

**COMMITTEE ITEMS**

# Committee Items- February 22, 2021

## Budget & Finance

### Budget & Finance

#### *In Committee:*

ORDR214_10_13_2020	57 Low St Purchase with P&D/COTW
ORDR229_12_14_2020 LATE FILE	Disposition and Funding for Rehabilitation former Brown School P&D/COTW
COMM281_12_14_2020 LATE FILE	Information Request for 57 Low Street P&D/COTW
ORDR235_01_27_2021	Gift from Jim McCarthy 1K
COMM291_02_08_2021	FY2021 Mid-Year Budget Report
COMM298_02_08_2021	Plum Is Fiscal Implications of Sea Level Rise

BTF PD / COT WS

October 13, 2020

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

**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 the attached Letter of Intent (*dated July 10, 2020*) and 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.

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Councillor Charles F. Tontar  
Chair, Budget & Finance Committee

**In City Council October 13, 2020:**

Motion to refer to Budget & Finance and to Planning & Development by Councillor Tontar, seconded by Councillor Khan. 10 yes, 1 no (Zeid). Motion passes.

**In City Council November 9, 2020:**

Motion to Remove from Budget & Finance by Councillor Tontar, seconded by Councillor Khan. So voted. Motion passes.  
Motion to Refer to Budget & Finance, Planning & Development, and Committee of the Whole by Councillor Tontar, seconded by Councillor Khan. So voted.

B-T  
P-D  
COTW

CITY OF NEWBURYPORT



IN CITY COUNCIL

December 14, 2020

ORDERED:

**AN ORDER RELATIVE TO DISPOSITION AND FUNDING FOR REHABILITATION OF THE FORMER BROWN SCHOOL, AND PURCHASE AND DISPOSITION OF THE PROSPECTIVE CITY PROPERTY KNOWN AS LOT A-1 LOCATED AT 57 LOW STREET**

**WHEREAS**, pursuant to votes by the City Council of the Newburyport City Council (the "City Council") in 1922 and 1974, the City of Newburyport (the "City") acquired by eminent domain the former George W. Brown School with a street addresses of 40-42 Milk Street and 99-101 Prospect Street Newburyport, Massachusetts, containing the land and all buildings and structures thereupon, as shown on the City of Newburyport's Assessors Map as Parcel ID Nos. 21-26 and 21-3 (altogether, the "Brown School Site," a map of which is attached to this Order as **Attachment A**); and

**WHEREAS**, in 2013, the City Council ordered that upon the removal from service as a public school of any portion of the Brown School Site, the City shall dedicate and hold permanently for public park and playground uses under the meaning of M.G.L. c. 45 an area of such site at least equal in size to the schoolyard then located on the southeasterly portion of the Brown School Site, including the mulched area for play equipment, the basketball court, and the so-called amphitheater (the "2013 Playground Order," a copy of which is attached to this Order as **Attachment B**); and

**WHEREAS**, in 2014, the Newburyport Youth Services department ("NYS") relocated to the Brown School Site from the former Elbridge G. Kelley School, located at 151 High Street (the "Former Kelley School"), and since that time NYS has operated there continuously within the gymnasium and the ground floor of the schoolhouse building, together, as the "Newburyport Rec Center;" and

**WHEREAS**, also in 2014, in determining that the Former Kelley School was surplus, and authorizing the Mayor to sell it, the City Council ordered that the proceeds from such sale be used, at the discretion of the Mayor, for either supplementing the School Department budget or capital improvements required at the Former Brown School necessary for its partial conversion as the Newburyport Rec Center (the "2014 Proceeds Order," a copy of which attached to this Order as **Attachment C**; and

**WHEREAS**, in 2016, pursuant to M.G.L. c. 40, § 3, and Newburyport Charter Section 4-5, the Newburyport School Committee voted to designate the Brown School Site as surplus property, no longer required by the School Department, with express reference to the 2013 Playground Order (the "2016 School Committee Order"); and

**WHEREAS**, in 2019, pursuant to M.G.L c. 40, § 15A, the City Council voted to accept to itself the care, custody, management, and control, for general municipal purposes, of the Brown School Site (the "2019 Acceptance Order," a copy of which is attached to this Order as **Attachment D**); and

**WHEREAS**, the Commonwealth of Massachusetts, acting through its Division of Capital Asset Management and Maintenance ("DCAMM") has offered to convey to the City, for general municipal purposes, an approximately 2.17-acre portion of that certain property known as 57 Low Street in Newburyport, Massachusetts, and described in a deed recorded with the Essex South Registry of Deeds in Book 3799, Page 270, which portion is depicted as "Lot A-1" on that plan entitled "57 Low Street Plan of Land Located in Newburyport, Massachusetts (Essex County) Prepared for City of Newburyport", dated June 3, 2019, prepared by Meridian Associates (the "Lot A-1 Plan", a copy of which is attached to this Order as **Attachment E**; and

**WHEREAS**, the City Council, acting on behalf of the residents of Newburyport, wishes to authorize the acquisition of Lot A-1 upon the condition that the rearward portion of Lot A-1 depicted as "Area of Conservation Restriction" on Exhibit A to the Restriction and Transfer of Control (the "Form of Restriction," a copy of which is attached to this Order as **Attachment F**), which Form of Restriction is hereby adopted by the Council pursuant to its vote under this Order, and thereby incorporated herein, be acquired for, held, and forever thereafter dedicated to open space and conservation purposes in accordance with the terms of the Restriction, and by its vote to thereby establish the City's "clear and unequivocal intent" under the meaning of *Smith v. City of Westfield*, 478 Mass. 49 (2017) to subject said Area of Conservation Restriction and the City's use thereof to the protections of Article 97 of the Amendments to the Massachusetts Constitution;

**THEREFORE, IT IS HEREBY ORDERED THAT:**

**Brown School Site**

- 1) Pursuant to M.G.L c. 40, § 15A, the City Council of the City of Newburyport hereby transfers to the Newburyport Youth Services department the care, custody, management, and control of the entire ground level of the buildings at the Brown School Site, which buildings include the gymnasium, for the specific municipal purposes of such department.
- 2) Further pursuant to M.G.L c. 40, § 15A, the City Council hereby affirms transfer to the Newburyport Parks Commission of the care, custody, management, and control of the schoolyard located on the southeasterly portion of the Brown School Site, including the mulched area for play equipment, the basketball court, and the so-called amphitheater, for public park and playground uses under the meaning of M.G.L. c. 45.
- 3) Further pursuant to M.G.L c. 40, § 15A, the City Council hereby continues to retain to itself the care, custody, management, and control of the all remaining portions of the Brown School, which shall remain for general municipal purposes, pursuant to the 2019 Acceptance Order, subject to future transfer by the City Council by two-thirds vote at of all its members.
- 4) The City Council hereby appropriates the entire balance of money located in Special Revenue Fund No. 2760 (Sale of Municipal Buildings), which, as of June 30, 2020, was the sum of Six-Hundred and Ninety-Three Thousand, Five-Hundred Dollars (\$693,500), to pay the costs for

repair, maintenance, and/or capital improvements at that portion of the Former Brown School transferred to NYS pursuant to Section 1 of this Order, such monies having been available since 2016 pursuant to the 2014 Proceeds Order.

- 5) The sum of one million dollars and no cents (\$1,000,000.00) is appropriated to pay the costs for repair, maintenance, and/or capital improvements at that portion of the Former Brown School transferred to NYS pursuant to Section 1 of this Order. Further, to meet this appropriation the Treasurer is authorized to borrow said amount under and pursuant to M.G.L c. 44, § 7(1), or pursuant to any other enabling authority, and to issue bonds or notes of the City therefore, and that the Mayor and the Treasurer are authorized to take any other action necessary or convenient to carry out this vote. Any premium received upon the sale of any bonds or notes approved by this vote, less any such premium applied to the payment of the costs of issuance of such bonds or notes, may be applied to the payment of costs approved by this vote in accordance with M.G.L c. 44, § 20, thereby reducing the amount authorized to be borrowed to pay such costs by a like amount. This bond order is conditioned upon complete plans being submitted to the City Council and approved by a super-majority vote prior to any such bond being issued.

#### **57 Low Street, Lot A-1**

- 6) The City Council hereby approves and authorizes the purchase of Lot A-1: (a) for open space and conservation purposes in accordance with the terms of the Form of Restriction as to that portion of Lot A-1 depicted in the Form of Restriction as "Area of Conservation Restriction", it being the express intent of the Council by its vote to subject the said "Area of Conservation Restriction" to the protections afforded under Article 97 of the Amendments to the Massachusetts Constitution, and provided further that the Newburyport Conservation Commission shall assume the care, custody, control and management of the Area of Conservation Restriction for the purposes set forth in MGL c. 40, § 89C, and subject to the protections afforded under said Article 97; and (b) for general municipal purposes as to the remainder of Lot A-1.
- 7) The sum of Two-Hundred and Twenty Thousand Dollars (\$220,000) is appropriated to pay the costs to purchase Lot A-1 pursuant to that certain Letter of Intent dated July 10, 2020, from Warren A. Madden of DCAMM to Mayor Donna D. Holaday. Further, to meet this appropriation The Treasurer is authorized to borrow the sum of under and pursuant to M.G.L c. 44, § 7(1), or pursuant to any other enabling authority, and to issue bonds or notes of the City therefore, and that the Mayor and the Treasurer are authorized to take any other action necessary or convenient to carry out this vote. Any premium received upon the sale of any bonds or notes approved by this vote, less any such premium applied to the payment of the costs of issuance of such bonds or notes, may be applied to the payment of costs approved by this vote in accordance with M.G.L c. 44, § 20, thereby reducing the amount authorized to be borrowed to pay such costs by a like amount.
- 8) Upon acquisition of Lot A-1, pursuant to M.G.L c. 40, § 15A, the City Council hereby authorizes transfer of care, custody, management, and control of such Lot A-1 as follows: (a) two-thirds ( $\frac{2}{3}$ ) of the office space within the existing building (the "Existing Building") shall be assigned to the School Committee for use as School Department offices, and the remaining portion of such

office space at the Existing Building shall be assigned to the Parks Commission for use as offices by the Parks Department; (b) both garage bays at the Existing Building shall be assigned to the Parks Commission for use by the Parks Department; and (c) use of the parking area at Lot A-1 shall be shared by the School Department and Parks Department. As a condition of the assignment to the Parks Commission, all office and storage activities of the Parks Department at Atkinson Common shall cease, excepting solely (i) those office and storage activities directly related to caring for Atkinson Park itself and (ii) enclosed storage within the shed located within Atkinson Park.

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Councillor Sharif I. Zeid, Ward 1

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Councillor Jared J. Eigerman, Ward 2

Attachment A: Map of Brown School Site



Source: <https://mimap.mvpc.org/map/index.html?viewer=newburyport>



CITY OF NEWBURYPORT



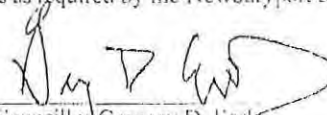
IN CITY COUNCIL


ORDERED:

DATE: September 30, 2013

THAT upon the sale, lease, or removal from service as a public school of any portion of the buildings and grounds of the G. W. Brown Early Elementary School (Map 21 -- Parcels 3 and 26), the City of Newburyport shall dedicate and hold permanently for public park and playground uses under the meaning of Chapter 45 of the Massachusetts General Laws an area of such site that is at least equal in size to the school yard currently located on the southeasterly portion of the site, including the mulched area for play equipment, the basketball court, and the so-called amphitheater.

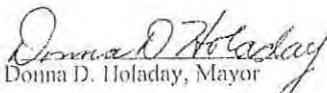
AND THAT this Order is subject to any and all votes as required by the Newburyport School Committee.

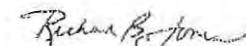
  
Councillor Gregory D. Earls

  
Councillor Ari B. Herzog

In City Council September 30, 2013

Motion to approve by Councillor Earls, seconded by Councillor Cameron. So voted.

Approve:   
Donna D. Holaday, Mayor

Attest:   
Richard B. Jones, City Clerk

Date: OCT 16 2013

ORIGINAL COUNCIL VOTE

CITY OF NEWBURYPORT



IN CITY COUNCIL

A TRUE COPY ATTEST

*Richard P. Johnson*

City Clerk

Newburyport, Massachusetts

ORDERED:

May 19, 2014

THAT pursuant to General Laws Chapter 40, Sections 15 and 15A the City Council of the City of Newburyport hereby designate the former Kelley School (*formally closed by the School Committee by vote of April 23, 2007, and now operating as the Newburyport Youth Services facility*) as surplus property, no longer needed by the City for such purposes or for other public purposes (*based upon the anticipated relocation of Newburyport Youth Services to the Brown School*), and further (*consistent with the April 7, 2014 vote of the School Committee*) that the Council hereby transfers the care, custody, management and control of said building and the land upon which it stands (*151 High Street, Assessors Map 35 Lot 161*) to the Mayor for the purposes of further conveyance, on such terms and conditions, and for such consideration, as the Mayor deems appropriate, provided that a condition of the sale or lease of said property shall be a duly recorded Preservation Restriction for the protection of the historic facades of said building, and provided that the City Council Planning and Development Committee shall have an opportunity to review and comment on the Request for Proposals (RFP) and Purchase and Sale (P&S) Agreement during the disposition process (including the minimum required bid and proposed purchase price, accordingly), and further that the proceeds from sale or lease of the property may be used, at the discretion of the Mayor, for either supplementing the School Department budget or for the purposes of funding capital improvements required at the Brown School necessary for the conversion of this facility to function (*in part*) as the Newburyport Youth Services facility. It is acknowledged herein that any further disposition (*lease or sale*) of the Brown School will be subject to transfer and approvals by both the School Committee and City Council, pending relocation of students and faculty to the new Bresnahan School.

*Edward Cameron*  
Councillor Ed Cameron

*Meghan Kinsey*  
Councillor Meghan Kinsey

In City Council April 15, 2014

Motion to approve by Councillor Cameron, seconded by Councillor Ghata. Motion withdrawn. Motion to refer to Planning & Development by Councillor Cameron, seconded by Councillor Cronin. Roll call vote, 10 yes, 1 absent (Kinsey). So voted.

ORDR108\_05\_13\_19

MD

CITY OF NEWBURYPORT



IN CITY COUNCIL

ORDERED:

May 13, 2019

AN ORDER RELATIVE TO CITY OF NEWBURYPORT'S ACCEPTANCE OF THE FORMER GEORGE W. BROWN SCHOOL FROM THE NEWBURYPORT SCHOOL COMMITTEE

Pursuant to M.G.L. c. 40, § 15A of the Massachusetts General Laws and a vote of the Newburyport School Committee on March 7th, 2016 (minutes shown in appendix A), the City of Newburyport hereby transfers from the City of Newburyport (School Committee) to the City of Newburyport (City Council) the care, custody, management, and control, for general municipal purposes, of the former George W. Brown School with a street addresses of 40-42 Milk Street and 99-101 Prospect Street Newburyport, Massachusetts, containing the land and all buildings and structures thereupon, as shown on the City of Newburyport's Assessor's Map as Parcel ID Nos. 21-26 and 21-3 (shown in Appendix B).

Respectfully Submitted

Shari I. Zeid, Ward 1 City Councillor

- ORDR108\_05\_13\_19 Acceptance of the Former George W. Brown School  
Motion to remove from Planning & Development by Councillor Eigerman, seconded by Councillor Zeid. So voted. Motion to approve (comm vote 3-0) by Councillor Eigerman, seconded by Councillor Zeid. Roll call vote, 11 yes. Motion passed.



## RESTRICTION AND TRANSFER OF CONTROL

Pursuant to Order \_\_\_ approved by the Newburyport City Council on \_\_\_\_\_, the City Council hereby designates the care, custody, management, and control of that certain portion of "Lot A-1" depicted as "Area of Conservation Restriction (Transfer of Control)" on Exhibit A attached hereto to the Newburyport Conservation Commission, to be held, used, and preserved for open space and conservation purposes subject to the terms set forth below, and provided that such purposes shall include the authority to do all things necessary to preserve the land in its natural state and allow for public passive recreation,

### No-Disturbance Zone (Outer 25 Feet):

Disturbance of any kind is prohibited within the twenty-five-foot-wide, no-disturbance zone indicated on Exhibit A (the "No-Disturbance Zone"), including but not limited to grading, landscaping, vegetation removal, pruning, cutting, filling, excavation, roadway construction, and/or driveway construction. Within such No-Disturbance Zone, no grading, planting, site work, construction, or storage of materials shall be allowed. Vegetation in the No-Disturbance Zone shall not be cut or trimmed in any manner unless authorized by the Grantee as part of regular maintenance required for man-made drainage systems (such as seasonal mowing).

Notwithstanding the above limitations, no activity that will result in the alteration of land within the No-Disturbance Zone shall be permitted with the following exceptions: (a) Planting of native vegetation or habitat management techniques designed to enhance the wetland values protected by this Restriction; (b) Construction and maintenance of unpaved pedestrian access paths not more than four (4) feet in width; (c) Maintenance of existing structures, utilities, stormwater management structures, and paved areas; (d) Construction of new utility lines where the proposed route is the best environmental alternative; and (e) Septic system maintenance and, if a system has failed, repair/replacement meeting state/local standards where the maximum feasible buffer is maintained.

This transfer of the right to administer and control said area is authorized by a vote by the Newburyport City Council, duly moved and seconded, at the City Council meeting held on December 14, 2020, an attested copy of which vote is attached hereto as Exhibit B.

Said area is transferred for the purposes as set forth in Massachusetts General Laws (MGL) Chapter 40, Section 8C and is hereby subject to the protections afforded under Article 97 of the Amendments of the Massachusetts Constitution.

Exhibit A

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

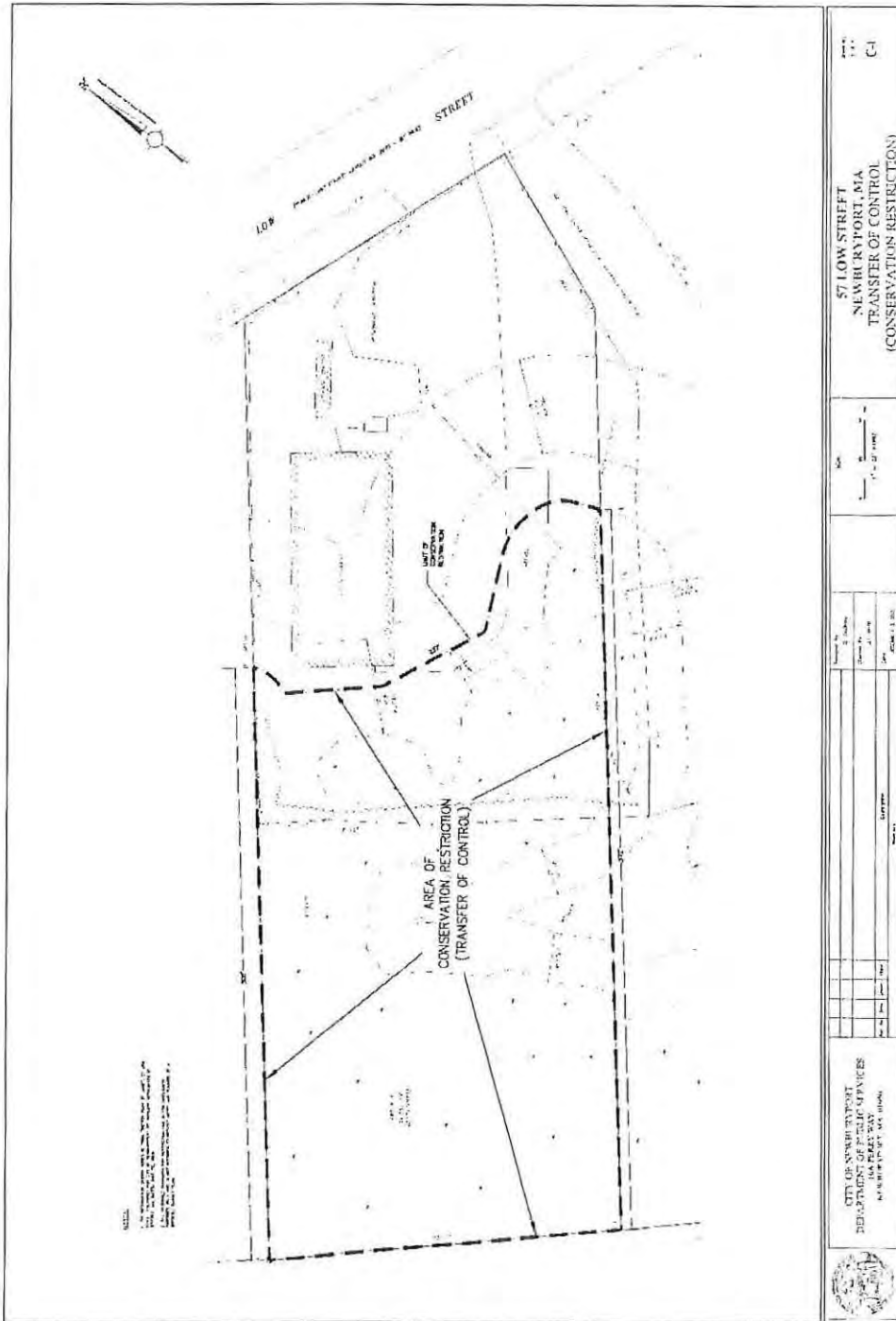


Exhibit B

Attested Copy of Vote on Order \_\_\_\_\_

*(to be inserted behind)*

## MEMORANDUM

TO: Honorable Mayor Donna Holaday  
Matthew Coogan, Chief of Staff  
Andrew Port, Planning Director  
Julia Godtfredsen, Conservation Administrator

FROM: Christine Wallace, P.E., Ward 4 Councillor

RE: Information Request for 57 Low Street

DATE: December 14, 2020

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As a follow-up to the City Council committee meeting on December 10, here is a list of items I am requesting:

1. Attendance at a council committee meeting of the Licensed Site Professional (LSP) who performed the May 6, 2020 Phase I Environmental Site Assessment. It would be helpful to ask questions directly to the LSP to better understand the potential legal, environmental, and financial risks to the city, particularly if the property is ever developed or has a change of use.
2. Certification of the wetland boundary and resource areas on and around the site by the Conservation Commission in accordance with the Massachusetts Wetlands Protection Act (WPA).
3. Copies of any previous WPA filings and permits on the site including but not limited to:
  - a. The May 1997 Request for Determination of Applicability (RDA) for contamination removal.
  - b. Permit and wetland delineation for the construction of the gravel parking area at the southeastern corner of the parking lot that occurred sometime between 2016-2018 according to historical aerial imagery.
4. Plans or information from DPS of the drainage system on Low Street in the vicinity of the site.
5. NYS Low Street/Brown School Feasibility Report with all supporting documentation.



*Bot*

CITY OF NEWBURYPORT



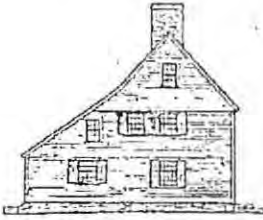
\_\_\_\_\_  
IN CITY COUNCIL

ORDERED:

January 25, 2021

THAT, The CITY COUNCIL of the City of Newburyport accepts with gratitude a gift from Jim McCarthy, Saltbox Financial, in the amount of \$1,000 for the planting of trees by the Parks Department to be placed into the Parks Gifts & Donations Account in accordance with M.G.L. Chapter 44, Section 53A.

\_\_\_\_\_  
Councillor Sharif I. Zeid  
Chair, Budget & Finance Committee



— SOLID. ENDURING. —

## Saltbox Financial

17 Russia Street  
Newburyport, MA 01950  
(978) 255-2812


Newburyport City Council  
Jared Eigerman, President  
60 Peasant St  
Newburyport, MA 01950

11 January 2021

Subject: Donation to Park Conservancy for Trees

Dear Councilor Eigerman,

Please accept this check for \$1000 on the behalf of my business for the purpose of trees to be planted by the Parks Department. Thank you.



Jim McCarthy  
President, Saltbox Financial

## Saltbox Financial

17 Russia Street  
Newburyport, MA 01950

Jim McCarthy  
*Wealth Consultant*

1-978-255-2812  
Jim@SaltboxFinancial.com



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 FINANCE DEPARTMENT  
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 NEWBURYPORT, MA 01950  
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 WWW.CITYOFNEWBURYPORT.COM

DONNA D. HOLADAY  
 MAYOR

ETHAN R. MANNING  
 FINANCE DIRECTOR/CITY AUDITOR

To: Mayor Donna D. Holaday  
 President and Members of the Newburyport City Council

From: Ethan R. Manning, Finance Director/City Auditor

Date: February 1, 2021

Subject: FY2021 Mid-Year Budget Report

Attached is the FY2021 Mid-Year Budget Report that includes a summary of budget expenditures for the period of July 1, 2020 through December 31, 2020. The report covers expenditures within the General Fund and the Water, Sewer, and Harbormaster Enterprise Funds. Also included is an update on the City's revenue collections.

**FY2021 Mid-Year Expenditures**

Mid-year expenditures were at 47.2% of budget for the General Fund, 53.9% for the Water Enterprise Fund, 42.2% for the Sewer Enterprise Fund and 59.4% for the Harbormaster Enterprise Fund. It is typical that expenditure levels are not exactly 50% at mid-year as major expenditures occur during various times of the year depending on the department or cost center. Below is a summary of the mid-year expenditures by fund, which is broken out in greater detail in the reports that follow.

	REVISED BUDGET	YTD EXPENDED	REMAINING BUDGET	% USED
001 GENERAL FUND	\$71,765,458	\$33,887,744	\$37,877,714	47.2%
060 WATER ENTERPRISE FUND	\$5,421,087	\$2,923,205	\$2,497,881	53.9%
061 SEWER ENTERPRISE FUND	\$7,515,295	\$3,171,201	\$4,344,093	42.2%
6520 HARBORMASTER ENTERPRISE FUND	\$465,250	\$276,141	\$189,109	59.4%
<b>TOTAL BUDGETARY FUNDS</b>	<b>\$85,167,089</b>	<b>\$40,258,291</b>	<b>\$44,908,798</b>	<b>47.3%</b>

While most department/cost centers show expenses below or near 50% of appropriations, those that were higher than 60% included:

- **City Council (72.7%)**: City Council salaries paid in the first quarter of FY2021.
- **Human Resources (70.4%)**: A large component of this cost center is workers' compensation insurance premiums, which are paid at the start of the fiscal year.

- **Board of Registrar's (95.7%):** Elections work during the first half of the fiscal year was higher due to a primary and general election.
- **Planning Board (66.7%):** Funding for minute takers is drawn first from the General Fund budget and then from the revolving fund.
- **Zoning Board of Appeals (66.7%):** Funding for minute takers is drawn first from the General Fund budget and then from the revolving fund.
- **Whittier Regional Vocational Technical School (84.5%):** A larger portion of the assessment is paid during the first half of the fiscal year.
- **Retirement Board (100.0%):** The City's appropriation to the Newburyport Retirement System is paid on July 1<sup>st</sup>.

Additional funding may be required in some accounts, such as snow and ice and overtime, due to the unpredictability of those line items. In accordance with state law, the City is allowed to exceed the budgetary appropriation for snow and ice removal as it is a matter of public safety. However, any deficit must be removed prior to year-end through the use of reserves or other available funds. If the deficit is not removed prior to year-end, then the shortage must be made-up in the next fiscal year's tax rate. In past years, Free Cash has been the primary source of funding to cover snow and ice, as well as, overtime deficits.

**FY2021 Mid-Year Revenue**

Mid-year revenue was at 49.2% of the FY21 estimate for the General Fund, 61.7% for the Water Enterprise Fund, 61.4% for the Sewer Enterprise Fund and 84.6% for the Harbormaster Enterprise Fund. Below is a summary of the mid-year revenue by fund, which is broken out in greater detail in the reports that follow.

	ESTIMATE	ACTUAL	REMAINING	% COLL
001 GENERAL FUND	\$70,738,539	\$34,802,166	\$35,936,373	49.2%
060 WATER ENTERPRISE FUND	\$5,249,764	\$3,237,921	\$2,011,843	61.7%
061 SEWER ENTERPRISE FUND	\$7,215,261	\$4,429,644	\$2,785,617	61.4%
6520 HARBORMASTER ENTERPRISE FUND	\$465,250	\$393,671	\$71,579	84.6%
<b>TOTAL BUDGETARY FUNDS</b>	<b>\$83,668,813</b>	<b>\$42,863,402</b>	<b>\$40,805,411</b>	<b>51.2%</b>

A full copy of this report is available in the Financial Reports Center, located at:

<https://www.cityofnewburyport.com/financials>

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



## City of Newburyport FY2021 Mid-Year Report Overview

### Expenditures:

- Mid-year expenditures were at 47.2% of budget for the General Fund, 53.9% for the Water Ent. Fund, 42.2% for the Sewer Ent. Fund, 59.4% for the Harbormaster Ent. Fund.
- We anticipate the potential for operating budget transfers in the following line items by year-end:

Line Item	Potential Transfer	Reason
Snow & Ice	\$75,000	Variable - \$148,788 remaining as of 2/1/21
Purchase Fuel/Oil	\$50,000	From RRFA Fuel Fund
Sewer Veh/Equipment	\$48,056	Lease payment on dump truck
Assessor Revaluation	\$20,000	To start quinquennial recertification process
Fire Overtime	\$15,000	Due to sick leave and other absences that have required minimum manning coverage
Solid Waste	\$15,000	Varies by volume/market
Parks Maint/Trees	\$7,500	Tree removals; fence replacements
Essex Tech	\$2,646	Final assessment higher than estimated
Assistant Animal Control	\$2,000	Varies depending on night/weekend calls
<b>Total</b>	<b>\$235,202</b>	

### Revenue:

- Mid-year revenue was at 49.2% of the FY21 estimate for the General Fund, 61.7% for the Water Ent. Fund, 61.4% for the Sewer Ent. Fund and 84.6% for the Harbormaster Ent. Fund.
- Motor Vehicle Excise Tax collections were down 26.0% YoY due to a decrease in vehicle purchases compared to the first half of FY20.
- Due to COVID-19 closures, Room Occupancy Excise Tax collections were down 30.5% YoY; Meals Excise Tax collections were down 16.2% compared to this time last year.
- Fees revenue was up 4.3% due higher tax title collections (First half revenue for the past three years: FY19 \$55,556, FY20 \$86,617, FY21 \$101,383).
- Licenses & Permits were down 42.2% primarily due to the suspension of licensing fees in response to COVID-19 (annual licensing fees generate approximately \$195,000 in revenue); building permits were down 17.9% YoY and other permits were down 51.2% due to the lack of vendor/event permits.
- The Water Fund was up 11.7% and the Sewer Fund was up 11.5% YoY, presumably due to consumers staying home more due to pandemic resulting in greater usage.
- The Harbormaster Fund was up 50.0% YoY due to changes in rates and fees, as well as, increased receipts.



## City of Newburyport FY2021 Mid-Year Expenditure Summary

	ORIGINAL APPROP.	TRANSFERS/ ADJUST.	REVISED BUDGET	YTD EXPENDED	REMAINING BUDGET	% USED
<b>001 GENERAL FUND</b>						
111 CITY COUNCIL	30,683	0	30,683	22,306	8,377	72.7%
121 MAYOR'S DEPARTMENT	331,669	0	331,669	160,129	171,539	48.3%
129 GENERAL ADMINISTRATION	525,490	0	525,490	235,372	290,118	44.8%
135 AUDITOR'S DEPARTMENT	373,401	0	373,401	168,020	205,381	45.0%
141 ASSESSORS DEPARTMENT	250,395	0	250,395	125,038	125,357	49.9%
145 TREASURER'S DEPARTMENT	400,075	0	400,075	198,344	201,731	49.6%
151 INFO TECHNOLOGY DEPT	334,356	0	334,356	172,857	161,499	51.7%
152 HUMAN RESOURCES	290,388	0	290,388	204,568	85,820	70.4%
161 CITY CLERK'S DEPARTMENT	291,781	0	291,781	128,506	163,275	44.0%
163 BOARD OF REGISTRARS	51,883	0	51,883	49,664	2,219	95.7%
165 LICENSE COMMISSION	8,500	0	8,500	4,673	3,827	55.0%
171 CONSERVATION COMMISSION	1,800	0	1,800	900	900	50.0%
175 PLANNING BOARD	1,800	0	1,800	1,200	600	66.7%
176 ZONING BOARD	1,800	0	1,800	1,200	600	66.7%
182 PLANNING & DEVELOPMENT	437,930	0	437,930	225,967	211,964	51.6%
191 LEGAL DEPARTMENT	95,000	0	95,000	28,775	66,225	30.3%
210 POLICE DEPARTMENT	4,165,209	0	4,165,209	2,147,205	2,018,004	51.6%
220 FIRE DEPARTMENT	4,043,255	0	4,043,255	2,066,887	1,976,368	51.1%
241 BUILDING DEPARTMENT	188,512	0	188,512	97,220	91,292	51.6%
291 EMERGENCY MANAGEMENT	18,000	0	18,000	6,824	11,176	37.9%
292 ANIMAL CONTROL	62,936	0	62,936	29,301	33,635	46.6%
293 PARKING CLERK DEPARTMENT	606,283	3,867	610,151	195,528	414,623	32.0%
300 SCHOOL DEPARTMENT	32,072,564	0	32,072,564	12,491,427	19,581,137	38.9%
398 ESSEX NORTH SHORE TECH SCHOOL	81,500	18,000	99,500	51,073	48,427	51.3%
399 WHITTIER VO TECH SCHOOL	638,712	0	638,712	539,560	99,152	84.5%
421 PUBLIC SERVICES DEPARTMENT	3,070,431	0	3,070,431	1,473,201	1,597,230	48.0%
423 SNOW & ICE	260,000	0	260,000	55,930	204,070	21.5%
510 HEALTH DEPARTMENT	254,704	0	254,704	111,710	142,994	43.9%
519 SUSTAINABILITY	1,722,649	0	1,722,649	688,505	1,034,144	40.0%
541 COUNCIL ON AGING	308,155	0	308,155	140,170	167,985	45.5%
542 YOUTH SERVICES	307,805	0	307,805	148,000	159,806	48.1%
543 VETERANS' DEPARTMENT	274,782	0	274,782	137,581	137,201	50.1%
610 LIBRARY DEPARTMENT	1,430,665	0	1,430,665	713,203	717,462	49.9%
630 PARKS COMMISSION	339,969	0	339,969	160,433	179,537	47.2%
691 HISTORICAL COMMISSION	1,800	0	1,800	1,050	750	58.3%
710 DEBT EXCLUSION	3,171,545	0	3,171,545	1,306,298	1,865,248	41.2%
720 ORDINARY DEBT SERVICE	923,769	0	923,769	384,156	539,613	41.6%
911 RETIREMENT BOARD	4,563,509	0	4,563,509	4,563,509	0	100.0%
914 INSURANCE GROUP	9,807,193	0	9,807,193	4,650,848	5,156,345	47.4%
921 COMMISSION ON DISABILITY	2,693	0	2,693	609	2,084	22.6%
<b>001 GENERAL FUND Total</b>	<b>71,743,591</b>	<b>21,867</b>	<b>71,765,458</b>	<b>33,887,744</b>	<b>37,877,714</b>	<b>47.2%</b>
<b>060 WATER ENTERPRISE FUND Total</b>	<b>5,421,087</b>	<b>0</b>	<b>5,421,087</b>	<b>2,923,205</b>	<b>2,497,881</b>	<b>53.9%</b>
<b>061 SEWER ENTERPRISE FUND Total</b>	<b>7,515,295</b>	<b>0</b>	<b>7,515,295</b>	<b>3,171,201</b>	<b>4,344,093</b>	<b>42.2%</b>
<b>6520 HARBORMASTER ENTERPRISE FUND Total</b>	<b>465,250</b>	<b>0</b>	<b>465,250</b>	<b>276,141</b>	<b>189,109</b>	<b>59.4%</b>
<b>Grand Total</b>	<b>85,145,222</b>	<b>21,867</b>	<b>85,167,089</b>	<b>40,258,291</b>	<b>44,908,798</b>	<b>47.3%</b>

FY2021 Mid-Year Budget Report (July 1, 2020 - December 31, 2020)



**City of Newburyport**  
**FY2021 Mid-Year Expenditures by Category**

	ORIGINAL APPROP.	TRANSFERS/ ADJUST.	REVISED BUDGET	YTD EXPENDED	REMAINING BUDGET	% USED
<b>001 GENERAL FUND</b>						
<b>111 CITY COUNCIL</b>						
001 PERSONNEL SERVICES	19,183	0	19,183	16,578	2,605	86.4%
002 PURCHASE OF SERVICES	11,500	0	11,500	5,728	5,772	49.8%
<b>111 CITY COUNCIL Total</b>	<b>30,683</b>	<b>0</b>	<b>30,683</b>	<b>22,306</b>	<b>8,377</b>	<b>72.7%</b>
<b>121 MAYOR'S DEPARTMENT</b>						
001 PERSONNEL SERVICES	261,892	0	261,892	131,655	130,237	50.3%
002 PURCHASE OF SERVICES	61,776	0	61,776	20,488	41,288	33.2%
007 OTHER CHARGES & EXPENSES	8,000	0	8,000	7,986	14	99.8%
<b>121 MAYOR'S DEPARTMENT Total</b>	<b>331,669</b>	<b>0</b>	<b>331,669</b>	<b>160,129</b>	<b>171,539</b>	<b>48.3%</b>
<b>129 GENERAL ADMINISTRATION</b>						
001 PERSONNEL SERVICES	10,000	0	10,000	750	9,250	7.5%
002 PURCHASE OF SERVICES	135,500	0	135,500	56,291	79,209	41.5%
004 SUPPLIES	3,500	0	3,500	3,082	418	88.1%
007 OTHER CHARGES & EXPENSES	376,490	0	376,490	175,249	201,241	46.5%
<b>129 GENERAL ADMINISTRATION Total</b>	<b>525,490</b>	<b>0</b>	<b>525,490</b>	<b>235,372</b>	<b>290,118</b>	<b>44.8%</b>
<b>135 AUDITOR'S DEPARTMENT</b>						
001 PERSONNEL SERVICES	324,946	0	324,946	157,684	167,262	48.5%
002 PURCHASE OF SERVICES	46,500	0	46,500	9,138	37,362	19.7%
004 SUPPLIES	1,500	0	1,500	743	757	49.6%
007 OTHER CHARGES & EXPENSES	455	0	455	455	0	100.0%
<b>135 AUDITOR'S DEPARTMENT Total</b>	<b>373,401</b>	<b>0</b>	<b>373,401</b>	<b>168,020</b>	<b>205,381</b>	<b>45.0%</b>
<b>141 ASSESSORS DEPARTMENT</b>						
001 PERSONNEL SERVICES	219,567	0	219,567	104,856	114,711	47.8%
002 PURCHASE OF SERVICES	27,813	0	27,813	18,486	9,327	66.5%
004 SUPPLIES	2,500	0	2,500	1,206	1,294	48.2%
007 OTHER CHARGES & EXPENSES	515	0	515	490	25	95.1%
<b>141 ASSESSORS DEPARTMENT Total</b>	<b>250,395</b>	<b>0</b>	<b>250,395</b>	<b>125,038</b>	<b>125,357</b>	<b>49.9%</b>
<b>145 TREASURER'S DEPARTMENT</b>						
001 PERSONNEL SERVICES	343,275	0	343,275	170,067	173,208	49.5%
002 PURCHASE OF SERVICES	52,500	0	52,500	25,709	26,791	49.0%
004 SUPPLIES	2,500	0	2,500	968	1,532	38.7%
007 OTHER CHARGES & EXPENSES	1,800	0	1,800	1,600	200	88.9%
<b>145 TREASURER'S DEPARTMENT Total</b>	<b>400,075</b>	<b>0</b>	<b>400,075</b>	<b>198,344</b>	<b>201,731</b>	<b>49.6%</b>
<b>151 INFO TECHNOLOGY DEPT</b>						
001 PERSONNEL SERVICES	106,018	0	106,018	52,042	53,976	49.1%
002 PURCHASE OF SERVICES	226,339	0	226,339	120,640	105,699	53.3%
004 SUPPLIES	2,000	0	2,000	175	1,825	8.8%
<b>151 INFO TECHNOLOGY DEPT Total</b>	<b>334,356</b>	<b>0</b>	<b>334,356</b>	<b>172,857</b>	<b>161,499</b>	<b>51.7%</b>



**City of Newburyport**  
**FY2021 Mid-Year Expenditures by Category**

	ORIGINAL APPROP.	TRANSFERS/ ADJUST.	REVISED BUDGET	YTD EXPENDED	REMAINING BUDGET	% USED
<b>152 HUMAN RESOURCES</b>						
001 PERSONNEL SERVICES	152,219	0	152,219	74,748	77,472	49.1%
002 PURCHASE OF SERVICES	136,469	0	136,469	129,493	6,976	94.9%
004 SUPPLIES	1,500	0	1,500	327	1,173	21.8%
007 OTHER CHARGES & EXPENSES	200	0	200	0	200	0.0%
<b>152 HUMAN RESOURCES Total</b>	<b>290,388</b>	<b>0</b>	<b>290,388</b>	<b>204,568</b>	<b>85,820</b>	<b>70.4%</b>
<b>161 CITY CLERK'S DEPARTMENT</b>						
001 PERSONNEL SERVICES	278,281	0	278,281	124,286	153,994	44.7%
002 PURCHASE OF SERVICES	13,500	0	13,500	4,219	9,281	31.3%
<b>161 CITY CLERK'S DEPARTMENT Total</b>	<b>291,781</b>	<b>0</b>	<b>291,781</b>	<b>128,506</b>	<b>163,275</b>	<b>44.0%</b>
<b>163 BOARD OF REGISTRARS</b>						
001 PERSONNEL SERVICES	4,383	0	4,383	2,164	2,219	49.4%
007 OTHER CHARGES & EXPENSES	47,500	0	47,500	47,500	0	100.0%
<b>163 BOARD OF REGISTRARS Total</b>	<b>51,883</b>	<b>0</b>	<b>51,883</b>	<b>49,664</b>	<b>2,219</b>	<b>95.7%</b>
<b>165 LICENSE COMMISSION</b>						
001 PERSONNEL SERVICES	7,500	0	7,500	3,750	3,750	50.0%
007 OTHER CHARGES & EXPENSES	1,000	0	1,000	923	77	92.3%
<b>165 LICENSE COMMISSION Total</b>	<b>8,500</b>	<b>0</b>	<b>8,500</b>	<b>4,673</b>	<b>3,827</b>	<b>55.0%</b>
<b>171 CONSERVATION COMMISSION</b>						
001 PERSONNEL SERVICES	1,800	0	1,800	900	900	50.0%
<b>171 CONSERVATION COMMISSION Total</b>	<b>1,800</b>	<b>0</b>	<b>1,800</b>	<b>900</b>	<b>900</b>	<b>50.0%</b>
<b>175 PLANNING BOARD</b>						
001 PERSONNEL SERVICES	1,800	0	1,800	1,200	600	66.7%
<b>175 PLANNING BOARD Total</b>	<b>1,800</b>	<b>0</b>	<b>1,800</b>	<b>1,200</b>	<b>600</b>	<b>66.7%</b>
<b>176 ZONING BOARD</b>						
001 PERSONNEL SERVICES	1,800	0	1,800	1,200	600	66.7%
<b>176 ZONING BOARD Total</b>	<b>1,800</b>	<b>0</b>	<b>1,800</b>	<b>1,200</b>	<b>600</b>	<b>66.7%</b>
<b>182 PLANNING &amp; DEVELOPMENT</b>						
001 PERSONNEL SERVICES	392,100	0	392,100	197,193	194,907	50.3%
002 PURCHASE OF SERVICES	42,780	0	42,780	28,270	14,510	66.1%
004 SUPPLIES	3,050	0	3,050	504	2,546	16.5%
<b>182 PLANNING &amp; DEVELOPMENT Total</b>	<b>437,930</b>	<b>0</b>	<b>437,930</b>	<b>225,967</b>	<b>211,964</b>	<b>51.6%</b>
<b>191 LEGAL DEPARTMENT</b>						
002 PURCHASE OF SERVICES	95,000	0	95,000	28,775	66,225	30.3%
<b>191 LEGAL DEPARTMENT Total</b>	<b>95,000</b>	<b>0</b>	<b>95,000</b>	<b>28,775</b>	<b>66,225</b>	<b>30.3%</b>





**City of Newburyport  
FY2021 Mid-Year Expenditures by Category**

	ORIGINAL APPROP.	TRANSFERS/ ADJUST.	REVISED BUDGET	YTD EXPENDED	REMAINING BUDGET	% USED
<b>210 POLICE DEPARTMENT</b>						
001 PERSONNEL SERVICES	3,838,653	0	3,838,653	2,014,444	1,824,209	52.5%
002 PURCHASE OF SERVICES	170,176	0	170,176	79,343	90,833	46.6%
004 SUPPLIES	70,100	0	70,100	16,544	53,556	23.6%
007 OTHER CHARGES & EXPENSES	21,555	0	21,555	11,179	10,376	51.9%
008 CAPITAL OUTLAY	64,725	0	64,725	25,695	39,030	39.7%
<b>210 POLICE DEPARTMENT Total</b>	<b>4,165,209</b>	<b>0</b>	<b>4,165,209</b>	<b>2,147,205</b>	<b>2,018,004</b>	<b>51.6%</b>
<b>220 FIRE DEPARTMENT</b>						
001 PERSONNEL SERVICES	3,780,705	0	3,780,705	1,973,207	1,807,499	52.2%
002 PURCHASE OF SERVICES	187,000	0	187,000	77,830	109,170	41.6%
004 SUPPLIES	70,000	0	70,000	12,994	57,006	18.6%
007 OTHER CHARGES & EXPENSES	5,550	0	5,550	2,856	2,695	51.5%
<b>220 FIRE DEPARTMENT Total</b>	<b>4,043,255</b>	<b>0</b>	<b>4,043,255</b>	<b>2,066,887</b>	<b>1,976,368</b>	<b>51.1%</b>
<b>241 BUILDING DEPARTMENT</b>						
001 PERSONNEL SERVICES	187,512	0	187,512	96,686	90,826	51.6%
002 PURCHASE OF SERVICES	1,000	0	1,000	534	466	53.4%
<b>241 BUILDING DEPARTMENT Total</b>	<b>188,512</b>	<b>0</b>	<b>188,512</b>	<b>97,220</b>	<b>91,292</b>	<b>51.6%</b>
<b>291 EMERGENCY MANAGEMENT</b>						
001 PERSONNEL SERVICES	16,000	0	16,000	6,654	9,346	41.6%
004 SUPPLIES	500	0	500	170	330	34.0%
007 OTHER CHARGES & EXPENSES	1,500	0	1,500	0	1,500	0.0%
<b>291 EMERGENCY MANAGEMENT Total</b>	<b>18,000</b>	<b>0</b>	<b>18,000</b>	<b>6,824</b>	<b>11,176</b>	<b>37.9%</b>
<b>292 ANIMAL CONTROL</b>						
001 PERSONNEL SERVICES	55,536	0	55,536	27,898	27,638	50.2%
002 PURCHASE OF SERVICES	4,950	0	4,950	484	4,466	9.8%
004 SUPPLIES	2,100	0	2,100	598	1,502	28.5%
007 OTHER CHARGES & EXPENSES	350	0	350	320	30	91.4%
<b>292 ANIMAL CONTROL Total</b>	<b>62,936</b>	<b>0</b>	<b>62,936</b>	<b>29,301</b>	<b>33,635</b>	<b>46.6%</b>
<b>293 PARKING CLERK DEPARTMENT</b>						
001 PERSONNEL SERVICES	242,383	0	242,383	97,197	145,186	40.1%
002 PURCHASE OF SERVICES	292,700	3,867	296,567	79,600	216,967	26.8%
004 SUPPLIES	71,200	0	71,200	18,730	52,470	26.3%
<b>293 PARKING CLERK DEPARTMENT Total</b>	<b>606,283</b>	<b>3,867</b>	<b>610,151</b>	<b>195,528</b>	<b>414,623</b>	<b>32.0%</b>
<b>300 SCHOOL DEPARTMENT</b>						
002 PURCHASE OF SERVICES	32,072,564	0	32,072,564	12,491,427	19,581,137	38.9%
<b>300 SCHOOL DEPARTMENT Total</b>	<b>32,072,564</b>	<b>0</b>	<b>32,072,564</b>	<b>12,491,427</b>	<b>19,581,137</b>	<b>38.9%</b>
<b>398 ESSEX NORTH SHORE TECH SCHOOL</b>						
002 PURCHASE OF SERVICES	81,500	18,000	99,500	51,073	48,427	51.3%
<b>398 ESSEX NORTH SHORE TECH SCHOOL Total</b>	<b>81,500</b>	<b>18,000</b>	<b>99,500</b>	<b>51,073</b>	<b>48,427</b>	<b>51.3%</b>



**City of Newburyport**  
**FY2021 Mid-Year Expenditures by Category**

	ORIGINAL APPROP.	TRANSFERS/ ADJUST.	REVISED BUDGET	YTD EXPENDED	REMAINING BUDGET	% USED
<b>399 WHITTIER VO TECH SCHOOL</b>						
002 PURCHASE OF SERVICES	638,712	0	638,712	539,560	99,152	84.5%
<b>399 WHITTIER VO TECH SCHOOL Total</b>	<b>638,712</b>	<b>0</b>	<b>638,712</b>	<b>539,560</b>	<b>99,152</b>	<b>84.5%</b>
<b>421 PUBLIC SERVICES DEPARTMENT</b>						
001 PERSONNEL SERVICES	1,959,119	0	1,959,119	950,865	1,008,254	48.5%
002 PURCHASE OF SERVICES	561,687	0	561,687	133,237	428,450	23.7%
004 SUPPLIES	245,875	0	245,875	118,354	127,522	48.1%
008 CAPITAL OUTLAY	303,750	0	303,750	270,745	33,005	89.1%
<b>421 PUBLIC SERVICES DEPARTMENT Total</b>	<b>3,070,431</b>	<b>0</b>	<b>3,070,431</b>	<b>1,473,201</b>	<b>1,597,230</b>	<b>48.0%</b>
<b>423 SNOW &amp; ICE</b>						
001 PERSONNEL SERVICES	110,000	0	110,000	7,156	102,844	6.5%
002 PURCHASE OF SERVICES	150,000	0	150,000	48,775	101,225	32.5%
<b>423 SNOW &amp; ICE Total</b>	<b>260,000</b>	<b>0</b>	<b>260,000</b>	<b>55,930</b>	<b>204,070</b>	<b>21.5%</b>
<b>510 HEALTH DEPARTMENT</b>						
001 PERSONNEL SERVICES	217,890	0	217,890	106,193	111,697	48.7%
002 PURCHASE OF SERVICES	31,314	0	31,314	4,136	27,178	13.2%
004 SUPPLIES	4,500	0	4,500	886	3,614	19.7%
007 OTHER CHARGES & EXPENSES	1,000	0	1,000	495	505	49.5%
<b>510 HEALTH DEPARTMENT Total</b>	<b>254,704</b>	<b>0</b>	<b>254,704</b>	<b>111,710</b>	<b>142,994</b>	<b>43.9%</b>
<b>519 SUSTAINABILITY</b>						
001 PERSONNEL SERVICES	120,899	0	120,899	57,250	63,649	47.4%
002 PURCHASE OF SERVICES	1,600,500	0	1,600,500	630,650	969,850	39.4%
004 SUPPLIES	1,250	0	1,250	605	645	48.4%
<b>519 SUSTAINABILITY Total</b>	<b>1,722,649</b>	<b>0</b>	<b>1,722,649</b>	<b>688,505</b>	<b>1,034,144</b>	<b>40.0%</b>
<b>541 COUNCIL ON AGING</b>						
001 PERSONNEL SERVICES	276,155	0	276,155	135,301	140,854	49.0%
002 PURCHASE OF SERVICES	22,000	0	22,000	3,082	18,918	14.0%
004 SUPPLIES	10,000	0	10,000	1,788	8,212	17.9%
<b>541 COUNCIL ON AGING Total</b>	<b>308,155</b>	<b>0</b>	<b>308,155</b>	<b>140,170</b>	<b>167,985</b>	<b>45.5%</b>
<b>542 YOUTH SERVICES</b>						
001 PERSONNEL SERVICES	240,505	0	240,505	127,983	112,522	53.2%
002 PURCHASE OF SERVICES	19,300	0	19,300	10,288	9,012	53.3%
007 OTHER CHARGES & EXPENSES	48,000	0	48,000	9,729	38,271	20.3%
<b>542 YOUTH SERVICES Total</b>	<b>307,805</b>	<b>0</b>	<b>307,805</b>	<b>148,000</b>	<b>159,806</b>	<b>48.1%</b>
<b>543 VETERANS' DEPARTMENT</b>						
001 PERSONNEL SERVICES	133,094	0	133,094	70,458	62,636	52.9%
002 PURCHASE OF SERVICES	7,268	0	7,268	2,141	5,127	29.5%
007 OTHER CHARGES & EXPENSES	134,420	0	134,420	64,982	69,438	48.3%
<b>543 VETERANS' DEPARTMENT Total</b>	<b>274,782</b>	<b>0</b>	<b>274,782</b>	<b>137,581</b>	<b>137,201</b>	<b>50.1%</b>



**City of Newburyport**  
**FY2021 Mid-Year Expenditures by Category**

	ORIGINAL APPROP.	TRANSFERS/ ADJUST.	REVISED BUDGET	YTD EXPENDED	REMAINING BUDGET	% USED
<b>610 LIBRARY DEPARTMENT</b>						
001 PERSONNEL SERVICES	1,082,968	0	1,082,968	528,173	554,795	48.8%
002 PURCHASE OF SERVICES	347,697	0	347,697	185,031	162,666	53.2%
<b>610 LIBRARY DEPARTMENT Total</b>	<b>1,430,665</b>	<b>0</b>	<b>1,430,665</b>	<b>713,203</b>	<b>717,462</b>	<b>49.9%</b>
<b>630 PARKS COMMISSION</b>						
001 PERSONNEL SERVICES	270,819	0	270,819	121,715	149,104	44.9%
002 PURCHASE OF SERVICES	14,400	0	14,400	14,400	0	100.0%
004 SUPPLIES	42,300	0	42,300	24,317	17,983	57.5%
007 OTHER CHARGES & EXPENSES	450	0	450	0	450	0.0%
008 CAPITAL OUTLAY	12,000	0	12,000	0	12,000	0.0%
<b>630 PARKS COMMISSION Total</b>	<b>339,969</b>	<b>0</b>	<b>339,969</b>	<b>160,433</b>	<b>179,537</b>	<b>47.2%</b>
<b>691 HISTORICAL COMMISSION</b>						
001 PERSONNEL SERVICES	1,800	0	1,800	1,050	750	58.3%
<b>691 HISTORICAL COMMISSION Total</b>	<b>1,800</b>	<b>0</b>	<b>1,800</b>	<b>1,050</b>	<b>750</b>	<b>58.3%</b>
<b>710 DEBT EXCLUSION</b>						
009 DEBT SERVICE	3,171,545	0	3,171,545	1,306,298	1,865,248	41.2%
<b>710 DEBT EXCLUSION Total</b>	<b>3,171,545</b>	<b>0</b>	<b>3,171,545</b>	<b>1,306,298</b>	<b>1,865,248</b>	<b>41.2%</b>
<b>720 ORDINARY DEBT SERVICE</b>						
009 DEBT SERVICE	923,769	0	923,769	384,156	539,613	41.6%
<b>720 ORDINARY DEBT SERVICE Total</b>	<b>923,769</b>	<b>0</b>	<b>923,769</b>	<b>384,156</b>	<b>539,613</b>	<b>41.6%</b>
<b>911 RETIREMENT BOARD</b>						
001 PERSONNEL SERVICES	4,563,509	0	4,563,509	4,563,509	0	100.0%
<b>911 RETIREMENT BOARD Total</b>	<b>4,563,509</b>	<b>0</b>	<b>4,563,509</b>	<b>4,563,509</b>	<b>0</b>	<b>100.0%</b>
<b>914 INSURANCE GROUP</b>						
001 PERSONNEL SERVICES	9,807,193	0	9,807,193	4,650,848	5,156,345	47.4%
<b>914 INSURANCE GROUP Total</b>	<b>9,807,193</b>	<b>0</b>	<b>9,807,193</b>	<b>4,650,848</b>	<b>5,156,345</b>	<b>47.4%</b>
<b>921 COMMISSION ON DISABILITY</b>						
001 PERSONNEL SERVICES	2,693	0	2,693	609	2,084	22.6%
<b>921 COMMISSION ON DISABILITY Total</b>	<b>2,693</b>	<b>0</b>	<b>2,693</b>	<b>609</b>	<b>2,084</b>	<b>22.6%</b>
<b>001 GENERAL FUND Total</b>	<b><u>71,743,591</u></b>	<b><u>21,867</u></b>	<b><u>71,765,458</u></b>	<b><u>33,887,744</u></b>	<b><u>37,877,714</u></b>	<b><u>47.2%</u></b>



**City of Newburyport**  
**FY2021 Mid-Year Expenditures by Category**

	ORIGINAL APPROP.	TRANSFERS/ ADJUST.	REVISED BUDGET	YTD EXPENDED	REMAINING BUDGET	% USED
<b><u>060 WATER ENTERPRISE FUND</u></b>						
<b>450 WATER DEPARTMENT</b>						
001 PERSONNEL SERVICES	2,290,161	0	2,290,161	1,236,867	1,053,294	54.0%
002 PURCHASE OF SERVICES	914,536	0	914,536	484,862	429,673	53.0%
004 SUPPLIES	184,070	0	184,070	88,397	95,673	48.0%
007 OTHER CHARGES & EXPENSES	100,067	0	100,067	88,206	11,862	88.1%
008 CAPITAL OUTLAY	115,000	0	115,000	1,067	113,933	0.9%
009 DEBT SERVICE	1,817,253	0	1,817,253	1,023,806	793,447	56.3%
<b>450 WATER DEPARTMENT Total</b>	<b>5,421,087</b>	<b>0</b>	<b>5,421,087</b>	<b>2,923,205</b>	<b>2,497,881</b>	<b>53.9%</b>
<b>060 WATER ENTERPRISE FUND Total</b>	<b>5,421,087</b>	<b>0</b>	<b>5,421,087</b>	<b>2,923,205</b>	<b>2,497,881</b>	<b>53.9%</b>
<b><u>061 SEWER ENTERPRISE FUND</u></b>						
<b>440 SEWER DEPARTMENT</b>						
001 PERSONNEL SERVICES	2,401,978	0	2,401,978	1,277,734	1,124,244	53.2%
002 PURCHASE OF SERVICES	1,216,900	0	1,216,900	388,503	828,397	31.9%
004 SUPPLIES	465,800	0	465,800	157,453	308,347	33.8%
007 OTHER CHARGES & EXPENSES	85,579	0	85,579	82,242	3,338	96.1%
008 CAPITAL OUTLAY	196,000	0	196,000	59,107	136,893	30.2%
009 DEBT SERVICE	3,149,038	0	3,149,038	1,206,162	1,942,876	38.3%
<b>440 SEWER DEPARTMENT Total</b>	<b>7,515,295</b>	<b>0</b>	<b>7,515,295</b>	<b>3,171,201</b>	<b>4,344,093</b>	<b>42.2%</b>
<b>061 SEWER ENTERPRISE FUND Total</b>	<b>7,515,295</b>	<b>0</b>	<b>7,515,295</b>	<b>3,171,201</b>	<b>4,344,093</b>	<b>42.2%</b>
<b><u>6520 HARBORMASTER ENTERPRISE FUND</u></b>						
<b>295 HARBORMASTER DEPARTMENT</b>						
001 PERSONNEL SERVICES	277,777	0	277,777	179,969	97,809	64.8%
002 PURCHASE OF SERVICES	52,000	0	52,000	12,423	39,577	23.9%
004 SUPPLIES	19,200	0	19,200	9,127	10,073	47.5%
007 OTHER CHARGES & EXPENSES	12,000	0	12,000	8,705	3,295	72.5%
008 CAPITAL OUTLAY	25,000	0	25,000	3,518	21,482	14.1%
009 DEBT SERVICE	79,273	0	79,273	62,399	16,874	78.7%
<b>295 HARBORMASTER DEPARTMENT Total</b>	<b>465,250</b>	<b>0</b>	<b>465,250</b>	<b>276,141</b>	<b>189,109</b>	<b>59.4%</b>
<b>6520 HARBORMASTER ENTERPRISE FUND Total</b>	<b>465,250</b>	<b>0</b>	<b>465,250</b>	<b>276,141</b>	<b>189,109</b>	<b>59.4%</b>
<b>Grand Total</b>	<b>85,145,222</b>	<b>21,867</b>	<b>85,167,089</b>	<b>40,258,291</b>	<b>44,908,798</b>	<b>47.3%</b>



**City of Newburyport**  
**FY2021 Mid-Year Revenue Summary**

CATEGORY	FY2020 Mid-Year Revenue				FY2021 Mid-Year Revenue				FY20 vs. FY21 +/-		
	ESTIMATE	6MO ACTUAL	REMAINING	% COLL	ESTIMATE	6MO ACTUAL	REMAINING	% COLL	\$	%	
<b>Tax Revenue</b>											
Real Estate Tax	58,434,222	28,458,288	29,975,933	48.7%	60,036,691	30,142,239	29,894,452	50.2%	1,683,950	5.9%	↑
Personal Property Tax	685,065	325,176	359,889	47.5%	680,936	337,893	343,043	49.6%	12,717	3.9%	↑
<b>Total Tax Revenue</b>	<b>59,119,286</b>	<b>28,783,464</b>	<b>30,335,822</b>	<b>48.7%</b>	<b>60,717,627</b>	<b>30,480,132</b>	<b>30,237,495</b>	<b>50.2%</b>	<b>1,696,668</b>	<b>5.9%</b>	<b>↑</b>
<b>Local Receipts</b>											
Motor Vehicle Excise (1)	2,625,000	512,487	2,112,513	19.5%	2,675,305	379,437	2,295,868	14.2%	(133,050)	-26.0%	↓
Room Occupancy Excise	220,000	197,162	22,838	89.6%	200,000	137,086	62,914	68.5%	(60,076)	-30.5%	↓
Meals Excise	620,000	380,856	239,144	61.4%	491,000	319,049	171,951	65.0%	(61,806)	-16.2%	↓
Pen & Int on Tax & Exc	315,000	173,196	141,804	55.0%	280,000	179,514	100,486	64.1%	6,317	3.6%	↑
Payments in Lieu of Taxes (2)	60,000	0	60,000	0.0%	40,000	0	40,000	0.0%	0	0.0%	↔
Fees (3)	320,000	203,213	116,787	63.5%	255,000	211,872	43,128	83.1%	8,659	4.3%	↑
Other Dept. Revenue (4)	60,000	29,499	30,501	49.2%	50,000	35,841	14,160	71.7%	6,341	21.5%	↑
Licenses and Permits	900,000	722,305	177,695	80.3%	750,000	417,176	332,824	55.6%	(305,129)	-42.2%	↓
Fines & Forfeits	12,000	4,645	7,355	38.7%	10,000	3,880	6,120	38.8%	(765)	-16.5%	↓
Investment Income	100,000	95,061	4,939	95.1%	90,000	80,382	9,618	89.3%	(14,680)	-15.4%	↓
Medicaid Reimbursement	110,000	14,978	95,022	13.6%	110,000	12,169	97,831	11.1%	(2,809)	-18.8%	↓
Miscellaneous Recurring (5)	179,500	60,811	118,689	33.9%	176,729	66,634	110,095	37.7%	5,823	9.6%	↑
Miscellaneous Non-Recurring	0	79,742	(79,742)	100.0%	0	3,226	(3,226)	100.0%	(76,516)	-96.0%	↓
<b>Total Local Receipts</b>	<b>5,631,500</b>	<b>2,473,956</b>	<b>3,157,544</b>	<b>43.9%</b>	<b>5,128,034</b>	<b>1,846,266</b>	<b>3,281,768</b>	<b>36.0%</b>	<b>(627,690)</b>	<b>-25.4%</b>	<b>↓</b>
<i>Local Receipts Excluding MV Excise</i>	<i>3,006,500</i>	<i>1,961,468</i>	<i>1,045,032</i>	<i>65.2%</i>	<i>2,452,729</i>	<i>1,466,829</i>	<i>985,900</i>	<i>59.8%</i>	<i>(494,640)</i>	<i>-25.2%</i>	<i>↓</i>
<b>Net State Aid</b>	<b>4,583,403</b>	<b>2,258,420</b>	<b>2,324,983</b>	<b>49.3%</b>	<b>4,892,878</b>	<b>2,475,768</b>	<b>2,417,110</b>	<b>50.6%</b>	<b>217,348</b>	<b>9.6%</b>	<b>↑</b>
<b>Total General Fund Revenue</b>	<b>69,334,189</b>	<b>33,515,840</b>	<b>35,818,349</b>	<b>48.3%</b>	<b>70,738,539</b>	<b>34,802,166</b>	<b>35,936,373</b>	<b>49.2%</b>	<b>1,286,326</b>	<b>3.8%</b>	<b>↑</b>
<b>Enterprise Funds</b>											
Water Fund Revenue	5,381,089	2,897,729	2,483,359	53.9%	5,249,764	3,237,921	2,011,843	61.7%	340,192	11.7%	↑
Sewer Fund Revenue	7,596,606	3,974,332	3,622,274	52.3%	7,215,261	4,429,644	2,785,617	61.4%	455,312	11.5%	↑
Harbormaster Fund Revenue	514,868	262,402	252,466	51.0%	465,250	393,671	71,579	84.6%	131,269	50.0%	↑
<b>Total Budgetary Funds</b>	<b>82,826,752</b>	<b>40,650,303</b>	<b>42,176,449</b>	<b>49.1%</b>	<b>83,668,813</b>	<b>42,863,402</b>	<b>40,805,411</b>	<b>51.2%</b>	<b>2,213,099</b>	<b>5.4%</b>	<b>↑</b>

(1) Motor vehicle excise tax bills mailed out by end of February.

(2) Payments in lieu of taxes paid in March; category includes any roll back taxes as well.

(3) Municipal liens, off duty fees, registry fees, tax title, fire alarm box fees.

(4) Copies/recordings, zoning/ordinances, business certificates.

(5) Police incident/accident, cell tower lease payments, Animal Control (\$24K), Veterans' Services (\$97K), FWS refuge revenue sharing.

# Horsley Witten Group

*Sustainable Environmental Solutions*

113 R2 Water Street • Exeter, NH • 03833  
603-658-1660 • horsleywitten.com



## MEMORANDUM

**To:** Newbury Select Board and Newburyport City Council  
**From:** Ellie Baker, Project Manager, Horsley Witten Group  
**Date:** February 2, 2020  
**Re:** Project Update: *Plum Island: Exploring Fiscal Implications of Sea Level Rise*  
**cc:** Newbury Conservation Commission, Planning Board and Zoning Board  
 Newburyport Conservation Commission, Planning Board and Zoning Board

On behalf of our Project Team, I am pleased to inform you about an important project we are undertaking with the Town of Newbury and the City of Newburyport, entitled *Plum Island: Exploring Fiscal Implications of Sea Level Rise*. This project aims to develop new information that can support the important decision-making that is underway in both communities to improve resilience and adapt to sea level rise impacts on Plum Island. This project is supported by a FY20-21 Municipal Vulnerability Preparedness (MVP) Action Grant awarded to the Town of Newbury from the Commonwealth of Massachusetts.

An overview of our project is provided on the following page. More information and updates will follow later this spring, and we hope to have your participation and input during our public engagement effort, currently in the planning stages for April. In the meantime, if you have questions or would like to know more about the project, please contact your municipal representative on our Project Team:

Newbury:	Martha Taylor, Planning Director
Newburyport:	Andy Port, Director of Planning and Development Julia Godtfredsen, Conservation Administrator

Our Project Consultant Team, contracted through the Town of Newbury, includes Camoin 310, who is leading the economic analysis, and the Consensus Building Institute, who is facilitating our advisory committee and will be guiding our public outreach effort. On behalf of our Team, we thank both communities for the opportunity to work with you on this project. We look forward to updating you later this winter.

## Plum Island: Exploring Fiscal Implications of Sea Level Rise Project Overview

### Context

Newbury and Newburyport MA share commercial and residential areas on the barrier island of Plum Island. The severity and frequency of erosion and flooding on Plum Island is expected to get increasingly worse in coming years, and both communities identified resilience planning for the island among their highest priority recommendations in their 2019 Municipal Vulnerability Preparedness (MVP) Planning Workshops.

### Purpose

The project's goal is to lay the groundwork to better enable both communities to make thoughtful decisions regarding the challenges for long-term planning for Plum Island. Under the guidance of a multi-stakeholder advisory group from both communities and State and Federal agencies, the Technical Team (made up of Camoin310, the Horsley Witten Group, the Consensus Building Institute and planning staff from both communities) is gathering economic and fiscal information to help the towns evaluate long term management options for Plum Island. How can both communities responsibly manage the island, with all the public services that accompany that responsibility, and how can both communities prepare for change?

### Outcomes

By June 2021, at the end of this project, Newbury and Newburyport will have analysis that lays out the economic and fiscal implications of Plum Island for the municipalities today and under possible future scenarios with different levels of sea level rise and management and policy conditions. This information can augment other types of information to assist municipalities in the coming years to make thoughtful decisions about planning and investment on Plum Island.

### Project Elements

1. ***Draft a baseline of the current fiscal and economic benefits and costs associated with Plum Island.*** The fiscal analysis includes costs of providing services during normal conditions, considers costs of storms/flooding/erosion, and includes revenue from property taxes and other miscellaneous fiscal revenue from residents and visitors. The economic analysis looks at jobs, wages, sales, and both direct and indirect economic impacts of spending by Plum Island residents and visitors.
2. ***Establish an advisory group of local representatives to oversee and guide the project.*** The role of this group, representative of a variety of perspectives and types of expertise across the two communities, is to steer the project by reviewing technical approaches, helping to shape the questions being asked, and ensure that the results will be useful to the communities. They are also helping to guide the public engagement effort.
3. ***Analyze several different future scenarios.*** The technical team will analyze the expected fiscal and economic benefits and costs in future target years considering sea level rise in combination with outcomes from possible management and policy decisions.
4. ***Engage the public and seek input on preliminary findings and next steps.*** The technical team, with the advisory group's guidance, will plan to gather public comments on the initial findings of the project, and solicit input on how this information can be integrated into decision-making, what other information would be useful for decision-makers, and what next steps they envision for Plum Island planning.
5. ***Share results.*** After being reviewed by the advisory group, project results will be shared with community members and leaders in both municipalities.

### Funding Support

This project is supported by a FY20-21 Municipal Vulnerability Preparedness (MVP) Action Grant awarded to the Town of Newbury from the Commonwealth of Massachusetts.

**Committee Items**  
**February 22, 2021**  
**General Government**

APPT229\_02\_08\_2021

KP Law City Solicitor 2/2/2022

ORDR240\_02\_08\_2021 LATE FILE

COVID 19 Victims and Survivors Memorial Day Resolution

COMM241\_05\_11\_2020

Charter Review Final Report

COMM242\_05\_11\_2020

Legal Opinion from KP Law re: Charter Review





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

RECEIVED  
CITY CLERK'S OFFICE  
NEWBURYPORT, MA  
2021 FEB -3 PM 3:31

To: President and Members of the City Council  
From: Donna D. Holaday, Mayor  
Subject: Appointment  
Date: February 2, 2021

I hereby appoint, subject to your confirmation, the following named firm to serve in the office of City Solicitor. This term will expire on February 1, 2022.

KP Law  
101 Arch Street, 12<sup>th</sup> Floor  
Boston, MA 02110



## COVID-19 Victims and Survivors Memorial Day Resolution

**WHEREAS**, the first Monday in March, has been designated as COVID-19 Victims and Survivors Memorial Day; and

**WHEREAS**, COVID-19 (SARS-CoV-2) is an illness caused by a virus that can transmit from person to person and has spread across the world, creating a global pandemic that is having catastrophic effects on human life, our community, and our economy; and

**WHEREAS**, To mitigate the spread of COVID-19, observance of public health orders to social distance and stay at home have created challenges for small businesses, workers, and schools which are working to comply with limited resources; and

**WHEREAS**, School districts, teachers, students, and parents are grappling with the challenges of distance learning and working to prevent any potential learning loss due to not being in-person; and

**WHEREAS**, Local and state governments, health departments, and public servants have taken bold actions to protect residents, support struggling local economies, and find innovative ways to provide services; and

**WHEREAS**, In response to rapid spread of COVID-19 and stay-at-home orders, essential workers have stepped up to provide critical services to help protect our communities and save lives, sacrificing their own health and safety; and

**WHEREAS**, COVID-19 has had a disproportionate impact on low-income communities and communities of color, exacerbating inequities already prevalent in our systems that we must address as a nation; and

**WHEREAS**, The symptoms and severity of COVID-19 can vary dramatically by individual and the long-term health implications for survivors is largely unknown, as many survivors suffer with lingering side-effects of the disease long after they no longer test positive; and

**WHEREAS**, More than 2.32 million people worldwide, and 475,000 in the United States have lost their lives due to COVID-19, and, in Massachusetts over 15,000 people and here in Newburyport 32 lives have been lost to this deadly virus; and

**WHEREAS**, Each life lost to COVID-19 mattered and leaves a hole in the hearts of loved ones, family members, and surrounding community; and

**WHEREAS**, Public health guidance and policies targeted at prevention, such as social distancing, wearing masks in public, and staying home help mitigate the spread of COVID-19, prevent illness, and lessen the burden on individuals and society,

**NOW, THEREFORE, BE IT RESOLVED** that the City of Newburyport supports the United States Conference of Mayors designation of the first Monday in March as "COVID-19 Memorial Day" and that the City of Newburyport designates the first Monday in March as "COVID-19 Memorial Day", in remembrance of those who have lost their lives and in honor of those who continue to suffer from the impact of this virus and to commemorate them in an appropriate manner each year on that day.

**BE IT FURTHER RESOLVED** that the City of Newburyport urges all to continue taking preventative measures such as social distancing and following public health orders to mitigate spread of this virus, in tribute to essential workers and those who rose in service to protect the public.



*Given under my hand and seal this 8<sup>th</sup> day of February in the year two thousand and twenty one*

*Donna D. Holaday*  
Donna D. Holaday, Mayor

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Jared. J. Eigerman  
Sponsor

Gen Gast

COMM241\_05\_11\_2020



**City of Newburyport  
Charter Review Committee  
Report to the City Clerk  
April 29, 2020**

Pursuant to Section 9-6 of the Newburyport Home Rule Charter, the Charter Review Committee submits this report to the City Clerk, to be forwarded to the City Council and Mayor for consideration and possible action.

For the reasons detailed below, and in light of the current nationwide emergency, the committee asks that the Council and Mayor accept this report and also consider extending the charge of the committee beyond the May 1 deadline in order to file a more comprehensive report.

**I. Background**

The Charter Review Committee was formed pursuant to Section 9-6 of the Newburyport Charter, which states:

**Sec. 9-6. - Periodic review of charter**

Not later than the first day of July, at ten-year intervals, in each year ending in a nine, the mayor and city council shall provide for a review to be made of the city charter. This review shall be made by a special committee to consist of nine members, four of whom shall be appointed by the city council president and five of whom shall be appointed by the mayor. At least two of the persons appointed by the city council president shall be members of the city council. All members of the committee shall be voters of the city. The appointing authority shall fill any vacancies within fourteen days. The special committee shall file its report with the city clerk, not later than the first day of May in the year following the year in which the committee is appointed. The recommendations of the special committee shall appear on the city council's agenda for action before the fifteenth day of June in that year and if not so scheduled by the city clerk the matter shall come before the city council for action at its next meeting held following the

fifteenth day of June, and no other business shall be in order until such report has been acted upon, by roll call vote.

In June 2019 Mayor Donna Holaday and Council President Barry Connell selected the following members:

**Mayoral Appointments**

Denis Kennedy  
Bruce Menin  
Connie Preston  
Sheila Taintor  
Juliet Walker

**Council President Appointments**

Ed Cameron  
Heather Shand, Ward 3 Councilor  
Charlie Tontar, Ward 4 Councilor (became councilor-at-large in January 2020)  
Sharif Zeid, Ward 1 Councilor

**II. Committee Meetings and Progress**

The committee held its first meeting on Jan. 22, 2020, and elected the following officers: Charlie Tontar, Chair; Denis Kennedy, Vice Chair; and Ed Cameron, Secretary.

The committee met a total of eleven times over the next three months, usually convening weekly. A public hearing was held at the Feb. 5 meeting, and the committee also set aside a public comment period at each meeting.

After general preliminary discussions, the committee went methodically through the charter, flagging issues to be discussed or items to be corrected. The plan was to return to those items for specific action as needed after the preliminary pass through the charter. There would also be a determination, if necessary, of whether some items could best be addressed through other means such as ordinance or council rules.

The committee completed the initial review by March 5 and started discussion of specific amendments at its next meeting on March 10. However, only a handful of items were addressed, such as Section 1: Definitions. We had not reached discussion of larger, substantive issues, such as any modifications of the sections dealing with the City Council, Mayor and School Committee. Arrangements were made to proceed with subsequent sections at the next meeting, scheduled for March 18.

By that time, however, there had been a significant upheaval in daily life due to the growing novel Coronavirus pandemic. On Thursday, March 12, Mayor Holaday recommended that city boards postpone meetings, with the exceptions that meetings could be held to address critical, time sensitive matters. In addition, Gov. Baker issued an emergency order that municipal bodies meet remotely for the foreseeable future to reduce the chances of the spread of the virus.

Consistent with these directives, Chairman Tontar notified Charter Review Committee members on March 13 that he had canceled all scheduled meetings of the committee while the city researched "a means through which we could meet remotely with real time public observation and participation."

The situation escalated significantly in the ensuing days, as the governor declared a state of emergency statewide and the mayor followed suit in Newburyport. Public buildings, including City Hall, were closed, and residents were advised to stay home as much as possible.

During this time some city bodies made arrangements to hold meetings over the online meeting program Zoom. The Charter Review Committee followed suit, convening its next meeting on Wednesday, March 25. All nine members participated.

During the meeting some members conveyed reservations about going forward under the current circumstances. Some expressed difficulty with the shortcomings of remote participation and its effect on member discussion and public participation. There was also significant concern over whether the committee would be able to deliver a complete report to the city clerk by the charter-prescribed deadline of May 1.

After discussion, the committee voted 6-3 to suspend its deliberations on review and changes to the charter, based on the current circumstances. Members agreed to meet remotely a week later, on April 1, to discuss a more detailed motion.

At that meeting, the committee voted unanimously in favor of the following motion:

That the Charter Review Committee submit a report to the City Clerk, pursuant to Section 9-6 of the city charter, summarizing its efforts and work to date and also stating the following:

1) while it has made progress, including an initial review of all chapters of the charter, the committee has been unable to complete substantive discussions on possible charter revisions due to limitations on meetings and other conditions imposed by the current state of emergency;

2) these limitations have made the submission of a more comprehensive report by the May 1 deadline under Sec. 9-6 of the charter unrealistic; and

3) the committee respectfully recommends and requests that the City Council and the Mayor authorize the committee to reconvene and resume its work after the end of the current state of emergency and submit a final report by a deadline to be specified by order of the council in consultation with the mayor.

### **III. Topics Identified**

In its discussions, the committee reached no final conclusions on any significant, structural changes to the city's council-mayor form of government. We did, however, flag several dozen items for further discussion, some based on comments received from the public.

Suggestions from the public, both sent by email and delivered in person during public comment at meetings, included:

- Changing to a city manager form of government
- Electing city officials by ranked choice voting
- Eliminating the mayor's position as chair of the School Committee
- Reducing the term of School Committee members
- Instituting term limits and recall provisions for the mayor
- Amending the removal procedures for city officers and employees

In addition, the mayor's chief of staff submitted a memorandum listing the administration's suggestions for possible changes (attached), based on discussions with the City Clerk, Planning Director and Finance Director. Those suggestions included:

- Amending the prohibition on a Councillor holding any other city office or employment on a limited basis, such as a part-time athletic position.
- Establishing an Elected Official Compensation Commission to set salaries for officials. Compensation is currently set by ordinance.
- Changing the definition of "Majority Vote" to mean a majority of all members or a body, not of those present.
- Changing the current language that no "measure" shall be passed by the Council on the same night it is introduced to allow votes on time-sensitive matters such as road races, block parties and special events.
- Eliminating separate public hearings for the Capital Improvement Plan and the annual city budget to allow a single hearing for greater public participation.

- Eliminating the requirement that notice of capital plan and budget hearings be posted in a local newspaper.
- Moving the filing date for the Capital Improvement Plan from April 1 to May 15, to coincide with the filing of the budget.
- Eliminating the rule that no “rule or regulation” adopted by a city agency cannot take effect for five days.
- Eliminating the filing of meeting documents, including minutes, with the public library. Documents are now filed with the city clerk.

The committee flagged these and many other topics for later discussion and possible action. Our spreadsheet of items numbered more than 70, including these brought up by members:

- The Capital Improvement Plan, including changes to calendar for submittal to the Council and information to be contained
- The prohibition on additional employment of councilors
- Expansion of the ban on councilors and mayors serving if they are convicted of a felony related to a public position to cover all felonies
- Amending/clarifying the prohibition on councilors’ ability to “give orders or directions to any officer or employee of the city appointed by the mayor, either publicly or privately.”
- The ability of the council to initiate removal of department heads (currently the prerogative of the mayor)
- Prohibiting the mayor from receiving compensation for any other positions
- Limitations on former mayors appearing before land use boards (ZBA, Planning Board) after leaving office
- Elimination of the special committee to revise or recodify ordinances every five years
- Ensuring ward lines do not split streets
- Inserting gender-neutral language where needed
- The role and management of the City Solicitor

#### **IV. Charter Amendment or Revision Process**



We gained a greater understanding of the charter review and amendment process in a discussion with Lauren Goldberg, managing partner of City Solicitor KP Law, at our meeting on Jan. 29. We are aware that there is more than one method of changing the charter. Relatively minor changes may be accomplished by a council vote, in consultation with the mayor, followed commonly by a citywide vote. MGL c. 43B requires that more substantive amendments, specifically “any change in a charter relating in any way to the composition, mode of election or appointment, or terms of office of the legislative body, the mayor or city manager, or the board of selectmen or town manager,” can only be accomplished through one of two ways: 1) the election of a charter commission, such as in 2010-11, or 2) the filing of special legislation with the Legislature enacting such changes.

We are mindful of our relatively limited charge, but have not ruled out discussion of some issues, such as recall, terms of office and the adoption of a city manager form of government. For this reason, we had envisioned completing work on the relatively minor revisions, and if we had reached a consensus on the larger issues, recommending them for further study and possible action by the council and mayor.

#### **V. A Path Forward**

Consistent with the motion passed at its April 1 meeting, as noted in Section II above, the committee submits this summary of its work to date. We are mindful that it is an incomplete work, but feel that our decision was warranted considering the unique circumstances. (It is also our understanding that other city bodies have reduced their meetings and postponed action on some items.)

Though our charter-mandated deadline has expired, we are willing to resume the task of reviewing the charter and receiving additional public input to complete our charge, if the council and mayor so decide.

We recognize the council and the mayor are under no obligation under the charter to authorize further action by this committee. However, state law (MGL c. 43B, § 10) authorizes a council and mayor to initiate the charter review process at any time. Given that our committee just recently started operating, we suggest the council authorize this committee to resume its work for a period after the end of the current state of emergency and submit a more complete report by a deadline to be specified by the council in consultation with the mayor.

Approved at a remote meeting of the committee on April 29, 2020 by a vote of 7 in the affirmative with Edward Cameron and Heather Shand absent having previously expressed support.

#### **Charter Review Committee**

Charles Tontar, Chair

Bruce Menin

Sheila Taintor

Denis Kennedy, Vice Chair  
Edward Cameron, Secretary

Connie Preston  
Heather Shand

Juliet Walker  
Sharif Zeid

### Attachments

1. Memo Charter Committee Admin. Recommendations 2020-02-12
2. Charter Testimony
  - a. Amy Roberts Testimony
  - b. Brin Stevens Testimony
  - c. Hazem Mahmoud Testimony
  - d. Bruce Menin Testimony
  - e. David Hochheiser Testimony
  - f. Sean Reardon Testimony
3. Minutes
  - a. CRC Minutes JAN 22, 2020
  - b. CRC Minutes FEB 5, 2020
  - c. CRC Minutes FEB 12, 2020
  - d. CRC MINUTES FEB 26, 2020
  - e. CRC Minutes MAR 5, 2020
  - f. CRC Minutes MAR 10, 2020
  - g. Remote Meetings were held on March 25, 2020, April 1, 2020, April 9, 2020, April 15, 2020, and April 29, 2020. Remote meetings were recorded and are available on the city web page.

## 1. Memo Charter Committee Admin. Recommendations 2020-02-12



CITY OF NEWBURYPORT  
OFFICE OF THE MAYOR  
DONNA D. HOLADAY  
60 PLEASANT STREET • P.O. BOX 550  
NEWBURYPORT, MA 01950  
(978) 465-4413 • (978) 465-4402 (FAX)  
WWW.CITYOFNEWBURYPORT.COM

To: Councillor Charles Tontar  
From: Matthew Coogan, Chief of Staff  
Date: February 2, 2020  
Subject: Charter Review

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Thank you to the Chair and the members of the Special Committee for volunteering your time to focus on such an important endeavor as the periodic review of the City Charter. In accordance with Section 9-6 of the City Charter and M.G.L. Chapter 43B Section 10, a Special Committee shall provide the City Council and the Mayor a report that reviews the Charter and can include potential. Below are some suggested amendments to the Charter by the Administration for the Committee to consider. These suggestions were provided by Department Heads with a thorough working knowledge of the Charter and significant experience administering City government in compliance with the Charter. We ask you consider these suggestions as you deliberate and develop your report. City staff can be available to discuss further.

- Amend Section 2-3 (a) to allow a city councilor member, by approval of the President of the Council or the Mayor, to hold another city office or city employment at a limited basis. For example, it seems too restrictive, to prohibit a Councilor from a part-time position keeping score at high school athletic events. A situation like this could be allowed with the approval of the President of the Council or the Mayor.
- Replace Section 2-4(a), 3-1(c) and 4-4 with an Elected Official Compensation Commission that meets every 2 years to establish salaries for elected officials.
- Define in Section 2-6(b) Majority Vote (13) as meaning a majority of the members of the body – instead of those present. The Council actually had to vote its own order to require this for non-appropriation orders.
- Amend Section 2-9 to allow certain measures to be passed on the night of introduction. In addition to veritable emergencies, including last-minute block parties, road races and special events, this restriction should be easily waived by the Council for any purpose in the broad public interest where a matter is urgent, important or time-sensitive. We suggest adding 'provided however [event / order description] may be passed on the date on which it is introduced' at the end of the first sentence in Charter 2 – 9 (a) rather than redefine what a measure is.

- Combine Section 6-4 (a) and 6-5 (b) that requires separate public hearings for the annual operating budget and capital improvements program. One public hearing may prove to be more effective and generate greater participation.

Remove the requirement to publish a notice in a local newspaper of the public hearing required under Section 6-4 (a) and 6-5 (b). The public hearings are noticed on the City website and social media.

- Amend Section 6-5(a) and 6-5 (c) to reflect the following timeline:
  - Mayor's recommended operating budget and capital plan submitted to City Council on or before May 15th.
  - The city council shall, within forty-five days following the date the proposed budget and capital program is filed with the city clerk, adopt the capital improvements program with or without amendment council, provided that each amendment must be voted separately and that any increase in the capital improvements program as submitted must specifically identify the method of financing proposed to accomplish such increase.
- Eliminate in Section 9-4 the provision that no rule or regulation adopted by any city agency shall become effective until at least five days following the date it is so filed.
- Consider eliminating in Section 9-7(b) the requirement that public meeting documents be sent to the Library. Meeting documentation are available through the City Clerk Office and the City website.

## 2. Charter Testimony

### a. Amy Roberts Testimony

Good evening, Councillors Shand, Tontar and Zeid,

I am interested in the Charter Review process and would like to relay a few thoughts via email, since I am unfortunately unable to attend tonight's hearing.

My goal is to have the Charter reflect our community. Since residents vote specifically for Ward Councillors and Councillors-at-large to represent them, I want the City Council to be in charge as a collaborative group. I do not prefer the current system where a Nbpt Mayor has more power than an individual Council member. And I definitely disapprove of Mayoral veto power over Council decisions. I would prefer that the City Council/City Manager structure be considered. I believe the Council could hire a Manager to oversee operations and advise on large decisions that the Council would make together. Local voters would hold the Council accountable for those decisions.

If the strong mayor structure were to unfortunately persist, I would prefer that a Mayor of Newburyport no longer presides as Chair of the School Committee. This opinion is based on observation of the budget process last year.

Thanks for your consideration,

Amy Roberts  
5 Dexter Street

**b. Brin Stevens Testimony**

Dear Councillors Shand, Zeid, and Tontar,

Several local political decisions that have been made over the past few years have concerned me and many other citizens of Newburyport—many of which seem to have happened without much information provided to the community and with little regard for some of the City’s more pressing needs—the recent NED deal comes to mind.

It’s now time to seriously consider looking into a City Manager form of government for our community. I hope you will address this possible modification to the charter at this evening’s review meeting, which, unfortunately, I will not be able to attend.

Our city is small; even what might seem like minor decisions at the time, have the potential to greatly impact all of us long-term. Moving toward creating a City Manager position seems preferable to our currently established government, where the Mayor’s power outweighs that of the City Council. I don’t imagine a form of government that allows for more checks and balances in our city is anything other than a smart and important shift in operations, one that has the interests of its citizens as its first priority. That’s just good governance.

Sincerely,

Brin Stevens  
195 High Street

**c. Hazem Mahmoud Testimony**

Honorable Charter Committee Members

I would like to suggest the following changes to the Newburyport Charter currently under review:

Over the past few years; several City Employees including Police Officers and Department Heads were charged with misconduct accounting to Felony charges including theft, embezzlement, lewd behavior in public, immoral conduct, and perjury. Yet, all these city employees were allowed to RESIGN rather than prosecuted under the Law, and if found guilty would be dismissed and fired without any retirement packages..

These disgraced employees were not brought to trial and generously allowed to collect pension and medical coverage on the expense of tax payers which is outrageous and incomprehensible.

**ARTICLE 3:**

**Section 3-1:** (Page 13) 1. To set term limits on how many terms can the Mayor serve.

2. To set conditions and provisions for Mayor Recall should the City Council find Performance, Ethical, or Moral misconduct.

**d. PROHIBITIONS:** The Mayor shall not be the chair or a member of the School committee, which is a conflict of interest regarding BUDGET discussions and approvals as a Committee Chair while being the Mayor.

**Section 3-4: REMOVAL or SUSPENSION of CERTAIN OFFICIALS (page 16)**

The Mayor SHALL NOT accept the resignation of any City Employee who is under investigation and / or charged with misconduct, or any civil or criminal charges, until the employee is cleared from or convicted of such charges. If convicted, such employee shall be fired or dismissed without any retirement compensations.

Yours Sincerely,

Hazem Mahmoud, M.D., M.Sc., PhD  
Professor of Pediatric Hematology Oncology  
52A Ferry Road,  
Newburyport, MA 01950





**d. Bruce Menin Testimony**

Bruce Menin: Testimony for Newburyport Charter Review

Article 4- School Committee

Submitted April 6, 2020

I greatly appreciate the effort that the Charter Review Committee has made to solicit feedback from the community with regard to possible changes in the City Charter.

**I am submitting testimony regarding the following items that have been raised with the Charter Committee: terms of the members of the School Committee; the size/membership of the School Committee, the waiting period for employment of a former School Committee member in the district; and language around administrative interference.**

I have served on the Newburyport School Committee since January, 2001. During that period of time, I have served with seven Superintendents and five Mayors. I have also served as the Vice Chair of the Committee, working directly with three different Superintendents in that capacity. I have always taken my responsibilities seriously, and tried to serve the students and the community by focusing on what I believe is in the best interest of students.

**TERMS OF SCHOOL COMMITTEE MEMBERS:**

**I strongly support keeping the terms of service for elected School Committee members at 4 years**

The School Committee is statutorily charged with three responsibilities- hiring and evaluating the Superintendent of Schools, recommending a budget annually to the Mayor, and ensuring that the district has in place operating policies that comply with federal, state and local statutes.

The School Committee is a governing body, working with an employee who is hired and not elected. Because of the nature of the work we do in providing consistent and equitable educational services and programs for all of the young people of Newburyport, there is a premium on consistency over time. Consistency in pedagogy, and in the management of the district. Shorter terms on the School Committee would needlessly expose the community to inconsistent and more politicized oversight. The Massachusetts Association of School Committees suggests that it takes two years for a person to 'learn the job' and understand their role as a School Committee member; in my experience that has been mostly true. Sometimes I have observed that it takes longer than that. A term shorter than 4 years would not allow that learning process to bear fruit, before a member has to run for re-election.

In my first 19 years of service, I have worked with seven superintendents- that is a new superintendent every 2.7 years, on average. With that amount of turnover in a hired management position, it is very important that district leadership- the staff, and the elected School Committee- are able to ensure that the district experiences minimal disruption. I think we would lose consistency if the term length of a School Committee member were to dip below that of the average Superintendent here in Newburyport- (or across the state as well, where the average is similar to Newburyport).

One of the persuasive pieces of feedback we received when the Charter Commission was considering expanding the term of the Mayor from two to four years came from the Mayor of Haverhill, who told us that in his opinion, 'two years is not enough time to get established and understand the job. It also makes a Mayor less likely to think long term and make difficult, politically risky decisions, because of the election cycle.' That has some relevance to the role of a School Committee member.

**The Charter Committee has also received testimony that some in the community believe that if the term was reduced to two years, more people would be inclined to run for office.** While this seems intuitive, the data from the last twenty years of School Committee and City Council elections clearly shows otherwise. Since 2000, 50% of School Committee elections to four-year terms were competitive. The trend at the City Council level, with two year terms, shows that fewer, and in some years like the last election significantly fewer elections were competitive. In point of fact, the last time there was an election to fill out the remaining two years of a four-year School Committee term was in 2015; it was not a competitive race and Mr. Hochheiser was elected at that time.

As a participant in electoral politics here in this community for 20 years, I would suggest that issues drive participation, and not whether a term is two, three or four years.

No other purely governing body in any community has the potential impact on preparing young citizens for the work of citizenship. I encourage the Charter Committee and the community to approach embracing any ideas that might significantly impact or disrupt that work very carefully.

**I urge you to maintain School committee terms at their present four-year level.**

#### **MEMBERSHIP ON THE SCHOOL COMMITTEE:**

**I do not support reducing the membership of the School Committee below the current figure of 7 members.**

The current number of seven provides for a broader cross-section of opinions, and has the potential to better reflect the constituency and community, as opposed to a smaller number of members.

The current number provides a better ability to populate sub-committees and ad hoc committees requiring representation. A more compact School Committee would make it more challenging for School Committee members to appear at the myriad of annual school functions – graduations, award ceremonies, special school events, community forums- that take place in the district.

**I am prepared to continue discussion about whether the Mayor should continue as a member/chair of the School Committee; I am at this time undecided. But I don't find any of the testimony put forth for removing the Mayor as compelling enough to warrant the change.**

The Mayor accepts the budget that is voted on by the School Committee, and in turn sends it on after review and possible amendment to the City Council.

Some School Committee members find it frustrating that the Mayor both votes to send the budget to their office, and has the power to add or subtract funds before sending it on to the City Council. There is also frustration that often the budget is created in response to a figure that the Mayor provides as the budget process begins. They feel it doesn't allow for an aspirational approach to budgeting and improving the district. In my 20 years of service, I can only remember one year when a short-term aspirational budget was not prepared, presented and available as part of the budget process. I can also only remember one year when a Mayor and City Council did not improve on the target figure initially given at the beginning of the budget. Whether it was fully adequate to meet the aspirational needs and hopes of the district is another question; but I don't feel that has any relevant bearing to whether or not the Mayor serves on the Committee.

I have always found that having the Mayor as a member of the School Committee gives them the opportunity to understand the district and its needs at a very deep and granular level- immensely helpful when trying to fund initiatives and make changes. While the Mayor, through the Charter, has the ultimate decision on the budget figure forwarded to the City Council, they represent a single vote in the budget process at the School Committee level. On several occasions, budgets have been sent forward with the Mayor serving as a no vote.

The answer to the question of identifying and funding a more long term aspirational budget lies in embracing more strategic planning, I agree with the recommendation of the City Council that the district should be looking at the potential cost of longer term initiatives that are critical to district improvement, and that costing them out should project several years- clearly identifying what potential costs will be added to the

budget and what outcomes will be expected for the investments over several years. That is the charge for the district office and the Superintendent.

Again- every year but one, in the last 20, an aspirational budget was prepared by the district; and every year but one in the last 20, a Mayor has given the district a financial target, and then added funds before the final approval of the budget. And every year but one, initiatives and positions in that aspirational budget were funded. Not all positions, but certainly enough to continue to encourage district improvement.

The budget issue here is not whether the Mayor serves on the Committee- the challenge really is how should a district initiate new, long term operating directives that will take several years to implement, when we are limited to an annual budget cycle for planning operating expenses. Bringing back a robust world language program at all levels of the district is not like renovating a school. The budget process as it exists cannot ensure that any initiative the district undertakes in year one will also be funded in year two and three. The annual budget cycle does not provide any guarantee that a five year curriculum initiative can be funded adequately for the full five years out. This is not an obstacle to long term initiatives, but it is a factor.

And a second factor driving the implantation of initiatives is that data generated by the initiative might also drive significant adjustments during the startup of the initiative. That is exactly as it should be. But that certainly means that year three and four might look significantly different than the expectations were in year one and two.

None of these operational and budgetary realities mitigate against, or in favor of the Mayor serving on the School Committee, either as a member or as chair.

**SHOULD THE CITY WAIVE THE REQUIREMENTS THAT A SCHOOL COMMITTEE MEMBER NEEDS TO HAVE BEEN OFF THE COMMITTEE FOR A YEAR BEFORE THEY ARE ELIGIBLE TO APPLY FOR A DISTRICT POSITION**

I strongly urge the Charter Review Committee to leave this proscription intact as it currently exists in the Charter.

Shortening the time between departure from the Committee and application for a district job has the potential to lead to an ethical problem, or the appearance of one. Potentially, a School Committee member could vote to approve a budget that funds a position- new or existing- in April, and then apply for that within a few months. Or, knowing that they intend to apply, reuse themselves from discussion and voting on the budget. **I feel strongly that there should be at least one full annual budget cycle before a School Committee member who has left the Committee can apply for a position in the district, to avoid the actuality or the appearance of self-serving.**

**SHOULD WE CHANGE THE LANGUAGE IN 4-3c AROUND INTERFERENCE WITH ADMINISTRATION**

**I oppose any alteration of this language.**

The School Committee has a unique responsibility in the community, and is also in a unique position. It serves as a governing body- not a legislative one- and it is often populated by members who are also 'consumers'- they have children who are served by the district they govern. The reality is that there is an inevitable impact on the perceptions of district leadership and staff when a School Committee member is communicating with the district around their own child. As Committee members, we need to be exquisitely clear, for instance, that our communications are not intended or perceived as inappropriate interference with staff. No other elective body in the City has this challenge.

Personally, to avoid any appearance of interference, most of the communicating with the district while my own children were here was done by my spouse.

The existing language helps to articulate that challenge, and provide clear direction around it. That current language serves both the district staff and the School Committee to clarify boundaries and maintain appropriate communications between School Committee members who are the parents of students in the district, and staff.

**I recommend keeping the language as is.**

Thank you for your consideration of this testimony.

Bruce Menin, Vice Chair  
Newburyport School Committee  
Member, Newburyport Charter Review Committee

**e. David Hochheiser Testimony**

**From:** David Hochheiser <[dhochheiser@newburyport.k12.ma.us](mailto:dhochheiser@newburyport.k12.ma.us)>

**Subject:** charter review

**Date:** March 27, 2020 at 7:12:32 AM EDT

**To:** Charles Tontar <[tontar44@comcast.net](mailto:tontar44@comcast.net)>

Good Morning:

As I've heard you are as well, I am disappointed that this committee's work is going to be put on hold. If anything, going to video chat would make your meetings much more accessible to people in that they could either watch it live or have it to watch afterwards if they're interested. So it goes. The whole world is going to video. I don't see why an organization is being held up because some don't like it. As in the past, Bruce has said nothing to us about the commission's work or our coming to speak a few weeks back, either to ask that we discuss it or to talk about issues we brought up in his absence.

- A crisis such as this only highlights another reason for the mayor to not chair the School Committee. The Mayor's position is just too important and the needed work is too diverse to ask any mayor to focus on one city committee over another. Even if there isn't a crisis, a mayor's time is thin enough. A seventh at-large person ought to be elected from the community.

- Anyone running for School Committee in 2021 should be put on a 3-year term, after which all SC elections ought to for 2-yr seats. This will ensure that half of the committee has at least a year's experience, even in the event of everyone being voted in a cycle.

At this point, I guess I'm writing to see if you can put these thoughts in a folder for when you reconvene.

Thanks,  
Dave

**f. Sean Reardon Testimony**

**From:** Sean Reardon sreardon@newburyport.k12.ma.us **Subject:** Charter Review

**Date:** March 26, 2020 at 10:07 AM

**To:** Charles Tontar tontar44@comcast.net, Charles Tontar ctontar@cityofnewburyport.com

Hi Charlie,

I hope you are doing well. Crazy couple of weeks.

Not sure if you are meeting soon to review the charter. I would really like to revisit term length for school committee members and the mayor as chairperson. Shorter term might encourage other to run. Removing the mayor from the committee would also lead to a more back and forth with the city council specifically around the annual school budget.

Respectfully,

Sean Reardon  
Newburyport School Committee Member

#### 4. Minutes

##### a. CRC Minutes JAN 22, 2020

Charter Review Committee

February 5, 2020

Minutes

Present Committee Members: Ed Cameron (minutes), Denis Kennedy, School Committee Member Bruce Menin, Connie Preston, Councillor Heather Shand, Sheila Taintor, Councillor Charlie Tontar (Chair), Juliet Walker, Councillor Sharif Zeid.

Public: Jeff Cutter, Jeanette Isabella, Jane Snow.

Chair called the meeting to order at 7:01PM.

January 29 Minutes will be reviewed at next meeting.

Chair reviewed ways to change charter, recommendations by Committee, Home Rule Process, an Elected Charter Commission. 43B, Section 10 allows for amending. In any event, likely needs to go to the ballot. Chair will clarify what Kopelman and Paige Attorney Goldberg reported to Committee.

Public Comment:

Jane Snow mentioned the timing of the CIP. Jeanette Isabella asked about process.

Chair will circulate link to old minutes from 2011.

Jane Snow mentioned some community interest in Rank Choice Voting; she did not say she was in favor.

Chair reports and read from two emails from public. Amy Roberts of 5 Dexter Street advocates for City Manager and if there is a Mayor that Mayor not preside over School Committee. Brin Stevens of 195 High Street advocates for City Manager. Chair will enter emails into the record.

Public Comment closed.

Denis Kennedy suggests soliciting ideas from School Committee, Administration, and Council.

Committee agreed to start with Articles 1 and 2 at next meeting to review and understand with discussion of potential changes.

Chair will request City Clerk to set up a charter page on website with email contact information on members.

Councillor Zeid will finalize a flow chart of the ways to make charter changes.

Additional Public Comment:

Jane Snow asked to have copies of charter available.

Next Meeting on February 12 at 8pm, agreed to have at Senior Community Center.

On a motion by Bruce Menin, seconded by Connie Preston, Committee voted to adjourn at 7:42PM.



**b. CRC Minutes FEB 5, 2020**

**Charter Review Committee**

**February 12, 2020**

**Minutes**

**Present Committee Members:** Ed Cameron (minutes), Denis Kennedy, School Committee Member Bruce Menin, Connie Preston, Councillor Heather Shand, Sheila Taintor, Councillor Charlie Tontar (Chair), Juliet Walker, Councillor Sharif Zeid.

**Public:** Joe DiBiase, Peter Fitzsimmons, Jim McCarthy, Jane Snow.

**Public Comment:**

Jane Snow says that the Mayor's Comment is not in the Council packet and should be. Peter Fitzsimmons of 7 Arlington Street regarding Section 7 would like to establish Rank Choice Voting and he would like it to go to a City ballot. Other cities in MA and NYC have passed it.

**Minutes**

Approval of Jan 22 minutes on motion by Zeid, Walker

Minutes of January 29 are being finalized with addition of flow chart(s). Awaiting feedback from Atty. Lauren Goldberg on flow.

Approval of February 5 minutes on motion by Menin, second by Shand with addition of Capital Improvement Plan, approved.

**Article 1 Incorporation Review**

Sec. 1-3. Would be the place to change form of government, bigger than the scope of tonight's conversation (Zeid).

Sec. 1-7 Definitions.

City officer-discussion of meaning by Kennedy.

Zeid suggests adding definition for "City Solicitor."

"Majority vote" shall be discussed.

"Measure" shall be discussed.

**Article 2 Legislative Branch Review**

Section 2-1-Composition

(a) Composition should be 'under section 7-6' not 'under section 7-7.'

(b) Term of office discussed to stagger terms. Menin discussed how School Committee terms are staggered including 4 year terms. Zeid says 4 year term might inhibit candidates. Walker thinks it could be confusing to the public to have different length terms.

Section 2-2-President

(a) Election and term....look at term limits. One year term seems fine. Might consider what to change if manager.

Section 2-3-Prohibitions

(a) Holding other city or position...Administration has suggested a modification with a waiver for minor positions.

(b) Interference with administration...Zeid discussion of clarity of language and secondly City Solicitor

Section 2-4 Compensation

(a) Compensation...Administration has recommended a elected official compensation committee...to be discussed.

Section 2-6 (b) definition of quorum shall be discussed.

Section 2-6 (c) (2) discussion of notification of Special Meetings

Section 2-7 Access to Information ....look at (b) and (c)

Section 2-9 Ordinances and other measures

(a) Measures ....we agree that smaller items like block parties could be passed on the same night.

Section 2-10 City Council confirmation of certain appointments...Zeid suggests looking at language that allows Council to initiate removals.

Section 2-11 Filling of vacancies will be looked at

Suggestion to add a 2-12 City Council acceptance of gifts....that acceptance of gift

No meeting next week.

Wednesday, February 26<sup>th</sup> at 7PM. Public hearing then time to cover Sections 5, 6, 7, 8.

Thursday, March 5<sup>th</sup> at 7pm at City Hall, (Section 3 and 4)

Tuesday, March 10<sup>th</sup> at 7pm at Senior Center (Tontar won't be in attendance)

Wed, March 18<sup>th</sup> at 7pm at Senior Center

Wednesday, March 25<sup>th</sup> at 7pm at Senior Center

Wednesday, April 1<sup>st</sup> at 7PM at Senior Center

Public comment:

Joe Dibiasse suggested about capitalization in the document making it easier to identify as a defined word.

Motion to adjourn by Preston, seconded by Kennedy. Meeting adjourned at 10:22.

**c. CRC Minutes FEB 12, 2020**

**Charter Review Committee**

**Minutes**

**February 26, 2020**

Present: Ed Cameron (minutes), Denis Kennedy, Councillor Heather Shand, Councillor Tontar, Juliet Walker

Absent: School Committee Member Bruce Menin, Connie Preston, Sheila Taintor.

Public: Jane Snow

Meeting Called to Order at 7:05PM

Article 5. Administration Organization

Sec. 5-1 Organization of city agencies---whole section is flagged. Committee understands that this is common language in other charters.

Article 6 Finance and Fiscal Procedures

Sec. 6-2 Annual Budget Meeting---discussed whether to add another meeting in Spring between the November Annual Meeting

Sec. 6-3 Submission of operating budget---discussed moving from May 15 to May 1. Change Sec. 6-3 re-organization for clarity.

Sec. 6-4 Action on the operating budget---discussed having CIP hearing and having financing plan in CIP add requirement that city and school budget be online.

Sec. 6-5 Capital Improvement program---discussed coordinating between operating and CIP

Sec 6-6 Independent Audit---needs to be put into practice

Article 7 – Elections---this would be where Ranked Choice Voting could apply.

Article 8 Citizen Petition Mechanisms--discussed

**Public Comment:**

Dr. Hazem Mahmoud submitted a letter in favor of term limits for Mayor, to set provisions for Mayoral recall, to remove Mayor as Chair or member of School Committee, add section on removal of certain officials.

Jane Snow mentions that page 28 Section 6-4d School full budget is not online.

Meeting of Thursday, March 5 will be changed to 7:30. We will cover Sections 3 and 4.

Discussed how to later discuss City Manager option and Rank Choice Voting.

Meeting Adjourned at 9:28 on a motion by Cameron, seconded by Walker

--

Sent from Gmail Mobile

**d. CRC MINUTES FEB 26, 2020**

**January 22, 2020 Charter Review Meeting Minutes**

Present: Denis Kennedy, Ed Cameron, Councillor Charlie Tontar, School Committee member Bruce Menin, Councillor Sharif Zeid, Councillor Heather Shand, Sheila Taintor, Juliet Walker. Absent: Connie Preston.

Citizens in attendance: School Committee member Brian Callahan, Jeff Cutter, Jane Snow, Lynn Schow

Meeting called to order at 7:01 PM by Charlie Tontar.

Introductions.

Councillor Tontar reviewed relevant documents as to the process for this committee including Mass General Laws Chapter 43B, Section 10. The committee discussed understanding of Charter Commission, Special Acts, role of Council and Mayor.

Election of officers: After discussion of roles, on motion from Mr. Cameron, seconded by Councillor Shand, Councillor Tontar was nominated and voted as chair unanimously. After a motion from Mr. Cameron, seconded by Councillor Shand, Denis Kennedy was nominated and voted as vice chair unanimously. After a motion by Mr. Kennedy, seconded by Councillor Zeid, Ed Cameron was nominated and elected as secretary unanimously.

Meeting dates: After discussion, the following dates were agreed upon.

Wednesday, January 29 at 8 PM,

Wednesday, February 5 at 7 PM which will also be a Public Hearing with 30 minutes for the public, 30 minutes for Administration, 30 minutes for the Council, and 30 minutes for the schools.

Wednesday, February 12 at 8 PM,

Wednesday, February 26 at 7 PM also as a Public Hearing. If the agenda for February 5 is too crowded, this could be of a slot for the Schools.

Ms. Walker suggested having a public hearing on a Saturday, which was discussed without a decision.

Scope and charge for committee:

The chair will discuss the City Clerk's involvement with process. The chair believes that the committee gives a report to council and the council needs a 2/3 vote for approval and the Mayor's approval. The Council and Mayor could not make larger changes as to the composition of the legislative body, mode of election or appointment, or the terms

of office. Those would require a charter commission or a special act and/or vote of the public.

Councillor Tontar said he thought that the charge was broad yet should focus on the smaller revisions that might be needed given the short timeframe with a submission to the City Council not later than May 1 for Council action by June 15.

Mr. Cameron suggested that the scope for the committee should be broad, yet focusing on the necessary amendment revisions, but also researching possible changes to form of government such as City Manager which would need to be taken up in a future process.

Mr. Kennedy suggested sticking to the smaller Items and correcting and tweaking the current charter. Mr. Kennedy stated that we have only been with this revised charter for a few years and over time more significant changes might be deemed necessary.

Counselor Zeid echoed the broad perspective regardless of process.

Ms. Walker wants to take a broader view.

Ms. Taintor mentioned Rank Choice voting as another possible big change.

Agreement by the committee that the focus will be on the "tweaks" and open to broader changes. The possibility of a sub-committee to look at broader changes was discussed without a decision at this time.

There was a discussion that the committee needed clarity on what the committee does at the May 1 deadline.

Councillor Zeid asked for clarity on process including getting city solicitor. Councillor Tontar said he had had discussions with the city solicitor and it was not made clear how to read the conflicting elements of Chapter 43B and how they reconciled with our current charter in terms of making changes.

On a motion from Mr. Cameron, seconded by Councillor Zeid, the committee agreed to invite to the January 29 meeting Lauren Goldberg from KP Law And Clerk Rich Jones to learn the process. All voted in favor.

The committee agreed that the goal would be to have a draft by mid-April. And that press notices would go out before each meeting. Chair will talk to local cable about videotaping.

Some of the content of the current charter that should be considered for revision would be Emergency Preamble, definition of 'measure', timing of charter review.

Discussion of public comment before or after committee meetings: Mr. Callahan stated that he thinks it appropriate to have a response from committee members when comment was made. Jane Snow said that she prefers to speak at end of meeting to react to what was discussed and would like relevant handouts given to the public. Lynn Schow suggested two public comment sections with the first time-limited.

On a motion by Ms. Walker, seconded by Mr. Cameron, the committee agreed that there would be public comment at the beginning and end with the time constraints set by Chair and that Chair at his discretion may allow dialogue between public and members.

On a motion by a Councillor Shand, with a second by Ms. Taintor, the meeting was adjourned at 9:38 PM.

Minutes submitted by Clerk Cameron who will not be at the January 29 meeting because of a prior obligation.

e. CRC Minutes MAR 5, 2020

**Charter Review Committee**

**Minutes**

**March 5, 2020**

**Present:** Ed Cameron (minutes), Denis Kennedy, Councillor Heather Shand, Councillor Tontar, Councillor Zeid, Connie Preston, Sheila Taintor.

**Absent:** School Committee Member Bruce Menin, Juliet Walker

**Public:** Jane Snow, Jeanette Isabella, Mayor's Office Matt Coogan, School Committee members Dave Hoccheiser, Brian Callahan.

**Meeting Called to Order at 7:37**

Minutes of February 5<sup>th</sup> approved on a motion by Zeid, seconded by Kennedy. Approved by a voice vote.

Minutes of February 12<sup>th</sup> approved on a motion by Zeid, seconded by Kennedy. Approved by a voice vote.

Minutes of February 26<sup>th</sup> approved on a motion by Zeid, seconded by Kennedy. Approved by a voice vote with Preston, Taintor abstaining.

**Public Comment**

Brian Callahan, 29 Warren Street, School Committee, would like to discuss whether Mayor should be on School Committee. Other communities handle this both ways. He sees it as a conflict of interest for the position that 'controls' the whole budget also gets a vote on the school budget. Prefers that the 7<sup>th</sup> member would be an appointed person or elected; or whittle it down to 5 members. He thinks 4 years is too long of a term.

David Hoccheiser, School Committee, not speaking on behalf of the School Committee, says School Committee was not allowed to have a discussion about it. He thinks 4 years too onerous of a term; he took over for someone

who left early. He ran then for a two year term. He thinks two year term would encourage more people to run and that two years of running and getting signatures puts the candidates out in the community. Suggests that there be interim 3 year term to then stagger 2 year terms. Also questions whether Mayor's role on School Committee is a conflict with competing budget priorities. He has experience in other communities. Having the Mayor on School Committee means one fewer person to be on committees. Also thinks that Charter language about current School Committee member being prohibited (until end of cooling off period) from School Department employment should be reviewed (Section 4-3); he agrees that School Committee member shouldn't be employed at School Department at same time.

#### **Suggestions flagged for eventual decision**

Sec. 4-1 School Committee--Idea to eliminate Mayor as chair

Sec. 4-1b---Term of office. In 47 cities, 19 have 4 year terms and 26 have 2 year terms. Eliminate 'his'.

Sec. 4-2 School Committee Chair

Idea to eliminate Mayor as chair was suggested by letters from public (Roberts, Stevens, Mahmoud)

Sec. 4-2b School Committee Members

Possibility of adding dissemination of packet.

Sec. 4-3 Prohibitions

Discuss eliminating one year cooling off.

Sec. 4-3b Felony conviction

Make consistent with Council

Sec. 4-3c interference with administration



Zeid mentions keep consistent with Council language; ie a body can make changes, just not an individual

Sec. 4-4 Compensation; benefits; expenses.

Zeid suggests adding 'until the next election' language

Sec 4-5 Powers and duties

Make formatting a, b, c

Allow 'revoking'

Sec. 4-6 Filling of vacancies

This section would need to be harmonized if a change in terms.

Section 3 – Executive Branch

Matt Coogan is asked by Kennedy about Mayor's position on School Committee terms and role. Coogan says that there is no position at the moment.

Coogan is asked by Kennedy about Compensation Committee idea.

Discussed CIP and budget timing

Discussed suggestion to eliminate Section 9-4 provision that no rule or regulation (...) become effective until at least 5 days.

Committee flags

Eliminate 'his' in these sections

Section 3-1 Mayor

b) one public letter (Mahmoud) suggested term limits and recall; letter (Roberts) suggested City Manager or two year.

c) Compensation—suggestion that

d) Prohibitions---suggestion to have a cooling off period to prevent a former Mayor from appearing before a board.

e) felony conviction flagged.

Sec. 3-2 Executive Powers

Flag enforcement of ordinance

Section 3-3 Appointments by the Mayor

Section 3-4 Removal or suspension of certain officials

Citizen Mahmoud suggested adding section about employees under  
add some language about a time period for board member to contest

Sec. 3-5 Temporary appointment to city office. Language needs to be cleaned up.

Section 3-6 Communications

Section 3-7 Approval or veto by Mayor of measures

Section 3-8 Temporary absence of Mayor

Section 3-9 Delegation of authority by Mayor

Section 3-10 Vacancy

Public Comment: Jane Snow comment about positions with stipends and how those fit into the current position.

Next Meeting Tuesday, March 10 7pm at Senior Center to cover 9, 10, 11. Cameron will not be attending. Councillor Shand will take minutes.

Motion to adjourn, made by Cameron, seconded by Preston at 9:39PM.

**f. CRC Minutes MAR 10, 2020**

March 10, 2020

**Charter Review Committee**

7:00 Senior Center

Present: Councillor Heather Shand (minutes), Councillor Charlie Tontar, Councillor Sharif Zeid School Committee member Bruce Menin, Denis Kennedy, Shelia Taintor, Connie Preston, Juliet Walker

Absent: Ed Cameron

Public: Jane Snow

Approval of meeting minutes from March 5th postponed until next meeting.

Comments:

- Dennis Kennedy recommends having the school committee return to talk to the charter committee to discuss comments made at March 5<sup>th</sup> meeting.

Article 9

**Comments**

Section 9-4

- Staff requests this whole section eliminated.
- Office of the city clerk doesn't have room to "file paper." Placed on file should be allowed to be online.
- Are boards and city agencies defined terms?
- The 5 days is the concern.
- Concern is there's a "cooling off period...staff wants board decisions filed immediately

Section 9-5

- Should this section be stricken? Per city clerk it is very expensive. Council President says he's going to form a committee to do this, this year.
- Is 5 years may be too much? suggest 10 years
- Ratio is an issue, possibly change to 2 mayoral appointments, 2 city councilors, and the rest should be elected officials.

#### Section 9-6

- Should have language inserted that the committee has a budget.
- Change the ratio of people on the committee.
- Dates should change as they coincide with the city budget process.
- Language should be inserted stating charter review can occur more often than every ten years.

#### Section 9-7 (a)

- Recommends term limits to certain city committees, elected and appointed.
- Recommend standardization for how people are notified

#### Section 9-7 (b)

- Written rules should be covered in 9-4
- Staff recommends not requiring placement in the Newburyport Public Library
- Question on rules relating to archival retention. Example, pdf might not be available in 100 years. How will retention be handled?.

#### Section 9-7 (c)

No comments

#### Section 9-7 (d)

- Concerns regarding provision made by the multiple member body's own rules while a quorum is present, except on procedural matters, a majority of the full membership of the body shall be required to vote on any matter representing an exercise of the powers of the multiple member body.
- Question whether this should be allowed. Examples, ZBA and Planning Board.
- Recommendation for specific state laws be reviewed on this matter.
- Request planning department input.

#### Section 9-7 (e)

- Questions regarding whether the regulation for residency makes sense.
- If you're going to be on a city board, should you live in the city?
- Residency needs to be defined

#### Section 9-8

- Eliminate use of the masculine and feminine
- Recommend keeping only the first two sentences.

#### Section 9-10, 9-11 and 9-12

No comments

#### Section 9-13

- Recommend revisit this section. Example City clerk and parking clerk being the same. Conflict as clerk has to file a waiver with the clerk.

#### Section 9-14

- This is a check and balance of the charter.
- Council is allowed to go straight to the general court (231A)

### **Article 10**

#### Section 10-1, 10-2, 10-3

No comments

#### Section 10-4, 10-5, 10-6

- Consult Councillor Lauren Goldenberg

#### Section 10-6

- Comments regarding has this section been used. Example, Finance and HR department and they were formed by ordinance in 2013.

### **Charter first pass review completed**

Councillor Tontar requested taking straw vote on items that have been flagged to mark for further review

ART/SEC	Date	SUGGESTED CHANGE (suggested by)	YES	NO	Date Adopt	Comments
1-3	2/12	Division of powers - will have to change in city manager form (SZ)	8	0		
1-7(5)	2/12	Make city solicitor uniquely answerable to the Council and mayor jointly	1	7	3/10	SZ neg
1/7/10	3/10	"General Laws" change to "Massachusetts General Laws"	8	0	3/10	
1-7(13)	2/12	Replace with "a majority of the full body" (SZ)	5	3	3/10	Juliet, Connie & Bruce
1-7(14)	2/12	Add "any use of city property" (SZ)				belongs someplace else
2-1(a)	2/12	7-7 should be 7-6 (CP)	8	0	3/10	

Gen Govt

COMM242\_05\_11\_2020

**Richard Jones**

---

**From:** Lauren F. Goldberg <LGoldberg@k-plaw.com>  
**Sent:** Friday, May 01, 2020 1:31 PM  
**To:** Richard Jones; Mark R. Reich  
**Cc:** Councillor Tontar  
**Subject:** [Ext]RE: Charter Change Methods by the Review Committee  
**Attachments:** KP-#719355-v1-NBPT\_Changes\_to\_the\_Charter\_4\_16\_2020\_with\_KP\_edits.DOCX; KP-#719354-v1-NBPT\_Charter\_Change\_Methods\_with\_KP\_edits.XLSX

*external e-mail use caution opening*

Richard, please see attached. I made some minor tweaks to both documents for consistency with law.

Let me know if you or Councillor Tontar have any further questions.

Best,

Lauren

Lauren F. Goldberg, Esq.  
**KP | LAW**  
101 Arch Street, 12th Floor  
Boston, MA 02110  
O: (617) 654-1759  
F: (617) 654 1735  
C: (617) 548 7622  
[lgoldberg@k-plaw.com](mailto:lgoldberg@k-plaw.com)  
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(617) 556-0777

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## Changes to the Charter

Section 9-6 of the Charter, Periodic Review of Charter, states that;

“Not later than the first day of July, at 10-year intervals, in each year ending in a 9, the mayor and city council shall provide for a review to be made of the city charter.”

The Review Committee noted in discussion that this statement does not preclude a review of the Charter at any other time. It simply mandates that the Charter must be reviewed at least every 10 years. The practical and important implication of this is that the Charter can be reviewed and a process commenced to alter the Charter at any time. For example, once the current Emergency Order is lifted and normal meetings can commence, the Council could begin a Charter review with the intent of implementing changes to the charter. In essence, the Council could take steps to assure that the work of this Committee is completed.

We gained a greater understanding of the charter review and amendment process in a discussion with Lauren Goldberg, managing partner of City Solicitor KP Law, at our meeting on Jan. 29. We are aware that there is more than one method of changing the charter.

### Method 1

Special attention should be given to M.G.L. Chapter 43B, §10 and §11. Section 10 (a) outlines a process through which an existing Charter may be changed.

Amendments to a city or town charter previously adopted or revised under this chapter may be proposed by the city council of a city or the town meeting of a town by a two thirds vote in the manner provided by this section; provided, that amendments of a city charter may be proposed only with the concurrence of the mayor in every city that has a mayor, and that only a charter commission elected under this chapter may propose any change in a charter relating in any way to the composition, mode of election or appointment, or terms of office of the legislative body, the mayor or city manager, or the board of selectmen or town manager.

If two thirds of the city council and mayor agree on what could be characterized as “minor” amendments, they are submitted to the attorney general and to the department of housing and community development. The attorney general has four weeks to determine if the amendment conflicts with the constitutional laws of the commonwealth.

If the attorney general determines there is no conflict, the question of approving the revision or amendments shall be placed on a written or printed ballot and placed before the voters (M.G.L. Chapter 43B, §11). If the voters approve of the revisions, the changes take effect immediately or on a later date specified in the proposed revision.

### Method 2

The second method through which the Charter can be revised/amended is based upon M.G.L. c. 43B, §10 and §11 with particular reference to Section 10 (b). Such change can be initiated by the



mayor, any member of the city council, or a petition signed by 50 registered voters (in cities with populations of 12,000 or more but less than 50,000 inhabitants). The city council must consider such proposed revision and vote upon it after holding a public hearing. This method applies only to the so-called “minor” revisions stipulated in Section 10 (a).

If the city council approves the proposed revision and the mayor agrees, the process is then the same as that in Method 1. The law requires a two thirds vote of the council.

If the attorney general determines there is no conflict, the question of approving the revision or amendments shall be placed on a written or printed ballot and placed before the voters (M.G.L. Chapter 43B, §11). If the voters approve of the revisions, the changes take effect immediately or on a later date specified in the proposed revision.

### Method 3

The third method through which the Charter can be revised/amended is provided in Chapter 43B, sections 1 through 9 and sections 11 through 15. This is the process that was utilized when the Charter was last revised in 2011. Utilization of this method does not entail any limitations on what can be changed in the Charter as long as the changes are not in conflict with the constitutional laws of the commonwealth. See M.G.L. c.43B, §20; Home Rule Amendment to Constitution, §7.

This method is initiated by the election of home rule charter commission, which leads to what is often referred to as a “home rule charter.” A commission of nine members may be elected to “frame a charter” or “revise its present charter” for a city or town upon petition of 15 percent of the municipality’s voters. Chapter 43B of the Mass General Laws provides a specific framework, timeline, and set of responsibilities for the charter commission to fulfill. The commission has a maximum of 16 months to produce a preliminary report, and a maximum of 18 months to produce a final report. The statute requires that two public hearings be held. Both the preliminary and final reports must be printed and distributed. The final change must be approved by a majority vote at an election.

### Method 4

The final method is the “home rule petition” path, which leads to what is often referred to as a “special act charter.” Section 8 of the Home Rule Amendment (Article LXXXIX of the state Constitution) provides that cities may use a “home rule petition” to achieve change in structure. This “petition” route was the only route available for cities and towns to make structural change prior to passage of the Amendment. Utilization of this method does not entail any limitations on what can be changed in the charter.

Section 8 does not provide detailed instructions regarding the preparation of a “home rule petition” charter. The mayor may appoint a study committee, or such committees may be created by a city council. In addition, under Article 8-2 of the City Charter, a citizen initiative petition could propose such a study committee. Such actions may set a timeline for such committees to report back to the appointing body, but there is no state requirement for a specific timeline. There

is also no requirement for printing and distribution of any proposal. There are no public hearing requirements, per se, although some study committees do provide a public forum for discussion of its recommendations, and city council meetings where such changes would be considered are public meetings.

After completing its work, the committee submits its recommendations to the city council, which must decide whether to approve a "home rule petition." Such approval must also have the concurrence of the mayor. If the petition is passed by the legislative body (and receives the mayor's approval), it is then treated as a piece of proposed legislation – i.e., it is filed with the House or Senate clerk, assigned to a legislative committee, passed by the House and Senate, signed by the Governor, and returned to the city. In most instances where a significant change is proposed, the legislation will be subject to ratification by the municipality's voters prior to taking effect.

Home Rule Amendment Path	Degree of Change	Who initiates?	Requirement	Public Hearing	AG approval	Ballot
M.G.L. c. 43B, §10 & §11						
Method 1 (c.43B, §10 §11)	Minor	City Council	2/3 Council + Mayor Concurrence	YES	YES	YES
Method 2 (c.43B, §10b, 10c, §11)	Minor	Mayor, any City Councillor, petition signed by 50 registered voters	2/3 Council approval after a public hearing + Mayor Concurrence	YES	YES	YES
Method 3 (c. 43B, §1-9, 11-15)	Any Change	Petition signed by 15% of registered voters as of last state election	Election of 9 member commission and simultaneous voter approval of a charter commission	YES	YES	YES
Home Rule Petition Path	Degree of Change	Who initiates?	Requirement	Public Hearing	AG approval	Ballot
Method 4 (Article LXXXIX, §8 of the State Constitution)	Any Change	Mayor, any City Councillor, Article 8-2 of City Charter Citizen Initiative	City Council approval + concurrence of Mayor, Filed with House or Senate Clerk, passed by 2/3 of each body, signed by Governor	NO, but helpful before submitting to Legislature	NO, but Legislature will likely do so	If required by Legislature

# Committee Items

## February 22, 2021

### Planning & Development

COMM214\_01\_13\_2020 Ltr from Central Congregational Church CPA Funding, Historic Preservation

COMM270\_10\_13\_2020 Ltr to DCAM\_JEigerman

#### 2<sup>nd</sup> Reading Appointments

##### Confirmatory Appointment

APPT226_02_08_2021	Andrew R. Port	61 Water St.	Dir. Planning & Dev.	01/31/2022
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##### Re-Appointment

APPT230_02_08_2021	Joseph C. Teixeira	44 Hale St.	Conservation Comm.	02/28/2024
APPT231_02_08_2021	Walter Chagnon	43 Lime St.	ZBA	03/31/2026



CENTRAL CONGREGATIONAL CHURCH  
 AN OPEN AND AFFIRMING CONGREGATION OF THE UNITED CHURCH OF CHRIST  
 14 Titcomb Street P.O. Box 372 Newburyport, MA 01950  
 978-465-0583  
 The Reverend Christopher Ney, Pastor

2019 DEC 20 AM 10:30

December 18, 2019

Topic: Central Congregational Church, CPA funding, Historic Preservation Restriction

Dear Members of the City Council:

Members of the Central Congregational Church greatly appreciate the support of the community by way of the Community Preservation Act funding. This funding was specifically granted for repair and maintenance of the exterior of the sanctuary portion of the building, including the steeple. That work was completed by November 2018. The initial CPA payment of \$50,000 went toward the total restoration expense of \$161,039.00.

The remaining approved funding of \$25,000 is not to be released until acceptance of Central Church's Historic Preservation Restriction (PR) Application by the Massachusetts Historical Commission, Newburyport City Council and the Mayor of Newburyport.

The initial application for the required Historic Preservation Restriction was submitted on March 4, 2019 to the Massachusetts Historical Commission. In May of 2019 it was returned to Central Church for corrections and revisions to be made and additional information to be provided. Specifically, the Massachusetts Historical Commission requested that a series of photographs be taken when there were no leaves on the trees.

As our Community Preservation Committee "Project Quarterly Status Reports" have indicated, the revised PR application will include a description and photos of the entire envelope of the building at 14 Titcomb Street, as directed by the Massachusetts Historical Commission. In addition to the photographs provided and as noted above, the Massachusetts Historical Commission requested the Preservation Restriction Exhibits include clear, concise, high definition photos showing the exterior of the entire building without leafed out trees blocking any aspect.

A call to Michael Steinitz, Deputy State Historic Preservation Officer, Massachusetts Historical Commission, affirmed that the photos should be taken when there are no leaves obstructing views of the building. The major part of our delay in completing the PR has been waiting for the leaves to fall- even in late November one tree on the south side of the building stubbornly clung to its leaves.

info@centralnewburyport.org  
 www.centralnewburyport.org

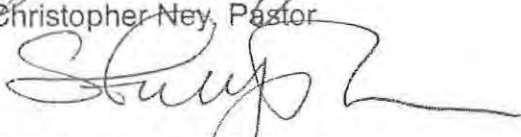
We are working to respond to every item as requested. To be clear, the Preservation Restriction which has been submitted is proposed to cover the entire structure, both the newer and older portions. We expect the next draft to be submitted to the Massachusetts Historic Commission around mid-January.

We have been diligent in this process and we assure the Council that as soon as the response is received from the Massachusetts Historical Commission and the Preservation Restriction is approved for signature, it will be provided immediately for signature to the Historic Commission, the City Council and the Mayor.

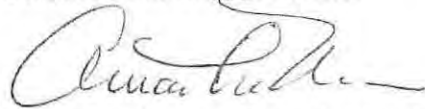
Sincerely,



Christopher Ney, Pastor



Stuart Johnson, Moderator



Amantha Moore, Church Member

January 22, 2020

OREM  
 Division of Capital Asset Management  
 One Ashburton Place, 15<sup>th</sup> Floor  
 Boston, MA 02108  
Attn: Warren A. Madden, Project Manager

**RE: 57 Low Street Conveyance**

Dear Mr. Madden:

This written comment elaborates upon the verbal testimony I gave at the public hearing conducted by DCAMM on the proposed conveyance of 57 Low Street to the City of Newburyport, held on January 8, 2020, in our City Hall. You had suggested I write in.

Among the purposes of Massachusetts Environmental Protection Act (MEPA) and the MEPA Regulations at 301 CMR 11.00 is to provide meaningful opportunities for public review of the potential environmental impacts of Projects for which Agency Action is required. (301 CMR 11.01(1)(a).) In an era when our natural environment, worldwide, is in dire crisis, the proposed transfer of 2.17 acres by the Commonwealth to the City of Newburyport has so far neglected to analyze such impacts, contrary to MEPA's command, and denying meaningful public review.

Specifically, there is a mandatory requirement to prepare and file both an Environmental Notification Form (ENF) and an Environmental Impact Report (EIR) where alteration of property to be conveyed entails a variance in accordance with the Wetlands Protection Act. (301 CMR 11.03(3)(a)(2).) Here, a professional delineation (attached) indicates that the vast majority of the land to be transferred by the Commonwealth to the City is wetland or unbuildable buffer zone, per the Wetlands Protection Act. The prospective transferee of the acreage plans to fill or otherwise encroach on these wetlands, as stated publicly by its officials, and to intensify development there.

It does not matter that the Commonwealth will not itself alter the wetland after the proposed land transfer.

In determining whether a Project is subject to MEPA jurisdiction or meets or exceeds any review thresholds, and during MEPA review, the Proponent, any Participating Agency, and the Secretary shall consider the entirety of the Project, including any likely future Expansion, and not separate phases or segments thereof. The Proponent may not phase or segment a Project to evade, defer or curtail MEPA review. The Proponent, any Participating Agency, and the Secretary shall consider all circumstances as to whether various work or activities constitute one Project, including but not limited to: whether the work or activities, taken together, comprise a common plan or independent undertakings, regardless of whether there is more than one Proponent; any time interval between the work or activities; and whether the environmental impacts caused by the work or activities are separable or cumulative. Examples of work or activities that constitute one Project include work or activities that ... meet or exceed one or more review thresholds on an area previously subject to a Land Transfer, provided that not more than five years have elapsed between the Land Transfer and the work or activities.

(301 CMR 11.02(2)(c) [emphasis added].)

OREM  
re 57 Low Street Conveyance  
January 22, 2020  
Page 2

The same, continuous wetland is located behind the Massachusetts Military Division (National Guard) facility that will remain. MEPA imposes a legal duty to review publicly the effects of such wetlands alteration on the National Guard facility, which is listed on *Inventory of Historical and Archeological Assets* maintained by the Massachusetts Historical Commission, and on other properties, such as the River Valley Charter School, private businesses, and the City's own Department of Public Services facility nearby, before any land transfer may proceed. Yet, to my knowledge, DCAM has yet to file even an Environmental Notification Form (ENF) with the MEPA Office.

Wetlands alteration are only the trigger. MEPA jurisdiction is "broad" when a Project is undertaken by an Agency or involves Financial Assistance. (301 CMR 11.01(2)(a)(2).) Broad, or full scope, jurisdiction means that the Scope, if an EIR is required, shall extend to all aspects of a Project that are likely, directly or indirectly, to cause Damage to the Environment. (*Id.*)

The proposed land conveyance must comply with MEPA. Thank you for accepting this written elaboration on my verbal testimony, given earlier this month.

Sincerely,



Jared Eigerman  
Newburyport City Council (Ward 2)

Enclosure: Wetlands Sketch Plan (Colored), June 27, 2019

cc (email): Tori Kim, Director, MEPA Office  
Brona Simon, Executive Director, Massachusetts Historical Commission  
Hon. Donna D. Holaday, Mayor, City of Newburyport  
Hon. Heather Shand, Chair, City Council, City of Newburyport  
Julia Godtfredsen, Conservation Agent, City of Newburyport



## 2<sup>nd</sup> Reading Appointments Planning & Development

### Confirmatory Appointment

APPT226_02_08_2021	Andrew R. Port	61 Water St.	Dir. Planning & Dev.	01/31/2022
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### Re-Appointment

APPT230_02_08_2021	Joseph C. Teixeira	44 Hale St.	Conservation Comm.	02/28/2024
APPT231_02_08_2021	Walter Chagnon	43 Lime St.	ZBA	03/31/2026