of the law is in effect during the term under which the license shall be issued or renewed. Note also that if a dealer has more than one location in a City or Town and goes by a different name at the other location(s), the dealer needs a separate bond for each location

at which it uses a different name. If a dealer has locations in more than one City or Town, separate bonds must be obtained for each municipality.

4. Bond Issue Clarifications

Two issues needing clarification have recently been raised as to the bond/equivalent requirement.

(a) **Certificates of Deposit and Letters of Credit:** The first has to do with the place where certificates of deposit or irrevocable letters of credit may be deposited. Section 58 (c)(1) states, in part:

In lieu of the bond required by this section, the municipal licensing authority may allow the dealer to deposit collateral in the form of a certificate of deposit or irrevocable letter of credit, as authorized by the banking laws of the commonwealth.... The collateral may be deposited with or executed through any authorized state depository designated by the commissioner....

The statute does not define "authorized state depository" but the Massachusetts Commissioner of Banks has issued an opinion to the Registrar, dated March 5, 2004, stating that "the definition covers any state or federally chartered bank or credit union with a banking office in the Commonwealth which has federal deposit insurance." The Commissioner has recommended that if a "Certificate of Deposit" is used, it should be titled:

"Commonwealth of Massachusetts, name of municipality, In Trust for (dealer) under Massachusetts General Laws chapter 140, section 58"

The Commissioner also recommends that an assignment should be executed, and that a municipality wishing to do so should contact the State Treasurer's Office to discuss the mechanics of that option. The Treasurer's Office is familiar with Certificates of Deposit and other alternative collateral since that office holds such collateral for certain licensees of the Commissioner of Banks.

(b) **Filing the Bond with Licensing Authorities:** The second issue relates to the manner in which the bond should be filed and filled out. The original of the bond needs to be filed with the City or Town when an initial Class 2 license is issued. On renewal, the licensing authority should insist on either a new original bond with power of attorney attached or an original continuation certificate showing that the existing bond is valid through the end of the next license period. Bonds may be written for more than one year so a municipality should be sure the bond covers the whole period during which the Class 2 license will be in effect. The amended statute does not specify the manner in which the bond should be filled out. However, a bond should clearly identify the parties and the purpose of the bond. For example:

Town of Willingboro, as obligee for the benefit of a person who purchases a vehicle from (name of dealer) and suffers a loss as defined by G.L. 140, Section 58.

5. Class 2 Licensee Definition Expanded

The definition of a Class 2 dealer was expanded to include two additional categories of used vehicle sellers that were not previously required to obtain a Class 2 license. A Class 2 licensee had always been defined as a person whose principal business is the buying or selling of second hand motor vehicles. The amended law allows a license to be issued even though it is not the applicant's principal business or he/she is not actually a seller. G.L. c. 140, §58 (c) now reads, in part:

(c) Class 2. A person whose principal business is the buying or selling of second hand motor vehicles, a person who purchases and displays second hand motor vehicles for resale in retail transactions, and any other person who displays second hand motor vehicles not owned by him pursuant to an agreement in which he receives compensation, whether solely for displaying the vehicles, upon the sale of each vehicle, or otherwise, may be granted a used car dealer's license

6. Comment on the Expanded Definition of Class 2 Licensee

(i) "... a person who purchases and displays second hand motor vehicles for resale in retail transactions." This seller is a dealer of motor vehicles at retail even though it may not be his/her principal business and buys vehicles in order to sell them at retail to make a profit. A person who is selling or negotiating the casual sale of his/her own vehicle (one registered to him/her or to a spouse, another relative, a friend, etc.) is not required to obtain a Class 2 license, in the view of the RMV. Nor is a company that leases

vehicles for the use of its employees and then allows the employee to purchase the vehicle at the expiration of the lease. This provision may be applicable to a local garage or other business that purchases vehicles at auction (or from other sources) and repairs or reconditions them and offers them for sale. Any vehicles this licensee sells to a consumer will be subject to the state-mandated warranty protection of G.L. c.90, §7N¼, and the dealer must maintain or demonstrate access to repair facilities sufficient to enable him/her to satisfy the warranty repair obligations imposed by that section. The licensee must comply with the Consumer Protection Act, G.L. 93A and the Regulations of the Attorney General, and must post the required warranty notices on vehicles offered for sale. As a Class 2 licensee, this dealer is also required to maintain a Used Vehicle Record Book pursuant to G.L. 140, §62. The "authorized officers" identified in G.L. c.140, §66 (State Police, Attorney General, Chief of Police, Police Commissioner in Boston, the Selectmen of a Town, or police officers authorized by said officials) "may at any time enter upon any premises used by any person licensed under section fifty-nine for the purpose of carrying on his licensed business, ascertain how he conducts the same and examine all second hand motor vehicles or parts thereof kept or stored in or upon the premises, and all books, papers and inventories relating thereto."

(ii) "...any other person who displays second hand motor vehicles not owned by him pursuant to an agreement in which he receives compensation, whether solely for displaying the vehicles, upon the sale of each vehicle, or otherwise." This is a person who does not own the vehicles he displays on his property but he receives compensation for the display or the sale from the vehicle's owner. These are usually consignment sales and they should only involve privately owned vehicles. RMV regulations prohibit the holder of a dealer plate from offering vehicles for sale anywhere other than the licensed premises of the dealer (except for sales at recognized automobile auction facilities or at combined-dealer special sale events). Therefore, a dealer who has been issued Dealer Plates may not display other dealer's vehicles on his/her own lot or display his own vehicles on other dealers' lots. However, any licensed Class 2 dealer who has received Dealer Plates from the RMV may display vehicles for sale on the dealer's lot that are owned by a private party and held for consignment, but the vehicle must be entered in the dealer's Used Vehicle Record Book as a consignment vehicle. (The dealer cannot, however, attach its own Dealer Plate to allow a test drive of the consigned vehicle because the dealer does not own the vehicle. If a test drive is contemplated, the vehicle's owner may opt to leave his/her own valid registration plates on the vehicle if the owner's liability insurance will cover a test drive). The record keeping and inspection requirements as contained in 6.(i) (above) are applicable here also.

7. Local Review Needed Municipalities are urged to review the Class 2 licenses they have issued in 2004 to ensure that the bond requirement has been met for each license.

8. A Note About Licensees Working From Home

The RMV is aware that some municipalities have been issuing Class 2 licenses even though the applicant is doing business from his/her home. Class 2 licensees almost always apply to the RMV for Dealer Plates. The process is that the RMV asks the State Police to perform a site visit to determine if the dealer has a facility that is appropriate for the issuance of such plates. After the visit, the Trooper makes a report and recommendation to the RMV. If the licensed premises do not comply with the relevant provisions of G.L. c.90 and the Regulations of the Registrar at 540 CMR 18.00, the application for plates will be denied.

Definition of "Dealer." M.G.L. c. 90, 1, defines a "dealer" as: "any person who is engaged principally and substantially in the business of buying, selling or exchanging motor vehicles or trailers or motor vehicle bodies who maintains a facility dedicated to carrying out said business...." (Emphasis added). An applicant for General Registration Dealer Plates must be principally and substantially engaged in the business and have the required dedicated facility. Even a dealer who sells solely on a "wholesale basis" (although no such Class 2 license category exists) must have the required dedicated facility. The RMV will not issue Dealer Plates to an applicant if his/her business is located within the personal living

quarters of a residential building, whether or not the dealer or someone else actually resides there or whether no one resides there. The law regarding the issuance of dealer plates is clear and plates will not be issued even if the municipality has issued a dealer's license for that location.

Further, the regulations at 540 CMR 18.02(2)(a) were adopted under the Registrar's authority and contain the requirements that a dealer must meet to receive or retain Dealer Plates. These requirements indicate the nature of the required "facility." Generally, the following are relevant to a used vehicle dealer:

- > The dealer's business is situated within a permanent building or permanently affixed structure, including an office trailer, owned or leased by the dealer for his exclusive use and located at the address of record noted on the dealer's license issued under the provisions of M.G.L. 140, §59. Except for a dealer who exchanges vehicles or trailers solely on a wholesale basis, the dealer shall be open to the public.
- > The building, structure or office trailer must have adequate office space to conduct the business.
- > If more than one business is located within the same building or structure, the dealer shall maintain a separate and exclusive entrance, unless the multiple businesses are owned or controlled by the same principals.
- > Subject to local law, and except for a dealer who exchanges vehicles or trailers solely on a wholesale basis, the dealer shall display a permanently affixed exterior sign of sufficient size and design, to give the general public notice of the name and nature of the business.
- > The dealer must have a display area/lot to display the vehicles being offered for sale unless the dealer exchanges vehicles or trailers solely on a wholesale basis.

9. Summary

Personal living quarters cannot be the site of a Class 2 dealer's business because the law requires a dealer to maintain a facility dedicated to carrying out that business and that facility must be used exclusively for the dealer's business. It is possible that a dealer may have premises either attached to or detached from a residential building that could be deemed suitable by the RMV. The State Police site inspection may help to determine suitability. The premises would have to be separate and distinct from any personal living quarters (e.g., it would have to be a secure facility with solid floor-to-ceiling walls, adequate office space to conduct the business, direct access from the outside of the building, not be used or shared with any other person or with any portion of personal living quarters and be licensed by the municipality at that location). The licensee must post and maintain reasonable business hours so that State and local police can accomplish the required facility and record book checks when required.

10. New License Application in Draft Stage G.L. 140, §59 states, in part: ...“application for license shall be made in such form as shall be approved by the registrar of motor vehicles...” The RMV is drafting a proposed new version of an *Application for a License as a Motor Vehicle Dealer*. The purpose is to update and standardize the *Application* to include significantly more information about the applicant (including background information on all principals) so that licensing authorities are better informed before issuing or renewing a license. The RMV is willing to receive and discuss suggestions for the proposed new *Application* that local licensing officials may wish to provide. Please email me with your suggestions at: william.mcvev@state.ma.us or write to me at the above address.

Thank you. If you have any questions about this Memorandum you may email or write. You may also call me at: 617-351-9950.

RECEIVED
CITY CLERK'S OFFICE
NEWBURYPORT, MA

Issued Through:

A.A. Dority Company, Inc.

2021 NOV 29 AM 9:51

CONTINUATION CERTIFICATE

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

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

on behalf of

Plum Auto Works, Inc.

located at

71 Storey Ave
Newburyport, MA 01950

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

for the term beginning December 31, 2021 and ending on December 31, 2022, subject to all
covenants and conditions of said bond.

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

In witness whereof, the Company has caused this instrument to be signed by its duly
authorized Attorney-in-Fact and its Corporate Seal to be hereto affixed this day, November 16,
2021

NGM Insurance Company

By: 

Katie E. Connor

Attorney-in-Fact

Producer: A.A. Dority Company, Inc.
226 Lowell Street, Suite B-4
Wilmington, MA 01887

617-523-2935 Fax: 617-523-1707

Committee Items - December 13, 2021

Neighborhood & City Services

- COMM299_02_08_2021 Phillips Dr. Neighborhood Committee Ltr
- ODNC102_11_08_2021 Late File - Ch. 17 Stormwater Management Revisions
- Pole Hearing 14 Shandel Drive

Phillips Drive Neighborhood Committee

C/O 21 Phillips Dr., Newburyport MA 01950

February 4, 2021

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

Dear Mayor Holaday and Council Members:

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

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

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

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

Sincerely,

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

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

CITY OF NEWBURYPORT



IN CITY COUNCIL

ORDERED:

Introduced November 8, 2021

AN ORDINANCE OF THE CITY COUNCIL TO UPDATE SECTIONS OF CHAPTER 17 STORMWATER MANAGEMENT

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

THAT the Code of Ordinances, City of Newburyport, Massachusetts, is hereby amended for Chapter 17 – Stormwater Management as follows for the specific sections noted here; 17-1 – Authority, Section 17-2 – Definitions (formerly Section 17-3), Section 17-3 – Purposes, Objectives and Intent (formerly Section 17-2), Section 17-4 - Applicability, Section 17-6 - Regulations, Section 17-8 – Prohibited Activities, Section 17-9 - Exemptions, Section 17-11 – Notification of Spills, Section 17-12 – Permit Required, Section 17-13 – Exemptions and Section 17-14 - Waivers. These amendments are to read as follows, with deletions ~~double-stricken through and italicized~~, and additions double-underlined and italicized:

Sec. 17-1. - Authority.

This chapter is adopted under authority granted by the Home Rule Amendment of the Massachusetts Constitution, the Home Rule statutes, and pursuant to M.G.L. c. 83, §§ 1, 10, and 16, as amended by St. 2004, c. 149, §§ 135-140, and pursuant to the regulations of the Federal Clean Water Act (40 CFR 122.34).

Sec. 17-2. - Definitions.

Best Management Practice (BMP) An activity, procedure, restraint, or structural or nonstructural improvement that helps to reduce the quantity or improve the quality of stormwater runoff.

Certified Professional in Erosion and Sediment Control (CPESC). A certified specialist in soil erosion and sediment control. This certification program, sponsored by the Soil and Water Conservation Society in cooperation with the American Society of Agronomy, provides the public with evidence of professional qualifications.

Discharge of pollutants. The addition from any source of any pollutant or combination of pollutants into a storm drainage system or into the Waters of the United States or Commonwealth of Massachusetts from any source.

Erosion and Sediment Control Plan. A document containing narrative, drawings, and details developed by a Massachusetts Registered Professional Engineer (P.E.) or a Certified Professional in Erosion and Sediment Control (CPESC), which includes BMPs, or equivalent measures designed to control surface runoff, erosion and sedimentation during pre-construction and construction-related land disturbances. The plan is required as part of the application for a stormwater management permit.

Illicit connection. A surface or subsurface drain or conveyance, which allows an illicit discharge into a storm drainage system, including without limitation sewage, process wastewater, or wash water and any connections from indoor drains, sinks, or toilets, regardless of whether said connection was previously allowed, permitted, or approved before the effective date of this chapter.

Illicit discharge. Direct or indirect discharge to a storm drainage system that is not composed entirely of stormwater, except as exempted in section 17-9. The term does not include a discharge in compliance with a NPDES Stormwater Discharge Permit or a Surface Water Discharge Permit, or resulting from fire fighting activities exempted pursuant to section 17-9.

Land disturbance. Any action that causes a change in the position, location, or arrangement of the land such as, soil, sand, rock, gravel, or similar earth material.

Massachusetts DEP Stormwater Management Standards. The performance standards as further defined by the Massachusetts Stormwater Handbook, issued by the department of environmental protection, and as amended, that coordinates the requirements prescribed by state regulations promulgated under the authority of the Massachusetts Wetlands Protection Act M.G.L. c. 131 § 40 and Massachusetts Clean Waters Act M.G.L. c. 21, § 23-56 to prevent or reduce pollutants from reaching water bodies and control the quantity of runoff from a site.

MS4 Permit – United States Environmental Protection Agency (EPA) National Pollutant Discharge Elimination System (NPDES) general permits for stormwater discharges from small municipal separate storm sewer systems (MS4) in Massachusetts.

Municipal separate storm sewer system (MS4) or municipal storm drainage system. A storm drainage system owned or operated by the city.

Nonstormwater discharge. Discharge to a storm drainage system not composed entirely of stormwater.

Operation and maintenance plan. A plan setting up the functional, financial, and organizational mechanisms for the ongoing operation and maintenance of a stormwater management system to ensure that it continues to function as designed.

Pollutant. Any element or property of sewage, agricultural, industrial or commercial waste, runoff, leachate, heated effluent, or other matter whether originating at a point or nonpoint source, that is or may be introduced into a stormwater drainage system or waters of the Commonwealth of Massachusetts. Pollutants shall include without limitation:

- (g) Dissolved and or toxic particulate metals;
- (i) Rock, sand, salt, soils, sediment;

Redevelopment. Development, rehabilitation, expansion, demolition, construction, land alteration or phased projects that disturb the ground surface, including impervious surfaces, on previously developed sites. The creation of new areas of impervious surface or new areas of land disturbing activity on a site constitutes development, not redevelopment, even where such activities are part of a common plan which also involves redevelopment. Redevelopment includes maintenance and improvement of existing roadways including widening less than a single lane, adding shoulders, correcting substandard intersections, improving existing drainage systems and repaving; and remedial projects specifically designed to provide improved stormwater management such as projects to separate storm drains and sanitary sewers and stormwater retrofit projects. For purposes of this chapter redevelopment shall apply to both upland and land under the jurisdiction of the Wetlands Protection Act.

Storm Drainage System – A stormwater system comprised of all features and components, in its entirety to the final discharge into Waters of the Commonwealth, including, but not limited to, the collection systems (eg. catch basins, gutter inlets), treatment and attenuation systems (eg water quality unit, detention/retention pond, infiltration unit), conveyance systems (eg swales, pipes, culverts, roadway gutters, pumping stations) to the final discharge into Waters of the Commonwealth of Massachusetts.

Stormwater Management Plan. A plan required as part of the application for a stormwater management permit.

Surface water discharge permit. A permit issued by the department of environmental protection (DEP) pursuant to 314 CMR 3.00 that authorizes the discharge of pollutants to Waters of the Commonwealth of Massachusetts.

Toxic or hazardous material or waste. Any material, which because of its quantity, concentration, chemical, corrosive, flammable, reactive, toxic, infectious or radioactive characteristics, either separately or in combination with any substance or substances, constitutes a present or potential threat to human health, safety, welfare, or to the environment. Toxic or hazardous materials include any synthetic organic chemical, petroleum product, heavy metal, radioactive or infectious waste, acid and alkali, and any substance defined as Toxic or Hazardous under M.G.L. c. 21C and c. 21E, and the regulations at 310 CMR 30.000 and 310 CMR 40.0000.

Waters of the Commonwealth of Massachusetts. All waters within the jurisdiction of the Commonwealth of Massachusetts, including, without limitation, rivers, streams, lakes, ponds, springs, impoundments, estuaries, wetlands, coastal waters, and groundwater.

Wetlands. Coastal and freshwater wetlands, including wet meadows, marshes, swamps, and bogs, as defined and determined pursuant to M.G.L. c. 131, § 40 and 310 CMR 10.00 et seq.

Sec. 17-3. - Purposes, objectives and intent.

Increased and contaminated stormwater runoff is a major cause of impairment of water quality and flow in lakes, ponds, streams, rivers, wetlands and groundwater; contamination of drinking water supplies; alteration or destruction of aquatic and wildlife habitat; and flooding. Regulation of illicit connections and discharges to a storm drainage system is necessary for the protection of the city's water bodies and groundwater, and to safeguard the public health, safety, welfare and the environment.

The purposes, objectives and intent of this chapter are as follows:

- (a) *Detection and elimination of illicit discharges, connections and/or obstructions.*
 - (1) To minimize adverse impacts resulting from stormwater runoff;
 - (2) To prevent pollutants from entering storm drainage systems and Waters of the Commonwealth of Massachusetts;
 - (3) To prohibit illicit discharges, connections and obstructions to storm drainage systems;
 - (4) To require the removal of all such illicit discharges, connections and/or obstructions;
 - (5) To comply with state and federal statutes and regulations relating to stormwater discharges; and
 - (6) To establish the legal authority to ensure compliance with the provisions of this chapter through inspection, monitoring, and enforcement.
- (b) *Control of construction and post-construction run-off.*
 - (4) To require that nonstructural stormwater management practices (i.e., low-impact development (LID) and numerous related BMPs) are incorporated into the design;
 - (6) To prevent pollutants from entering a storm drainage system and Waters of the Commonwealth.

Sec. 17-4. - Applicability.

- (1) *Storm drainage systems and Waters of the Commonwealth of Massachusetts.* This chapter shall apply to all stormwater entering a storm drainage system or entering, directly or indirectly, into the Waters of the Commonwealth of Massachusetts, except as explicitly exempted in this chapter or where the department of public services has issued a waiver in accordance with Sec. 17-14. .
- (2) *Construction and post-construction activities.* This chapter applies to any construction and/or land-disturbance activity, including clearing, grading, and excavation that will disturb equal to or greater than ten thousand (10,000) square feet of land or will disturb less than ten thousand (10,000) square feet of land but is part of a larger common plan of development or sale that will ultimately disturb equal to or greater than ten thousand (10,000) square feet of land in the City of Newburyport.

After the initial common plan construction activity is completed for a particular parcel, any subsequent development or redevelopment of that parcel would be regarded as a new plan of development. For example, after a house is built and occupied, any future construction on that lot (e.g., reconstructing after fire, adding a pool or parking area, etc.), would stand alone as a new common plan for purposes of calculating area disturbed to determine if a stormwater management permit is required. Construction activity does not include routine maintenance that is performed to maintain the original line and grade, hydraulic capacity, or the original purpose of the site.

Sec. 17-6. - Regulations.

The department of public services may adopt and periodically amend rules and regulations, not inconsistent herewith, to effectuate the purposes of this chapter. Said regulations may include but shall not be limited to provisions regarding: Administration; application requirements and fees; permitting procedures and requirements; design standards; surety requirements; inspection and site supervision requirements; waivers and exemptions; and enforcement procedures. These regulations shall be adopted within ninety (90) days of the effective date of this chapter in consultation with the stormwater advisory committee appointed by the mayor which must include a representative from the department of public services, the office of planning and development and the health department. Failure by the department of public services to adopt such rules and regulations or a legal declaration of their invalidity by a court of law shall not have the effect of suspending or invalidating this chapter.

Sec. 17-7. - Enforcement.

The department of public services shall enforce this chapter and any regulations, orders, violation notices, enforcement orders and permit conditions on behalf of the city and may pursue all civil and criminal remedies for such violations pursuant thereto.

- (2) *Criminal Penalty.* Any person who violates any provision of this chapter and/or any regulations, orders, violation notices, enforcement orders and permit conditions issued hereunder, shall be punished by a fine of \$300. Each day or part thereof that such violation occurs or continues to occur by failure to comply with an order or notice from the Department of Public Services shall constitute a separate violation.
- (3) *Orders.*
 - a. The department of public services may issue a written order to enforce the provisions of this chapter and any regulations, orders, violation notices, enforcement orders and permit conditions hereunder, which may include requirements to:
 - (i) Cease and desist from construction or land disturbance until there is compliance with this chapter, and an approved Stormwater Management Permit, including the Stormwater Management Plan and the Erosion and Sediment Control Plan;
 - (v) Elimination of illicit discharges, connections and/or obstructions to a storm drainage system;

- (vi) Elimination of discharges to a storm drainage system or, directly or indirectly, into a watercourse or into the waters of the commonwealth;

(3)

- (4) *Non-criminal disposition.* As an alternative to criminal prosecution or civil action, the city may elect to utilize the noncriminal disposition procedure set forth in M.G.L. c. 40, § 21D and adopted by the city as a general ordinance in which case the department of public services of the city shall be the enforcing person. The penalty for the 1st violation (failure to comply with an order or notice from the department of public services) shall be one hundred dollars (\$100.00). The penalty for the 2nd violation shall be two hundred dollars (\$200.00). The penalty for the 3rd and subsequent offenses shall be three hundred dollars (\$300.00). Each day or part thereof that such violation occurs or continues to occur shall constitute a separate offense.
- (6) *Appeals.* Decisions or orders of the director of public services and department of public services shall be final. Further relief of a decision made under this chapter shall be reviewable in Superior Court in an action filed in accordance with M.G.L. c. 249, § 4.
- (7) *Remedies not exclusive.* The remedies listed in this section are not exclusive of any other remedies available under any applicable federal, state or local law.

ARTICLE II. - NON-STORMWATER DISCHARGES, CONNECTIONS AND OBSTRUCTIONS

Sec. 17-8. - Prohibited activities.

- (a) *Illicit discharges.* No person shall dump, discharge, spill, cause or allow to be discharged any pollutant or non-stormwater discharge into a storm drainage system, onto an impervious surface directly connected to a storm drainage system, or, directly or indirectly, into the waters of the Commonwealth of Massachusetts.
- (b) *Illicit connections.* No person shall construct, use, allow, maintain or continue any illicit connection to a storm drainage system, regardless of whether the connection was permissible under applicable law, regulation or custom at the time of connection.
- (c) *Obstruction of municipal storm drainage system.* No person shall obstruct or interfere with the normal flow of stormwater into or out of the municipal storm drainage system without prior written approval from the department of public services.

Sec. 17-9. - Exemptions.

The following exemptions are applicable to section 17-8:

- (a) Discharge or flow resulting from fire fighting activities.
- (b) The following non-stormwater discharges or flows are exempt from the prohibition of non-stormwaters provided that the source is not a significant contributor of a pollutant to a storm drainage system or, directly or indirectly, the Waters of the Commonwealth of Massachusetts:

Sec. 17-11. - Notification of spills.

Notwithstanding other requirements of local, state or federal law, as soon as a person responsible for a facility or operation, or responsible for emergency response for a facility or operation has information of or suspects a release of materials at that facility or operation resulting in or which may result in discharge of pollutants to a storm drainage system or Waters of the Commonwealth of Massachusetts, the person shall take all necessary steps to ensure containment, and cleanup of the release. In the event of a release of oil or hazardous materials, the person shall immediately notify the fire and police departments, health department, and the department of public services. In the event of a release of nonhazardous material, the reporting person shall notify the department of public services no later than the next business day. The reporting person shall provide to the department of public services written confirmation of all telephone, facsimile or in-person notifications within three business days thereafter. If the discharge

of prohibited materials is from a commercial or industrial facility, the facility owner or operator of the facility shall retain on-site a written record of the discharge and the actions taken to prevent its recurrence. Such records shall be retained for at least three (3) years.

ARTICLE III. - CONSTRUCTION AND POST CONSTRUCTION STORMWATER MANAGEMENT OF NEW DEVELOPMENTS AND REDEVELOPMENTS

Sec. 17-12. - Permit required.

No person may undertake any construction and/or land-disturbance activity as stated in subsection 17-4(2), "applicability", without first obtaining a stormwater management permit from the department of public services pursuant to this Article and regulations promulgated hereunder.

Sec. 17-13. - Exemptions.

The following exemptions are applicable to section 17-12:

- (3) Maintenance of existing landscaping, gardens or lawn areas associated with a single-family dwelling that will not alter existing terrain or drainage patterns;

Sec. 17-14. - Waivers.

The following exemptions are applicable to section 17-12:

- (a) The director of public services may waive strict compliance with any requirement of section 17-12, or the rules and regulations promulgated hereunder, where:
 - (1) allowed by federal, state and local statutes and/or regulations;
 - (2) such action is in the public interest; and
 - (3) is not inconsistent with the purpose and intent of this chapter.

Councillor Afroz K. Khan

In City Council November 8, 2021:

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

RECEIVED
CITY CLERK'S OFFICE
NEWBURYPORT, MA

2021 NOV 10 AM 10:40

nationalgrid

November 10, 2021

The City Council of Newburyport, Massachusetts

To Whom It May Concern:

Enclosed please find a petition of NATIONAL GRID covering the installation of underground facilities.

If you have any questions regarding this permit, please contact:

John Butler 978-725-1415

If this petition meets with your approval, please return an executed copy to:

National Grid: Lisa Ayres; 1101 Turnpike Street; North Andover, MA 01845; # 978-725-1418

Very truly yours,

Dave Johnson/lla

Dave Johnson
Supervisor, Distribution Design

Enclosures

Questions contact – John Butler 978-725-1415

Petition of the Massachusetts Electric Company d/b/a NATIONAL GRID
Of NORTH ANDOVER, MASSACHUSETTS
For Electric Conduit Location:

To the City Council of Newburyport

Respectfully represents the Massachusetts Electric Company d/b/a NATIONAL GRID of North Andover, Massachusetts, that it desires to construct a line of underground electric conduits, including the necessary sustaining and protecting fixtures, under and across the public way or ways hereinafter named.

Wherefore it prays that after due notice and hearing as provided by law, it be granted permission to excavate the public highways and to run and maintain underground electric conduits, together with such sustaining and protecting fixtures as it may find necessary for the transmission of electricity, said underground conduits to be located substantially in accordance with the plan filed herewith marked – Shandel Dr. - Newburyport, Massachusetts.

The following are the streets and highways referred to:

30481570 Shandel Dr. - National Grid to install 120 feet of 3-inch conduit from existing transformer to private property handhole to serve 23 Shandel Dr. Ext.

Location approximately as shown on plan attached.

Massachusetts Electric Company d/b/a
NATIONAL GRID *Dave Johnson/lla*
BY _____
Engineering Department

Dated: November 10, 2021

ORDERED:

Notice having been given and public hearing held, as provided by law, that the Massachusetts Electric Company d/b/a NATIONAL GRID be and it is hereby granted permission to excavate the public highways and to run and maintain underground electric conduits, together with such sustaining and protecting fixtures as said company may deem necessary, in the public way or ways hereinafter referred to, and to make the necessary house connections along said extensions, as requested in petition with said company dated the 10th day of November 2021.

Said underground electric conduits shall be located substantially in accordance with the plan filed herewith marked – Shandel Dr. - Newburyport, Massachusetts.

The following are the public ways or part of ways along which the underground electric conduits above referred to may be laid:

30481570 Shandel Dr. - National Grid to install 120 feet of 3-inch conduit from existing transformer to private property handhole to serve 23 Shandel Dr. Ext.

I hereby certify that the foregoing order was adopted at a meeting of the
....., held on the day of, 20

....., 20

Received and entered in the records of location orders of the City/Town of
Book Page

Attest:
.....

..... hereby certify that on20....., at o'clock, ...M
at, a public hearing was held on the petition of
Massachusetts Electric Company d/b/a NATIONAL GRID for permission to construct the
underground electric conduits described in the order herewith recorded, and that I mailed at least
seven days before said hearing a written notice of the time and place of said hearing to each of the
owners of real estate (as determined by the last preceding assessment for taxation) along the ways
or parts of ways upon which the Company is permitted to construct the underground electric
conduits under said order. And that thereupon said order was duly adopted.

.....
.....
.....

ORDERED:

Notice having been given and public hearing held, as provided by law, that the Massachusetts Electric Company d/b/a NATIONAL GRID be and it is hereby granted permission to excavate the public highways and to run and maintain underground electric conduits, together with such sustaining and protecting fixtures as said company may deem necessary, in the public way or ways hereinafter referred to, and to make the necessary house connections along said extensions, as requested in petition with said company dated the 10th day of November 2021.

Said underground electric conduits shall be located substantially in accordance with the plan filed herewith marked – Shandel Dr. - Newburyport, Massachusetts.

The following are the public ways or part of ways along which the underground electric conduits above referred to may be laid:

30481570 Shandel Dr. - National Grid to install 120 feet of 3-inch conduit from existing transformer to private property handhole to serve 23 Shandel Dr. Ext.

I hereby certify that the foregoing order was adopted at a meeting of the
.....
....., held on the day of, 20

....., 20

Received and entered in the records of location orders of the City/Town of
Book Page

Attest:
.....

..... hereby certify that on20....., at o'clock, ...M
at, a public hearing was held on the petition of
Massachusetts Electric Company d/b/a NATIONAL GRID for permission to construct the
underground electric conduits described in the order herewith recorded, and that I mailed at least
seven days before said hearing a written notice of the time and place of said hearing to each of the
owners of real estate (as determined by the last preceding assessment for taxation) along the ways
or parts of ways upon which the Company is permitted to construct the underground electric
conduits under said order. And that thereupon said order was duly adopted.

.....
.....
.....



CITY OF NEWBURYPORT

MASSACHUSETTS

CITY CLERK'S OFFICE

NEWBURYPORT CITY HALL

60 PLEASANT STREET • P.O. BOX 550

NEWBURYPORT, MA 01950

TEL: 978-465-4407 • FAX: 978-462-7936

RICHARD B. JONES

CITY CLERK

November 22, 2021

Dear Property Owner:

Please note there will be **Delayed start at 8:10 pm and not 7:15 pm.**

Notice is hereby given that a Public Hearing will be held on the petition of National Grid to construct a line of underground electric conduits, including the necessary sustaining and protection fixtures, for the following:

Shandel Drive-Newburyport, MA – National Grid to install 120 feet of 3- inch conduit from existing transformer to private property hand hole to serve Shandel Dr. Ext.

Said meeting will be held on Monday, November 29, 2021 at 7:15 PM in the City Council Chamber, City Hall, 60 Pleasant St., Newburyport, MA. At that time, all interested parties will have an opportunity to be heard.

Location approximately as shown on plan attached.

Sincerely,

Tricia E. Barker
Assistant City Clerk



City of Newburyport

OFFICE OF THE ASSESSOR

City Hall
60 Pleasant Street
Newburyport, MA 01950
978-465-4413 / Fax 978-462-8495
assessor@cityofnewburyport.com

Date: November 10, 2021

To: Richard Jones, City Clerk

From: Newburyport Board of Assessors

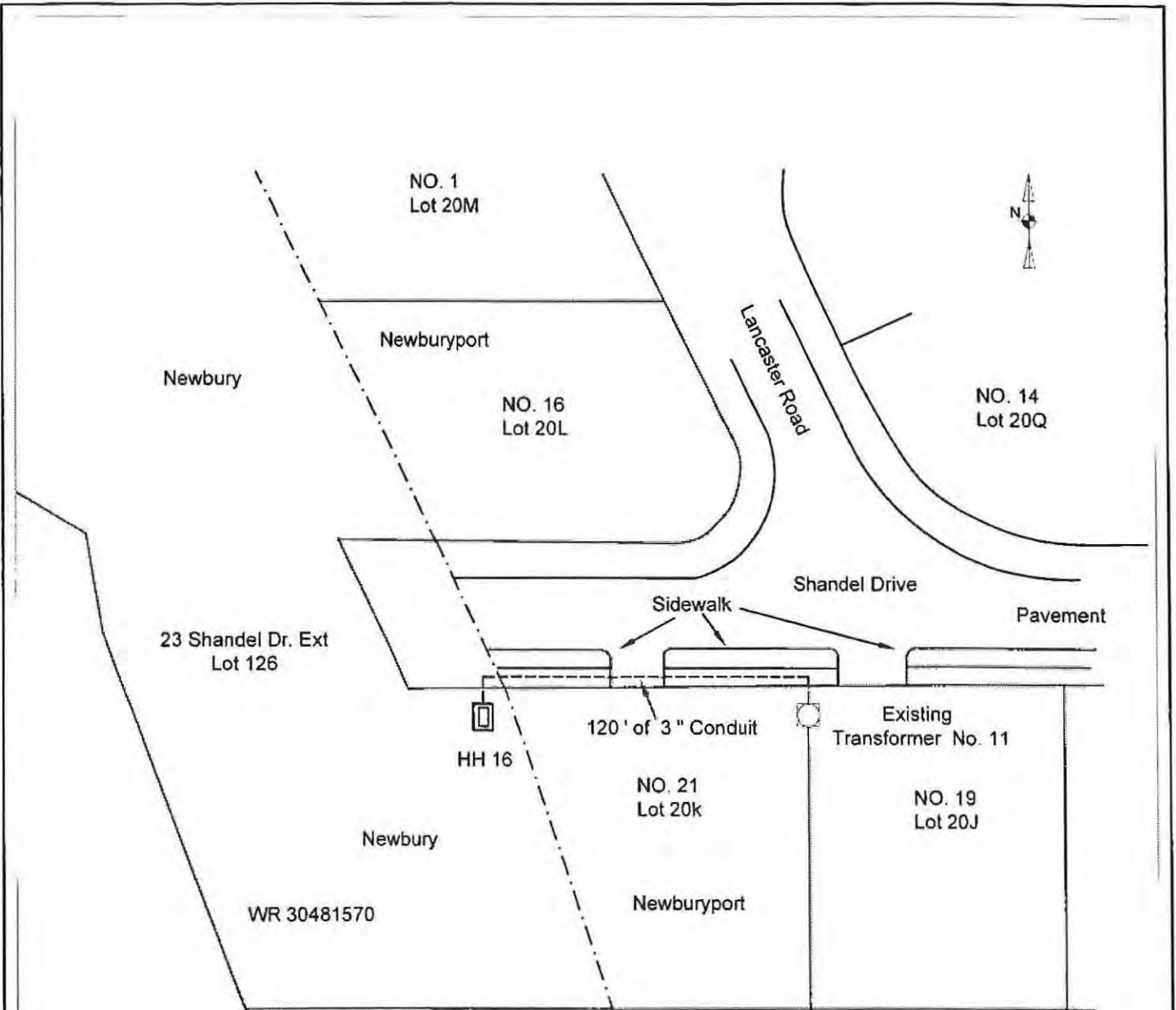
RE: Shandel Drive - Install 120 feet of 3-inch conduit from existing transformer to private property handhole to serve 23 Shandel Dr. Ext. **NOTE:** Shandel Dr. Ext. is located in Newbury.

The following are the abutters of the above described location:

Board of Assessors




Gill Brennan

BY CERTIFYING THAT THE PERSONS LISTED IN THE FOREGOING LIST OF ABUTTERS ARE THE OWNERS OF RECORD OF THE FOREGOING PROPERTIES AS OF JANUARY 1ST, 2021. THE CITY ASSESSOR IS NOT CERTIFYING THAT THE PERSONS SO LISTED ARE THE PERSONS WHO ARE REQUIRED TO RECEIVE NOTIFICATION UNDER APPLICABLE LAW.



UNDERGROUND PETITION

nationalgrid

-  Existing 75 KVA Transformer
-  Private property Hand Hole
-  Proposed 3" conduit

Job description

Installation of 120 feet of 3 inch conduit from existing transformer to private property hand hole to serve 23 Shandel Dr. Ext

Date: Date November 9, 2021

WORK REQUEST: WR 30481570

To The City Of Newburyport

For Proposed: 3" conduit Location: Shandel Drive

Drawn By: J. Butler

DISTANCES ARE APPROXIMATE

31/ 20/Q / /

GUAY MARK J
JENNIFER L T/E
14 SHANDEL DRIVE
NEWBURYPORT, MA 01950

31/ 20J/ / /

RICHARDSON BARRY
CLAIRE T/E
19 SHANDEL DR
NEWBURYPORT, MA 01950

31/ 20K/ / /

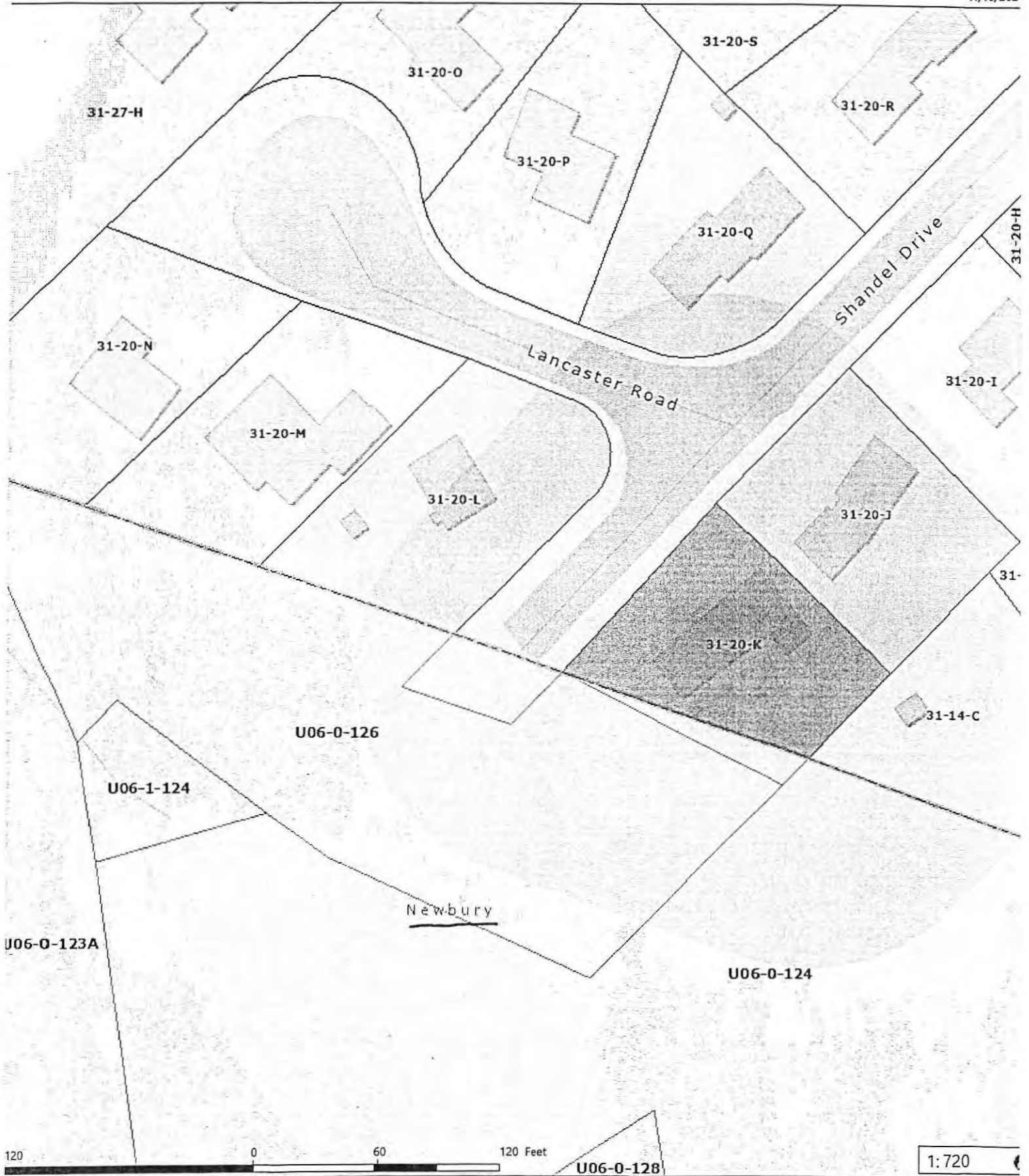
LINES DEREK
ANNE R T/E
21 SHANDEL DR
NEWBURYPORT, MA 01950

31/ 20L/ / /

DURGIN DAVID P
PATRICIA A. T/E
16 SHANDEL DRIVE
NEWBURYPORT, MA 01950

City of Newburyport

11/10/202



Data Sources: Produced by Merrimack Valley Planning Commission (MVPC) using data provided by the City of Newburyport & MassIT/MassGIS. MVPC AND THE CITY OF NEWBURYPORT MAKES NO WARRANTIES, EXPRESSED OR IMPLIED, CONCERNING THE ACCURACY, COMPLETENESS, RELIABILITY, OR SUITABILITY OF THESE DATA. THE CITY OF NEWBURYPORT AND MVPC DOES NOT ASSUME ANY LIABILITY ASSOCIATED WITH THE USE OR MISUSE OF THIS INFORMATION.



Legend		

December 13, 2021

Planning & Development

In Committee:

- ODNC046_01_27_2020 Zoning Amendment Short Term Rental Unit (STRU)
- ORDR305_11_08_2021 Late File - Evergreen-Parcel-A
- ORDR306_11_08_2021 Late File - Evergreen-Parcel-C
- ORDR307_11_08_2021 Late File - Evergreen Trail Easement
- ORDR308_11_08_2021 Late File - Evergreen Utilities Access Easement

CITY OF NEWBURYPORT



IN CITY COUNCIL

ORDERED:

Amendment of the Whole 8-30-2021

Amended from Joint Planning Board & Planning and Development Committee on October 20, 2021 and P&D committee on November 3, 2021

P&D committee on November 17, 2021

Reconciliation with general law ordinance December 2, 2021

ORDERED:

A ZONING AMENDMENT TO ALLOW SHORT-TERM RENTAL UNITS IN SPECIFIED DISTRICTS

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

THAT the Zoning Ordinance of the City of Newburyport, Massachusetts (the “Zoning Ordinance”) be amended to insert a new row within Section V-D (Table of use regulations), as follows, with deletions ~~double stricken through~~, and additions double-underlined:

USE	NUM	CON	HSR-A	R-1	R-2	R-3	B-1	B-2	B-3	I-1	I-1B	I-2	M	W	D	W	M	U
			HSR-B															
<u>Short Term Rental Unit</u>	<u>111</u>	<u>NP</u>	<u>SP*</u>	<u>SP*</u>	<u>SP*</u>	<u>SP*</u>	<u>SP*</u>	<u>SP*</u>	<u>SP*</u>	<u>NP</u>	<u>NP</u>	<u>NP</u>	<u>NP</u>	<u>NP</u>	<u>NP</u>	<u>NP</u>	<u>NP</u>	<u>NP</u>

* All STRU special permits shall lapse automatically after a period of three (3) years, shall be personal to the applicant, shall not be transferable, and shall not run with the land. In this context, “personal to the applicant” means that the special permit shall lapse sooner than the

normal three-year duration if the applicant ceases to have a substantial ownership and use interest, direct or beneficial, in the STRU.

THAT the Zoning Ordinance further be amended to insert a new Section V-G, as follows, with deletions ~~double-stricken-through~~, and additions double-underlined:

V-G – ~~RESERVED~~ SHORT-TERM RENTAL UNITS.

1. Purposes. The purposes of this Section V-G include:

- a. To define short-term rental use and regulate the use of short-terms rentals in the City;
- b. To incorporate responsibly the growth of the so-called home-share industry into Newburyport’s existing neighborhoods by striking a fair balance between the preservation of permanent housing, including affordable and moderately priced housing (with or without deed restrictions), and the flexibility required for residents to benefit from this new industry; and
- c. To ensure that potential negative impacts from the use of residential properties as STRUs, including, but not limited to, impacts upon public health and fire safety, and due to increased trash, noise, traffic, and parking, are mitigated to avoid adverse impacts on overall neighborhood character or property values.

2. Definitions. Except as otherwise specified herein, all terms used in this Section V-G shall be as defined in 830 CMR 64G.00 (Room Occupancy Excise).

Booking Agent: Any natural person who, or entity that, facilitates reservations or collects payments for an STRU on behalf of or for an Operator.

Emergency Contact: A natural person who, in addition to the Operator, will be responsible to receive and act on complaints, problems or emergencies at an STRU.

Enforcement Agent: The person duly appointed by the City of Newburyport to investigate complaints and issue violation notices pursuant to the provisions of this Section V-G.

Home-Share Rental Unit: An STRU that is the Operator’s Primary Residence and is rented as an STRU while the Operator is not personally and physically present overnight. The allowable occupancy of a Home-Share Rental Unit for use as an STRU shall be limited to a maximum of four (4) bedrooms and a maximum of eight (8) people.

Licensing Board: The Licensing Board of the City of Newburyport.

Limited-Share Rental Unit: An STRU that is the Operator's Primary Residence, and is rented as an STRU while the Operator is personally and physically present overnight. Occupancy of a Limited-Share Rental Unit shall be limited to a maximum of three (3) bedrooms for guests and a maximum of six (6) guests, and at least one (1) additional bedroom shall be exclusively used and occupied by the Operator while the STRU is in use by any guests.

Operator: A natural person who is an owner of record of the Residential Unit, or is legally authorized to act in relation to the STRU as the owner of record. Such owner may be, without limitation, an individual owner, alone or together with others, a trustee of a trust, a manager of an LLC, or an officer of a corporation. A natural person legally authorized to act for the record owner shall be duly designated by the licensing authority as the responsible party for an STRU. Only one natural person may be an Operator.

Operator's Agent: Any natural person who or entity that manages an STRU on behalf of an Operator, including a property manager, property management company, or real estate agency. Using an agent does not relieve the Operator of any of their duties to comply with every provision of this Section V-G.

Owner-Adjacent Rental Unit: An STRU that is not the Operator's Primary Residence but is located on the same Lot as the Primary Residence of, and is owned by said Operator, and is rented as an STRU while the Operator is personally and physically present overnight. The use of an Owner-Adjacent Rental Unit as an STRU shall be allowed in two-family or three-family dwellings solely where all dwelling units making up such use are owned by the same, owner-occupant who also serves as the Operator of the Owner-Adjacent Rental Unit. For owner-occupied multifamily residential dwellings with three (3) or more dwelling units, in addition to the Residential Unit in which the Operator resides and uses as a Home Share and/or Limited-Share Rental Unit, the Operator shall offer only one Owner Adjacent Rental Unit as an STRU.

Primary Residence: The Residential Unit in which the Operator resides for no fewer than 183 days of every year and at which such residence the Operator holds a valid Massachusetts Driver's License or state-issued identification card, registers automobiles and is registered to vote.

Registration Number: A unique identification number generated by the Licensing Board for each registered STRU.

Residential Unit: A Residential Unit is a lawful dwelling unit that makes up all or part of the three (3) following principal residential uses as identified in this Zoning Ordinance:

One-family (Use 101), Two-family (Use 102), or Multifamily (Use 103). For purposes of this Section V-G, the term “Residential Unit” shall not include any other use under this Zoning Ordinance, including, without limitation, Hotel, Lodging House, or Bed and Breakfast use.

Short-Term Rental Registry: The database of STRUs located within Newburyport and maintained by the Licensing Board in coordination with registration or other regulation of such use by the Commonwealth of Massachusetts. The location of STRUs within the City shall be made public, as may additional information in the Short-Term Rental Registry as required by law, or otherwise at the reasonable discretion of the Licensing Board.

Short Term Rental Unit (“STRU”): A Residential Unit used for residential occupancy for a period of fewer than thirty-two (32) consecutive days by a person or persons who do(es) not reside in the Residential Unit as their primary residence, in exchange for payment or other consideration. An STRU may or may not be offered or leased through a Booking Agent, and falls within one of three (3) exclusive categories: Home-Share Rental Unit, Limited-Share Rental Unit, or Owner-Adjacent Rental Unit. For purposes of this Zoning Ordinance, STRU use is an accessory use distinct from all other uses, including, without limitation, Hotel, Lodging House, and Bed and Breakfast use, and no portion of an STRU may also be classified as Hotel, Lodging House, or Bed and Breakfast use.

3. Specific districts where permitted. STRU use meeting the definition of either Home-Share Rental Unit, Limited-Share Rental Unit, or Owner-Adjacent Rental Unit may be permitted by special permit from the Zoning Board of Appeal solely within the HSR-A, HSR-B, R-1, R-2, R-3, B-1, B-2, and B-3 zoning districts, in accordance with this Section V-G. All STRU special permits shall lapse automatically after a period of three (3) years, shall be personal to the applicant, shall not be transferable, and shall not run with the land. In this context, “personal to the applicant” means that the special permit shall lapse sooner than the normal three-year duration if the applicant ceases to have a substantial ownership and use interest, direct or beneficial, in the STRU.

4. Requirements and restrictions. Each STRU shall comply with the following requirements:

- a. **Application for Special Permit.** Each application for an STRU special permit shall include all of the following information, as applicable:
 - i. Name, address, primary phone number and secondary phone number of both the Operator and the Emergency Contact, if different;
 - ii. Evidence that the Operator is the record owner of the STRU, or is legally authorized to act in relation to the STRU as the record owner;
 - iii. Address of the STRU;

- iv. The zoning district(s) of the STRU;
- v. STRU category: Limited-Share Rental Unit; Home-Share Rental Unit; or Owner-Adjacent Unit;
- vi. Massachusetts Department of Revenue identification number, if already obtained;
- vii. Survey and/or plot plan that indicates:
 - 1. Existing structure(s) at the property;
 - 2. Location of any proposed STRU; and
 - 3. Off-street (on or off-site) parking area(s) to accommodate all uses of the property, including the proposed STRU;

- viii. Interior layout plan(s), showing:
 - 1. The bedroom(s) proposed for use by STRU guests, the Operator, and any other person occupying the proposed STRU; and
 - 2. Life safety measures for the STRU, including, but not limited to, access/egress points, location of bathrooms for use by guests, location of all smoke and carbon monoxide detectors, location of all fire extinguishers, evacuation route(s), designated location(s) within the unit for the posting of the evacuation route(s), and any other information deemed necessary by the Building Commissioner and/or Fire Prevention Officer to establish compliance with applicable building, sanitary, and/or fire safety codes; and

- ix. Evidence of a valid liability insurance policy.

b. **Special permit criteria.** Following the review procedures listed in section X-H, the Zoning Board of Appeal may approve an STRU special permit if it determines that the project meets the following criteria specific to STRUs, and also the special permit criteria of Section X-H.7:

- i. The Operator has certified under penalty of perjury at the time of the Zoning Board of Appeal's vote regarding such special permit that all of the following are true:
 - 1. Except within the Plum Island Overlay District (PIOD), in the case of a Home Share Rental Unit or Limited Share Rental Unit, the Residential Unit is the Operator's Primary Residence, and in the case of the Owner Adjacent Rental Unit, the STRU is located on the same Lot as the Operator's Primary Residence;

- A. The Operator has established Primary Residence by submitting to the Zoning Board of Appeal a certification signed under penalty of perjury that the Operator either (I) has resided in the Residential Unit for no fewer than 183 days of the previous year, or (II) intends to reside in the Residential Unit for no fewer than 183 days of the year-long period of registration;
 - B. Such certification has been accompanied by at least two (2) of the following documents: evidence of valid voter registration, evidence of valid motor vehicle registration, a valid driver's license, or a valid state-issued identification card;
2. The Operator is the record owner of the Residential Unit offered as an STRU, or is legally authorized to act in relation to the STRU as the record owner; and
 3. Offering the Residential Unit as an STRU complies with all applicable deed restrictions, mortgage covenants, condominium bylaws, or other governing legal documents;
- ii. The Operator has provided their name and contact information (including a telephone number), and, in the event the Operator is unable to respond in person to any problems or emergencies that may arise regarding the STRU when it is being occupied by guests, the name and contact information (including a telephone number) of the Emergency Contact.
 - iii. No STRU subject to the application is subject to any outstanding building, sanitary, zoning, or fire code notices of violation, orders of abatement, stop work orders, or other any requirements, laws or regulations that concerns the STRU or may in any manner impede or prohibit the Operator from offering the Residential Unit as a Short-Term Rental in compliance with this Section V-G, Article XI of Chapter 9 of the Newburyport Code, and all permits and approvals issued thereunder;
 - iv. The Operator will make those specific physical improvements within the structure, or otherwise on the premises, as identified in the drawings submitted with the special permit application, and as required by the Building Commissioner, Fire Prevention Officer, and/or Zoning Administrator to achieve compliance with applicable law
 - v. In the B-2 and B-3 zoning districts, no STRU subject to the application will be located solely above the first floor of the structure.
 - vi. There will be no external, physical evidence of the STRU to differentiate it in appearance from the single-family, two-family, or multi-family residential premises in which it is located , nor from other residential properties similarly situated.

- vii. The STRU will not create excessive noise, fumes, odor, dust, vibration, heat, glare, or electrical interference.
- viii. Except within the Plum Island Overlay District (PIOD), in which no additional off-street parking is required to operate accessory STRU use, each STRU shall require no fewer than one (1) parking space per guest bedroom, in addition to that required for the Residential Use to which the STRU is an accessory use. Such required parking for STRU use shall be located off-street and on-site, except that off-site, off-street parking may be allowed in the Downtown Overlay District as provided under Section VI-A of this Zoning Code.
- ix. The Operator has demonstrated their ability to comply with all requirements of this Section V-G.
 - c. **Response within one hour.** The Operator or Emergency Contact shall be available 24-hours per day to respond to guests, neighbors, and City officials, and it shall be a violation of this Section V-G if the Operator or Emergency Contact does not respond within one (1) hour of having been contacted by a City official, including, without limitation, the Police Department.
 - d. **No visible advertising.** All forms of display and/or advertising of the STRU use open to view from outside the lot shall be prohibited
 - e. **Operator mandatory.** Only an Operator may offer an STRU for rent.
 - f. **No more than one STRU at once.** Except in the PIOD, and as is otherwise provided for Owner-Adjacent Rental Units, no Operator may offer more than one STRU at a time.
 - g. **No parking variances.** Notwithstanding anything in this Zoning Ordinance to the contrary, variances regarding parking for STRU use are forbidden.
 - h. **Compliance with all applicable laws.** The Operator shall comply with all applicable federal, state and local laws and regulations, including, but not limited to: the Fair Housing Act, M.G.L .c. 151B and local equivalents and regulations related thereto; fire codes; health codes; the Commonwealth’s lodging house licensing statutes; Article XI of Chapter 9 of the Newburyport Code; and all other regulations applicable to residential dwellings and the provision of lodging.
 - i. **No discrimination.** The Operator shall not discriminate between or against guests on the basis of race, color, religious creed, national origin, immigration status, sex, age, ancestry, sexual orientation, gender identity and expression, marital, family or military status, or source of income or disability with respect to housing, employment, education, public accommodations, City services, insurance, banking, credit, and healthcare;
 - j. **Registration number.** The Operator shall include the registration number issued by the Licensing Board on any listings offering the Residential Unit as an STRU, including by Booking Agents when their policies so permit, and shall, in all cases, post a sign inside such

Residential Unit providing information on the location of all fire extinguishers, fire exits, and pull fire alarms in such Residential Unit

k. Occupancy and use limitations.

i. Limited-Share Rental Units:

1. A Limited-Share Rental Unit shall be the Operator's Primary Residence.
2. There is no limitation on the number of days per year that an Operator may make a Limited-Share Rental Unit available for occupancy.
3. Occupancy of a Limited-Share Rental Unit shall be limited to a maximum of three (3) bedrooms for guests and a maximum of six (6) guests, and at least one (1) additional bedroom shall be exclusively used and occupied by the Operator during the pendency of the use by STRU guests.

ii. Home-Share Rental Units:

1. A Home-Share Rental Unit shall be the Operator's Primary Residence.
2. Except within the PIOD, the total number of days the Home-Share Rental Unit is occupied when the Operator is not physically present overnight shall not exceed a total of ninety (90) days per each calendar year.
3. Occupancy of a Home-Share Rental Unit shall be limited to a maximum of four (4) bedrooms and a maximum of eight (8) people.

iii. Owner-Adjacent Rental Units:

1. The STRU shall be located on the same lot as the Operator's Primary Residence.
2. There is no limitation on the number of days per calendar year that an Operator may make an Owner-Adjacent Rental Unit available for occupancy.
3. The use of an Owner-Adjacent Rental Unit as an STRU shall be allowed in two-family or three-family dwellings solely where all dwelling units making up such use are owned by the same owner-occupant who also serves as the Operator of the Owner-Adjacent Rental Unit.
4. Except within the PIOD, for owner-occupied multifamily residential dwellings with three (3) or more dwelling units, in addition to the Residential Unit in which the Operator resides and uses as a Home Share

and/or Limited-Share Rental Unit, the Operator shall offer no more than one (1) Owner-Adjacent Rental Unit as an STRU.

5. Except within the PIOD, the Operator of an Owner-Adjacent Rental Unit shall be personally and physically present overnight at all times that such STRU is occupied.

5. Ineligible residential units. Notwithstanding anything in this Zoning Ordinance to the contrary, the following dwelling units shall be ineligible for STRU accessory use.

- a. A dwelling unit that makes up all or part of a residential use as defined under the Newburyport Zoning Ordinance other than One-family (Use 101), Two-family (Use 102), or Multifamily (Use 103);

- b. A dwelling unit that has been designated as below-market or income-restricted subject to affordability covenants, or that is otherwise subject to housing or rental assistance under local, state or federal law, including, without limitation, so-called Section 8 housing;

- c. A dwelling unit subject to any requirement of local, state or federal law that prohibits the leasing or sub-leasing of the unit or use of the unit as an STRU;

- d. A dwelling unit that itself, or whose owner or Operator, is the subject of three (3) or more findings by the Licensing Board or its designee of violations of Article XI of Chapter 9 of the Newburyport Code within any six- (6-) month period, or three (3) or more violations within any six- (6-) month period of any state or municipal law or regulation relating to excessive noise, improper disposal of trash, disorderly conduct, or other nuisances, private or public;

- e. “In-law apartments” as that term is defined in the Newburyport Zoning Ordinance, or successor or similar uses, such as so-called accessory dwelling units or secondary dwelling units; and

- f. Campers, trailers, recreational vehicles, mobile homes, tents, lean-tos, or any other similar space, or structure, whether temporary or permanent.

- g. A Residential Unit located within the Smart Growth District.

- h. Any portion of a Hotel, Lodging House, or Bed and Breakfast use.

6. Exemptions. The following uses of a Residential Unit shall be exempt from this Section V-G, to the extent specified:

- a. Up to 14 days per calendar year. A resident who rents out all or any portion of their Primary Residence for a total of no more than fourteen (14) days during a calendar

year is exempted from the special permit process set forth herein, but must still comply with any state law or regulation relative to Short Term Rentals and also obtain a modified certification letter as required under Section 9-306(f) of the Newburyport Code.

b. **Residential units contracted for hospital or convalescent stays.** The use of a dwelling unit or portion thereof (1) under a written contract between the owner of such dwelling unit and a health-care facility, government entity, non-profit organization registered as a charitable organization with the Secretary of the Commonwealth of Massachusetts or classified by the United States Internal Revenue Services as a public charity or private foundation, or (2) for the temporary housing in such unit of natural persons who are being treated for trauma, injury, or disease, or of their family members; and

c. **Residential units used for furnished institutional or business stays:** The use of a dwelling unit or portion thereof under a written contract between the owner of such dwelling unit and an institution or business, for the temporary housing of employees or other individuals affiliated with such institutions or business, provided, however, that the minimum duration of such stay shall be ten (10) days.

7. Exception for Plum Island. STRUs located within the Plum Island Overlay District (PIOD) shall be subject to this Section V-G, including having to obtain a special permit; provided, however, that:

a. Such STRUs may be used for any number of days (consecutive or non-consecutive);

b. Such STRUs need not provide off-street parking in addition to that required for the Residential Use to which the STRU is an accessory use;

c. An Operator of such STRUs within the PIOD need not meet any Primary Residence requirement under this Section V-G, and is not limited in the number of STRU's said Operator may make available within the PIOD at the same time;

d. The Operator of a Home Share Rental Unit and/or Limited Share Rental Unit within an owner-occupied multifamily residential dwelling with three (3) or more dwelling units, shall be not be limited in the number Owner-Adjacent Rental Units they may offer as an STRU; and

e. The Operator of an Owner-Adjacent Rental Unit need not be personally and physically present overnight at all times that such STRU is occupied.

THAT the Zoning Ordinance be further amended to insert a new row within Section VII-B (parking requirements), as follows, with deletions ~~double stricken through~~, and additions double-underlined:

1. RESIDENTIAL

USE	NUM	PARKING REQUIREMENT
<u>Short Term Rental Unit</u>	<u>111</u>	<u>1 per guest bedroom, in addition to that required for the Residential Use to which the STRU is an accessory use</u>

Councillor James J. McCauley

Councillor Charles F. Tontar

In City Council January 27, 2020:

Motion to refer to Planning & Development by Councillor McCauley, seconded by Councillor Shand. So voted.

In City Council September 27, 2021:

Motion to refer back to Planning & Development by Councillor Shand, seconded by Councillor Zeid. Roll call vote. 11 yes, Motion passes.

Note: The Clerk will need to re-notice the Chair of the Planning Board

In City Council October 25, 2021:

Councillor Shand noted the scrivener's error in omitting ODNC046 from Council Agenda. Motion to waive the rules to remove from committee, add COTW, and refer back to Planning & Development by Councillor Shand, seconded by Councillor Vogel. Roll call vote. 11 yes. Motion passes.

CITY OF NEWBURYPORT



IN CITY COUNCIL

ORDERED:

November 8, 2021

THAT the City Council of the City of Newburyport hereby approve and authorize the acceptance of land by deed to the City on the so-called “Evergreen Commons” property or “Cottages at Port Place” development, identified as Parcel A on the attached Quitclaim Deed and recorded plan referenced therein, and containing 29,776 square feet, more or less, as requested by the Newburyport Department of Public Services (DPS) Water Division, and consistent with an Open Space Residential Development (OSRD) Subdivision and Special Permit issued by the Newburyport Planning Board; and

Further, that the Mayor of the City of Newburyport is hereby authorized to act on behalf of the City and enter into any and all instruments, including acceptance of a deed to the property, substantially in the form attached hereto, and to take any other actions necessary to execute this acceptance accordingly; and

Further, that upon recording of the subject deed to the City, said property (adjacent to the so-called “Well # 2” property at 75 Ferry Road) shall be transferred to the Newburyport Water Department for further care and custody.

Councillor Heather L. Shand

In City Council November 8, 2021:

Motion to refer ORDR304, ORDR305, ORDR306, ORDR307, and ORDR308 to Planning & Development collectively by Councillor Shand, seconded by Councillor Vogel. So voted.

Parcel A, Boyd Drive, Newburyport

QUITCLAIM DEED

Evergreen Commons LLC, a Massachusetts limited liability corporation, having an address of 25 Storey Avenue, Newburyport, Massachusetts 01950 (the "Grantor"), for nominal consideration of less than One Hundred and 00/100 Dollars (<\$100.00)

Grants to

The City of Newburyport, a municipal corporation, having an address of 60 Pleasant Street, Newburyport, Massachusetts 01950, acting by and through its Department of Public Services Water Division,

with QUITCLAIM COVENANTS

The land in Newburyport, Essex County, Massachusetts shown as **Parcel A** on a plan of land entitled "Plan of Land in Newburyport, Mass. Surveyed for Evergreen Commons LLC", dated May 2, 2017, prepared by Design Consultants, Inc., Consulting Engineers and Surveyors, 120 Middlesex Avenue, Somerville, MA 02145, and recorded with Southern Essex District Registry of Deeds in Plan Book 464, Plan 53. Said **Parcel A** contains 29,776 square feet, more or less, according to said Plan.

Being a portion of the premises conveyed to the Grantor by deed recorded with Southern Essex District Registry of Deeds in Book 365737, Page 88 and Book 36573 Page 92.

Executed as a sealed instrument this ____ day of _____, 2021.

Evergreen Commons LLC

By:
Its: Manager

COMMONWEALTH OF MASSACHUSETTS

Essex, ss.

On this ____ day of _____, 2021, before me, the undersigned notary, personally appeared _____, proved to me through satisfactory evidence of identification, which was _____, to be the person whose name is signed on the preceding or attached document, and acknowledged to me that he signed it voluntarily for its stated purpose as Manager of Evergreen Commons LLC.

Notary Public
My Commission Expires:

GRANTEE: CITY OF NEWBURYPORT

By: _____
Donna D. Holaday, Mayor

COMMONWEALTH OF MASSACHUSETTS

Essex County, ss.

On this ____ day of _____, 2021, before me, the undersigned Notary Public, personally appeared the above-named Donna Holaday, 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.

(Print Name of Notary Public):

My commission expires: _____

CITY OF NEWBURYPORT



IN CITY COUNCIL

ORDERED:

November 8, 2021

THAT the City Council of the City of Newburyport hereby approve and authorize the acceptance of land by deed to the City on the so-called “Evergreen Commons” property or “Cottages at Port Place” development, identified as Parcel C on the attached Quitclaim Deed and recorded plan referenced therein, and containing 1,597 square feet, more or less, and including a new sewer lift station constructed in accordance with City requirements for the applicable new neighborhood; and

Further, that the Mayor of the City of Newburyport is hereby authorized to act on behalf of the City and enter into any and all instruments, including acceptance of a deed to the property, substantially in the form attached hereto, and to take any other actions necessary to execute this acceptance accordingly; and

Further, that upon recording of the subject deed to the City, said property shall be transferred to the Newburyport Department of Public Services for further care and custody.

Councillor Heather L. Shand

In City Council November 8, 2021:

Motion to refer ORDR304, ORDR305, ORDR306, ORDR307, and ORDR308 to Planning & Development collectively by Councillor Shand, seconded by Councillor Vogel. So voted.

Parcel C, Boyd Drive, Newburyport

QUITCLAIM DEED

Evergreen Commons LLC, a Massachusetts limited liability corporation, having an address of 25 Storey Avenue, Newburyport, Massachusetts 01950 (the "Grantor"), for nominal consideration of less than One Hundred and 00/100 Dollars (<\$100.00)

Grants to

The City of Newburyport, a municipal corporation, having an address of 60 Pleasant Street, Newburyport, Massachusetts 01950, acting by and through its Department of Public Services Sewer Division,

with QUITCLAIM COVENANTS

The land and building thereon in Newburyport, Essex County, Massachusetts shown as **Parcel C** on a plan of land entitled "Plan of Land in Newburyport, Mass. Surveyed for Evergreen Commons LLC", dated May 2, 2017, prepared by Design Consultants, Inc., Consulting Engineers and Surveyors, 120 Middlesex Avenue, Somerville, MA 02145, and recorded with Southern Essex District Registry of Deeds in Plan Book 464, Plan 53. Said Parcel C contains 1,597 square feet, more or less, according to said Plan.

Being a portion of the premises conveyed to the Grantor by deed recorded with Southern Essex District Registry of Deeds in Book 365737, Page 88 and Book36573 Page 92.

Executed as a sealed instrument this ____ day of _____, 2021.

Evergreen Commons LLC

By:
Its: Manager

COMMONWEALTH OF MASSACHUSETTS

Essex, ss.

On this ____ day of _____, 2021, before me, the undersigned notary, personally appeared _____, proved to me through satisfactory evidence of identification, which was _____, to be the person whose name is signed on the preceding or attached document, and acknowledged to me that he signed it voluntarily for its stated purpose as Manager of Evergreen Commons LLC.

Notary Public
My Commission Expires:

GRANTEE: CITY OF NEWBURYPORT

By: _____
Donna D. Holaday, Mayor

COMMONWEALTH OF MASSACHUSETTS

Essex County, ss.

On this ____ day of _____, 2021, before me, the undersigned Notary Public, personally appeared the above-named Donna Holaday, 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.

(Print Name of Notary Public):

My commission expires: _____

CITY OF NEWBURYPORT



IN CITY COUNCIL

ORDERED:

November 8, 2021

THAT the City Council of the City of Newburyport hereby approve and authorize the acceptance of a Non-Exclusive Construction Easement to the City for future trail construction on the so-called “Evergreen Commons” property or “Cottages at Port Place” development, identified as “Easement Area” in the attached Non-Exclusive Construction Easement and plan referenced therein, and containing 21,467 square feet, more or less, consistent with an Open Space Residential Development (OSRD) Subdivision and Special Permit issued by the Newburyport Planning Board; and

Further, that the Mayor of the City of Newburyport is hereby authorized to act on behalf of the City and enter into any and all instruments, including acceptance of said Non-Exclusive Construction Easement, substantially in the form attached hereto, and to take any other actions necessary to execute this acceptance accordingly.

Councillor Heather L. Shand

In City Council November 8, 2021:

Motion to refer ORDR304, ORDR305, ORDR306, ORDR307, and ORDR308 to Planning & Development collectively by Councillor Shand, seconded by Councillor Vogel. So voted.

NON- EXCLUSIVE CONSTRUCTION EASEMENT

This Non-Exclusive Construction Easement (the "Easement") is granted this ___ day of _____, 2021 by Evergreen Commons, LLC, being duly authorized to do business in the Commonwealth of Massachusetts, and having a mailing address of 25 Storey Avenue, Essex County, Commonwealth of Massachusetts, 01950, a Limited Liability Corporation as declarant for the Port Place Home Owner's Association, recorded in the Essex South Registry of Deeds Book 37023 Page 029 as amended by that First Amendment recorded in said Registry at Book 40031 and Page 406 ("Grantor"), as the owner of those parcels of land in Newburyport consisting of approximately 22.816 acres, and shown as "Open Space 1", "Open Space 2" and "Open Space 3" on a plan recorded in said Registry at Plan Boo, 464 Plan 53 prepared by Design Consultants Inc., 68 Pleasant Street, Newburyport, MA 01950, dated May 22, 2017 (the "Grantor's Property"), to the City of Newburyport, an 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, Grantor is the owner of the Grantor's Property;

WHEREAS, pursuant to a Newburyport Planning Board, XIV OSRD Special Permit, File No. 2016-SP-03a, recorded in the Essex South Registry of Deeds at Book 36573, Page 94 ("Special Permit"), for an Open Space Residential Development, Finding No. 8 specified that the Project would include 5,700 linear feet of bike and walking paths "that will connect to the City's multi-use path that runs adjacent and parallel to Interstate 95" (the "Garrison Trail");

WHEREAS, pursuant to Newburyport Conservation Commission Order of Conditions, DEP File Number 051-0973, dated February 6, 2018 and recorded in the Essex South Registry of Deeds at Book 36573, Page 141 ("Order"), allowing construction of a 38-home subdivision within a Zone II Wellhead Protection Area and anticipating connection to the Garrison trail (the "Bike Path Connection");

WHEREAS, the Order of Conditions and Special Permit have been amended and no longer require the Grantor to construct a connection to the City's multi-use path that runs adjacent to Interstate 95 however, require the creation of a plan to provide for said connection. (the "Easement Area") said Easement Area shown on Exhibit A attached hereto and grant said easement to the Grantee.

WHEREAS, this Non-Exclusive Construction Easement is to authorize and enable the City of Newburyport to construct the bike path connection in the future, once permission is secured from all pertinent landowners, consistent with the path proposed and approved in the Order and Special Permit;

NOW THEREFORE, for nominal consideration the receipt and sufficiency of which is hereby acknowledged and for the promises set forth below, Grantor does hereby grant to Grantee the following rights and easement:

1. Grant of a Non-Exclusive Construction Easement. Grantor does hereby grant to Grantee the following non-exclusive construction easement to run with the land as follows:

(a) The right for the City of Newburyport, its assigns, contractors and successor, to construct a bike path connection consistent that that shown on Exhibit A in the Easement Area consisting of 21,467 square feet +/- . This Construction 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 above shall become effective only if and when Grantor has recorded the Plan. The rights and easements granted in Section 1 hereof shall be limited to use of the Easement Area, including access thereto over the land of the Grantor's Open Space Area for construction of the bike path connection.

The rights and easements granted in Section 1 in no way curtail or nullify the rights granted to the City of Newburyport Conservation Commission in that certain Conservation Restriction recorded immediately hereafter.

Nothing in this Grant of Easements shall limit the ability of the Grantor and Grantee to avail themselves of the protections provided by any applicable law affording immunity to either party including, to the extent applicable, M.G.L. c 21, §17C(a), the so-called "Recreational Use Statute". This Grant of Easements is made for the express purpose of permitting the Grantee to construct a bike path connection which will in turn enable members of the public to use such land for recreational purposes, at their own risk, without the imposition of a charge or fee therefor, and neither Grantor nor Grantee shall at any time impose a charge or fee on members of the public for the use of the public bike path to be created on the Easements or for any other purpose.

3. Maintenance.

(a) Maintenance of the Easement Area. Grantor shall be responsible for maintaining the Easement Area and improvements thereon at Grantor's sole cost and expense.

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, construction of the bike bath connection and access to and from. Such insurance policy shall name Grantor (and following notice, any holders of mortgages on

Grantor's Land), 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.

5. No Liability: 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 Non-Exclusive Construction and Maintenance Easement which use shall be at its and their discretion and risk.

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

7. 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.

8. 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.

9. 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.

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

11. 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: Trustee
Port Place Homeowners Association Trust
25 Storey Ave.
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.

Port Place Homeowners Association Trust
By Evergreen Commons LLC
Its Original Declarant

By: _____
Howard Johnstone Hall

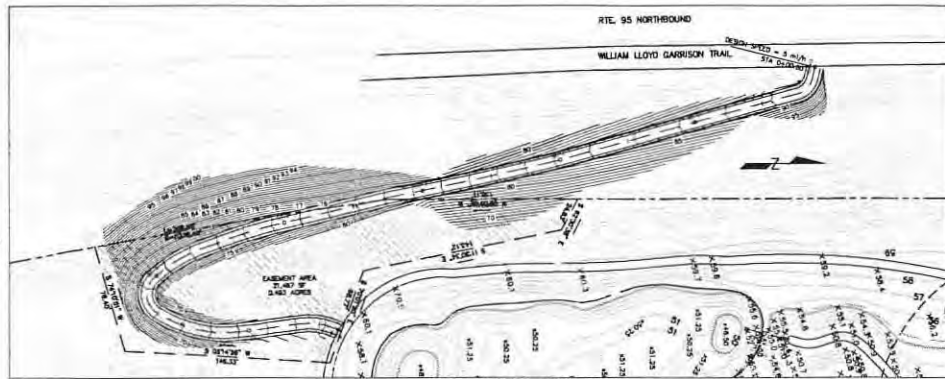
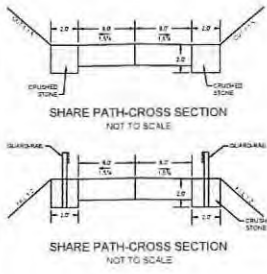
COMMONWEALTH OF MASSACHUSETTS

_____, ss

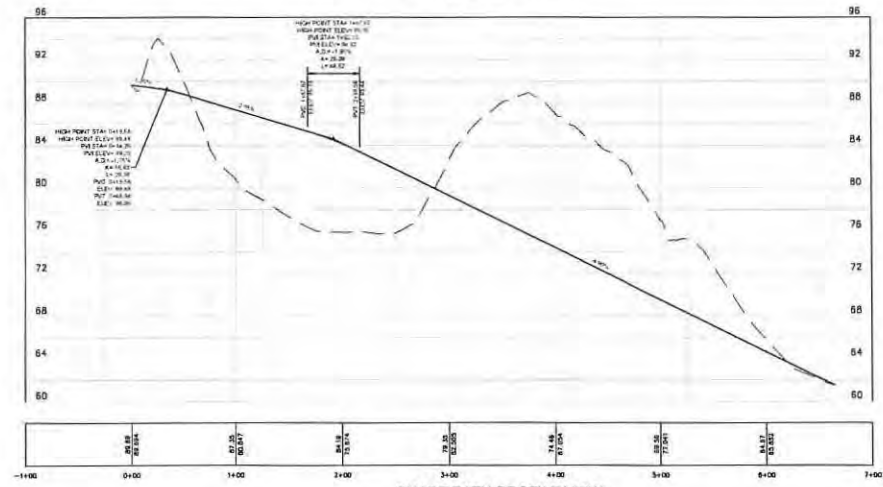
On this ____ day of _____, 2021, before me, the undersigned notary public, personally appeared Howard Johnstone Hall, proved to me through satisfactory evidence of identification, which were driver's licenses, to be the persons whose name is signed on the preceding or attached document, and acknowledged to me that he signed it in his capacity, and that by his signature on the instrument, the individual, or the person upon whose behalf of which the individual acted, executed the instrument voluntarily for its stated purpose.

Notary Public:
My Commission Expires:

EXHIBIT A



SHARE PATH-PLAN VIEW
SCALE 1"=30'



SHARE PATH-PROFILE VIEW
HORIZONTAL SCALE 1"=30'
VERTICAL SCALE 1"=4'



18 BOYD DRIVE,
SUBDIVISION
NEWBURYPORT, MA
PREPARED FOR
EVERGREEN
COMMONS, LLC



SHARE PATH
PLAN &
PROFILE VIEW

C101

PROJECT: 2015-03
DATE: JUNE 16, 2017

CITY OF NEWBURYPORT



IN CITY COUNCIL

ORDERED:

November 8, 2021

THAT the City Council of the City of Newburyport hereby approve and authorize the acceptance of an Easement to the City for emergency access to any and all stormwater facilities and private ways within the so-called “Evergreen Commons” property or “Cottages at Port Place” development, pursuant to the attached Easement Agreement and plan referenced therein, consistent with an Open Space Residential Development (OSRD) Subdivision and Special Permit issued by the Newburyport Planning Board; and

Further, that the Mayor of the City of Newburyport is hereby authorized to act on behalf of the City and enter into any and all instruments, including acceptance of said Easement Agreement, substantially in the form attached hereto, and to take any other actions necessary to execute this acceptance accordingly.

Councillor Heather L. Shand

In City Council November 8, 2021:

Motion to refer ORDR304, ORDR305, ORDR306, ORDR307, and ORDR308 to Planning & Development collectively by Councillor Shand, seconded by Councillor Vogel. So voted.

EASEMENT AGREEMENT

Evergreen Commons LLC, a Massachusetts limited liability corporation, having an address of 25 Storey Avenue, PMB 319, Newburyport, Massachusetts (the "Grantor"), for nominal consideration of less than One Hundred and 00/100 Dollars (<\$100.00)

grants to

The City of Newburyport, a Massachusetts municipal corporation, having an address of 60 Pleasant Street, Newburyport, Massachusetts 01950, acting by and through its Department of Public Services (the "Grantee"),

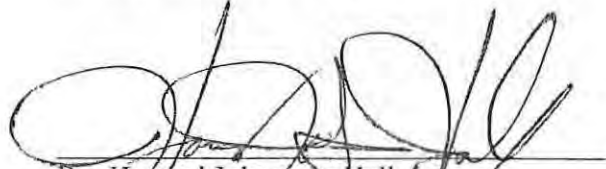
The perpetual right and easement to enter upon land of the grantor as shown upon plan entitled "Plan of Land in Newburyport, Mass. Surveyed for Evergreen Commons LLC", dated May 2, 2017, prepared by Design Consultants, Inc., Consulting Engineers and Surveyors, 120 Middlesex Avenue, Somerville, MA 02145, for the purpose of emergency access to any and all stormwater facilities and private ways both during and after construction within the subdivision known as Port Place by Evergreen Commons LLC subdivision (the "Subdivision"). Said Plan is recorded with Southern Essex District Registry of Deeds in Plan Book 464, Plan 53.

In return for the perpetual easements granted herein the Grantee agrees that any area disturbed by Grantee's exercise of its rights herein will be restored, as near as possible to its original condition, at the Grantee's expense, and the Grantee further agrees to the extent permitted by law, indemnify and hold harmless the Grantor, its successors and/or assigns for any action of Grantee pursuant to the exercise of its rights hereunder. The Grantee further agrees to provide the Grantor, its successors and/or assigns, an annual Certificate of Insurance naming the Grantor, its successors and/or assigns as a loss payee thereon.

For Grantor's title, see deeds recorded with Southern Essex District Registry of Deeds in Book 36573, Pages 88 and 92.

Executed as a sealed instrument this 10th day of September, 2020.

Evergreen Commons LLC

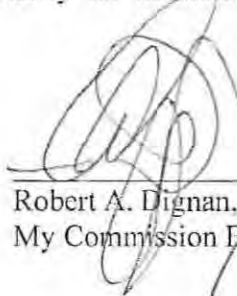


By: Howard Johnstone Hall
Its: Manager, duly authorized

COMMONWEALTH OF MASSACHUSETTS

Essex, ss.

On this 10th day of September, 2020 before me, the undersigned notary, personally appeared Howard Johnstone Hall, proved to me through satisfactory evidence of identification, which was personal knowledge, to be the person whose name is signed on the preceding or attached document, and acknowledged to me that he signed it voluntarily for its stated purpose as Manager of Evergreen Commons LLC.



Robert A. Dignan, Jr., Notary Public
My Commission Expires: October 8, 2021



GRANTEE: CITY OF NEWBURYPORT

By: _____
Donna D. Holaday, Mayor

COMMONWEALTH OF MASSACHUSETTS

Essex County, ss.

On this ____ day of _____, 2020, before me, the undersigned Notary Public, personally appeared the above-named Donna Holaday, 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 her voluntarily for its stated purpose.

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

Committee Items-December 13, 2021

Public Safety

In Committee:

- ORDR302_11_08_2021 Late File - Stop Sign at the Intersection of Rawson and Highland Aves.
- APPL055_11_29_2021 Cultural Survival Bazaar Inn Street 7/16/22-7/17/22
10am-8pm
- COMM380_11_29_2021 Jillian Bayko Ltr. Ferry Rd. Dog Park Fence
- ORDR310_11_29_2021 Holiday Parking 2021

CITY OF NEWBURYPORT



IN CITY COUNCIL

ORDERED:

November 8, 2021

AN ORDER TO DESIGNATE A STOP SIGN AT THE INTERSECTION OF
RAWSON AVE. AND HIGHLAND AVE.

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

Chapter 13	Traffic and Motor
Article 4	Vehicles Specific Street
Division 4	Schedules Stop and Yield
Section 13-136	Intersections Stop signs designated.

Pursuant to Section 13-136 of the Newburyport Code, the list of stop signs shall amended to include Rawson Avenue at the intersection of Highland Avenue as shown on Sheet: Traffic Signage Plan Rawson Ave. @ Highland Ave and dated 09-21-2021 and marked 'Attachment A'.

Furthermore the Do Not Enter sign shall be removed.

Councillor Christine E Wallace

In City Council November 8, 2021:

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

NEWBURYPORT SPECIAL EVENT APPLICATION

RECEIVED
CLERK'S OFFICE
NEWBURYPORT, MA

Tel.

Fax.

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

2021 NOV 15 PM 1:13

NAME OF EVENT: CULTURAL SURVIVAL BAZAAR

Date: 7/16 - 7/17/2022 Time: from 10:00 to 8:00

Rain Date: NO Time: from _____ to _____

2. Location*: IDA STREET & MARKET SQUARE

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

3. Description of Property: _____ Public Private _____

4. Name of Organizer: DANAE LAURA City Sponsored Event: Yes _____ No

Contact Person

Address: 2067 MASS AVE, CAMBRIDGE Telephone: 617-441-5400 x 15

E-Mail: DANAE@CULTURALSURVIVAL.ORG Cell Phone: _____

Day of Event Contact & Phone: 978-697-3641

5. Number of Attendees Expected: 100-200

6. MA Tax Number: _____

7. Is the Event Being Advertised? YES Where? SOCIAL MEDIA, PRESS, MAILING LIST, BANNER

8. What Age Group is the Event Targeted to? ALL AGES

9. Have You Notified Neighborhood Groups or Abutters? Yes _____ No _____, Who? Will NOTIFY BY 1ST OF JULY

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

A. Vending: Food _____ Beverages _____ Alcohol _____ Goods Total # of Vendors 45

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: N/A

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? 5
- b) How many recycling receptacles will you be providing? 3
- 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)

N/A Standard # N/A ADA accessible

Name of company providing the portable toilets: _____

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 supermajority 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:** _____

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,

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.

DEPARTMENT APPROVAL (for Committee Member use only):

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

Approval Required _____ Date: _____ Signature _____

_____ 1. Special Events: _____

mm _____ 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: *NA* *DUPLICATE* _____
Is Fire Detail Required: _____ # of Details Assigned: _____

_____ 9. Public Works: Fee for Special Events: \$45/hr DPS employee for trash handling/staging etc. may apply
Yes: \$ _____ due on *NA* *OK* _____ No Fee for Special Events applies
Other requirements/instructions per DPS _____

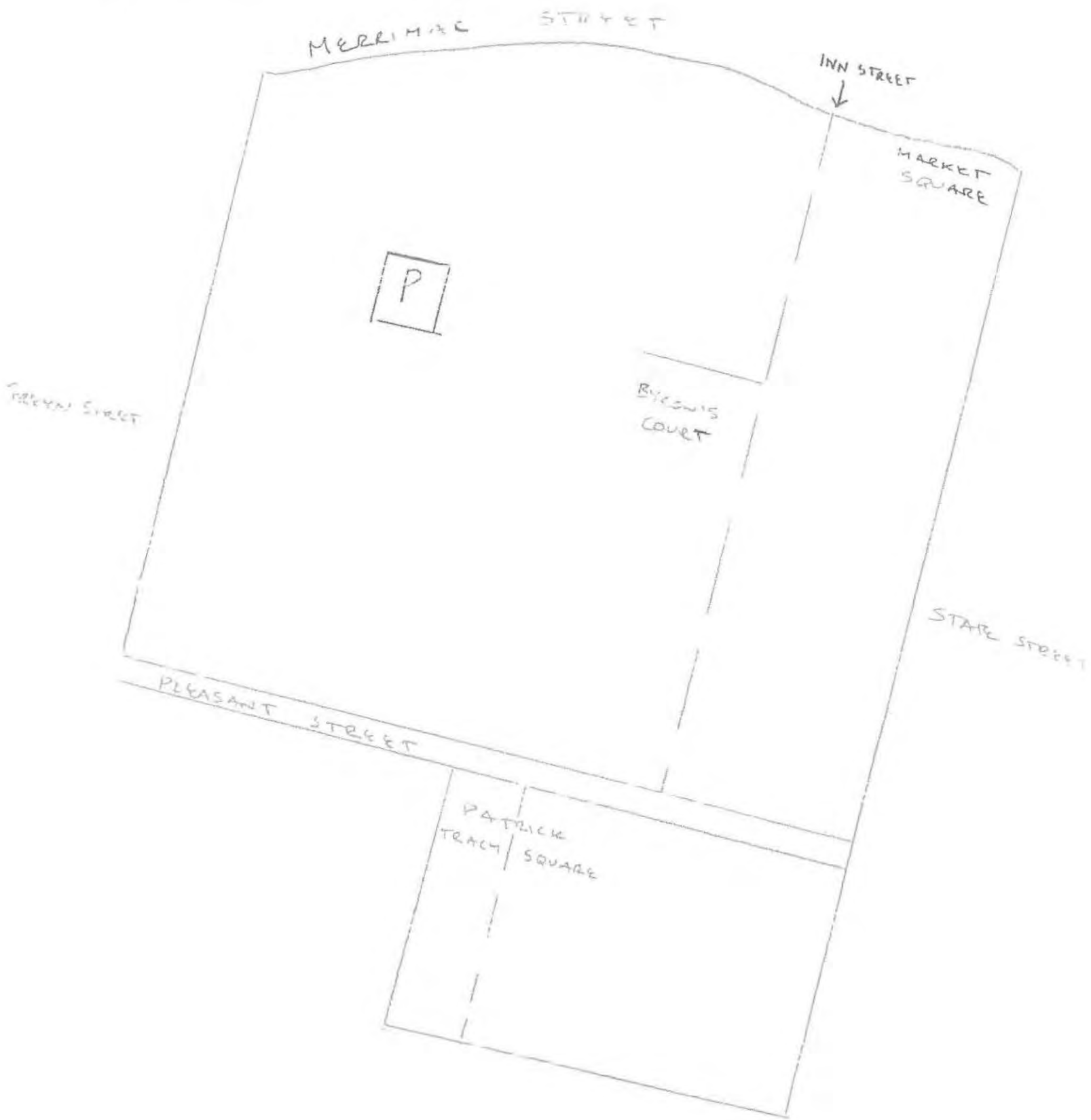
_____ 10. Parks Department: _____

_____ 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

DRAFT SITE PLAN OVERVIEW

NOT DRAWN TO SCALE

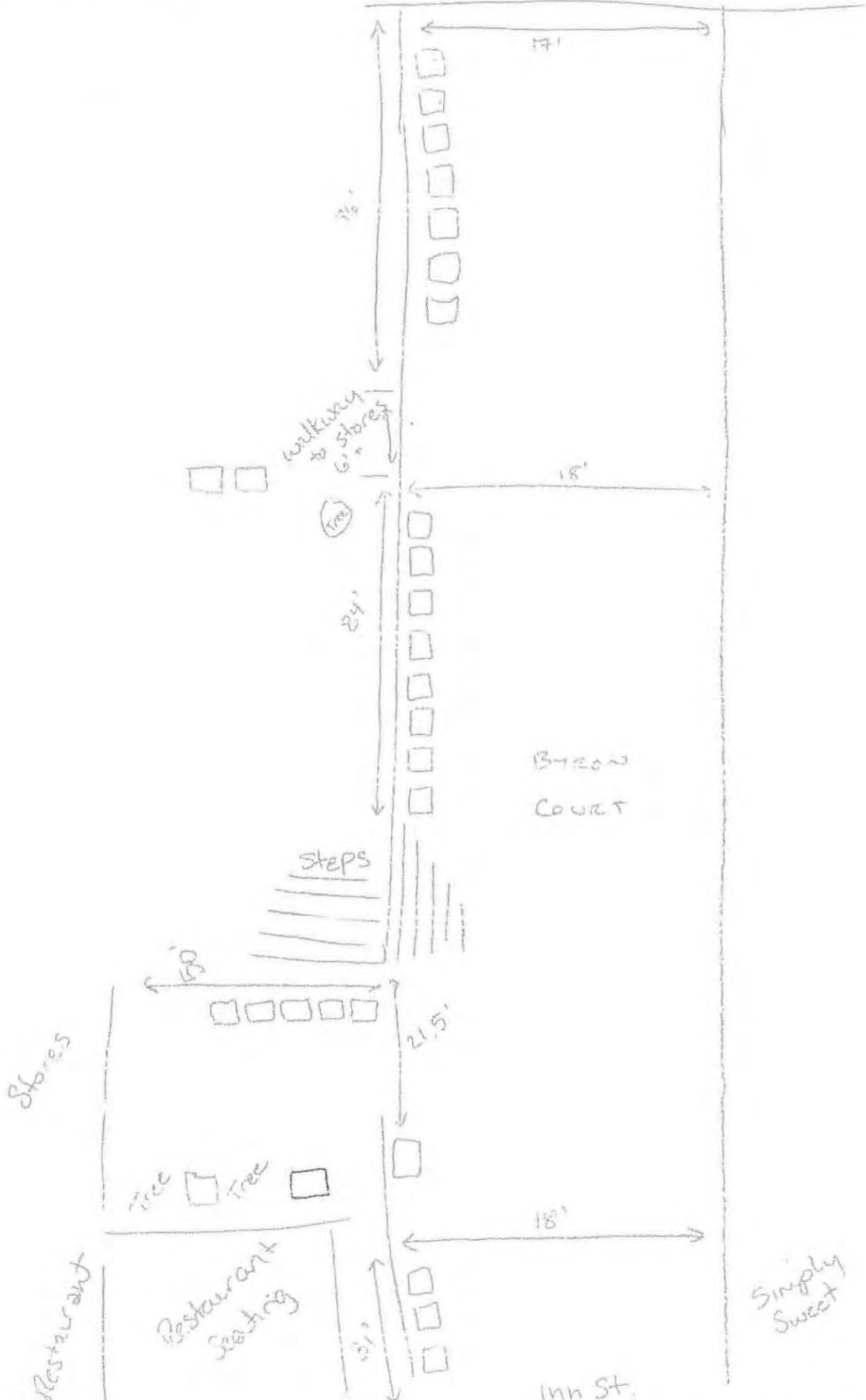


Inn St. Draft Site Plan

Loretta

Szechuan

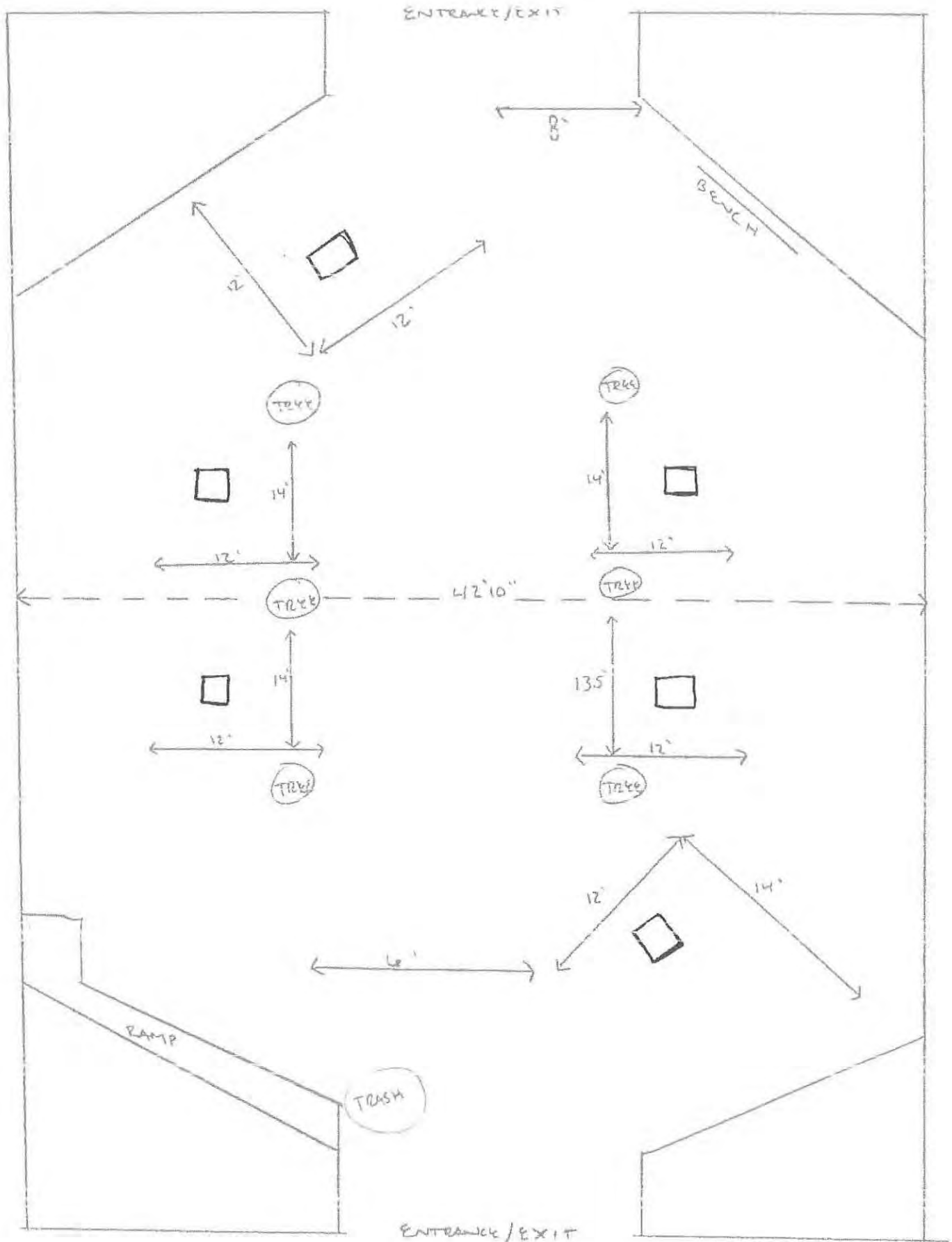
State Street



Inn St.
 drawing not to scale
 25 BOOTHS SHOWN
 10x10 or 12x12 tent

PATRICK TRACY SQUARE DRAFT SITE PLAN

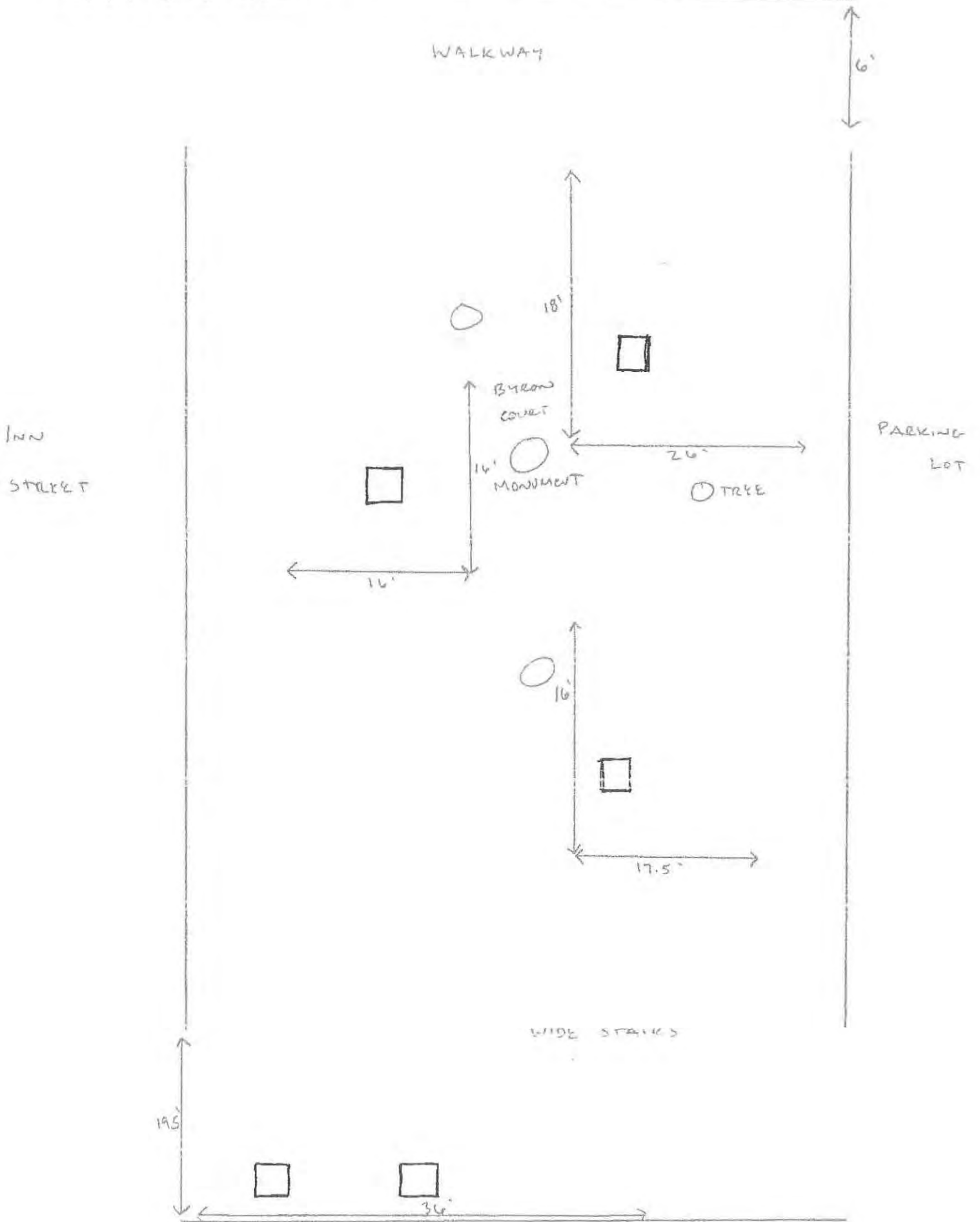
DRAWING NOT TO SCALE $\square = 10 \times 10'$ OR $12' \times 12'$ TENT



6 BOOTHS SHOWN

BYRON'S COURT - DRAWING NOT TO SCALE $\square = 10 \times 10'$ OR $12 \times 12'$ TENT

DRAFT SITE PLAN



5 BOOTHS SHOWN



CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)
11/16/2021

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 W.T. Phelan & Company 645 Massachusetts Ave Arlington MA 02476		CONTACT NAME: Collette Creedon PHONE (A/C, No, Ext): (877) 977-1898 E-MAIL ADDRESS: collette.creedon@wtphelelan.com		FAX (A/C, No): (781) 646-2410	
INSURED Cultural Survival, Inc. PO Box 381569 Cambridge MA 02238		INSURER(S) AFFORDING COVERAGE INSURER A: Philadelphia Insurance Co. INSURER B: The Hartford INSURER C: INSURER D: INSURER E: INSURER F:			NAIC # PHLAL3

COVERAGES CERTIFICATE NUMBER: CL21111616588 REVISION NUMBER:

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

INSR LTR	TYPE OF INSURANCE	ADDL INSD	SUBR WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS
A	<input checked="" type="checkbox"/> COMMERCIAL GENERAL LIABILITY <input type="checkbox"/> CLAIMS-MADE <input checked="" type="checkbox"/> OCCUR GEN'L AGGREGATE LIMIT APPLIES PER: <input type="checkbox"/> POLICY <input type="checkbox"/> PRO-JECT <input type="checkbox"/> LOC OTHER:			PHPK2254266	05/31/2021	05/31/2022	EACH OCCURRENCE \$ 1,000,000 DAMAGE TO RENTED PREMISES (Ea occurrence) \$ 100,000 MED EXP (Any one person) \$ 5,000 PERSONAL & ADV INJURY \$ 1,000,000 GENERAL AGGREGATE \$ 2,000,000 PRODUCTS - COMP/OP AGG \$ 2,000,000 Professional Liability \$ 1,000,000
	AUTOMOBILE LIABILITY <input type="checkbox"/> ANY AUTO <input type="checkbox"/> OWNED AUTOS ONLY <input type="checkbox"/> HIRED AUTOS ONLY <input type="checkbox"/> SCHEDULED AUTOS <input type="checkbox"/> NON-OWNED AUTOS ONLY						COMBINED SINGLE LIMIT (Ea accident) \$ BODILY INJURY (Per person) \$ BODILY INJURY (Per accident) \$ PROPERTY DAMAGE (Per accident) \$
A	<input checked="" type="checkbox"/> UMBRELLA LIAB <input checked="" type="checkbox"/> OCCUR <input type="checkbox"/> EXCESS LIAB <input type="checkbox"/> CLAIMS-MADE DED <input checked="" type="checkbox"/> RETENTION \$ 10,000			PHUB761483	05/31/2021	05/31/2022	EACH OCCURRENCE \$ 5,000,000 AGGREGATE \$ 5,000,000
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	N/A	08WECAB2OHV	02/20/2021	02/20/2022	PER STATUTE OTHER E.L. EACH ACCIDENT \$ 1,000,000 E.L. DISEASE - EA EMPLOYEE \$ 1,000,000 E.L. DISEASE - POLICY LIMIT \$ 1,000,000

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

Event: Cultural Survival Bazaar & Set-up, July 20-21 at Market Square and Inn St, Newburyport, MA. City of Newburyport is additional insureds with respect to General Liability per Form #PI-GLD-HS (10/11).
Subject to policy terms, conditions and exclusions with written contract required.

CERTIFICATE HOLDER

CANCELLATION

City of Newburyport 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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RECEIVED
CITY CLERK'S OFFICE
NEWBURYPORT, MA

2021 NOV 29 AM 9:51

From: Jillian Bayko <jillianbayko@gmail.com>
Date: November 27, 2021 at 10:36:37 AM EST
To: byron@byronlanenbpt.com
Subject: Moseley Woods - Ferry Road Fence

Counselor Lane,

I am writing to request the installation of a fence along the back side of our favorite dog park. On behalf of the precious dogs we've seen lost to the dangers of Ferry Road, I want to make Moseley Woods a safer place for our beloved fur babies to run and play.

Moseley is one of the biggest reasons that I made the decision to move to Newburyport this past April. I love this city for its dog community and the number of places I have to take my dogs to run off leash. Making a visit to the park almost daily, I have made most of my local friends in those woods.

The people and dogs of Moseley love that park. It's an amazing place for dogs to play and people to make friends. Many of us have made Moseley a daily stop, so everyone takes time to get to know each other and know each dog by name. They are our "Dogs of Moseley Woods," as is the name of the Facebook group through which we connect.

Yesterday, one of our beautiful babies was lost in a tragic accident on Ferry Road. A young puppy life lost and a family that had to leave Moseley Woods without their furriest family member. The loss is devastating, and it's not the first.

If there's one thing I know the people in this community will fight for, it's our dogs. Building a simple fence would contain our dogs to their park and prevent this devastation from happening to another family in this community. In turn, it would make Ferry a safer road for drivers.

I'd like to thank you for noticing my call to action on Facebook and taking this step to get a Ferry Road fence on the agenda. I am happy to be a part of this conversation, help in any way that I can, and, if necessary, seek donations from the people that I know love their dog park more than anything.

With love for the dogs of Newburyport,

Jillian

CITY OF NEWBURYPORT



IN CITY COUNCIL

ORDERED:

November 29, 2021

ORDERED:

AN ORDER RELATIVE TO PARKING DURING THE 2021 HOLIDAY SEASON:

BE IT ORDERED, that:

Collection of parking fees in all parking lots and the parking garage participating in the city's paid parking program is suspended from December 18, 2021 through December 25, 2021.

A sign will be hung on the parking kiosks stating "Free Parking- Season's Greetings from the Citizens of Newburyport".

Councillor Sharif I. Zeid

In City Council November 29, 2021:

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