

# CITY OF NEWBURYPORT



IN CITY COUNCIL

**ORDERED:**

June 27, 2022

**AN ORDER TO FILE AND ACCEPT GRANTS WITH AND FROM THE COMMONWEALTH OF MASSACHUSETTS, EXECUTIVE OFFICE OF ENERGY AND ENVIRONMENTAL AFFAIRS FOR THE PARKLAND ACQUISITIONS AND RENOVATIONS FOR COMMUNITIES PROGRAM FOR IMPROVEMENTS ASSOCIATED WITH THE EXPANSION OF MARKET LANDING PARK**

**Whereas:** Market Landing Park is by and far a community-wide asset and the preservation and improvements to this facility are a City priority as evidenced in the most recent Open Space and Recreation Plan; and

**Whereas:** The land for Market Landing Park Expansion has been dedicated for park and conservation uses pursuant to a Special Act of the Massachusetts Legislature (*Chapter 96 of the Acts of 2020*); and

**Whereas:** Market Landing Park's ultimate expansion, guided in principal by Chapter 96 of the Acts of 2020, will greatly enhance this facility with improved infrastructure, connected pathways, additional seating and site amenities, etc.; and

**Whereas:** The main focus of Market Landing Park Expansion is to increase the available space within the park to adequately serve the general public and continue to host major events and activities; and

**Whereas:** The overall project costs and fiscal budget constraints prevent the City from proceeding forward with implementation of the entirety as one project; and

**Whereas:** The project has instead been viewed as a series of phases, to be implemented over time, by priority as fiscal resources are available, with the intention of securing grant funding, when and if available, to assist in this effort; and

**Whereas:** The Executive Office of Energy and Environmental Affairs (EEA) is offering reimbursable grants to cities and towns to support the preservation and restoration of urban parks through the Parkland Acquisitions and Renovations for Communities grant program (301 CMR 5.00); and

**Whereas:** Phase I of the Market Landing Park Expansion Project is estimated to cost a total of \$4,650,000 (Four Million Six Hundred Fifty Thousand Dollars) and the City has secured \$1,250,000 in local Herman Roy Trust funds and Community Preservation Act (CPA) funds for the construction thereof.

**NOW, THEREFORE, BE IT RESOLVED:**

1. That the Mayor and Director of Planning & Development be and are hereby authorized to submit applications for, and to accept grants from, the Executive Office of Energy and Environmental Affairs for the construction of Market Landing Park Expansion, including but not limited to the Parkland Acquisitions and Renovations for Communities grant program (301 CMR 5.00); and
2. That the land for said Market Landing Park Expansion (*Newburyport Assessors Map & Lots 11-1-A, 11-1-C 11-1-D, 11-1-E, 11-1-F collectively*) is hereby dedicated to park and recreation purposes under M.G.L. Chapter 45, Section 3; and
3. That the Mayor and Director of Planning & Development be and are hereby authorized to take such other actions as are necessary to carry out the terms, purposes, and conditions of this grant to be administered by the Parks and Recreation Department; and
4. That this Order shall take effect upon passage.

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Councillor Heather L. Shand

**In City Council June 27, 2022:**

Motion to waive the rules and accept the late files by Councillor Zeid, seconded by Councillor Cameron. Roll call vote. 9 yes, 2 absent (AK,JD). Motion passes. Motion to add the late files to the Consent Agenda, referring ORDR00371\_06\_27\_2022 to Budget & Finance as noted and approve as amended by Councillor Zeid, seconded by Councillor McCauley. Roll call vote. 9 yes, 2 absent (AK,JD). Motion passes.

I, HERMAN A. ROY of Newburyport, Essex County, Massachusetts, make this my last will, hereby revoking all other wills at any time heretofore made by me. In making this will I am cognizant of the fact that I am about to be married, but I am making no provision for my wife to be, because of the fact that she and I have executed an Antenuptial Agreement dated April 29, 1964, wherein each is surrendering any rights to the property of the other.

1. All the rest and residue of my estate I give to the City of Newburyport, to be held for the term of one hundred years from the date of my death, or until the fund has accumulated to the sum of one million dollars, whichever event shall happen first, and I direct that at said time the money be spent under the direction and supervision of the then mayor and city council, or other corresponding successors as government heads of said City of Newburyport, for improvement and betterment of the Newburyport Waterfront in that section lying between the Chain Bridge and the Atlantic Ocean, in whatever areas and for whatever purposes as they may, in their judgment determine to be for the best interests of said City and the citizens thereof as a whole.

2. I nominate JAMES T. CONNOLLY of said Newburyport and whoever may be holding the office of City Solicitor and whoever may be holding the office of City Treasurer in the City of Newburyport at the time of my death, to be executors hereunder and I request they be not required to furnish any surety on their official bonds.

IN WITNESS WHEREOF I, the said HERMAN A. ROY, herewith set my hand to this my last will, this 6<sup>th</sup> day of May, 1964.

On the 6<sup>th</sup> day of May, 1964, HERMAN A. ROY, declared to us, the undersigned, that the foregoing instrument was his last will and he requested us to act as witnesses to the same and to his signature thereon; thereupon he signed said will in our presence, we being present at the same time; and we now, at his request, in his presence, and in the presence of each other, do hereunto subscribe our names as witnesses; and we and each of us declare that we believe this testator to be of sound mind and memory.

Herman A. Roy  
Zelma H. Herlihy  
Mildred R. Jeffers  
Norma A. Nicolson

I, HERMAN A. ROY of Newburyport , Essex County, Massachusetts, declare this to be a codicil to my last will dated May 6 1964, which will I hereby ratify and confirm, excepting as hereby changed.

1. I direct the executor of my will to pay the sum of \$500.00 in to the Newburyport Five Cents Savings Bank, the interest on said sum to be used for the purpose of ringing on St. Valentine's Day the bells in a church in said Newburyport, preferably selecting the church in rotation, in alphabetical order.

IN TESTIMONY WHEREOF I, HERMAN A. ROY, HEREUNTO SET my hand and, in the presence of three witnesses, declare this to be a codicil to my last will, this 12 <sup>th</sup> day of ~~June~~ <sup>July</sup>, 1972.

Herman A. Roy  
On this 12 <sup>th</sup> day of ~~June~~ <sup>July</sup>, 1972, HERMAN A. ROY of Newburyport, Massachusetts, signed the foregoing instrument in our presence, declaring it to be a codicil to his last will and, as witnesses thereof, we three do now, at his request, in his presence, and in the presence of each other, hereto subscribe our names.

Selma H. Healy  
Carole J. Dowling  
James F. Blumner



OFFICE OF  
TREASURER AND COLLECTOR  
CITY OF NEWBURYPORT  
MASSACHUSETTS

THOMAS S. MURRAY  
Treasurer - Collector

June 15, 1977

Nolan Morris, Auditor  
City Hall  
Newburyport, MA

My Dear Nolan:

This is to notify you that there has been set up in the trust fund accounts an account known as the Herman Roy Trust. Whereby, under the will of said Roy, all the rest and residue of his estate, was to go to the City of Newburyport under paragraph one, the proceeds were to be held for 100 years or until the fund has accumulated to 1,000,000 Dollars for beautifying the water front from Chain Bridge to the Atlantic Ocean. A copy of said paragraph one of said will is enclosed. Interest to accumulate.

These funds consist of proceeds from mortgage payments on property he owned and have been paid off.

Book #62111 (Melanson Mtg.)	\$29,883.63	
Book #68205 (Weiner Mtg.)	16,929.38	
Also a transfer from Book #67428 (Wood Mtg.)	6,800.00	\$53,613.01

The Raymond A. & Lydia B. Wood is still outstanding. This account has been transferred from Book #68205 to a new Book #620014 City of Newburyport. The Woods make mounthly payments to the Newburyport Five Cents Savings Bank to this account and are to be added to the fund as the Treasurer finds time to have the deposits added to the account. This new account book will start off with a balance of \$84.96.

The Raymond A. Wood & Lydia B. Wood mortgage to Herman A. Roy has been assigned by the Executives under the Will of Herman A. Roy to the City of Newburyport.

Very truly yours,

Thomas S. Murray,  
City Treasurer &  
Tax Collector

## Andrew Port

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**From:** Ethan Manning  
**Sent:** Thursday, February 11, 2021 2:23 PM  
**To:** Andrew Port  
**Subject:** Herman Roy Trust - Waterfront  
**Attachments:** Herman Roy Will May 6, 1964.pdf; Herman Roy Trust Establishment June 15, 1977.pdf

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

Hi Andy,

For the memo, another potential funding source is the Herman Roy Trust Fund. In his will, Herman Roy (2/14/1893-5/31/1973) donated the remaining of his estate to the City of Newburyport (see below).

“All the rest and residue of my estate I give to the City of Newburyport, to be held for the term of one hundred years from the date of my death [May 31, 1973], or until the fund has accumulated to the sum of one million dollars, whichever event shall happen first, and I direct that at said time the money be spent under the direction and supervision of the then mayor and city council, or other corresponding successors as government heads of said City of Newburyport, for improvement and betterment of the Newburyport Waterfront in that section lying between the Chain Bridge and the Atlantic Ocean, in whatever areas and for whatever purposes as they may, in their judgment determine to be for the best interests of said City and the citizens thereof as a whole.”

As stipulated, the fund reached \$1,000,000 in 2018 so it is now available to be spent. The current balance is \$1,125,427. Given that the use is specific to the waterfront, the expanded park would be a good use. While the Trust Fund Committee would most likely recommend not drawing down the full balance, but utilizing a good portion, say \$750,000, may be a reasonable request.

Thanks,

Ethan



CITY OF NEWBURYPORT  
NEWBURYPORT TRUST FUND COMMITTEE  
OFFICE OF THE TREASURER/COLLECTOR  
60 PLEASANT STREET  
NEWBURYPORT, MA 01950  
P: (978) 465-4415 F: (978) 462-0883  
treasurer@cityofnewburyport.com

Julie Languirand  
Treasurer/Collector

March 15, 2022

Andrew Port  
Director of Planning and Development  
City of Newburyport  
60 Pleasant Street  
Newburyport, MA 01950

RE: Market Landing Park Expansion Project and Herman Roy Trust Fund

Dear Andy:

On behalf of the Newburyport Trust Fund Committee, I am pleased to inform you that the following funds for the Market Landing Park project requested from the Herman Roy Trust fund have been approved for use:

**PROJECT: Market Landing Park Construction/Expansion** – consistent with the original purpose(s) established for the use of such funds (“...for the improvement and betterment of the Newburyport Waterfront in that section lying between the Chain Bridge and the Atlantic Ocean...”).

**AWARD amount: \$1,000,000.00** (one million dollars)

**SOURCE: HERMAN ROY TRUST FUND**

**PROJECT DESCRIPTION:** Construction and expansion of the Market Landing Park on Newburyport’s downtown central waterfront

Funding conditions:

- 1) Funds will be granted over two fiscal years; potentially beginning in FY2022 once a detailed timeline of the construction schedule is established; the City will safeguard funds to be available when needed.
- 2) Exact release of funds is pending confirmation by the City’s Director of Planning and Development of additional funding sources and commitment of State and/or Local grant funds.
- 3) A Dedication is to be established in honor of Herman Roy’s contribution to the park via the funds granted, whether by plaque or other landmark.
- 4) Updates are to be provided to the Trust Fund Committee at least quarterly throughout the project and a final report on the project may be requested by the Committee upon completion.

We wish you great success with this project!

Sincerely,

Julie Languirand  
For the Newburyport Trust Fund Committee



# **DIVISION OF CONSERVATION SERVICES**

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**FY23 LAND and PARC Grant Programs Workshop**



# DCS Grant Programs

- **Local Acquisitions for Natural Diversity (LAND)** – acquire conservation land
- **Parkland Acquisitions and Renovations for Communities (PARC)** – acquire recreation land and/or develop public outdoor recreation facilities



Erving Riverfront Park



Holland Glen Forest, Belchertown

# DCS Grant Programs

- **Grant announcement is in anticipation of funding**
- Priorities for the FY23 Grant Round:
  - ▶ **Conservation Projects (LAND)**
    - Biodiversity protection
    - Landscape conservation
    - Outdoor passive recreation
    - Stewardship of conservation lands
  - ▶ **Recreation Projects (PARC)**
    - Environmental Justice neighborhoods
    - Development of new parks
    - Designs that incorporate climate resilience
    - Access to recreation for all residents, especially those that go above and beyond to provide access to people with disabilities

# LAND and PARC Grant Information

- **Grant deadline July 14, 2022 at 3:00 pm**
- Applicants must have an Open Space and Recreation Plan on file with DCS by grant deadline
- Applicants with outstanding conversion issues are ineligible
- Maximum grant award of \$400,000
- Reimbursement rate between 52% and 70%



Hazelwood Park, New Bedford

# LAND and PARC Grant Information

- **New this year: online application form**
- Do not purchase land without signed contract!
- Do not begin construction without signed contract!
- MHC and NHESP review



Hoyt-Sullivan Park, Somerville  
Photo courtesy KMD

# Eligible Project Costs

- **For LAND & PARC acquisition projects:**
  - ▶ Property purchase
  - ▶ Title research & certification
  - ▶ Recording fees
  - ▶ Survey
- **For PARC renovation/development projects:**
  - ▶ Engineering
  - ▶ Design
  - ▶ Construction
  - ▶ Construction supervision (during year 2)
- This is not an inclusive list – ask if you have specific questions

# Ineligible Project Costs

- Appraisals
- Donations
- In-kind expenses
- Legal fees
- Staff time
- Equipment or goods
- Application preparation costs
- 21E assessment and compliance fees
- Brownfields restoration
- And everything else not listed as eligible!
- **When in doubt, ask!**



Adams Station

# Selection Process for DCS Grants

- All projects are visited by DCS staff, then rated and ranked (rating system is included in each grant's application package)
- Recommendations are approved by EEA's Secretary and the Governor's office
- ***Estimated*** grant award announcement date is November 2022
- Do not plan on closing on any properties during calendar year 2022
- Project completion dates:
  - FY23 acquisition projects: June 1, 2023
  - FY24 acquisition and construction projects: June 1, 2024

# Rating Systems

- Two rating systems – one for LAND, one for PARC
- Each contains demographic information
  - ▶ Federal census data
  - ▶ Environmental Justice
  - ▶ Calculated by EEA
- Rating systems included in each grant BID package



Pulaski Park, Northampton

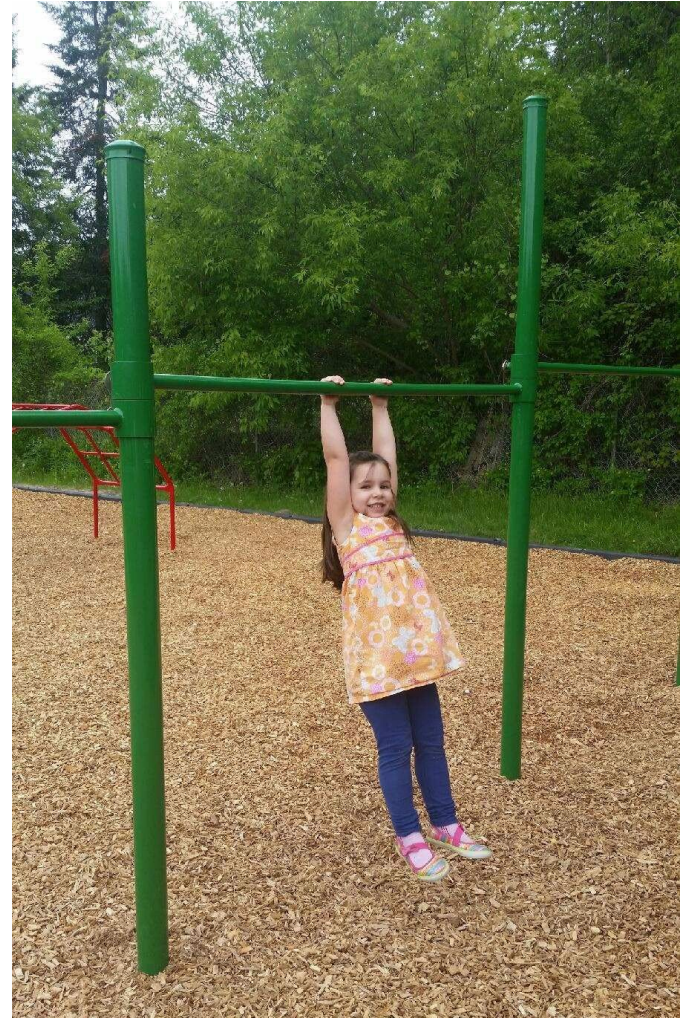


# Municipal Votes

- All projects must have a town meeting/city council vote
- The vote must do three things:
  - ▶ Authorize submission of grant application
  - ▶ Approve appropriation of 100% of the total project cost
  - ▶ Dedicate the land to recreation or conservation purposes (specific to each grant program)
- Use sample vote language in application package
- **Send all LAND grant draft vote language to Vanessa for approval**
- **Send all PARC grant draft vote language to Melissa for approval**

# Municipal Votes

- Vote can occur after application deadline or after grant decisions have been announced, but...
- Successful grants must have vote in by end of the calendar year – plan accordingly
- May use some types of federal monies, such as CDBG and ARPA, as local portion of total grant costs
- CPA funds can be used as local share
- Other state grants cannot be used as local share



Lee Athletic Field, Lee

# CPA Communities, LWCF Recipients

- Any properties acquired with Community Preservation Act (CPA) funds must include the conveyance of a Conservation Restriction to an eligible 3<sup>rd</sup> party
- LAND and PARC grant recipients must show compliance with this requirement prior to final reimbursement
- This is required for all CPA communities regardless of if CPA funds are being used for the project subject to this application; close all CRs on CPA acquired properties
- Grant recipients that have Land and Water Conservation Fund sites in their community will have to complete an inspection form on all properties prior to final reimbursement

# Post-completion Responsibilities

- All sites that receive LAND or PARC funding are protected by Article 97, which means the land must remain as conservation or recreation land in perpetuity
- Site must be open to all – this includes both non-residents and people with disabilities
- Fair fee policy
- Sign requirements



# Useful Tips

- Don't wait to start working on online application form until just before the grant deadline, also don't start too soon – save feature lasts only 30 days
- OSRPs should be emailed to Melissa separately
- Appraisal should be emailed separately to respective grant administrator
- PARC: electronic form, 1 hard copy
- LAND: electronic form, 1 hard copy
- Double-sided hard copy if possible, please
- Clearly mark all attachments – use the application form as an attachment checklist

# Useful Tips

- Answer ALL questions
- If you are a repeat customer, be sure to check the list of attachments to make sure you're not including unnecessary items
- If providing copies of municipal charter, only include relevant section and highlight appropriately
- Focus on the big picture— if one thing is filled in incorrectly, the application will still be eligible (most likely)



LoPresti Park, Boston

# Online Form

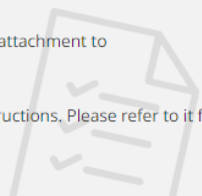
## Parkland Acquisitions and Renovations for Communities (PARC) Grant Program Application Form FY 2023

Please fill out the form below (\* indicates required field)

You will need to submit the following:

- Application form
- Municipal Open Space and Recreation Plan, if not already on file with DCS (email as a separate attachment to [melissa.cryan@mass.gov](mailto:melissa.cryan@mass.gov))
- Appraisal reports for acquisition projects (email as a separate attachment to [melissa.cryan@mass.gov](mailto:melissa.cryan@mass.gov))

The application form available on this page contains detailed instructions. Please refer to it for more information.



### 1. Municipality

Municipality: \*

Population: \*

### 2. Project Name

Project Name: \*

# PARC Projects

- Purchase parkland
- Develop new public outdoor recreation facilities
- Renovate existing municipal public parks
- Land must be dedicated to public park purposes and under custody of Park or Recreation Commission or Park Department (Chapter 45, Section 3 or 14)



Camp Paradise, Beverly



# PARC Grants

- All cities regardless of size or towns with more than 35,000 residents are eligible for maximum \$400,000 grant award
- Towns with less than 35,000 residents proposing project with access to public transportation or 100 car parking lot are also eligible for maximum \$400,000 grant award
- All other town projects are eligible for maximum \$100,000 grant award (this is referred to as a “small town” grant)
- Small town grant applications will be competing for separate pool of funding
- Letters of support deadline – postmarked by July 21, 2022 (not required)
- Two-year grant (for renovation/development projects) – first year for design, second year for construction

# PARC Application Tips

- Complete answers to all questions
- Appraisal(s) must be submitted for acquisition projects – email to Melissa
- Preliminary design (done prior to application deadline) must be firm enough to generate a solid cost estimate
- Make sure to break budget details into design and construction costs (two distinct FYs)
- Remember to include construction administration costs in year 2



Cushing Memorial Park, Framingham

# PARC Application Tips

- Answer the following questions in the project description:
  - ▶ Is this park in an EJ neighborhood?
  - ▶ Does the park design go above and beyond in providing access to people with disabilities? How so?
  - ▶ Is this a new park?
  - ▶ Will there be environmental education on site?
  - ▶ Is water-based recreation offered at the park?
  - ▶ Is the park located in an area mapped as an Urban Heat Island?
  - ▶ Does the park design incorporate resiliency?
  - ▶ Did my community complete enhanced outreach in EJ neighborhoods?
  - ▶ Do I have a partner for future stewardship?
  - ▶ How does this project address my OSRP's goals, objectives or action plan items?

# PARC Model Project

- Project will build a new park in an Environmental Justice neighborhood that goes above and beyond in its consideration of accessibility for people with disabilities with its design incorporating climate resiliency that was developed through multiple public input sessions
- Park includes waterfront access with signage on the importance of water quality and will host summer camps
- Municipality proposing the project has not received a PARC grant in the past five grant rounds and demonstrated its ability to maintain park through its partnership with a local Friends of Said Park group

# LAND Projects

- Land acquisition
  - ▶ Fee simple
  - ▶ Conservation Restriction
- Conservation Commission control
- For conservation and passive recreation
- Cooperative projects – many communities work closely with land trusts



Punkhorn Parklands, Brewster

# LAND Grants

- Appraisals
  - ▶ Requirements are on page 5 of the BID document
  - ▶ Two appraisals recommended if the first has value over \$750,000
- Budget
  - ▶ Itemize anticipated expenses
- Project narrative
- Maps
  - ▶ Natural resources and landscape context

# Most Competitive Projects

- Ecological resources
  - ▶ Habitat & biodiversity
  - ▶ Water resource
- Landscape level protection
  - ▶ Links to existing protected open space or serves as catalyst
  - ▶ Climate change resiliency
  - ▶ Larger tracts
- Public passive recreation
- Open Space and Recreation Plan goals
- Stewardship capacity
- Working lands



# LAND Model Project

- Provides passive outdoor recreation close to an area of high population density that lacks open space
- Protects valuable habitat, including water resources
- Preserves farmland and agricultural resources
- Connects other protected open space and will advance conservation efforts for abutting properties
- Municipality has not received a LAND grant in the past five rounds
- Applicant has proven record of strong stewardship of existing conservation lands



# Joint Applications

- Two or more municipalities applying jointly
- Properties in each municipality must be contiguous
- A letter signed by all municipalities designating a lead contact for project
- Reimbursements up to \$400,000 per municipality
  - ▶ Up to \$800,000 for two municipalities
  - ▶ \$1.2M for three municipalities
- Reimbursement rate will be the average of all the municipalities' rates

# Other DCS Grant Programs

- **Conservation Partnership grant** (Non-profits)  
Max award: \$175,000 for purchase of land/CRs. **App deadline: July 18, 2022**
- **Land and Water Conservation Fund grant** (municipalities, tribes, DCR, DFG)  
Max award: \$1,000,000 to build/renovate trails, acquire land for trails. App deadline: Jan. 24, 2022
- **Drinking Water Supply Protection grant** (munic. water departments/non-profit public water suppliers/water districts)  
Max award: \$300,000 for purchase of land/CRs. App deadline: March 18, 2022
- **Landscape Partnership grant** (munic. conservation commissions, water departments, non-profits, and state and federal agencies)  
Max award: \$1,250,000 for purchase of 500+ acres of land/CRs/APRs. App deadline: May 2, 2022
- **Conservation Assistance for Small Communities grant** (munic. conservation commissions in towns with population < 6,000)  
Max award: \$12,500 for OSRP preparation work. **App deadline: May 6, 2022**

# Contact Information

Vanessa Farny  
(857) 330-1978  
vanessa.farny@mass.gov

Melissa Cryan  
(857) 274-7173  
melissa.cryan@mass.gov

Visit DCS online at:

<https://www.mass.gov/grant-programs-offered-by-the-division-of-conservation-services>

**Open question period ends on June 30, 2022**  
**Have your questions answered before then**