

**CITY COUNCIL MEETING**

**AGENDA**

**April 8, 2024 7:00 pm**

**City Council Chambers, City Hall**

**60 Pleasant Street, Newburyport**

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Zoom details for City Council Meeting:

<https://us02web.zoom.us/j/81299990548>

Or One tap mobile:

US: +19292056099,81299990548#

Or Telephone US: +1 929 205 6099

Webinar ID: 812 9999 0548

**1. MOMENT OF SILENCE**

**2. PLEDGE OF ALLEGIANCE**

**3. CALL TO ORDER**

**4. LATE FILE**

- TRAN00188\_04\_08\_2024 Mayor's Office: ARPA State & Local Fiscal Recovery Funds \$964,675.13 to Phillips Drive Project \$700,000 , Marquand Lane Study \$120,000 , and Streets and Sidewalks \$144,675.13
- TRAN00189\_04\_08\_2024 Mayor's Office: General Fund Free Cash \$25,852.84 to Fire Injured-on-Duty \$25,852.84
- APPT00486\_04\_08\_2024 Police Marshal Screening Committee
- ORDR00559\_04\_08\_2024 Police Marshal Committee Order

**5. PUBLIC COMMENT**

**6. MAYOR'S COMMENT**

**CONSENT AGENDA**

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

**7. APPROVAL OF MINUTES**

March 25, 2024

(Approve)

**8. COMMUNICATIONS**

- APPL00193\_04\_08\_2024 Ride to End ALZ Saturday, June 1<sup>st</sup> 8-11am (L&P)
- APPL00194\_04\_08\_2024 Pride Parade Saturday, June 1<sup>st</sup> 11am-4pm Barlett Mall up Brown Square (L&P)
- APPL00195\_04\_08\_2024 Olive's Maker's Market Saturday, July 20<sup>th</sup> 9am-1pm High St. (L&P)
- APPL00196\_04\_08\_2024 Block Party Howard St. between Forrester St. & Chapel St. (L&P)  
Tuesday, June 18<sup>th</sup> (last day of school) 10am-6pm
- APPL00197\_04\_08\_2024 Lions Yankee Homecoming 10M & 5K Tuesday, July 30th 6-8:30pm (L&P)
- APPL00198\_04\_08\_2024 Lions Bed Race Thursday, August 1st 5-8pm (L&P)

**9. TRANSFERS**

**10. APPOINTMENTS**

APPT00483_04_08_2024	Kevin Hunt	14 Tenth St. Newbury	Veterans Agent for Newburyport	5/1/2025	(CS)
APPT00484_04_08_2024	Thomas Baillie	35 Marlboro St. Newburyport	Water/Sewer Commission-Alternate	4/30/26	(PW&S)
APPT00485_04_08_2024	Wilfred "Paul" Suozzo, Jr.	7 Hunter Dr. Newburyport	Water/Sewer Commission	2/1/25	(PW&S)

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

**BUDGET & FINANCE**

- ORDR00545\_03\_11\_2024 School Security Upgrades Lease Order \$731,343.00 (COTW)  
*Amended in committee*
- ORDR00546\_03\_11\_2024 Harbormaster Dept. Season Dock Permit Fee
- ORDR00547\_03\_25\_2024 Gift Acceptance \$4500 City Improvement Society
- ORDR00548\_03\_25\_2024 Gift Acceptance \$5,181.60 City Improvement Society
- ORDR00550\_03\_25\_2024 Gift Acceptance \$800 Port Parks Alliance to DPS-Parks Division
- TRAN00186\_03\_25\_2024 Harbormaster: Harbormaster Retained Earnings \$25,000 to  
Harbormaster Equipment \$25,000
- TRAN00187\_03\_25\_2024 Police: Police MIS/Communications \$6,500 to HR Assessment Center \$6,500

**GENERAL GOVERNMENT**

- ORDR00544\_03\_11\_2024 Ward 1P Polling Location Change

**LICENSES & PERMITS**

- APPL00186\_03\_11\_2024 Love Local Newburyport - Runway for Recovery 5/9/2024 3-9pm Inn Street
- APPL00190\_03\_25\_2024 Chamber of Commerce Spring Fest Saturday, May 25<sup>th</sup> & Sunday, 26<sup>th</sup>  
10am-4pm Waterfront Park
- APPL00191\_03\_25\_2024 Chamber of Commerce Car Show Thursday, August 8<sup>th</sup> 5pm-8pm  
State St., Inn St., Pleasant St., Unicorn St.
- APPL00192\_03\_25\_2024 Chamber of Commerce Fall Fest 1 Saturday, October 12<sup>th</sup> & Sunday, October 13<sup>th</sup>  
10am-4pm Waterfront Park

**PLANNING & DEVELOPMENT**

- APPT00482\_03\_25\_2024 Barbara Riley 12 Riverview Dr. Conservation Commission 5/1/2027
- ODNC00166\_03\_11\_2024 Amend Ch 5-65 Specialized Energy Code (COTW)
- COMM00535\_02\_12\_2024 Development Agreements Documents re:  
Zoning Amendment Global R3 Multi-Family

**PUBLIC WORKS & SAFETY**

- COMM00546\_03\_25\_2024 Extended Employee Parking in Green St. Lot
- ORDR00549\_03\_25\_2024 Handicapped Space-Auburn St. at High St.

**END OF CONSENT AGENDA**

**REGULAR AGENDA**

9. MAYOR'S UPDATE

10. FIRST READING APPOINTMENTS

11. COMMUNICATIONS

- COMM00547\_04\_08\_2024 Retirement Board FY2025 Retiree COLA Vote
- COMM00548\_04\_08\_2024 FY25 Budget Process

12. TRANSFERS

13. SECOND READING APPOINTMENTS

14. ORDERS

- ORDR00551\_04\_08\_2024 Gift Acceptance Pioneer League Fencing \$13,400
- ORDR00552\_04\_08\_2024 Gift Acceptance FNCOA \$6,316
- ORDR00553\_04\_08\_2024 Refunding Bonds
- ORDR00554\_04\_08\_2024 Senior Work-Off Program Increase Maximum Assistance Amount to \$2000
- ORDR00555\_04\_08\_2024 Consolidation of Functions: School Committee with the City M.G.L. c.71, §37M
- ORDR00556\_04\_08\_2024 FY21 Perkins Park Project Amendment
- ORDR00557\_04\_08\_2024 FY25 CPC Recommendations
- ORDR00558\_04\_08\_2024 Bartlet Mall Loan Order

15. ORDINANCES

- ODNC00167\_04\_08\_2024 Residential Seasonal Dock Fee
- ODNC00168\_04\_08\_2024 HP Spaces
- ODNC00169\_04\_08\_2024 Amend Municipal Fees Street Permits
- ODNC00170\_04\_08\_2024 Amend Municipal Parking Facilities

16. COMMITTEE ITEMS

Budget & Finance

*In Committee:*

- ORDR00545 03 11 2024 School Security Upgrades Lease Order \$731,343.00 (COTW)  
*Amended in committee*
- ORDR00546 03 11 2024 Harbormaster Dept. Season Dock Permit Fee
- ORDR00547 03 25 2024 Gift Acceptance \$4500 City Improvement Society
- ORDR00548 03 25 2024 Gift Acceptance \$5,181.60 City Improvement Society
- ORDR00550 03 25 2024 Gift Acceptance \$800 Port Parks Alliance to DPS-Parks Division
- TRAN00186 03 25 2024 Harbormaster: Harbormaster Retained Earnings \$25,000 to Harbormaster Equipment \$25,000
- TRAN00187 03 25 2024 Police: Police MIS/Communications \$6,500 to HR Assessment Center \$6,500
- TRAN00185\_03\_11\_2024 Mayor: ARPA State & Local Fiscal Recovery Funds \$282,653.87 & Joppa Park Walkway \$30,487.91 to Lower Atkinson Common Improvements \$313,141.78 (COTW)

Community Services

*In Committee:*

- APPT00479\_03\_11\_2024 Karen M. Cullinane 88 Federal St. Library Board of 4/15/2031  
Newburyport Directors
- COMM00525\_01\_08\_2024 Letter from Joe Morgan re: Frog Pond Restoration Project
- ORDR00474\_07\_10\_2023 Plan Approval Bartlet Mall Improvement Project (COTW)
- ORDR00537\_02\_12\_2024 Youth and Recreation Center Design Approval (COTW)

- COMM00541\_02\_26\_2024 Kim Turner letter including supporting documents COTW)

## General Government

### *In Committee:*

- ORDR00544 03 11 2024 **Ward 1P Polling Location Change**
- ORDR00527\_01\_08\_2024 Council Rules 2024

## Licenses & Permits

### *In Committee:*

- APPL00186 03 11 2024 **Love Local Newburyport - Runway for Recovery 5/9/2024 3-9pm Inn Street**
- APPL00190 03 25 2024 **Chamber of Commerce Spring Fest Saturday, May 25<sup>th</sup> & Sunday, 26<sup>th</sup>  
10am-4pm Waterfront Park**
- APPL00191 03 25 2024 **Chamber of Commerce Car Show Thursday, August 8<sup>th</sup> 5pm-8pm  
State St., Inn St., Pleasant St., Unicorn St.**
- APPL00192 03 25 2024 **Chamber of Commerce Fall Fest Sat., October 12<sup>th</sup> & Sun., October 13<sup>th</sup>  
10am-4pm Waterfront Park**
- APPL00189\_03\_25\_2024 Flag Day 5K Saturday, June 15<sup>th</sup> 12pm-8pm Cashman Park

## Planning & Development

### *In Committee:*

- APPT00482 03 25 2024 **Barbara Riley 12 Riverview Dr. Conservation Commission 5/1/2027**
- ODNC00166 03 11 2024 **Amend Ch 5-65 Specialized Energy Code (COTW)**
- COMM00535 02 12 2024 **Development Agreements Documents re:  
Zoning Amendment Global R3 Multi-Family**
- COMM00529\_01\_29-2024 Letter from Jim McCarthy re: Request to update codified sign ordinances
- COMM00530\_01\_29\_2024 Update Regarding Zoning Studies & Amendments (COTW)  
Related to Storey Ave & "MBTA Communities"(COTW)
- COMM00534\_02\_12\_2024 Administration Memo re: COMM00529\_01\_29\_2024  
(Jim McCarthy letter to request an update codified sign ordinances)
- COMM00540\_02\_26\_2024 Newburyport-MBTA-Communities-Storey-Ave-Slides (COTW)

## Public Works & Safety

### *In Committee:*

- COMM00546 03 25 2024 **Extended Employee Parking in Green St. Lot**
- ORDR00549 03 25 2024 **Handicapped Space-Auburn St. at High St.**
- COMM00533\_02\_12\_2024 Middle Street Plummer Spring Bridge - Proposed next steps
- COMM00527\_01\_08\_2024 Letter from Philip Cootey
- COMM00538\_02\_26\_2024 Plummer Spring Bridge Memo
- COMM00544\_03\_11\_2024 Email from Laurie O'Donnell re Flooding at 29 Marquand Lane
- ORDR00449\_04\_24\_2023 Approving Shared Streets Grant, High Street Traffic Calming
- ORDR00549\_03\_25\_2024 Handicapped Space-Auburn St. at High St.

## 17. GOOD OF THE ORDER

## 18. ADJOURNMENT

**LATE FILE ITEMS**



# CITY OF NEWBURYPORT FY 2024 TRANSFER/APPROPRIATION REQUEST

RECEIVED  
 CITY CLERK'S OFFICE  
 NEWBURYPORT, MA  
 2024 APR 11 AM 11:15

**Department:** Mayor's Office

**Submitted by:** Sean R. Reardon, Mayor

**Date Submitted:** 4/8/2024

**Transfer From:**

Account Name:	ARPA - State & Local Fiscal Recovery Funds	Balance:	\$ 964,675
Account Number:	2111-59630	Category:	\$ -
Amount:	\$964,675.13	Trans I/O:	\$ (4,219,378)

**Why Funds Are Available:**

The City's allocation from the American Rescue Plan Act (ARPA) Coronavirus State and Local Fiscal Recovery Funds (SLFRF) was \$5,466,707 of which \$4,219,378 has been approved for capital projects, leaving a remaining balance of \$1,247,329 to be obligated by Dec. 31, 2024. An appropriation of \$282,654 has been recommended for Lower Atkinson Common Improvements leaving a remaining balance of \$964,675.

**Transfer To:**

Account Name:	Phillips Drive Project	Balance:	\$ 1,448,343
Account Number:	3806421-58400	Category:	\$ -
Amount:	\$700,000.00	Trans I/O:	\$ -

**Why Funds Are Needed:**

Project recommended for approval by the ARPA Advisory Committee.

**Transfer To:**

Account Name:	Marquand Lane Study	Balance:	\$ -
Account Number:	New Capital Project	Category:	\$ -
Amount:	\$120,000.00	Trans I/O:	\$ -

**Why Funds Are Needed:**

Project recommended for approval by the ARPA Advisory Committee.

**Transfer To:**

Account Name:	Streets and Sidewalks	Balance:	\$ -
Account Number:	3010-58400	Category:	\$ -
Amount:	\$144,675.13	Trans I/O:	\$ -

**Why Funds Are Needed:**

Project recommended for approval by the ARPA Advisory Committee.

Sean R. Reardon, Mayor:

*Sean R. Reardon*

Date: 4/5/2024

Ethan R. Manning, Auditor:

*Ethan R. Manning*

Date: 4/5/2024

City Council Action:

**MEMORANDUM**

**To:** Council President Ed Cameron and members of the City Council  
**From:** Mayor Sean Reardon  
**Re:** ARPA Transfer Request  
**Date:** Monday, April 8, 2024

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The Administration has submitted a transfer request for \$964,675, representing the balance of funds the City has received from American Rescue Plan Act funds. The Administration previously requested \$282,654 from the Council for the Lower Atkinson Common Improvement Project. This memo summarizes the current status of ARPA funds and the projects the Administration is recommending pursuing with the remaining funds.

**Background**

The American Rescue Plan Act (ARPA) allocated \$350 billion for the Coronavirus State and Local Fiscal Recovery Funds (CSLFRF), benefiting state, local, tribal, and territorial governments. The City of Newburyport received approximately \$5.5 million from this allocation. These funds can be utilized for various purposes, including public health responses, economic recovery, and infrastructure investments.

Local governments have the ability to claim a standard allowance of up to \$10 million for “revenue loss,” irrespective of their actual revenue decline due to the pandemic. This allows for spending broadly on government services. Given that Newburyport's allocation falls below this threshold, the City has significant flexibility in determining the allocation of these funds.

Currently, \$4.2 million of the City’s allocation has been appropriated, leaving a balance of \$1.2 million that must be obligated (appropriated) by Dec. 31, 2024. All funds must be spent by Dec. 31, 2026.

**Allocations & Spending To-Date**

Municipal Allocation	1,914,283
County Reallocation	3,552,424
<b>Total Funding Amount</b>	<b>5,466,707</b>

Phillips Drive Drainage Project	1,000,000	ORDR252_05_24_2021 [Approved 8/30/21]
Streets & Sidewalks	2,400,000	ORDR335_03_28_2022 [Approved 4/11/22]
Joppa Park Walkway	100,000	ORDR334_03_28_2022 [Approved 4/25/22]
Data Center Rebuild	594,378	TRAN00153_05_08_2023 [Approved 6/26/23]
Hale Street Pedestrian Safety	125,000	TRAN00165_08_14_2023 [Approved 8/28/23]
<b>Total Appropriations</b>	<b>4,219,378</b>	

**Current Unobligated Balance** **1,247,329**

Lower Atkinson Common Improv.	282,654	TRAN00185_03_11_2024 [Pending Review]
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**Remaining Unobligated Balance** **964,675**

## Process

All ARPA requests are approved by the Mayor with the concurrence of the Ad Hoc committee and then are approved by a majority vote of the City Council. The Ad Hoc committee is convened by the Mayor with representation from the City Council. Following past practice, the Council participants represent the Public Works and Safety, Community Services, and Budget and Finance Committees. The Mayor, Chief of Staff, Finance Director, and Director of Public Services are the other members. The Committee met on Wednesday, April 3<sup>rd</sup> to discuss potential projects for the ARPA funds.

## Projects

### **Lower Atkinson Common Safety Improvement Project: \$282,654**

This safety project has been on our radar for a while, and is an important part of improving the pedestrian and vehicle situation at the Pioneer Fields. The scope and request for \$282,654 from ARPA funds would include a sidewalk along Merrimac Street that would run from Moulton to Plummer and important drainage upgrades. This complements CPA funding that will create off street parking and remove dangerous parking along Merrimac Street that requires vehicles to back out into traffic.

### **Project Funding for Phillips Drive: \$700,000**

The Phillips Drive drainage improvement program is currently over budget because of additional funds needed for on-site engineering and the discovery of more ledge than anticipated throughout the construction, increasing costs. More funds should have been allocated for contingency from the start, and as it stands the project is approximately \$700,000 short. ARPA funds and free cash, supplemented by water and sewer retained earnings, may be the best sources to make up this gap, as bonds have already been issued for this project.

### **Marquand Lane Study: \$120,000**

The City has identified drainage issues in the Marquand Lane neighborhood causing flooding on both public and private property. This money would fund a study that would lead to potential options and design for a long-term solution to improving the drainage in this neighborhood.

### **Additional Funds for Streets and Sidewalks: \$144,675.13**

The City Council approved \$6M in bonding in 2023 to fund the next five years of streets and sidewalk improvements. This was crucial to lock in the plan for street and sidewalk repair and confirm the scale and scope of work over the next five years. At the suggestion of the Finance Director, additional ARPA funds could reduce the amount of this work paid for through bonding. Streets and sidewalk repairs only allow us to bond for 15 years, meaning annual payments are higher. ARPA funds would replace some of this bonding and free up additional funds for bonding for other capital projects.



# CITY OF NEWBURYPORT FY 2024

RECEIVED  
CITY CLERK'S OFFICE  
NEWBURYPORT, MA

## TRANSFER/APPROPRIATION REQUEST

P 12:06

**Department:** Mayor's Office  
**Submitted by:** Sean R. Reardon, Mayor **Date Submitted:** 4/8/2024

**Transfer From:**

Account Name:	General Fund Free Cash	Balance:	\$ 2,318,144
Account Number:	01-35910	Category:	\$ -
Amount:	\$25,852.84	Trans I/O:	\$ (1,066,732)

**Why Funds Are Available:**

The Massachusetts Department of Revenue certified Free Cash for FY2024 at \$3,384,876. These funds are available for any legal expenditure with the approval of the Mayor and a vote of the City Council.

**Transfer To:**

Account Name:	Fire Injured-on-Duty	Balance:	\$ 9,459
Account Number:	01220001-51509	Category:	\$ 1,165,522
Amount:	\$25,852.84	Trans I/O:	\$ -

**Why Funds Are Needed:**

An appropriation is needed to cover payroll for the former fire chief through June 30, 2024. The City carries weekly indemnity coverage of \$1,000.00 resulting in a net budgetary need of \$1,988.68 per week. There are 13 weeks remaining in fiscal year 2025.

Sean R. Reardon, Mayor:	 _____	Date: <u>4/8/2024</u>
Ethan R. Manning, Auditor:	 _____	Date: <u>4/8/2024</u>
City Council Action:		



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

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

To: President and Members of the City Council  
From: Sean R. Reardon, Mayor  
Date: April 8, 2024  
Subject: Appointment

2024 APR - 8 P 12: 04  
RECEIVED  
CITY CLERK'S OFFICE  
NEWBURYPORT, MA

I hereby appoint, subject to your approval, the following named individuals to the Newburyport Police Marshal Screening Committee:

- Former Sheriff Frank Cousins, 242 Water Street Newburyport MA 01950
- Donna Drelick, 8 Chadwick Street Methuen MA 01844
- Chief Patty Fisher 12 Cutting Drive Newburyport, MA 01950
- Councilor Byron Lane 14 Hart Road Newburyport MA 01950
- School Committee Member Juliet Walker 13 Eagle Street Newburyport MA 01950
- Andi Egmont, 30 Paige Farm Road Amesbury MA 01913
- Chief Stephen Bradbury 24 Howard Street Newburyport 01950
- Former Chief Don Cudmore, 169 R Nelson Street Georgetown MA 01833
- Keith Carter Sr, 13 Monarch Way Kingston NH 03848

# CITY OF NEWBURYPORT



## IN CITY COUNCIL

### ORDERED:

**April 8, 2024**

THAT, THE CITY COUNCIL OF THE CITY OF NEWBURYPORT HEREBY CONFIRMS the below named individuals to the Newburyport Police Marshal Screening Committee. Said Committee is established pursuant to Code Section 2-316 (a)(2) et al with required notification and shall consist of nine (9) voting members who are named and appointed according to the attached Mayoral letter of appointment and confirmed by this order.

According to Code Section 2-316 (a)(3) the members of the screening committee may be individuals who are employed by the City, residents of the city and/or business community, and others who may have expertise in the field.

Following the effective date of this order, the committee shall meet within thirty (30) days to organize and plan a process for solicitation by advertisement, including without limitation, in appropriate professional journals, and by other means, to receive applications for the position of Police Marshal. The committee shall review all applications and conduct such interviews as it deems appropriate.

There shall be an evaluation by an assessment center whose results shall be available to the screening committee and the Mayor prior to its interview of candidates. Not more than 180 days from the date of the first organizational meeting of the committee, it shall submit to the Mayor not less than three (3) but not more than five (5) candidates. Within sixty (60) days from this submission the Mayor shall interview and select one (1) candidate and then submit the same to the City Council for confirmation.

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Councillor Edward C. Cameron, Jr.

**CONSENT AGENDA**

# CITY COUNCIL MEETING

## MINUTES

March 25, 2024 7:00 pm

City Council Chambers, City Hall

60 Pleasant Street, Newburyport

\*\*\*\*\*

Zoom details for City Council Meeting:

<https://us02web.zoom.us/j/81299990548>

Or One tap mobile:

US: +19292056099,81299990548#

Or Telephone US: +1 929 205 6099

Webinar ID: 812 9999 0548

1. **MOMENT OF SILENCE** Remembering Aster Ursula Shepard
2. **PLEDGE OF ALLEGIANCE**
3. **CALL TO ORDER** 7:00pm the City Clerk called the roll; the following City Councillors answered present: Preston, Shand (remote), Wright, Zeid, Donahue, Granas, Harman, Khan, Lane (remote), McCauley, and Cameron. 11 present.
4. **LATE FILE**
  - ORDR00549\_03\_25\_2024 Handicapped Space-Auburn St. at High St. (PW&S)
  - COMM00546\_03\_25\_2024 Extended Employee Parking in Green St. Lot (PW&S)
  - ORDR00550\_03\_25\_2024 Gift Acceptance \$800 Port Parks Alliance to DPS-Parks Division (B&F)Motion to waive the rules, accept the late files, and refer to their aforementioned committees by Councillor Zeid, seconded by Councillor Donahue. Roll call vote, 11 yes, motion passes.
5. **PUBLIC COMMENT**
6. **MAYOR'S COMMENT**

## CONSENT AGENDA

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

7. **APPROVAL OF MINUTES**  
March 11, 2024 (Approve)
8. **COMMUNICATIONS**
  - APPL00189\_03\_25\_2024 Flag Day 5K Saturday, June 15<sup>th</sup> 12pm-8pm Cashman Park (L&P)
  - APPL00190\_03\_25\_2024 Chamber of Commerce Spring Fest Saturday, May 25<sup>th</sup> & Sunday, 26<sup>th</sup>  
10am-4pm Waterfront Park (L&P)
  - APPL00191\_03\_25\_2024 Chamber of Commerce Car Show Thursday, August 8<sup>th</sup> 5pm-8pm  
State St., Inn St., Pleasant St., Unicorn St. (L&P)
  - APPL00192\_03\_25\_2024 Chamber of Commerce Fall Fest 1 Saturday, October 12<sup>th</sup> & Sunday, October 13<sup>th</sup>  
10am-4pm Waterfront Park (L&P)
9. **TRANSFERS**
  - TRAN00186\_03\_25\_2024 Harbormaster: Harbormaster Retained Earnings \$25,000 to  
Harbormaster Equipment \$25,000 (B&F)
  - TRAN00187\_03\_25\_2024 Police: Police MIS/Communications \$6,500 to HR Assessment Center \$6,500 (B&F)
10. **APPOINTMENTS**
  - APPT00482\_03\_25\_2024 Barbara Riley 12 Riverview Dr. Conservation Commission 5/1/2027 (P&D)

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

**BUDGET & FINANCE**

- TRAN00184\_03\_11\_2024 City Clerk: General Fund Free Cash \$15,000 to Elections \$15,000
- ORDR00543\_03\_11\_2024 Gift Acceptance Friends of NBPT Trees \$6500

**GENERAL GOVERNMENT**

- COMM00542\_03\_11\_2024 Municipal Buildings Report

**LICENSES & PERMITS**

- APPL00186\_03\_11\_2024 Love Local Newburyport - Runway for Recovery 5/9/2024 3-9pm Inn Street
- APPL00187\_03\_11\_2024 The Basin Apparel Company Tent on Water Street
- APPL00188\_03\_11\_2024 Newburyport Arts & Culture Shanties Pop-Up Park 1/1/24-12/31/24 12pm-8pm

**PLANNING & DEVELOPMENT**

- *Re-Appointment* APPT00480\_03\_11\_2024 Joe Carper 8 Fruit St. Fruit St. Local 4/15/2027  
Newburyport Historic District Commission
- COMM00545\_03\_11\_2024 Memo RE: Zoning Advisory Group (ZAG) & MBTA Communities (COTW)

**PUBLIC WORKS & SAFETY**

- APPT00481\_03\_11\_2024 David J. Vance 10 Pleasant View Ave. Special Police  
Merrimac Officer with the  
NPD
- ORDR00542\_02\_26\_2024 Crosswalk on Turkey Hill at Hale St
- COMM00539\_02\_26\_2024 Merrimack Valley Regional Transit Authority Route Changes Memo &Map

**END OF CONSENT AGENDA**

APPL00186\_03\_11\_2024 to be kept in committee at the request of Councillor Wright.

Motion to approve the Consent Agenda as approved and receive and file the Mayor's update by Councillor Zeid, seconded by Councillor Preston. Roll call vote, 11 yes, motion passes.

**REGULAR AGENDA**

**9. MAYOR'S UPDATE**

**10. FIRST READING APPOINTMENTS**

**11. COMMUNICATIONS**

**12. TRANSFERS**

**13. SECOND READING APPOINTMENTS**

## 14. ORDERS

- ORDR00547\_03\_25\_2024 Gift Acceptance \$4500 City Improvement Society
  - ORDR00548\_03\_25\_2024 Gift Acceptance \$5,181.60 City Improvement Society
- Motion to collectively refer ORDR00547 and ORDR00548 to Budget & Finance by Councillor Zeid, seconded by Councillor McCauley. Roll call vote, 11 yes, motion passes.

## 15. ORDINANCES

## 16. COMMITTEE ITEMS

### Budget & Finance

#### *In Committee:*

- TRAN00184 03 11 2024 **City Clerk: General Fund Free Cash \$15,000 to Elections \$15,000**
- ORDR00543 03 11 2024 **Gift Acceptance Friends of NBPT Trees \$6500**

Motion to collectively approve TRAN00184 and ORDR00543 by Councillor Zeid, seconded by Councillor Wright. Roll call vote, 11 yes, motion passes.

- ORDR00545\_03\_11\_2024 School Security Upgrades Lease Order \$731,343.00 (COTW)
- ORDR00546\_03\_11\_2024 Harbormaster Dept. Season Dock Permit Fee
- TRAN00185\_03\_11\_2024 Mayor: ARPA State & Local Fiscal Recovery Funds \$282,653.87 & Joppa Park Walkway \$30,487.91 to Lower Atkinson Common Improvements \$313,141.78 (COTW)

### Community Services

#### *In Committee:*

- APPT00479\_03\_11\_2024 Karen M. Cullinane 88 Federal St. Library Board of 4/15/2031  
Newburyport Directors
- COMM00525\_01\_08\_2024 Letter from Joe Morgan re: Frog Pond Restoration Project
- ORDR00474\_07\_10\_2023 Plan Approval Bartlett Mall Improvement Project (COTW)
- ORDR00537\_02\_12\_2024 Youth and Recreation Center Design Approval (COTW)
- COMM00541\_02\_26\_2024 Kim Turner letter including supporting documents COTW

### General Government

#### *In Committee:*

- COMM00542 03 11 2024 **Municipal Buildings Report**  
Motion to receive and file by Councillor Cameron, seconded by Councillor Harman. Roll call vote, 11 yes, motion passes.
- ORDR00527\_01\_08\_2024 Council Rules 2024
- ORDR00544\_03\_11\_2024 Ward 1P Polling Location Change

### Licenses & Permits

#### *In Committee:*

- APPL00187 03 11 2024 **The Basin Apparel Company Tent on Water Street**  
Motion to approve by Councillor Wright, seconded by Councillor McCauley. Roll call vote, 11 yes, motion passes.
- APPL00188 03 11 2024 **Newburyport Arts & Culture Shanties Pop-Up Park**  
**1/1/24-12/31/24 12pm-8pm**  
Motion to approve as amended in committee with the end date of 9/30/2024 by Councillor Wright, seconded by Councillor Preston. Roll call vote, 10 yes, 1 no (Zeid), motion passes.
- APPL00186\_03\_11\_2024 Love Local Newburyport - Runway for Recovery 5/9/2024 3-9pm Inn Street



# COMMUNICATIONS

# NEWBURYPORT SPECIAL EVENT APPLICATION

Tel.

Fax.

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

NAME OF EVENT: RIDE TO END ALZ NEW ENGLAND

Date: 6/1/24 Time: from 0800 to 1100

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

2. Location\*: SEE ATTACHED DETAIL

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

3. Description of Property: \_\_\_\_\_ Public  Private \_\_\_\_\_

4. Name of Organizer: ALZHEIMERS ASSOCIATION City Sponsored Event: Yes \_\_\_\_\_ No

Contact Person ROGER MAST

Address: 172 TRADEMARK DR. BUDA, TX Telephone: 678-357-6921

E-Mail: ROGER@CADENCESPORTS.COM Cell Phone: 678-357-6921

Day of Event Contact & Phone: SAME

5. Number of Attendees Expected: 500

6. MA Tax Number: 13-3039601

7. Is the Event Being Advertised? YES Where? SOCIAL MEDIA

8. What Age Group is the Event Targeted to? 18 AND UP

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

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

A. Vending\*: Food \_\_\_\_\_ Beverages \_\_\_\_\_ Alcohol \_\_\_\_\_ Goods \_\_\_\_\_ Total # of Vendors \_\_\_\_\_  
 \*If checked, signature from Health Director required (Page 3)

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

C. Games /Rides: Adult Rides \_\_\_\_\_ Kiddie Rides \_\_\_\_\_ Games \_\_\_\_\_ Raffle \_\_\_\_\_  
 Other \_\_\_\_\_ Total # \_\_\_\_\_

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

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

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

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

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



FOR STREET CLOSURE OR ANY USE OF A PUBLIC WAY

PARADE \_\_\_\_\_

ROAD RACE X

WALKATHON \_\_\_\_\_

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

ALZHEIMERS ASSOCIATION MA/NT

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

ROGER MAST  
172 TRADEMARK DR. BUDA, TX 78610  
678-357-6921

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

SEE ABOVE

4. Date of Event: 6/1/2024 Expected Number of Participants: 500

5. Start Time: 0800 Expected End Time: 1100

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

ATTACHED

7. Locations of Water Stops (if any): 8 GRAF RD

8. Will Detours for Motor Vehicles Be Required? NO If so, where? \_\_\_\_\_

9. Formation Location & Time for Participants: ATTACHED DETAIL

10. Dismissal Location & Time for Participants: " "

11. Additional Parade Information:

- Number of Floats: \_\_\_\_\_
- Locations of Viewing Stations: \_\_\_\_\_
- Are Weapons Being Carried: Yes \_\_\_\_\_ No \_\_\_\_\_
- Are Marshalls Being Assigned to Keep Parade Moving: Yes \_\_\_\_\_ No \_\_\_\_\_

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

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

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

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

FOR STREET CLOSURE OR ANY USE OF A PUBLIC WAY

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

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

ALZHEIMERS ASSOCIATION MA/NH

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

ROGER MAST  
172 TRADEMARK DR. BUDA, TX 78610  
678-357-6921

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

SEE ABOVE

4. Date of Event: 6/1/2024 Expected Number of Participants: 500

5. Start Time: 0800 Expected End Time: 1100

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

ATTACHED

7. Locations of Water Stops (if any): 8 GRAF RD

8. Will Detours for Motor Vehicles Be Required? NO If so, where? \_\_\_\_\_

9. Formation Location & Time for Participants: ATTACHED DETAIL

10. Dismissal Location & Time for Participants: " "

11. Additional Parade Information:

• Number of Floats: \_\_\_\_\_

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

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

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

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

CITY MARSHAL \_\_\_\_\_ 4 Green St. FIRE CHIEF [Signature] 3/21/24 0 Greenleaf St.

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

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

FOR STREET CLOSURE OR ANY USE OF A PUBLIC WAY

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

1. Name of the Group or Person Sponsoring the Road Race, Parade, Walkathon: ALZHEIMERS ASSOCIATION MA/NH

2. Name, Address & Daytime Phone Number of Organizer: ROGER MAST  
172 TRADEMARK DR. BUDA, TX 78610  
678-357-6921

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

4. Date of Event: 6/1/2024 Expected Number of Participants: 500

5. Start Time: 0800 Expected End Time: 1100

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

7. Locations of Water Stops (if any): 8 GRAF RD

8. Will Detours for Motor Vehicles Be Required? NO If so, where? \_\_\_\_\_

9. Formation Location & Time for Participants: ATTACHED DETAIL

10. Dismissal Location & Time for Participants: " "

11. Additional Parade Information:

- Number of Floats: \_\_\_\_\_
- Locations of Viewing Stations: \_\_\_\_\_
- Are Weapons Being Carried: Yes \_\_\_\_\_ No \_\_\_\_\_
- Are Marshalls Being Assigned to Keep Parade Moving: Yes \_\_\_\_\_ No \_\_\_\_\_

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

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

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

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

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

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

<i>Approval Required</i>	Date: _____	Signature _____
___	1. Special Events:	_____
___	2. Police:	_____
	Is Police Detail Required: _____	# of Details Assigned: _____
___	3. Traffic, Parking & Transportation:	_____
___	4. ISD/Health:	_____
___	5. Recycling:	_____
___	6. ISD/Building:	_____
___	7. Electrical:	_____
___	8. Fire:	_____
	Is Fire Detail Required: _____	# of Details Assigned: _____
___	9. Public Works: <i>Fee for Special Events: \$45/hr/DPS employee for trash handling/staging etc. may apply</i>	
	Yes: \$ _____ due on _____	No Fee for Special Events applies
	Other requirements/instructions per DPS _____	
___	10. Parks Department:	_____
___	11. License Commission	_____

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

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

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

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

(c) *Definitions.*

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

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

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

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

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

(d) *Limitations.*

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(e) *Enforcement.*

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

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

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

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

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

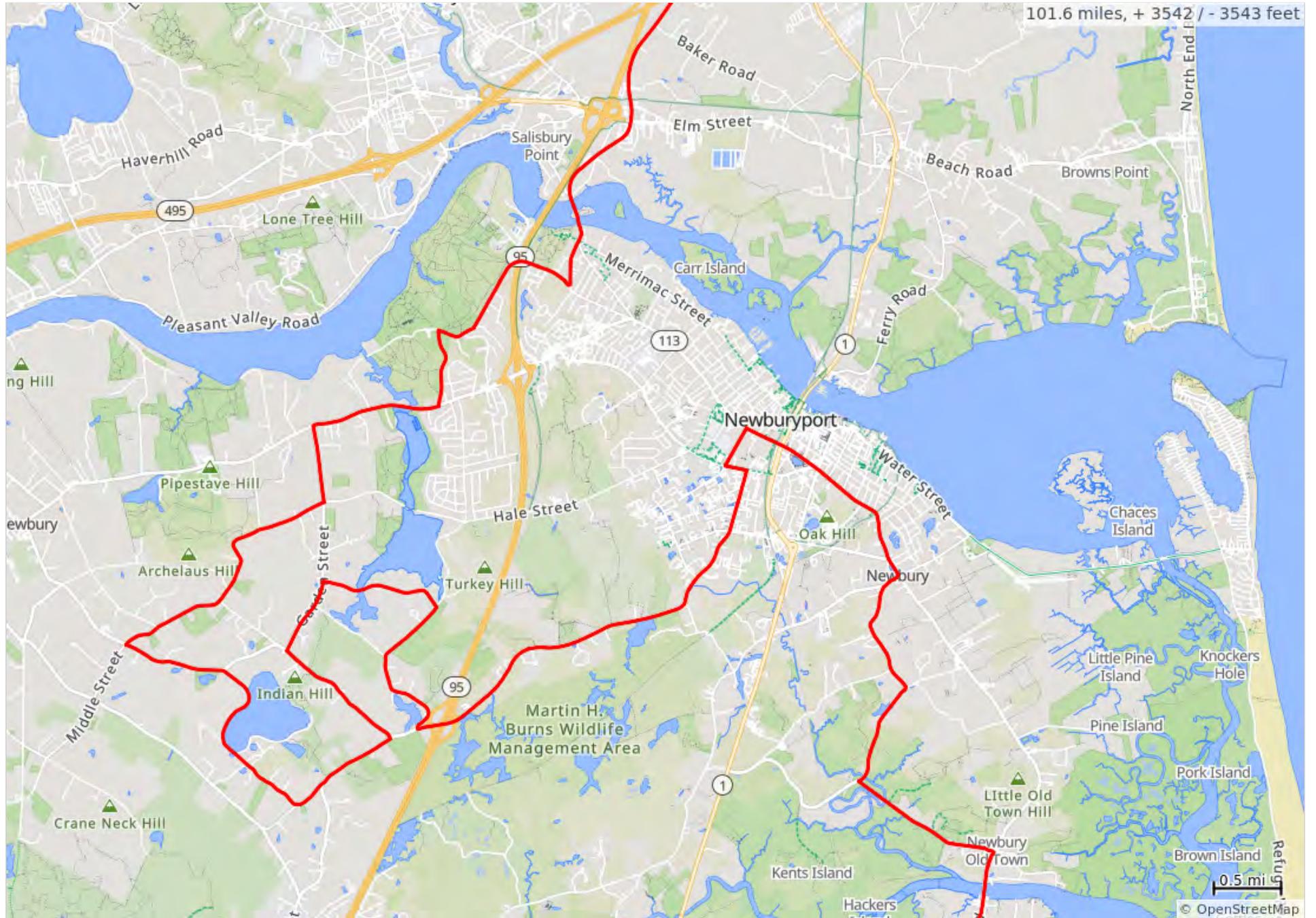
***I fully understand and agree to all the terms set forth in this application. The information that I have provided is truthful and accurate. I accept all responsibility related to this event.***

Signed: \_\_\_\_\_

Date: \_\_\_\_\_

*[Handwritten Signature]*  
2/26/24

# Ride To End ALZ New England - "the Century" 100M -Web







# CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)

3/19/2024

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

**IMPORTANT:** If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must have ADDITIONAL INSURED provisions or be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

<b>PRODUCER</b> Inszone Insurance Services 1101 Perimeter Drive, Suite 500 Schaumburg IL 60173	<b>CONTACT NAME:</b> Sandy Crespin <b>PHONE (A/C, No, Ext):</b> 847-719-7877 <b>E-MAIL ADDRESS:</b> screspin@inszoneins.com		<b>FAX (A/C, No):</b> 847-398-7077	
	<b>INSURER(S) AFFORDING COVERAGE</b>			
<b>INSURED</b> Alzheimer's Disease & Related Disorders Association, Inc. 225 N. Michigan Ave Ste 1700 Chicago IL 60601	ALZHE-2	INSURER A :	Philadelphia Indemnity Insurance Company	NAIC # 18058
		INSURER B :	Hartford Insurance Group	29424
		INSURER C :		
		INSURER D :		
		INSURER E :		

**COVERAGES**

CERTIFICATE NUMBER: 1405128146

REVISION NUMBER:

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

INSR LTR	TYPE OF INSURANCE	ADDL INSD	SUBR WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS
A	<input checked="" type="checkbox"/> COMMERCIAL GENERAL LIABILITY <input type="checkbox"/> CLAIMS-MADE <input checked="" type="checkbox"/> OCCUR <input checked="" type="checkbox"/> Sex Abuse/Molest <input checked="" type="checkbox"/> Soc Serv Prof GEN'L AGGREGATE LIMIT APPLIES PER: <input checked="" type="checkbox"/> POLICY <input type="checkbox"/> PRO-JECT <input type="checkbox"/> LOC OTHER:			PHPK2664736	3/11/2024	3/11/2025	EACH OCCURRENCE \$ 1,000,000 DAMAGE TO RENTED PREMISES (Ea occurrence) \$ 1,000,000 MED EXP (Any one person) \$ 20,000 PERSONAL & ADV INJURY \$ 1,000,000 GENERAL AGGREGATE \$ 3,000,000 PRODUCTS - COMP/OP AGG \$ 3,000,000 \$
A	<input checked="" type="checkbox"/> AUTOMOBILE LIABILITY <input checked="" type="checkbox"/> ANY AUTO <input type="checkbox"/> OWNED AUTOS ONLY <input type="checkbox"/> SCHEDULED AUTOS <input checked="" type="checkbox"/> HIRED AUTOS ONLY <input checked="" type="checkbox"/> NON-OWNED AUTOS ONLY			PHPK2664736	3/11/2024	3/11/2025	COMBINED SINGLE LIMIT (Ea accident) \$ 1,000,000 BODILY INJURY (Per person) \$ BODILY INJURY (Per accident) \$ PROPERTY DAMAGE (Per accident) \$ UM/UIIM \$ 1,000,000
A	<input checked="" type="checkbox"/> UMBRELLA LIAB <input checked="" type="checkbox"/> OCCUR <input type="checkbox"/> EXCESS LIAB <input type="checkbox"/> CLAIMS-MADE <input type="checkbox"/> DED <input checked="" type="checkbox"/> RETENTION \$ 10,000			PHUB903794	3/11/2024	3/11/2025	EACH OCCURRENCE \$ 10,000,000 AGGREGATE \$ 10,000,000 \$
B	<input checked="" type="checkbox"/> WORKERS COMPENSATION AND EMPLOYERS' LIABILITY ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? <input type="checkbox"/> Y <input checked="" type="checkbox"/> N (Mandatory in NH) If yes, describe under DESCRIPTION OF OPERATIONS below		N/A	83WEBU6934	3/11/2024	3/11/2025	<input checked="" type="checkbox"/> PER STATUTE <input type="checkbox"/> OTH-ER E.L. EACH ACCIDENT \$ 1,000,000 E.L. DISEASE - EA EMPLOYEE \$ 1,000,000 E.L. DISEASE - POLICY LIMIT \$ 1,000,000
A	D&O, EPLI			PHSD1863000	3/11/2024	3/11/2025	D&O \$50/EPLI \$50K RET 10,000,000
A	PROFESSIONAL LIABILITY			PHPK2664736	3/11/2024	3/11/2025	OCC 1,000,000/AGGR 3,000,000

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

Massachusetts/New Hampshire Chapter  
 RE: Ride to End Alzheimer's Event held May 31-June 1, 2024  
 City of Newburyport is Additional Insured for operations conducted by the insured. Subject to policy terms and conditions.  
 \*\*Bounce Houses and other rebounding devices are excluded from any liability coverage on this policy.

**CERTIFICATE HOLDER****CANCELLATION**

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

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RECEIVED  
CITY CLERK  
NEWBURYPORT, MA

## NEWBURYPORT SPECIAL EVENT APPLICATION

Tel.

Fax.

2024 MAR 29 A 9:22

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

**NAME OF EVENT:** Newburyport Pride Parade and Festival

Date: June 1, 2024 Time: from 11:00 a.m. to 4:00 p.m.

Rain Date: none Time: from \_\_\_\_\_ to \_\_\_\_\_

2. Location\*: Parade begins at Bartlett Mall, ends at Brown Square for Festival

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

3. Description of Property: 2 Parks and streets Public  Private

4. Name of Organizer: City of Newburyport City Sponsored Event: Yes  No

Contact Person Paul Goldberg

Address: 19 Chestnut Street Newburyport Telephone: (978) 360-2969

E-Mail: paul@newburyportpride.com Cell Phone: same

Day of Event Contact & Phone: same

5. Number of Attendees Expected: 750

6. MA Tax Number: 046-001-043

7. Is the Event Being Advertised? yes Where? social media and community fliers

8. What Age Group is the Event Targeted to? all ages

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

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

A. Vending\*: Food  Beverages  Alcohol  Goods  Total # of Vendors 10

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

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

Performers  Dancing  Amplified Sound  Stage

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

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

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

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

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

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

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

**If yes:**

- a) How many trash receptacles will you be providing? \_\_\_\_\_
- b) How many recycling receptacles will you be providing? \_\_\_\_\_
- c) Will you be contracting for disposal of : **Trash** Yes \_\_\_\_\_ No \_\_\_\_\_ **Recycling** Yes \_\_\_\_\_ No \_\_\_\_\_
  - i. If yes, size of dumpster(s): **Trash** \_\_\_\_\_ **Recycling** \_\_\_\_\_
  - ii. Name of disposal company: **Trash** \_\_\_\_\_ **Recycling** \_\_\_\_\_
  - iii. If no, will you remove trash & recycling with organizers' cars or trucks? Yes \_\_\_\_\_ No \_\_\_\_\_
  - iv. If no, where will the trash & recycling be disposed ? \_\_\_\_\_

**If no:**

- a) # of trash container(s) to be provided by DPS \_\_\_\_\_
- b) # of recycling container(s) to be provided by Recycling Office \_\_\_\_\_
- c) \$45.00/hr/DPS employee charge must be paid by the organizer to DPS in advance of the event (Fee for Special Events). The hours required for the event will be determined by DPS.

All fees must be paid prior to the event. Check or money order is payable to the City

of Newburyport. E. Portable Toilets: (Each cluster of portable toilets must include at least one ADA accessible toilet)

# \_\_\_\_\_ Standard # \_\_\_\_\_ ADA accessible

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

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

PARADE

ROAD RACE \_\_\_\_\_

WALKATHON \_\_\_\_\_

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

City of Newburyport

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

60 Pleasant St., Newburyport  
(978) 465-4413

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

4. Date of Event: June 1, 2024 Expected Number of Participants: 750

5. Start Time: 12:00 p.m. Expected End Time: 4:00 p.m.

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

Use of streets for parade from 12:00 - 12:45: Begin at Bartlett Mall, Green St. to Merrimac St. to State S  
to Pleasant St, end at Brown Square

Closed street for Festival from 9:00 am - 4:00 pm: Pleasant St between Green and Titcomb Streets

7. Locations of Water Stops (if any): none

8. Will Detours for Motor Vehicles Be Required? NO If so, where? \_\_\_\_\_

9. Formation Location & Time for Participants: Parade: Bartlett Mall at 11:00 a.m. // Festival: Brown Square at 9am

10. Dismissal Location & Time for Participants: Brown Square, until 4:00 p.m.

11. Additional Parade Information:

• Number of Floats: \_\_\_\_\_

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

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

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

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

CITY MARSHAL [Signature] 3/29/24 4 Green St. FIRE CHIEF [Signature] 3/28/24 0 Greenleaf St.

DEPUTY DIRECTOR [Signature] 3/21/24 16A Perry Way CITY CLERK [Signature] 60 Pleasant St.

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

# DEPARTMENT APPROVAL (for Committee Member use only):

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

Approval Required	Date: _____	Signature _____
_____	1. Special Events: _____	
_____	2. Police: _____	
	Is Police Detail Required: _____	# of Details Assigned: _____
_____	3. Traffic, Parking & Transportation: _____	
_____	4. ISD/Health: _____	
_____	5. Recycling: _____	
_____	6. ISD/Building: _____	
_____	7. Electrical: _____	
_____	8. Fire: _____	
	Is Fire Detail Required: _____	# of Details Assigned: _____
_____	9. Public Works: <i>Fee for Special Events: \$45/hr/DPS employee for trash handling/staging etc. may apply</i>	
	Yes: \$ _____ due on _____	No Fee for Special Events applies
	Other requirements/instructions per DPS _____	
_____	10. Parks Department: _____	
_____	11. License Commission _____	

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

RECEIVED  
CITY CLERK'S OFFICE  
NEWBURYPORT, MA

**NEWBURYPORT SPECIAL EVENT APPLICATION**

2024 MAR 20 P 12: 11

Tel.

Fax.

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

**NAME OF EVENT:** Olive's Maker's Market

Date: 7/20/24 Time: from 9 to 1  
 Rain Date: 7/21/24 Time: from 9 to 1

2. Location\*: Behind Olive's building (on our property)  
 \*Please Note: If the location is a public park or the rail trail, please also contact the Parks Department

3. Description of Property: Parking Lot & Grass Public  Private

4. Name of Organizer: Debra Ball City Sponsored Event: Yes  No   
 Contact Person  
 Address: 341 High Street Telephone: 978-697-9138  
 E-Mail: olivescoffee2@gmail Cell Phone: same  
 Day of Event Contact & Phone: Debra Ball 978-697-9138

5. Number of Attendees Expected: 150

6. MA Tax Number: 475 474 298

7. Is the Event Being Advertised? yes Where? Newburyport Chamber

8. What Age Group is the Event Targeted to? all ages In our store

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

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

A. Vending\*: Food  Beverages  Alcohol  Goods  Total # of Vendors 20  
 \*If checked, signature from Health Director required (Page 3)

B. Entertainment: (Subject to City's Noise Ordinance.) Live Music  DJ  Radio/CD   
 Performers  Dancing  Amplified Sound  Stage

C. Games /Rides: Adult Rides  Kiddie Rides  Games  Raffle   
 Other  Total #   
 Name of Carnival Operator: \_\_\_\_\_  
 Address: \_\_\_\_\_  
 Telephone: \_\_\_\_\_

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

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

# FOR STREET CLOSURE OR ANY USE OF A PUBLIC WAY

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

11. Additional Parade Information:

• Number of Floats: \_\_\_\_\_

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

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

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

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

CITY MARSHAL \_\_\_\_\_ 4 Green St.

FIRE CHIEF \_\_\_\_\_ 0 Greenleaf St.

DEPUTY DIRECTOR \_\_\_\_\_ 16A Perry Way

CITY CLERK \_\_\_\_\_ 60 Pleasant St.

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

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

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

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

(c) *Definitions.*

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

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

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

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

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

(d) *Limitations.*

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(e) *Enforcement.*

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

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

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

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

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

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

Signed: \_\_\_\_\_

Date: \_\_\_\_\_

3/25/24

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

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

Approval  
Required

Date: \_\_\_\_\_ Signature \_\_\_\_\_

- \_\_\_\_ 1. Special Events: \_\_\_\_\_
- \_\_\_\_ 2. Police: \_\_\_\_\_  
Is Police Detail Required: \_\_\_\_\_ # of Details Assigned: \_\_\_\_\_
- \_\_\_\_ 3. Traffic, Parking & Transportation: \_\_\_\_\_
- \_\_\_\_ 4. ISD/Health: \_\_\_\_\_
- \_\_\_\_ 5. Recycling: \_\_\_\_\_
- \_\_\_\_ 6. ISD/Building: \_\_\_\_\_
- \_\_\_\_ 7. Electrical: \_\_\_\_\_
- \_\_\_\_ 8. Fire: \_\_\_\_\_  
Is Fire Detail Required: \_\_\_\_\_ # of Details Assigned: \_\_\_\_\_
- \_\_\_\_ 9. Public Works: *Fee for Special Events: \$45/hr/DPS employee for trash handling/staging etc. may apply*  
Yes: \$ \_\_\_\_\_ due on \_\_\_\_\_ No Fee for Special Events applies  
Other requirements/instructions per DPS \_\_\_\_\_
- \_\_\_\_ 10. Parks Department: \_\_\_\_\_
- \_\_\_\_ 11. License Commission \_\_\_\_\_

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

**If yes:**

- a) How many trash receptacles will you be providing? 4
- b) How many recycling receptacles will you be providing? 1
- c) Will you be contracting for disposal of : Trash Yes \_\_\_ No  Recycling Yes \_\_\_ No \_\_\_
- i. If yes, size of dumpster(s): Trash \_\_\_\_\_ Recycling \_\_\_\_\_
- ii. Name of disposal company: Trash \_\_\_\_\_ Recycling \_\_\_\_\_
- iii. If no, will you remove trash & recycling with organizers' cars or trucks? Yes \_\_\_ No \_\_\_
- iv. If no, where will the trash & recycling be disposed? We have our own dumpster

**If no:**

- a) # of trash container(s) to be provided by DPS \_\_\_\_\_
- b) # of recycling container(s) to be provided by Recycling Office \_\_\_\_\_
- c) \$45.00/hr/DPS employee charge must be paid by the organizer to DPS in advance of the event (Fee for Special Events). The hours required for the event will be determined by DPS.

All fees must be paid prior to the event. Check or money order is payable to the City

of Newburyport. E. Portable Toilets: (Each cluster of portable toilets must include at least

one ADA accessible toilet)

# \_\_\_\_\_ Standard      # \_\_\_\_\_ ADA accessible

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

X = artist

SAW  
PARKING LOT  
HORSES



Grass walkway



# CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)  
11/02/2023

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

**IMPORTANT:** If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must have ADDITIONAL INSURED provisions or be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

<b>PRODUCER</b> CoverWallet, Inc. One Liberty Plaza, Suite 3201 New York, NY 10006	<b>CONTACT NAME:</b> Lexi Folster
	<b>PHONE (A/C No. Ext):</b> <b>E-MAIL ADDRESS:</b>
<b>INSURED</b> Olive's Coffee & Bakehouse Inc 341 High Street Newburyport, MA, 01950	<b>INSURER(S) AFFORDING COVERAGE</b>
	<b>INSURER A:</b> Pacific Indemnity Company
	<b>INSURER B:</b>
	<b>INSURER C:</b>
	<b>INSURER D:</b>
	<b>INSURER E:</b>

**COVERAGES**                      **CERTIFICATE NUMBER:**                      **REVISION NUMBER:**

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

INSR LTR	TYPE OF INSURANCE	ADDL INSD	SUBR WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS
A	<input checked="" type="checkbox"/> COMMERCIAL GENERAL LIABILITY <input type="checkbox"/> CLAIMS-MADE <input checked="" type="checkbox"/> OCCUR  GEN'L AGGREGATE LIMIT APPLIES PER: <input checked="" type="checkbox"/> POLICY <input type="checkbox"/> PRO-JECT <input type="checkbox"/> LOC OTHER:	X		RTLMAF1602188A5-003	12/24/2022	12/24/2023	EACH OCCURRENCE \$ 1,000,000 DAMAGE TO RENTED PREMISES (Ea occurrence) \$ 100,000 MED EXP (Any one person) \$ 5,000 PERSONAL & ADV INJURY \$ 1,000,000 GENERAL AGGREGATE \$ 2,000,000 PRODUCTS - COMP/OP AGG \$ 2,000,000 \$
A	AUTOMOBILE LIABILITY <input type="checkbox"/> ANY AUTO <input type="checkbox"/> OWNED AUTOS ONLY <input type="checkbox"/> SCHEDULED AUTOS <input checked="" type="checkbox"/> HIRED AUTOS ONLY <input checked="" type="checkbox"/> NON-OWNED AUTOS ONLY <input type="checkbox"/>			RTLMAF1602188A5-003	12/24/2022	12/24/2023	COMBINED SINGLE LIMIT (Ea accident) \$ 1,000,000 BODILY INJURY (Per person) \$ BODILY INJURY (Per accident) \$ PROPERTY DAMAGE (Per accident) \$ \$
	<input type="checkbox"/> UMBRELLA LIAB <input type="checkbox"/> OCCUR <input type="checkbox"/> EXCESS LIAB <input type="checkbox"/> CLAIMS-MADE <input type="checkbox"/> DED <input type="checkbox"/> RETENTION \$						EACH OCCURRENCE \$ AGGREGATE \$ \$
	<b>WORKERS COMPENSATION AND EMPLOYERS' LIABILITY</b> ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH) If yes, describe under DESCRIPTION OF OPERATIONS below		Y/N <input type="checkbox"/> N/A				<input type="checkbox"/> PER STATUTE <input type="checkbox"/> OTH-ER E.L. EACH ACCIDENT \$ E.L. DISEASE - EA EMPLOYEE \$ E.L. DISEASE - POLICY LIMIT \$

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (ACORD 101, Additional Remarks Schedule, may be attached if more space is required)  
Certificate holder is included as additional insured with respect to the General Liability per the policy's terms and conditions.

<b>CERTIFICATE HOLDER</b> City of Newburyport 60 Pleasant Street Newburyport, MA, 01950	<b>CANCELLATION</b> SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS.
	AUTHORIZED REPRESENTATIVE 



RECEIVED  
CITY CLERK'S OFFICE  
NEWBURYPORT, MA

2024 APR -2 P 2: 54

CITY OF NEWBURYPORT  
60 PLEASANT STREET  
NEWBURYPORT, MA 01950

## BLOCK PARTY APPLICATION

Please fill out the application below and obtain the approving signatures for the street closure. Mail or drop off the completed signed application at: City Clerk's Office, City Hall, 60 Pleasant Street, Newburyport, MA 01950 **at least eight (8) business days prior** to a City Council meeting. The requested Block Party needs approval by the City Council. For any questions, please contact The City Clerk's Office at (978) 465-4407.

**DATE OF REQUEST:** March 22, 2024

### CONTACT INFORMATION

**FIRST AND LAST NAMES:** Christina Manning

**MAILING ADDRESS:** 31 Howard St., Nbpt.

**PHONE NUMBER:** 978-790-5828

**E-MAIL ADDRESS:** Christina216@gmail.com

### BLOCK PARTY INFORMATION

**BLOCK PARTY DATE:** Tuesday, June 18, 2024 (Last Day of School)

**DESIRED STREET CLOSING LOCATION:** Howard Street (North side)  
Please indicate cross streets when requesting the closing of street sections

**STREET TO BE BARRICADED:** Howard St. Between Forrester + Chapel St.

**DESIRED STREET CLOSING TIME:** 10:00 am - 6:00 pm  
Block Parties should run no later than 10:00 p.m.

**REGULATIONS**

By signing, I agree that I am a legal adult 18 years of age or older and understand this permit does not release me of any liability for damages that may result from the conducting of this Block Party. Further, I agree to comply with all requirements listed below:

I understand that applications for block party permits may take up to four (4) weeks to process.

Block parties will be conducted only on low-volume residential streets, dead-end streets, or cul-de-sacs. No thoroughfares or collector streets may be used.

It is hereby agreed that, by signing and presenting this application, signer(s) represents to the City of Newburyport that the following statements are true and correct, and agrees to and will abide by the following:

1. All residents living on the street or block for which the party is planned request the block party, or have been contacted and do not object to the Block Party.
2. To be responsible for placement, maintenance and removal of barricades.
3. A block party permit does not allow the sale of alcohol or the consumption of alcohol on public property (in city streets, sidewalks, parks, etc.) alcohol is allowed only on private property. All state and city alcohol laws still apply during Block Parties.
4. Amplified music shall be permitted with permission of the City Council.
5. To leave **AT LEAST A TWELVE (12) FOOT AISLE** in the street to permit passage of emergency vehicles or vehicles of residents. Failure to maintain a ten (10) foot aisle during the entire period of the party will necessitate denial of requests for subsequent block parties. **Public safety personnel will monitor the party for strict adherence to this rule.**
6. To maintain adult supervision at all times during the party.
7. Applicant(s) shall be responsible for the pick-up of trash and garbage within two (2) hours of the end of the party.
8. Streets may not be barricaded later than 10:00 P.M.
9. No residents of the area designated shall be prohibited from attending the party.
10. No such activity may be conducted within five hundred (500) feet of any school, church, hospital, nursing home or similar operation unless endorsed by the management of such institution.
11. Only approved readily removable Barricades will be permitted such as orange cones and sawhorses with a sign. No vehicles will be permitted to be used as a Barricade.
12. Block parties are permitted 10 A.M. – 10 P.M.

Applicant signature: Christina Manning Date: March 22, 2024

**APPROVAL SIGNATURES REQUIRED FOR STREET CLOSURE**

<b>CITY MARSHALL</b> 4 Green Street	<u>[Signature]</u>	<u>4/2/24</u>
<b>FIRE CHIEF</b> 0 Greenleaf Street	<u>[Signature]</u>	<u>3/26/24</u>
<b>DEPUTY DIRECTOR</b> 16A Perry Way	<u>[Signature]</u>	<u>4/2/24</u>
<b>CITY CLERK</b> 60 Pleasant Street	<u>[Signature]</u>	

City use only:

Approved \_\_\_\_\_ Denied \_\_\_\_\_ Date \_\_\_\_\_

RECEIVED  
CITY CLERK'S OFFICE  
NEWBURYPORT

Pg 1 of 12

# NEWBURYPORT SPECIAL EVENT APPLICATION

2024 APR -2 P 3:01

Tel.

Fax.

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

**NAME OF EVENT:** Newburyport Lions Y.H. 10m & 5k Road Race

Date: July 30th 2024 Time: from 6pm to 8:30pm

Rain Date: N/A Time: from \_\_\_\_\_ to \_\_\_\_\_

2. Location\*: Newburyport Highschool & NBPT Streets

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

3. Description of Property: N.H.S. Grounds & 1 room at H.S. Public  Private

4. Name of Organizer: Newburyport Lions Club City Sponsored Event: Yes  No

Contact Person Robert LaFrance

Address: 6 Gulf Lane<sup>winds</sup> Salisbury, MA Telephone: 978-270-3951

E-Mail: omartent@icloud.com Cell Phone: 978-270-3951

Day of Event Contact & Phone: Bob LaFrance 978-270-3951

5. Number of Attendees Expected: 2700

6. MA Tax Number: 47-3532870 EIN 47-3532870

7. Is the Event Being Advertised?  yes Where? social media, radio, newspaper

8. What Age Group is the Event Targeted to? 8-80years

9. Have You Notified Neighborhood Groups or Abutters? Yes  No  Who? Toppans Ln, Marlboro St

Rolfes Lane, Ocean Ave, Withcomb Ave, Curzon, Dale, Hallisy, Ferry

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

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

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

B. Entertainment: (Subject to City's Noise Ordinance.) Live Music  DJ  No  Radio/CD  No

Performers  No  Dancing  No  Amplified Sound  Yes  Stage  No

C. Games /Rides: Adult Rides  No  Kiddie Rides  No  Games  No  Raffle  No

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

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

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

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

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

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

Pg 2 of 13

**If yes:**

- a) How many trash receptacles will you be providing? 8
- b) How many recycling receptacles will you be providing? 8
- c) Will you be contracting for disposal of : **Trash** Yes  No  **Recycling** Yes  No 
  - i. If yes, size of dumpster(s): **Trash** \_\_\_\_\_ **Recycling** \_\_\_\_\_
  - ii. Name of disposal company: **Trash** \_\_\_\_\_ **Recycling** \_\_\_\_\_
  - iii. If no, will you remove trash & recycling with organizers' cars or trucks? Yes \_\_\_\_\_ No
  - iv. If no, where will the trash & recycling be disposed ? city &hs custodians, and Molly Ettenborough

**If no:**

- a) # of trash container(s) to be provided by DPS 8 Lions pay custodians
- b) # of recycling container(s) to be provided by Recycling Office 8 city health dep
- c) \$45.00/hr/DPS employee charge must be paid by the organizer to DPS in advance of the event (Fee for Special Events). The hours required for the event will be determined by DPS.  
All fees must be paid prior to the event. Check or money order is payable to the City

of Newburyport. E. Portable Toilets: (Each cluster of portable toilets must include at least one ADA accessible toilet)

# 18 Standard # 2 ADA accessible

Name of company providing the portable toilets: Reds Restrooms 978-904-1699

FOR STREET CLOSURE OR ANY USE OF A PUBLIC WAY

Pg 3 of 13

PARADE \_\_\_\_\_

ROAD RACE \_\_\_\_\_ X \_\_\_\_\_

WALKATHON \_\_\_\_\_

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

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

Co-Chair Bob LaFrance 978-270-3951

6 Gulf Lane Salisbury, MA

Bruce Monick 781-771-6616  
27 Rivercrest Dr, W. Newbury MA

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

Lions Club 978-270-3951

HS Custodians 978-465-4440

4. Date of Event: July 30th 2024 Expected Number of Participants: 2700

5. Start Time: 6pm Expected End Time: 8:30pm

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

7. Locations of Water Stops (if any): see attached

8. Will Detours for Motor Vehicles Be Required? no If so, where? npd & newbury police will coordinate

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

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

11. Additional Parade Information:

• Number of Floats: N/A

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

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

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

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

CITY MARSHAL \_\_\_\_\_ 4 Green St.

FIRE CHIEF \_\_\_\_\_ 0 Greenleaf St.

DEPUTY DIRECTOR \_\_\_\_\_ 16A Perry Way

CITY CLERK \_\_\_\_\_ 60 Pleasant St.

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

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

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

<i>Approval Required</i>	Date: _____	Signature _____
___	1. Special Events: _____	
___	2. Police: _____	
	Is Police Detail Required: _____	# of Details Assigned: _____
___	3. Traffic, Parking & Transportation: _____	
___	4. ISD/Health: _____	
___	5. Recycling: _____	
___	6. ISD/Building: _____	
___	7. Electrical: _____	
___	8. Fire: _____	
	Is Fire Detail Required: _____	# of Details Assigned: _____
___	9. Public Works: <i>Fee for Special Events: \$45/hr/DPS employee for trash handling/staging etc. may apply</i>	
	Yes: \$ _____ due on _____	No Fee for Special Events applies
	Other requirements/instructions per DPS _____	
___	10. Parks Department: _____	
___	11. License Commission _____	

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

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

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

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

(c) *Definitions.*

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

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

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

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

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

(d) *Limitations.*

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

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

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

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

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

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

P9606/12

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

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

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

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

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

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

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

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

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

(e) *Enforcement.*

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

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

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

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

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

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

Signed: Robert L. Lance Date: 4-18-24

# Newburyport Lions 2024 Yankee Homecoming

## 10 Mile Road Race

Formerly MA23001BK  
Newburyport, Massachusetts

Start, Turnaround & Finish are marked with yellow paint. (UP = Utility Pole).

**Start:** On the northeast side of High St (Rt 113) 55 ft 6 inches NW of Carter St, 7 ft 7 inches SE of a Fire Hydrant & 20 ft SE of UP 68.

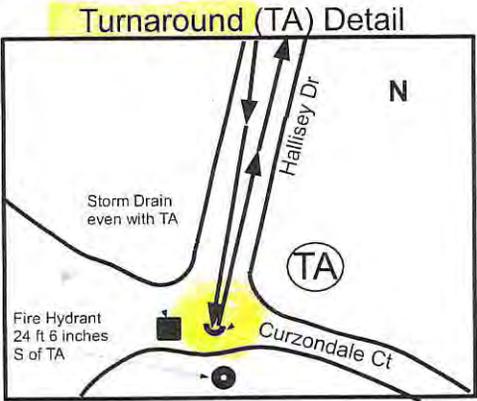
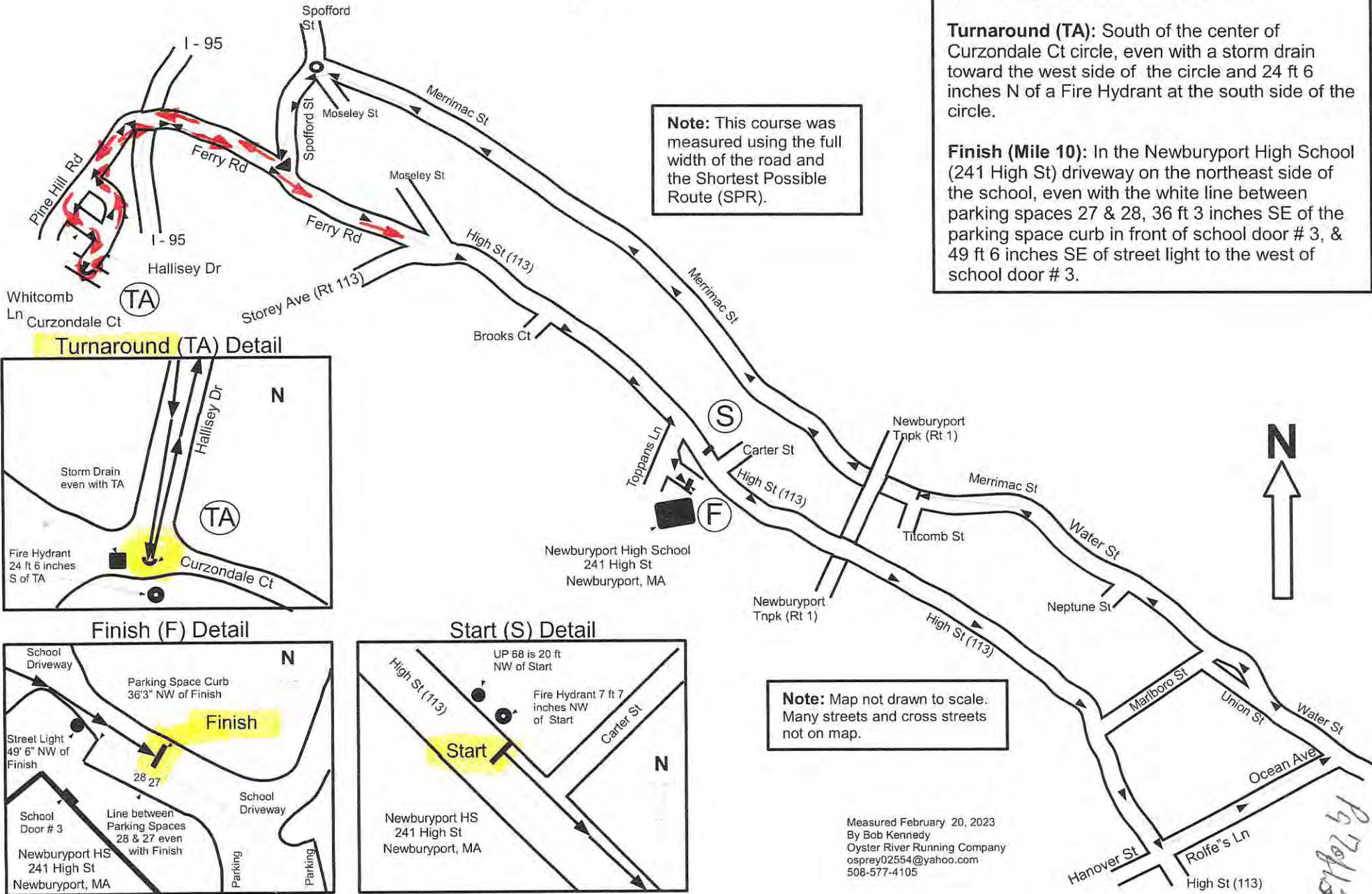
**Turnaround (TA):** South of the center of Curzondale Ct circle, even with a storm drain toward the west side of the circle and 24 ft 6 inches N of a Fire Hydrant at the south side of the circle.

**Finish (Mile 10):** In the Newburyport High School (241 High St) driveway on the northeast side of the school, even with the white line between parking spaces 27 & 28, 36 ft 3 inches SE of the parking space curb in front of school door # 3, & 49 ft 6 inches SE of street light to the west of school door # 3.

**Note:** This course was measured using the full width of the road and the Shortest Possible Route (SPR).

**Note:** Map not drawn to scale. Many streets and cross streets not on map.

Measured February 20, 2023  
By Bob Kennedy  
Oyster River Running Company  
osprey02554@yahoo.com  
508-577-4105



*1970/12*



# Yankee Homecoming 5K Road Race

## Newburyport, Massachusetts

USATF Certificate MA19006BK  
Effective July 14, 2019 to December 31, 2029

Start & Miles are marked with blue paint & a P-K nail. Finish marked with white paint & a P-K nailb (UP = Utility Pole).

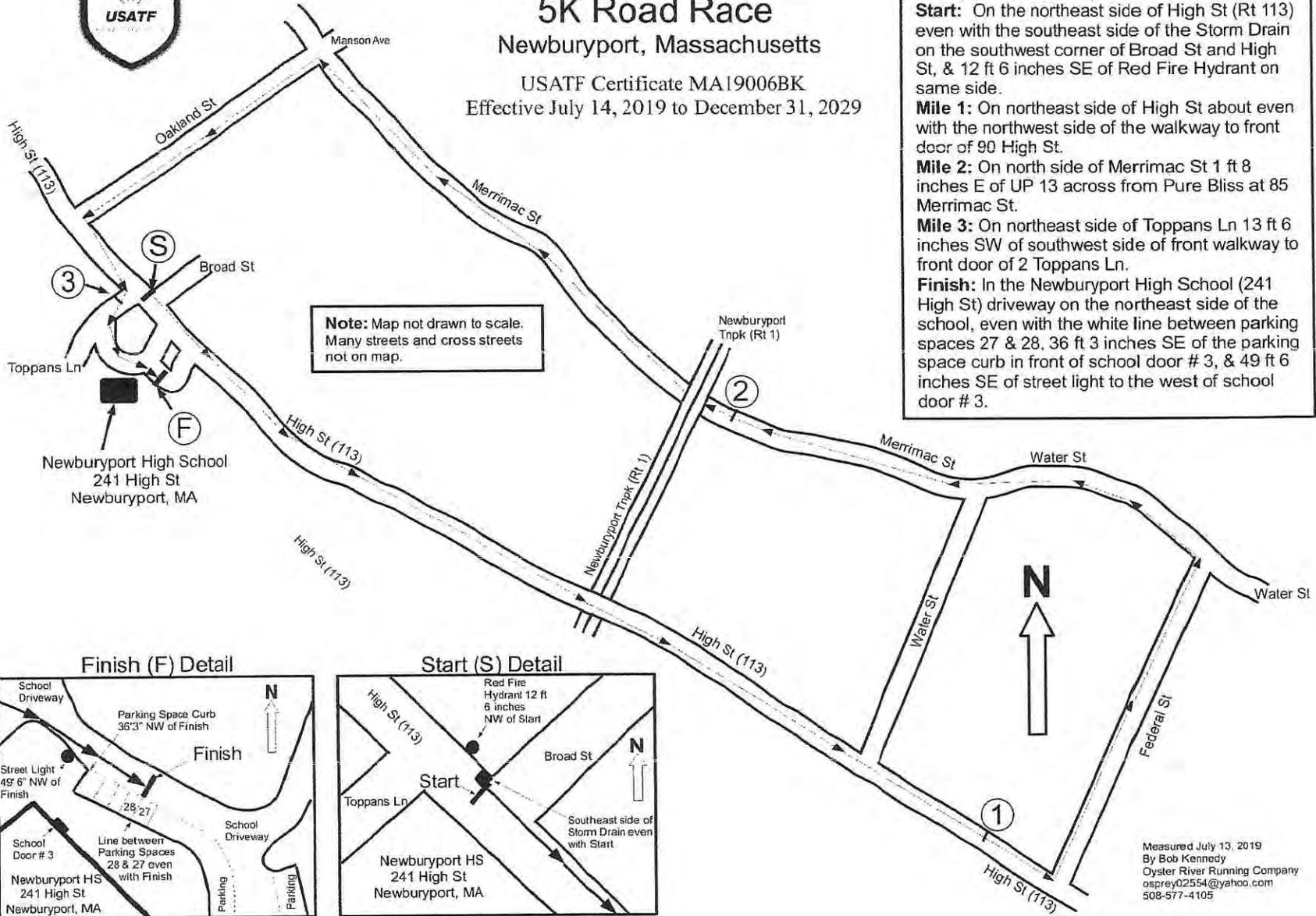
**Start:** On the northeast side of High St (Rt 113) even with the southeast side of the Storm Drain on the southwest corner of Broad St and High St, & 12 ft 6 inches SE of Red Fire Hydrant on same side.

**Mile 1:** On northeast side of High St about even with the northwest side of the walkway to front door of 90 High St.

**Mile 2:** On north side of Merrimac St 1 ft 8 inches E of UP 13 across from Pure Bliss at 85 Merrimac St.

**Mile 3:** On northeast side of Toppans Ln 13 ft 6 inches SW of southwest side of front walkway to front door of 2 Toppans Ln.

**Finish:** In the Newburyport High School (241 High St) driveway on the northeast side of the school, even with the white line between parking spaces 27 & 28. 36 ft 3 inches SE of the parking space curb in front of school door # 3, & 49 ft 6 inches SE of street light to the west of school door # 3.



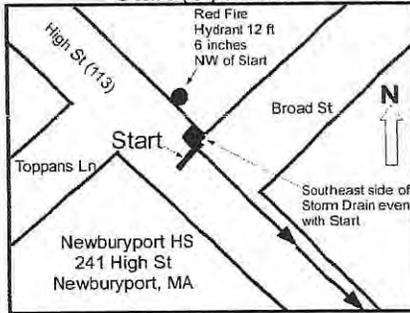
**Note:** Map not drawn to scale. Many streets and cross streets not on map.

Newburyport High School  
241 High St  
Newburyport, MA

**Finish (F) Detail**



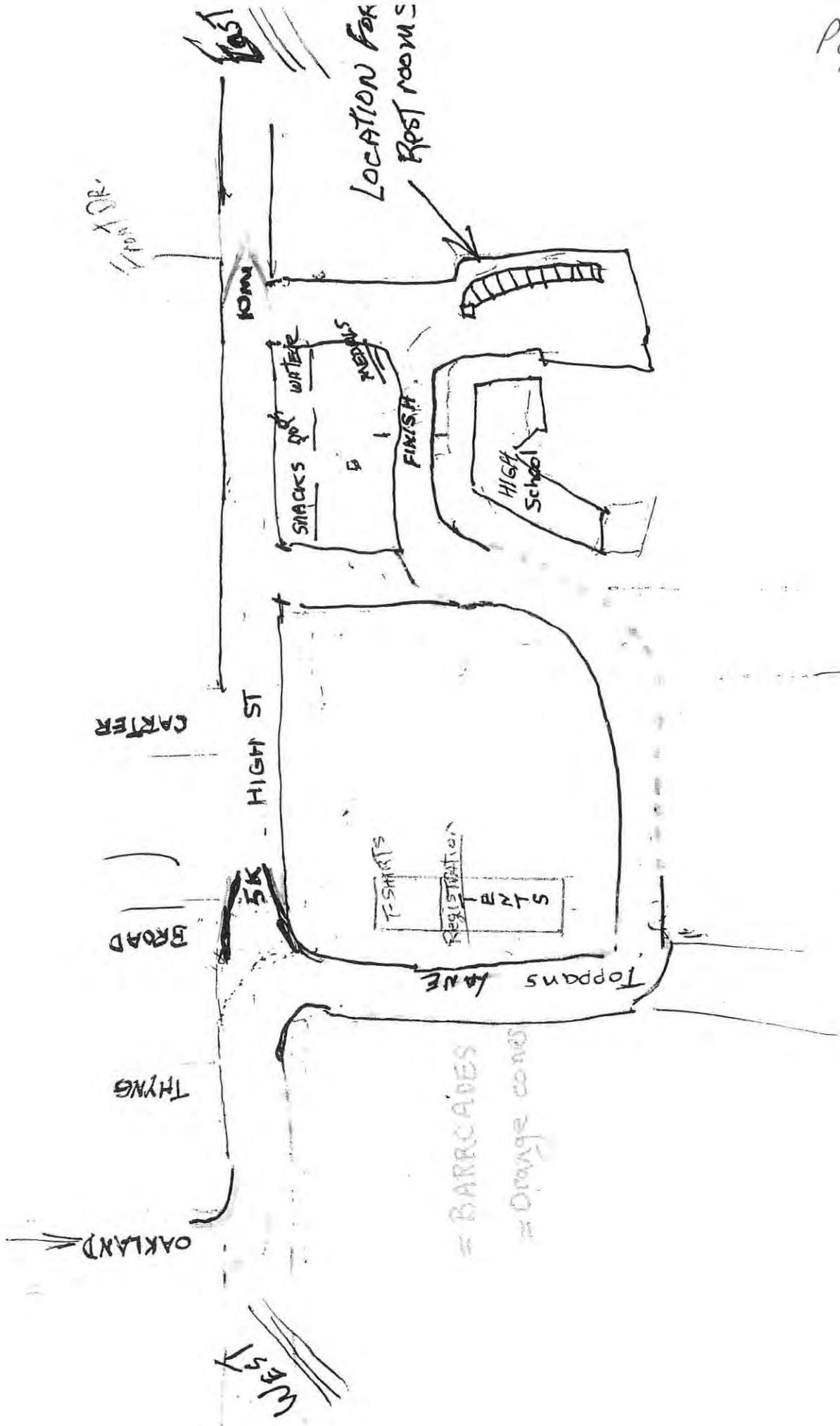
**Start (S) Detail**



Measured July 13, 2019  
By Bob Kennedy  
Oyster River Running Company  
osprey02554@yahoo.com  
508-577-4105

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Pg 9 of 13



NBPT LIONS  
Yankee Homecoming Race 2021

# LIONS YH ROAD RACE WATERSTOPS

Names/address	phone #	CUPS	TABLES	BARRELS	BOARDS	PLASTIC BAGS	T-shirt
The Welch Family 39 High Street	508-496-2254 ( 1.3Mile )	1000	0	0	0	8	10
Rolfe's Lane Sean Perkins Foundation, Contact ...Alexandra Carpenter	Sean Perkins team 978-417-9457 ( 2.2Mile )	1000	0	0	0	?? 45 GAL.	6
Starboard Galley 55 Water St.	978-462-1326 ( 3.6Mile )	4000	6	6	8	12	24
Dave Kerry 437 Merrimac St.	978-395-5710 ( 5.4Mile )	1000	0	0	0	0	10
Kris Farrell 28 Spofford St.	978-423-2900 ( 6.2Mile )	1000	0	0	0	0	10
Doug Harrison Pine Hill Rd.	978-462-1542 978-462-1542 HAS BOTH SIDES OF THE ROAD. 7.0Mile & 8.0Mile	2000	4	4	4	12	10
Paul Dahn 343 High St	978-869-6070 ( 9.2Mile )	1000	0	0	0	0	10

\*\*\*\*\*SEE BACK PAGE \*\*\*\*\*

WALGREEN Finish line 3 Sm. Lion Tables

10

90?

Subject: NEWBURYPORT LIONS CLUB-DEER HALL & ROAD RACE Pg 1 of 3  
 Date: Mar 29, 2024 at 3:50:35PM  
 To: ROBERT COLOMYCKI jobobyeat@comcast.net

Here are the certificates you requested. Thanks!



**Desiree Morris** | Customer Service Representative  
 P: 847-485-2412 | F: 847-634-6186  
 1900 East Golf Road, Suite 650, Schaumburg, IL 60173  
[dmorris@dspins.com](mailto:dmorris@dspins.com) | [www.dspins.com](http://www.dspins.com)

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**CERTIFICATE OF LIABILITY INSURANCE**

DATE (MM/DD/YYYY)  
 02/13/2024

<p><b>THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.</b></p>			
<p><b>IMPORTANT:</b> If the certificate holder is an <b>ADDITIONAL INSURED</b>, the policy(ies) must be endorsed. If <b>SUBROGATION IS WAIVED</b>, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).</p>			
<p>PRODUCER          DSP Insurance Services, Inc.          1900 E. Golf Road, Suite 650          Schaumburg, IL 60173</p>		<p>CONTACT NAME: John Adams          PHONE (A/C, No, Ext): 1-800-316-6705 FAX (A/C, No): 847-934-6186          E-MAIL ADDRESS: lionsclubs@dspins.com</p>	
INSURED		INSURER(S) AFFORDING COVERAGE	NAIC #
		INSURER A: ACE American Insurance Company	22667
		INSURER B:	



INSURED  Newburyport Lions Club Newburyport, Massachusetts	INSURER A: ACE American Insurance Company	22007
	INSURER B:	
	INSURER C:	
	INSURER D:	
	INSURER E:	
	INSURER F:	

**COVERAGES** **CERTIFICATE NUMBER:** **REVISION NUMBER:**

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

INSR LTR	TYPE OF INSURANCE	ADDL SUBR INSR	WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS
A	<b>GENERAL LIABILITY</b> <input checked="" type="checkbox"/> COMMERCIAL GENERAL LIABILITY <input type="checkbox"/> CLAIMS-MADE <input checked="" type="checkbox"/> OCCUR <input checked="" type="checkbox"/> <b>Agg. Per Named Insured</b> is \$2,000,000 GEN'L AGGREGATE LIMIT APPLIES PER <input checked="" type="checkbox"/> POLICY <input type="checkbox"/> PRO-JECT <input type="checkbox"/> LOC			HDO G48333205	09/01/2023	09/01/2024	EACH OCCURRENCE \$ 1,000,000 DAMAGE TO RENTED PREMISES (Ea occurrence) \$ 1,000,000 MED EXP (Any one person) \$ 5,000 PERSONAL & ADV INJURY \$ 1,000,000 GENERAL AGGREGATE \$ 10,000,000 PRODUCTS - COM/OP AGG \$ 2,000,000 \$
A	<b>AUTOMOBILE LIABILITY</b> <input type="checkbox"/> ANY AUTO <input type="checkbox"/> ALL OWNED AUTOS <input checked="" type="checkbox"/> HIRED AUTOS <input type="checkbox"/> SCHEDULED AUTOS <input checked="" type="checkbox"/> NON-OWNED AUTOS			ISA H10778906	09/01/2023	09/01/2024	COMBINED SINGLE LIMIT (Ea accident) \$ 1,000,000 BODILY INJURY (Per person) \$ BODILY INJURY (Per accident) \$ PROPERTY DAMAGE (Per accident) \$ \$
	<b>UMBRELLA LIAB</b> <input type="checkbox"/> OCCUR <b>EXCESS LIAB</b> <input type="checkbox"/> CLAIMS-MADE DED RETENTIONS						EACH OCCURRENCE \$ AGGREGATE \$ \$
	<b>WORKERS COMPENSATION AND EMPLOYERS' LIABILITY</b> ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH) If yes, describe under DESCRIPTION OF OPERATIONS below						<input type="checkbox"/> Y <input type="checkbox"/> N <input type="checkbox"/> N/A WC STATU-TORY LIMITS <input type="checkbox"/> OTH-ER E.L. EACH ACCIDENT \$ E.L. DISEASE - EA EMPLOYEE \$ E.L. DISEASE - POLICY LIMIT \$

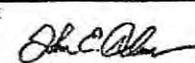
DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (Attach ACORD 101. Additional Remarks Schedule, if more space is required)

Provisions of the policy apply to the named insureds participation in the following activity during the policy period shown above: Newburyport Lions Bed Race & Road Race During Above Policy Term

The following persons or organizations granting use of real property, including structures thereon are included as Additional Insured(s), but only with respect to General Liability arising out of the use of premises by the insured shown above and not out of the sole negligence of said additional insured.

\*\*\* City of Newburyport \*\*\*

PROVISIONS OF THE POLICY DO NOT APPLY TO THE SALE OR SERVING OF ALCOHOLIC BEVERAGES

<b>CERTIFICATE HOLDER</b>  City of Newburyport 60 Pleasant St. Newburyport, Massachusetts 01950	<b>CANCELLATION</b>  SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS.
	AUTHORIZED REPRESENTATIVE  



# CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)  
03/05/2024

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

IMPORTANT: If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

<b>PRODUCER</b>  DSP Insurance Services, Inc. 1900 E. Golf Road, Suite 650 Schaumburg, IL 60173	<b>CONTACT NAME:</b> John Adams <b>PHONE (A/C, No, Ext):</b> 1-800-316-6705 <b>E-MAIL ADDRESS:</b> lionsclubs@dspins.com	<b>FAX (A/C, No):</b> 847-934-6186
	<b>INSURER(S) AFFORDING COVERAGE</b>	
<b>INSURED</b>  Newburyport Lions Club Newburyport, Massachusetts	<b>INSURER A:</b> ACE American Insurance Company	<b>NAIC #</b> 22667
	<b>INSURER B:</b>	
	<b>INSURER C:</b>	
	<b>INSURER D:</b>	
	<b>INSURER E:</b>	
	<b>INSURER F:</b>	

**COVERAGES**                      **CERTIFICATE NUMBER:**                      **REVISION NUMBER:**

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

INSR LTR	TYPE OF INSURANCE	ADDL INSR	SUBR WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS
A	GENERAL LIABILITY <input checked="" type="checkbox"/> COMMERCIAL GENERAL LIABILITY <input type="checkbox"/> CLAIMS-MADE <input checked="" type="checkbox"/> OCCUR <input checked="" type="checkbox"/> Agg. Per Named Insured is \$2,000,000 GEN'L AGGREGATE LIMIT APPLIES PER: <input checked="" type="checkbox"/> POLICY <input type="checkbox"/> PRO-JECT <input type="checkbox"/> LOC			HDO G48333205	09/01/2023	09/01/2024	EACH OCCURRENCE \$ 1,000,000 DAMAGE TO RENTED PREMISES (Ea occurrence) \$ 1,000,000 MED EXP (Any one person) \$ 5,000 PERSONAL & ADV INJURY \$ 1,000,000 GENERAL AGGREGATE \$ 10,000,000 PRODUCTS - COMP/OP AGG \$ 2,000,000
A	AUTOMOBILE LIABILITY <input type="checkbox"/> ANY AUTO <input type="checkbox"/> ALL OWNED AUTOS <input checked="" type="checkbox"/> HIRED AUTOS <input type="checkbox"/> SCHEDULED AUTOS <input checked="" type="checkbox"/> NON-OWNED AUTOS			ISA H10778906	09/01/2023	09/01/2024	COMBINED SINGLE LIMIT (Ea accident) \$ 1,000,000 BODILY INJURY (Per person) \$ BODILY INJURY (Per accident) \$ PROPERTY DAMAGE (Per accident) \$
	UMBRELLA LIAB EXCESS LIAB DED RETENTION \$						EACH OCCURRENCE \$ AGGREGATE \$
	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH) If yes, describe under DESCRIPTION OF OPERATIONS below						WC STATU-TORY LIMITS OTH-ER E.L. EACH ACCIDENT \$ E.L. DISEASE - EA EMPLOYEE \$ E.L. DISEASE - POLICY LIMIT \$

**DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES** (Attach ACORD 101, Additional Remarks Schedule, if more space is required)

Per the provisions of the General Liability policy the Town of Newburyport is included as an additional insured with respects to the 2024 Newburyport Lions Club-Bed Race & Road Race.

PROVISIONS OF THE POLICY DO NOT APPLY TO THE SALE OR SERVING OF ALCOHOLIC BEVERAGES

<b>CERTIFICATE HOLDER</b>  City of Newburyport 60 Pleasant St. Newburyport, Massachusetts 01950	<b>CANCELLATION</b>  SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS.  AUTHORIZED REPRESENTATIVE 
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## NEWBURYPORT SPECIAL EVENT APPLICATION

Pg 1 of 10

Tel.

Fax.

2024 APR -2 P 2:00  
(For Street Closure or Any Use of a Public Way - Please complete page 3 of this application)

**NAME OF EVENT:** Newburyport Lions Bed Race

Date: August 1st 2024 Time: from 5pm to 8pm

Rain Date: August 2nd 2024 Time: from 5pm to 8pm

2. Location\*: Federal St

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

3. Description of Property: Street Public  Private

4. Name of Organizer: Newburyport Lions Club City Sponsored Event: Yes  No

Contact Person Bob Colomycki

Address: 7 Goldsmith Dr Telephone: 978-462-7356

E-Mail: jobbyeat@comcast.net Cell Phone: 617-275-9217

Day of Event Contact & Phone: Bob Colomycki 617-275-9217

5. Number of Attendees Expected: Between 20-25 Beds

6. MA Tax Number: 47-3532870 EIN 47-3532870

7. Is the Event Being Advertised? yes Where? social media, newspaper, radio

8. What Age Group is the Event Targeted to? 20-65yrs old

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

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

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

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

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

Performers N/A Dancing \_\_\_\_\_ Amplified Sound \_\_\_\_\_ Stage \_\_\_\_\_

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

Other N/A Total # \_\_\_\_\_

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

Address: N/A

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

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

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

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**If yes:**

- a) How many trash receptacles will you be providing? none
- b) How many recycling receptacles will you be providing? none
- c) Will you be contracting for disposal of : **Trash** Yes \_\_\_\_\_ No  **Recycling** Yes \_\_\_\_\_ No 
  - i. If yes, size of dumpster(s): **Trash** \_\_\_\_\_ **Recycling** \_\_\_\_\_
  - ii. Name of disposal company: **Trash** \_\_\_\_\_ **Recycling** \_\_\_\_\_
  - iii. If no, will you remove trash & recycling with organizers' cars or trucks? Yes \_\_\_\_\_ No \_\_\_\_\_
  - iv. If no, where will the trash & recycling be disposed ? Lions will pick up and dispose of trash

**If no:**

- a) # of trash container(s) to be provided by DPS \_\_\_\_\_
- b) # of recycling container(s) to be provided by Recycling Office \_\_\_\_\_
- c) \$45.00/hr/DPS employee charge must be paid by the organizer to DPS in advance of the event (Fee for Special Events). The hours required for the event will be determined by DPS.

All fees must be paid prior to the event. Check or money order is payable to the City

of Newburyport. E. Portable Toilets: (Each cluster of portable toilets must include at least

one ADA accessible toilet)                      N/A  
 # \_\_\_\_\_ Standard                      # \_\_\_\_\_ ADA accessible

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

FOR STREET CLOSURE OR ANY USE OF A PUBLIC WAY

P93 of 10

PARADE \_\_\_\_\_

ROAD RACE \_\_\_\_\_

WALKATHON \_\_\_\_\_ <sup>BedRace</sup>

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

Newburyport Lions Club

2. Name, Address & Daytime Phone Number of Organizer: Bob LaFrance 978-462-7356

7 Goldsmith Dr, Newburyport, MA

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

Bob Colomycki 617-275-9217

7 Goldsmith Dr, Newburyport, MA

4. Date of Event: August 1st 2024 Expected Number of Participants: Between 20-25 Beds

5. Start Time: 5pm Expected End Time: 8pm

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

Bed Race Federal St

7. Locations of Water Stops (if any): N/A

8. Will Detours for Motor Vehicles Be Required? yes If so, where? Top & bottom of Federal St

9. Formation Location & Time for Participants: Top of Federal St 5 pm

10. Dismissal Location & Time for Participants: Bottom of Federal St 8 pm

11. Additional Parade Information:

• Number of Floats: N/A

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

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

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

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

CITY MARSHAL [Signature] 4 Green St.

FIRE CHIEF [Signature] 0 Greenleaf St.

DEPUTY DIRECTOR [Signature] 16A Perry Way

CITY CLERK [Signature] 60 Pleasant St.

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

Pg 4 of 10

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

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

<b>Approval Required</b>	<b>Date:</b> _____	<b>Signature</b> _____
___	1. Special Events:	_____
___	2. Police:	_____
	Is Police Detail Required:	_____ # of Details Assigned: _____
___	3. Traffic, Parking & Transportation:	_____
___	4. ISD/Health:	_____
___	5. Recycling:	_____
___	6. ISD/Building:	_____
___	7. Electrical:	_____
___	8. Fire:	_____
	Is Fire Detail Required:	_____ # of Details Assigned: _____
___	9. Public Works: <i>Fee for Special Events: \$45/hr/DPS employee for trash handling/staging etc. may apply</i>	
	Yes: \$_____ due on _____	No Fee for Special Events applies
	Other requirements/instructions per DPS _____	
___	10. Parks Department:	_____
___	11. License Commission	_____

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

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

Pg 5 of 10

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

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

(c) *Definitions.*

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

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

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

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

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

(d) *Limitations.*

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

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

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

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

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

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

Pg 6 of 10

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

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

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

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

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

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

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

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

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

(e) *Enforcement.*

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

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

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

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

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

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

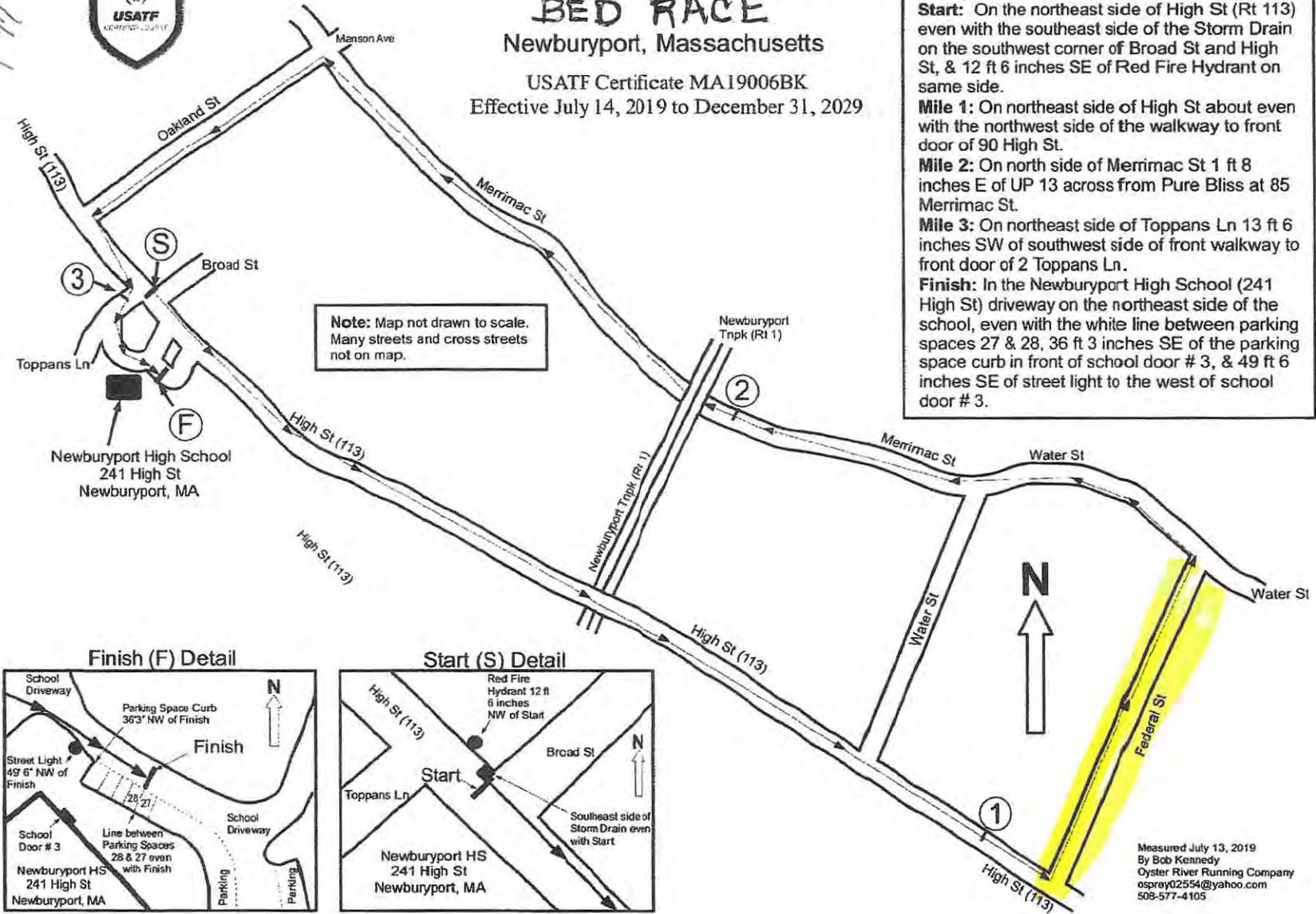
Signed: Robert LaFrance Date: 4-18-24

197 of 10



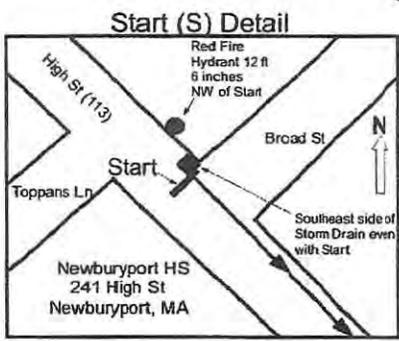
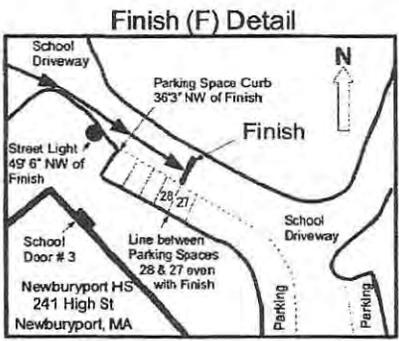
# NBPT LIONS Yankee Homecoming BED RACE Newburyport, Massachusetts

USATF Certificate MA19006BK  
Effective July 14, 2019 to December 31, 2029



Note: Map not drawn to scale.  
Many streets and cross streets  
not on map.

Start & Miles are marked with blue paint & a P-K nail. Finish marked with white paint & a P-K nail (UP = Utility Pole).  
**Start:** On the northeast side of High St (Rt 113) even with the southeast side of the Storm Drain on the southwest corner of Broad St and High St, & 12 ft 6 inches SE of Red Fire Hydrant on same side.  
**Mile 1:** On northeast side of High St about even with the northwest side of the walkway to front door of 90 High St.  
**Mile 2:** On north side of Merrimac St 1 ft 8 inches E of UP 13 across from Pure Bliss at 85 Merrimac St.  
**Mile 3:** On northeast side of Toppans Ln 13 ft 6 inches SW of southwest side of front walkway to front door of 2 Toppans Ln.  
**Finish:** In the Newburyport High School (241 High St) driveway on the northeast side of the school, even with the white line between parking spaces 27 & 28, 36 ft 3 inches SE of the parking space curb in front of school door # 3, & 49 ft 6 inches SE of street light to the west of school door # 3.



Measured July 13, 2019  
By Bob Kennedy  
Oyster River Running Company  
osprey02554@yahoo.com  
508-577-4105

From: Desiree Morris dmorris@dspins.com  
Subject: Newburyport Lions Club-Bed Race & Road Race  
Date: Mar 29, 2024 at 3:50:35 PM  
To: ROBERT COLOMYCKI jobobyeat@comcast.net

Page 1 of 10

Here are the certificates you requested. Thanks!



Desiree Morris Customer Service Representative  
P: 847-485-2412 | F: 847-634-6186  
1900 East Golf Road, Suite 650, Schaumburg, IL 60173  
dmorris@dspins.com | www.dspins.com

### Disclaimer

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## CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)  
02/13/2024

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.	
IMPORTANT: If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).	
PRODUCER DSP Insurance Services, Inc. 1900 E. Golf Road, Suite 650 Schaumburg, IL 60173	CONTACT NAME: John Adams PHONE (A/C, No, Ext): 1-800-316-6705 FAX (A/C, No): 847-934-6186 E-MAIL ADDRESS: lionsclubs@dspins.com INSURER(S) AFFORDING COVERAGE INSURER A: ACE American Insurance Company NAIC # 22667 INSURER B:







**APPOINTMENTS  
FIRST READING**



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

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

To: President and Members  
of the City Council

From: Sean R. Reardon, Mayor

Date: April 8, 2024

Subject: Re-Appointment

RECEIVED  
CITY CLERK'S OFFICE  
NEWBURYPORT, MA  
2024 MAR 28 A 9:05

---

I hereby re-appoint, subject to your approval, the following named individual as Veterans Agent for Newburyport. This term will expire on May 1, 2025.

Kevin Hunt  
14 Tenth Street  
Newbury, MA 01951

**KEVIN D. HUNT**

14 Tenth Street  
Newbury, MA 01951  
978 465-1433 (H)  
978 994-7747 (C)

email: [veterans@cityofnewburyport.com](mailto:veterans@cityofnewburyport.com)

---

- 2007 - Present**      **Veteran Services Officer, Newburyport, MA**
- 1999 to 2007**      **SYNERGENT. Data Processing sales – Service Bureau**
- 1994 – 1999**      **EDS - Developed ATM networks with New England financial institutions. Consistently exceeded \$1M annual quota. Presentations to senior management, and knowledge of data communications and financial processing.**
- 1990 - 1994**      **DIEBOLD CORPORATION, Canton, Ohio**  
**Developed and sold custom service offerings to New England financial institutions. Average sale \$75,000 over a six month cycle. Account responsibility for \$4.8M annual revenue. Leading sales producer.**
- 1987 - 1990**      **TECHNICAL SERVICES SUPPORT, INC., Ossining, NY**  
**Northeast Regional Sales Manager responsible for \$3M in existing revenue base, and new business development. Certified as *Novelle* Network Reseller. Regional offices closed in 1990 to consolidate cost.**
- 1981 - 1987**      **AUTOMATED DATA PROCESSING (ADP), Clifton, NJ**  
**Regional sales manager for ATM network development. Launched first Home Banking offering. Consistent over quota performance.**
- 1969- 1978**      **XEROX CORPORATION, Boston, MA**  
**Territory sales through to national account responsibility. Consistent over-quota performance.**
- 1965 - 1969**      **UNITED STATES NAVY**  
**Commissioned Officer - Vietnam and OCS Instructor**
- EDUCATION:**      **1963: University of Notre Dame, *BA in Communications***  
**1964: Fordham Law School**  
**1981: Doctorate in Chiropractic Medicine**



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

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

RECEIVED  
CITY CLERK'S OFFICE  
NEWBURYPORT, MA  
2024 APR - 2 P 12: 56

To: President and Members of the City Council  
From: Sean R. Reardon, Mayor  
Date: April 8, 2024  
Subject: Appointment

---

I hereby appoint, subject to your approval, the following named individual as an alternate member of the Water/Sewer Commission. This term will expire April 30, 2026.

Thomas C. Baillie  
35 Marlboro Street  
Newburyport, MA 01950

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

35 Marlboro Street  
Newburyport, MA 01950  
February 17, 2024

Attn: Christine Jackson  
Executive Assistant, Mayor's Office  
60 Pleasant Street  
Newburyport, MA 1950

I am interested in serving on the Board of Water/Sewer Commissioners. If you are interested in augmenting your board with a seasoned construction executive who worked through the challenges of managing and growing a heavy civil construction enterprise, please consider my application.

I am retired and have lived in Newburyport since 2019. I have been thinking about doing something to serve the city and this would be a great way. I have had many years of working in water and sewer construction and I have some municipal experience where I served on the Community Planning and Development Commission when I lived in Reading, MA.

I did read through some of the meeting minutes and agendas on the website and I think I could be effective participant on the board. It would be a great way for me to learn about the city operations and government.

I have attached some additional information about myself. Please let me know if you have any questions and thank you for your consideration.

Sincerely,



---

**THOMAS C. BAILLIE**  
617-839-0972  
tcbaillie@gmail.com

# THOMAS C BAILLIE

35 Marlboro Street | Newburyport, MA 01950 | 617-839-0972 | tcbaille@gmail.com

## EXPERIENCE

### **President Emeritus**

Bond Civil & Utility, Inc. Medford, MA 1994-2019

Project management and estimating for gas and electrical transmission projects, power plant construction, district energy systems, university campus hardscape and athletic fields and airport and transit system public infrastructure.

### **Heavy Equipment Operator**

Massachusetts Army National Guard 181<sup>st</sup> Engineers Camp Edwards, MA 1980-1986

## EDUCATION

### **M.S. Civil Engineering**

University of Massachusetts Lowell Lowell, MA 1989

### **B.S. Civil Engineering**

University of Massachusetts Amherst Amherst, MA 1983

### **Board Governance Certificate**

University of Pennsylvania Philadelphia, PA 2023

## LICENSES

Registered Professional Engineer Commonwealth of Massachusetts

Registered Land Surveyor Commonwealth of Massachusetts

## RELEVANT PROJECTS

Logan Airport Modernization Terminal A Site, Concrete and Fuel Line

Eversource 345kV Underground Transmission Stoughton to Boston

Eversource 345 kV Underground Norwalk to Middletown, CT

Iberdrola Wind Farm Project

Enbridge West Roxbury Lateral Gas Transmission Line

Iberdrola Salem Harbor Energy Center

Harvard University Northwest Yard Utility Upgrade

MIT Nano Utility Enabling Project

## BOARD BIOGRAPHY THOMAS C BAILLIE



Thomas C. Baillie is President Emeritus of Bond Civil & Utility Construction, Inc. He was employed at Bond from 1994 to 2019 and worked in the construction business for 40 years. Mr. Baillie's leadership guided the firm through many highly challenging civil infrastructure and utility projects. He directed the growth of Bond Civil & Utility from a small city utility contractor with revenues of \$10 million per year to a large regional contractor working throughout the northeast U.S. with revenues of \$200 million per year. This was accomplished by implementing a strategic plan that included corporate reorganization, talent recruitment, employee retention, focused business development and implementation of estimating, scheduling and project management software. Mr. Baillie began his career serving as a heavy equipment operator for the Massachusetts Army National Guard's 181<sup>st</sup> Engineers. He holds a B.S. degree in Civil Engineering from the University of Massachusetts Amherst where he was inducted as a Civil Engineering Distinguished Alumni in 2018. Further, he holds an M.S. degree from the University of Massachusetts Lowell where he also taught as an adjunct professor. Mr. Baillie served on the Civil Engineering Advisory Boards at both universities. He is also a licensed professional engineer and land surveyor in the Commonwealth of Massachusetts. Mr. Baillie currently serves on the Board of Directors for Sargent Corporation.



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

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

RECEIVED  
CITY CLERK'S OFFICE  
NEWBURYPORT, MA  
2024 APR -2 P 12:56

To: President and Members of the City Council  
From: Sean R. Reardon, Mayor  
Date: April 8, 2024  
Subject: Appointment

-----  
I hereby appoint, subject to your approval, the following named individual as a member of the Water/Sewer Commission. This term will expire February 1, 2025.

Wilfred "Paul" Suozzo, Jr.  
7 Hunter Drive  
Newburyport, MA 01950

**Wilfred Paul Suozzo, Jr**

7 Hunter Drive, Newburyport, Massachusetts 01950  
(978) 984 2942     [psuozzo@hotmail.com](mailto:psuozzo@hotmail.com)

---

**Professional Experience**

---

**Professor**, 2018 (tenure-track)  
North Shore Community College, Danvers, MA

**Associate Professor**, 2013-2018 (tenured 2016)  
Centralia College, Centralia, WA

**Assistant Professor**, 2008-2013  
Ocean County College, Toms River, NJ

**Professor**, 2001-2008 (tenured 2004)  
St. Johns River State College, St. Augustine, FL

**Mathematics Instructor**, 2000-2001  
Revere High School, Revere, MA

**Mathematics Instructor**, 1999-2000  
Winthrop High School, Winthrop, MA

**Research Assistant**, 1997-1999  
Center for Labor Market Studies, Boston, MA

**Assistant Logistics Manager**, February-July 2004  
West End & Hub Spring Co. (WEHSCO), Stoughton, MA

**Business Advertising Assistant**, July-Dec 1991  
Boston Globe Newspaper Co., Boston, MA

**Assistant Stockbroker**, February-July 1991  
Bear Stearns, Boston, MA

**Education**

---

**Washington State University**  
2017 F-T economics PhD scholarship student

**Northeastern Univ.**  
M.A., Economics

**Northeastern University**  
Baccalaureate of Science, Business

**Boston Latin School**  
Classics

*references available upon request*

**END OF CONSENT AGENDA**

**BEGINNING OF REGULAR AGENDA**

# COMMUNICATIONS

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

Board Members

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

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

March 21, 2024

City Councilors  
City Hall  
60 Pleasant Street  
Newburyport, MA 01950

Re: Retirement Board FY2025 Retiree COLA Vote

Council President and Members of the City Council:

Per the provisions of Section 51 of Chapter 127 of the Acts of 1999, we are hereby notifying you that the Newburyport Retirement Board will be holding a meeting in the retirement office at 16 Unicorn Street at 8:30 A.M on Thursday, April 25, 2024. The Retirement Board will determine at this meeting whether or not to grant a COLA of up to 3% to the retirees for FY2025, pursuant to Chapter 32, Section 103 and Chapter 127, Section 51 of the Acts of 1999.

Sincerely,



Derek Minervini  
Assistant to the Executive Director

RECEIVED  
CITY CLERK'S OFFICE  
NEWBURYPORT, MA  
2024 MAR 21 P 2:44

# Memo

To: Newburyport City Council

From: Sharif Zeid

Date: April 2<sup>nd</sup>, 2024

Re: FY25 Capital Improvement Plan and Budget Workshop Schedule

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Councillors,

Attached, please find the schedule of workshops, hearings, and votes for the FY25 Fiscal Year Capital Improvement Plan and FY25 Budget.

This is our second year taking up the Capital Improvement Plan and Budget concurrently per our updated home rule charter. I am working to adhere to the same principles as in recent years.

- 1) Spread out meetings while adhering to Charter schedule
- 2) Put meetings together by theme so that the night has cohesiveness and aligns with City Council Committees
- 3) Do the budget/CIP deliberation and final vote on its own night to avoid other business

Please note all workshops are expected to run from 6pm to 8pm on the nights they are scheduled.

In an effort to align recent conversations with the budget, I am hoping to create more opportunities to discuss the following:

- 1) The impact on property tax based on budgetary/capital decisions
- 2) Debt capacity and capital spending in general
- 3) Water/Sewer rates as they relate both to ongoing to maintenance/upgrades as well as larger initiatives

As always, your feedback is welcome should have any suggestions on how to improve upon this process or schedule.

Respectfully,  
Sharif

# FY25 Budget Process and Schedule

Schedule (see next page for detail):

- A. Charter/Statutory Deadline
- B. Regular meeting of the City Council
- C. Regular meeting of B&F Committee
- D. Mayor Action
- E. Budget Workshop
- F. City Council Vote
- G. Public Hearing

Month	Mon	Tue	Wed	Thu	Fri	Sat	Sun
May 2024			1	2	3	4	5
	6	7	8	9	10	11	12
	13 (b) (D) CIP and Budget Submitted to City Council	14	15 (A) Deadline to Submit Mayor's Proposed Budget	16 (c)	17	18	19
	20	21 (E) Workshop 1: Revenue Forecast, budget assumptions, tax rate, debt capacity, foundation	22 (E) Workshop 2: General Administration, Finance, Shared Services	23	24	25	26
	27 (A) Advertise Public Hearing on Budget (min. 2 week notice)	28 (b)	29 (E) Workshop 3: Planning & Development	30	31	1	2
Jun 2024	3 (c)	4 (E) Workshop 4: Education	5	6 (E) Workshop 5: Public Services (Sustainability, DPS Highway & Parks)	7	8	9
	10 (b)	11 (E) Workshop 6: Public Services (DPS Water & Sewer)	12 (E) Workshop 7: Social Services	13 (c)	14	15	16
	17	18 (E) Workshop 8: Public Safety (Fire, Police, Harbormaster, Health)	19	20 (E) Workshop 9: - Tax Rate Discussion - Clean up discussion	21	22	23
	24 (b)	25 (G) Public Hearing (Budget and CIP)  (F) Special City Council Meeting to Vote on Budget and CIP	26	27 (c) (A) 45 <sup>th</sup> day from budget submission, last day for Council to act on budget	28	29	30

### Workshop Detail:

#### Agenda (all workshops slated to run 6pm to 8pm):

Blue means per department, These are approximate guidelines

Item	Estimated Time
Budget and Finance/COTW meeting opened and roll taken	2 minutes
Department heads of each department offer thoughts and outlook	10 minutes
CIP Review	15 minutes
Line-item Review (Last year's spending, Proposed amounts, etc)	15 minutes
Discussion and Q&A	25 minutes
Information request compilation	5 minutes
Public comment (expands to allow any member of the public an opportunity to speak)	8 minutes
Adjournment	2 minutes
<b>Total:</b>	<b>2 Hours</b>

#### Detailed Breakdown:

Revenue Forecast, General Administration, Finance, and Shared Services	<ul style="list-style-type: none"> <li>• City Clerk                             <ul style="list-style-type: none"> <li>○ City Council</li> <li>○ Board of Registrars</li> <li>○ Parking Clerk</li> </ul> </li> <li>• Mayor's Office                             <ul style="list-style-type: none"> <li>○ Legal</li> <li>○ General Administration</li> </ul> </li> <li>• Information Technology (IT)</li> <li>• Auditor</li> <li>• Assessor</li> <li>• Treasurer/Collector</li> <li>• Human Resources                             <ul style="list-style-type: none"> <li>○ Health Insurance</li> </ul> </li> <li>• Retirement System</li> <li>• Debt Service</li> </ul>
Planning and Development	<ul style="list-style-type: none"> <li>• Planning and Development</li> <li>• Building Department</li> </ul>
Education	<ul style="list-style-type: none"> <li>• Essex North Shore Technical High School</li> <li>• Whittier Regional Vocational Technical High School</li> <li>• Newburyport Public Schools</li> </ul>
Planning and Development	<ul style="list-style-type: none"> <li>• Planning and Development</li> <li>• Building Department</li> </ul>
Public Services	<ul style="list-style-type: none"> <li>• Sustainability</li> <li>• Department of Public Services                             <ul style="list-style-type: none"> <li>○ Highway Division</li> <li>○ Snow and Ice</li> <li>○ Parks Division</li> <li>○ Water Division</li> <li>○ Sewer Division</li> </ul> </li> </ul>
Social Services	<ul style="list-style-type: none"> <li>• Council on Aging</li> <li>• Newburyport Public Library</li> <li>• Recreation and Youth Services</li> <li>• Veteran's Services</li> </ul>
Public Safety	<ul style="list-style-type: none"> <li>• Emergency Management</li> <li>• Fire</li> <li>• Police</li> <li>• Harbormaster</li> <li>• Health                             <ul style="list-style-type: none"> <li>○ Animal Control</li> </ul> </li> </ul>
Hearing/Clean-up/Discussion	<ul style="list-style-type: none"> <li>• Open discussion/initial deliberation</li> </ul>

# ORDERS



**CITY OF NEWBURYPORT**  
**GIFT ACCEPTANCE FORM**

Ordered, that, the City of Newburyport accepts the following gift in accordance with M.G.L. Chapter 44, Section 53A:

Date of Gift:	3/21/2024	
City Department:	DPS – Parks Division	
Staff Contact:	Michael Hennessey, Parks Manager	
<i>Gift Overview</i>		
Gift Type:	In-Kind	
Donor:	Newburyport Pioneer League <a href="https://www.nbtpioneerleague.org/">https://www.nbtpioneerleague.org/</a>	
Purpose:	<p>The \$13,400 donation will be used to raise the height of the fence around Founders Field at Lower Atkinson Common to match the height in the left field corner, resolving issues with holding summer games due to fence distance. Additionally, a portion of the donation will be used to increase the height of the fence in the left field corner of Hawkes Field by about 5 sections. This modification is necessary to ensure the safety of children playing wiffle ball behind Hawkes Field, as it is the only green space available with the playground coming in. Raising the fence will protect them from home run balls and reduce distractions for players during games. This project was reviewed and approved by the Commission.</p>	
Gift Amount:	\$13,400.00	
<i>For Office Use Only</i>		
City Council Packet Date:	4/8/2024	
Emergency Measure?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No

\_\_\_\_\_  
Councillor Sharif I. Zeid



**CITY OF NEWBURYPORT**  
**GIFT ACCEPTANCE FORM**

Ordered, that, the City of Newburyport accepts the following gift in accordance with M.G.L. Chapter 44, Section 53A:

Date of Gift:	3/12/2024	
City Department:	Council on Aging	
Staff Contact:	Sara Landry, Director of Council on Aging	
<i>Gift Overview</i>		
Gift Type:	Monetary	
Donor:	Friends of Newburyport Council on Aging	
Purpose:	To help cover the costs of social and engaging programs at the Senior/Community Center, the money will be used to cover the cost of a fun May social, the summer live music Wednesday events (in July and August), as well as a summer BBQ. The Friends of the NCOA are a private non-profit that is committed to improving the lives of aging adults in our community.	
Gift Amount:	\$6,316.00	
<i>For Office Use Only</i>		
City Council Packet Date:	4/8/2024	
Emergency Measure?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No

\_\_\_\_\_  
Councillor Sharif I. Zeid

# CITY OF NEWBURYPORT



IN CITY COUNCIL

**ORDERED:**

April 8, 2024

That in order to reduce interest costs, the Treasurer, with the approval of the Mayor, is authorized to issue refunding bonds, at one time or from time to time, pursuant to G.L. c. 44, §21A, or pursuant to any other enabling authority, to refund all or any portion of the City's general obligation bonds outstanding as of the date of adoption of this order, and that the proceeds of any refunding bonds issued pursuant to this vote shall be used to pay the principal, redemption premium and interest on the bonds of the City to be refunded, and costs of issuance of the refunding bonds; that such bonds may be secured in whole or in part by insurance or by letters or lines of credit or other credit facilities, and that the Mayor and the Treasurer are each authorized to execute such documents as may be necessary or desirable to carry out this transaction, including one or more refunding trust agreements with a bank or trust company.

---

Councillor Sharif I. Zeid



CITY OF NEWBURYPORT  
FINANCE DEPARTMENT

60 PLEASANT STREET  
NEWBURYPORT, MA 01950  
PHONE: 978-465-4404

WWW.CITYOFNEWBURYPORT.COM/FINANCE

SEAN R. REARDON  
MAYOR

ETHAN R. MANNING  
FINANCE DIRECTOR/CITY AUDITOR

To: President and Members of the Newburyport City Council

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

Date: April 4, 2024

Subject: Refunding Bond Order

---

From time to time, bonds become eligible for refunding, allowing the City to reissue them for the remaining term at a lower rate. Despite increases in rates over the past few years, we have identified a 2013 borrowing that is now eligible for refunding. This refunding could generate approximately \$696,000 in budgetary savings over the remaining life of the bonds, or about \$50,000 per year (analysis attached). The bonds to be refunded are listed below:

January 17 2013 -Adv Ref April 1 2005 Water (O).....	55,800.00
January 17 2013 -Adv Ref April 1 2005 Plum Island Water (O).....	56,000.00
January 17 2013 -Adv Ref April 1 2005 Sewer (O).....	79,500.00
January 17 2013 -Adv Ref April 1 2005 High School (IE).....	538,700.00
January 17 2013 -Bresnahan School (OE).....	12,076,000.00
January 17 2013 -Nock Molin School (OE).....	8,284,000.00
January 17 2013 -Sewer Pump Station (O).....	300,000.00
January 17 2013 -Water 1 (O).....	340,000.00
January 17 2013 -Water 2 (O).....	35,000.00
<b>Total</b>	<b>21,765,000.00</b>

To minimize issuance costs, we will package it with an upcoming borrowing we are scheduling for May 2024. This blanket order would cover the refunding noted above, as well as any subsequent opportunities arising from bonds issued to date. The last time we did a refunding was in 2017, but that was covered by an older 2009 authorization, which is why the City Council has not approved one of these in recent years.

Thank you for your consideration.

**City of Newburyport, Massachusetts**  
 \$18,495,000 General Obligation Refunding Bonds; Dated March 7, 2024  
 Cur Ref 1/17/13  
 National AAA as of 2/5/24

**Debt Service Comparison**

Date	Total P+I	Net New D/S	Old Net D/S	Savings	Fiscal Total
03/07/2024	-	-	-	-	-
07/15/2024	317,475.56	317,475.56	376,837.50	59,361.94	-
01/15/2025	2,036,450.00	2,036,450.00	2,026,837.50	(9,612.50)	-
06/30/2025	-	-	-	-	49,749.44
07/15/2025	406,700.00	406,700.00	335,587.50	(71,112.50)	-
01/15/2026	1,871,700.00	1,871,700.00	1,990,587.50	118,887.50	-
06/30/2026	-	-	-	-	47,775.00
07/15/2026	370,075.00	370,075.00	294,212.50	(75,862.50)	-
01/15/2027	1,905,075.00	1,905,075.00	2,029,212.50	124,137.50	-
06/30/2027	-	-	-	-	48,275.00
07/15/2027	331,700.00	331,700.00	259,512.50	(72,187.50)	-
01/15/2028	1,946,700.00	1,946,700.00	2,069,512.50	122,812.50	-
06/30/2028	-	-	-	-	50,625.00
07/15/2028	291,325.00	291,325.00	223,312.50	(68,012.50)	-
01/15/2029	1,976,325.00	1,976,325.00	2,093,312.50	116,987.50	-
06/30/2029	-	-	-	-	48,975.00
07/15/2029	249,200.00	249,200.00	185,912.50	(63,287.50)	-
01/15/2030	1,994,200.00	1,994,200.00	2,105,912.50	111,712.50	-
06/30/2030	-	-	-	-	48,425.00
07/15/2030	205,575.00	205,575.00	147,512.50	(58,062.50)	-
01/15/2031	2,035,575.00	2,035,575.00	2,142,512.50	106,937.50	-
06/30/2031	-	-	-	-	48,875.00
07/15/2031	159,825.00	159,825.00	117,587.50	(42,237.50)	-
01/15/2032	2,034,825.00	2,034,825.00	2,127,587.50	92,762.50	-
06/30/2032	-	-	-	-	50,525.00
07/15/2032	112,950.00	112,950.00	87,437.50	(25,512.50)	-
01/15/2033	2,082,950.00	2,082,950.00	2,157,437.50	74,487.50	-
06/30/2033	-	-	-	-	48,975.00
07/15/2033	63,700.00	63,700.00	56,387.50	(7,312.50)	-
01/15/2034	1,043,700.00	1,043,700.00	1,101,387.50	57,687.50	-
06/30/2034	-	-	-	-	50,375.00
07/15/2034	44,100.00	44,100.00	39,406.25	(4,693.75)	-
01/15/2035	979,100.00	979,100.00	1,034,406.25	55,306.25	-
06/30/2035	-	-	-	-	50,612.50
07/15/2035	25,400.00	25,400.00	23,237.50	(2,162.50)	-
01/15/2036	555,400.00	555,400.00	608,237.50	52,837.50	-
06/30/2036	-	-	-	-	50,675.00
07/15/2036	14,800.00	14,800.00	13,731.25	(1,068.75)	-
01/15/2037	474,800.00	474,800.00	528,731.25	53,931.25	-
06/30/2037	-	-	-	-	52,862.50
07/15/2037	5,600.00	5,600.00	5,362.50	(237.50)	-
01/15/2038	285,600.00	285,600.00	335,362.50	49,762.50	-
06/30/2038	-	-	-	-	49,525.00
<b>Total</b>	<b>\$23,820,825.56</b>	<b>\$23,820,825.56</b>	<b>\$24,517,075.00</b>	<b>\$696,249.44</b>	<b>-</b>

**PV Analysis Summary (Net to Net)**

Gross PV Debt Service Savings.....	563,171.26
Net PV Cashflow Savings @ 2.842%(AIC).....	563,171.26
Contingency or Rounding Amount.....	934.55
Net Present Value Benefit.....	\$564,105.81
Net PV Benefit / \$20,185,000 Refunded Principal.....	2.795%
Net PV Benefit / \$18,495,000 Refunding Principal.....	3.050%

**Refunding Bond Information**

Refunding Dated Date.....	3/07/2024
Refunding Delivery Date.....	3/07/2024

# CITY OF NEWBURYPORT



IN CITY COUNCIL

**ORDERED:**

April 8, 2024

That, effective for fiscal year 2025, the City of Newburyport increases the maximum abatement amount from \$1,500 to \$2,000 per fiscal year for senior citizens that participate in the property tax work-off program in accordance with [M.G.L. c. 59, § 5K](#).

---

Councillor Sharif I. Zeid



CITY OF NEWBURYPORT  
FINANCE DEPARTMENT

60 PLEASANT STREET  
NEWBURYPORT, MA 01950  
PHONE: 978-465-4404

WWW.CITYOFNEWBURYPORT.COM/FINANCE

SEAN R. REARDON  
MAYOR

ETHAN R. MANNING  
FINANCE DIRECTOR/CITY AUDITOR

To: President and Members of the Newburyport City Council

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

Date: April 4, 2024

Subject: Senior Tax Work-Off Program Increase to Maximum Assistance Amount

---

On October 4, 2023, Governor Healey signed “An Act to Improve the Commonwealth’s Competitiveness, Affordability, and Equity” into law ([St. 2023, c. 50](#)). Section 2 of the Act increased the maximum senior work-off abatement program amount from \$1,500 to \$2,000, pursuant to [G.L. c. 59, § 5K](#). Any increases may begin in fiscal year 2025. A majority vote of the City Council is required to effectuate this increase beginning July 1, 2024. Note that the maximum amount for the veterans' work-off program is still capped at \$1,500 per [G.L. c. 59, § 5N](#), so there is no increase available under that particular statute.

Below are the participation and earned benefits for the past three fiscal years. For the most recent fiscal year, the total property tax abatement provided by this program was \$57,655. We anticipate that the change to the maximum assistance amount could increase the amount abated per year by approximately \$20,000 to \$25,000, depending on participation. These abatements are charged to the “overlay” account, which is an amount that is carried in the annual revenue estimate for any property tax abatements and exemptions that are processed.

Year	# of Participants	Total Earned Benefit	Maximum Benefit (100 hours or \$1,500)	Maximum Benefit (133.33 hours or \$2,000)	Maximum Benefit Difference
FY21	22	\$28,327	\$33,000	\$44,000	\$11,000
FY22	47	\$71,413	\$70,500	\$94,000	\$23,500
FY23	42	\$57,655	\$63,000	\$84,000	\$21,000
				<b>3-Yr. Average</b>	<b>\$18,500</b>

Please see [IGR-2023-10](#) for more information on the senior work-off program. Details on how to participate in Newburyport’s program can be found on the Council on Aging website [here](#).

Thank you for your consideration.

# CITY OF NEWBURYPORT



IN CITY COUNCIL

**ORDERED:**

April 8, 2024

THAT, the City Council of the City of Newburyport votes to accept the provisions of M.G.L. c.71, §37M which provides that a city may consolidate administrative functions, including but not limited to financial, personnel, and maintenance functions, of the school committee with those of the city; provided, however, that such consolidation may occur only upon a majority vote of both the school committee and in a city, the city council, with approval of the mayor required by law.

---

Councillor Edward C. Cameron, Jr.

MEMORANDUM

To: Council President Ed Cameron and Members

From: Mayor Sean Reardon

Date: March 11, 2024

Re: Accepting MGL c. 71 §37M on School and City Consolidation of Administrative Functions

---

This memorandum explains my support for the City of Newburyport accepting the provisions of Massachusetts General Law c. 71 §37M. Accepting these provisions would allow the City and Schools to consolidate administrative functions of the school committee with the City. These include financial, personnel, and maintenance functions that are performed by both the Schools and the City, and would allow us to consolidate them into one entity. Any individual decision on whether to consolidate a function would still require majority votes of both the City Council and School Committee. The Council and School Committee could also vote to end such a consolidation with a majority vote.

The Superintendent and the Administration have been discussing the possibility of consolidating certain functions, with the focus at this time on facilities and grounds management. While no proposals have been finalized, adopting this order now would clear the first hurdle for potentially taking this step. The School Department received an opinion from their Counsel regarding this proposal that stated that the first step in any consolidation would be to accept these provisions. The City Solicitor concurred with this, and encouraged adoption at this time to provide the ability to continue these conversations on consolidation.

The Administration will continue working with the School Committee and Superintendent on plans for specific consolidation arrangements. Any consolidation will require an agreement signed by the School Committee and Council that details responsibilities and processes for the consolidated functions complete with implications on budget and operations.

# CITY OF NEWBURYPORT



## IN CITY COUNCIL

### ORDERED:

April 8, 2024

**Ordered:** That the City Council, at the recommendation of the Community Preservation Committee, vote to approve the amended use of \$12,062 previously appropriated for the FY'21 Perkins Park Shade project (ORDR187\_06\_28\_2020, Project Number 10). The original request was to install a hard shade structure; the amended request is to install eight new shade trees and two quiet basketball backboards. The CPC voted to recommend approval of this amendment at their meeting on 10/19/23.

---

Councilor Sharif I. Zeid



CITY OF NEWBURYPORT  
COMMUNITY PRESERVATION COMMITTEE  
60 PLEASANT STREET • P.O. BOX 550  
NEWBURYPORT, MA 01950  
(978) 465-4400

**NEWBURYPORT COMMUNITY PRESERVATION COMMITTEE RECOMMENDATION**  
*(Perkins Park Shade Project)*

The Newburyport Community Preservation Committee recommends, consistent with the communication to the Committee from the Mayor dated September 28, 2023, that the City Council vote to approve the amended use of \$12,062 previously appropriated for the FY'21 Perkins Park Shade project (ORDR187\_06\_28\_2020, Project Number 10). The original request was to install a hard shade structure; the amended request is to install eight new shade trees and two quiet basketball backboards. The CPC voted to recommend approval of this amendment at their meeting on 10/19/23.

Respectfully submitted by:

Community Preservation Committee Members

Michael Dissette, Chair  
Andrea Weetman  
Thomas O'Brien  
Jamie Gagnon  
Charles Griffin

Jane Healey, Vice Chair  
Joe Teixeira  
Jennifer Bluestein  
Biff Bouse



CITY OF NEWBURYPORT  
OFFICE OF THE MAYOR  
SEAN R. REARDON

60 PLEASANT STREET • P.O. BOX 550  
NEWBURYPORT, MA 01950  
(978) 465-4413 • (978) 465-4452 (FAX)  
WWW.CITYOFNEWBURYPORT.COM

Mike Dissette, Chair  
Community Preservation Committee  
60 Pleasant Street  
Newburyport, MA 01950

September 28, 2023

Dear Chair Dissette,

In 2021, the Community Preservation Committee graciously approved an application from the Parks Department and Newburyport Youth Services to install a shade structure at Perkins Park for \$12,062. The project was not completed, and since that time, the needs and views of the Parks Division and NYS have slightly changed. In lieu of a hard shade structure, the two departments would now prefer a more 'green' solution in the form of shade trees.

At their July 20, 2023 meeting, the Parks Commission voted to approve a request from the Parks Division to amend the 2021 CPA application. The sketch that Parks Manager Mike Hennessey presented at that meeting is attached. It includes planting 3 new Linden trees along Beacon Ave, 2 new Tuliptrees in the center of the park between the tennis court and playground, and 3 new Sycamores along the rear of the playground at the top of the hill above the baseball diamond. A quote for the first 5 trees (\$2,227.82) is also attached. These five trees could be planted this fall or next spring, should the CPC approve this amendment. The remaining 3 trees would be planted the following season.

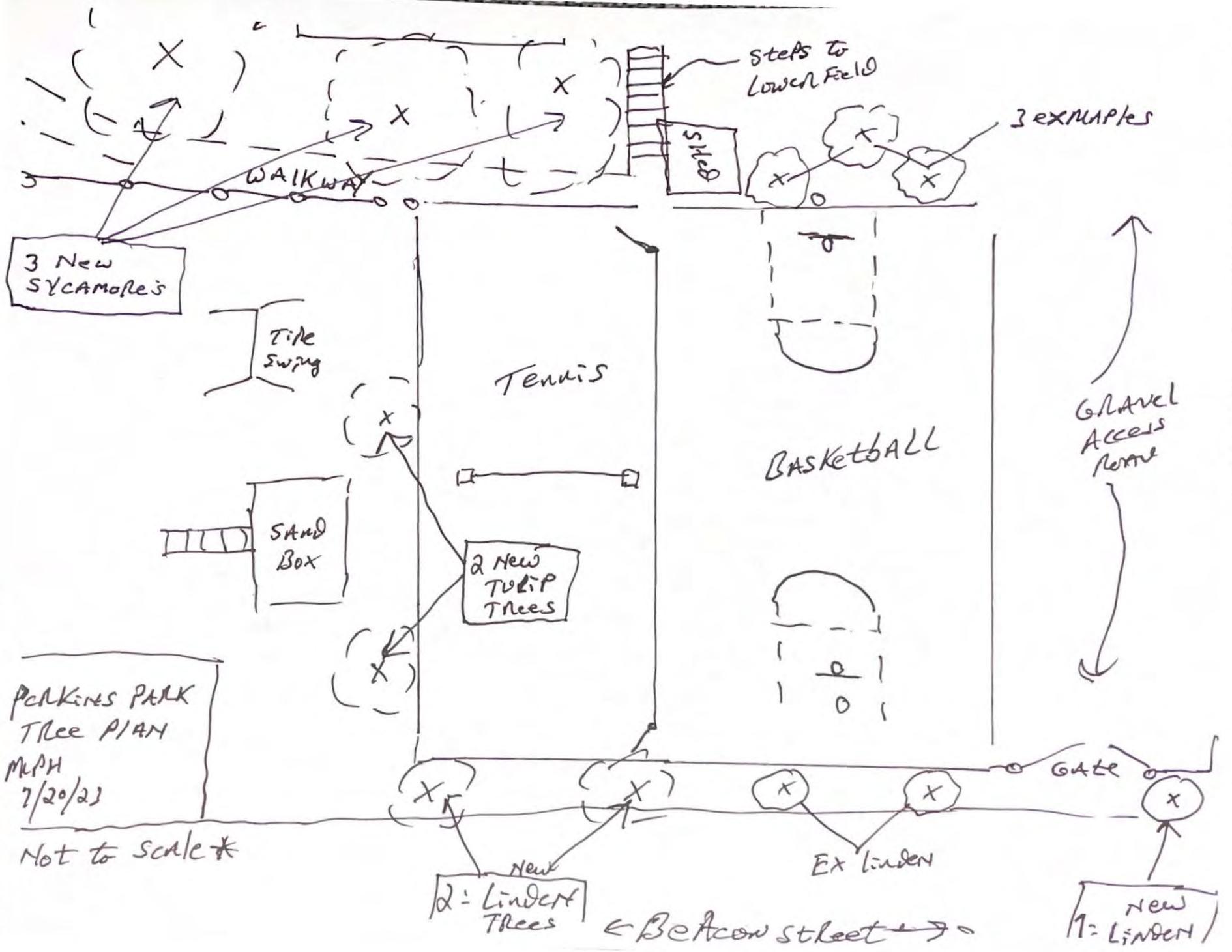
We have also received many requests to replace the aging basketball hoops at Perkins Park with new, quieter basketball hoops that will help reduce the noise pollution in this dense neighborhood. We have been in touch with a manufacturer, TrueBounce, who created a perforated polycarbonate backboard that greatly reduces sound during play. The quote for the two backboards (\$5,742.00) is attached.

We would like to request that the CPA amend the 2021 allocation for a hard shade structure at Perkins Park to instead allow the Parks Division to install 8 new shade trees and two quiet basketball backboards. Please be in touch should you need additional information, and thank you for your consideration.

Respectfully,

A handwritten signature in black ink, appearing to read 'Kimberly D Turner'.

Kimberly D Turner  
Manager of Special Projects



3 New Sycamores

Tile Swing

Tennis

Basketball

Sand Box

2 New Tulip Trees

GRAVEL Access Road

PERKINS PARK  
Tree PLAN  
MHP  
7/20/23

Not to scale\*

New  
2 = Linden  
Trees

EX Linden

New  
1 = Linden

← Beacon Street →

GATE

SHEB

Steps to Lower Field

3 examples

Kaknes Landscape & Patio Supply

978-462-5348  
 info@kakneslandscape.com  
 109 Rabbit Rd  
 Salisbury, MA

# Quote

Date	Quote #
7/26/2023	4551

Name / Address
City Of Newburyport 978 992 8093

Ship To
Low St Newburyport

P.O. No.	Rep	Project

Description	Qty	Base Rate	Cost	Total
TILIA GREENSPIRE 2-2.5"	3	578.5714	422.36	1,267.08
LIRIODENDRON TULIPIFERA EMERALD CITY 2.5"	2	606.6667	442.87	885.74
IZUZU TRUCK DELIVERY			75.00	75.00
<b>Total</b>				\$2,227.82



TrueBounce Inc.  
 56 Conduit Street  
 New Bedford, MA 02745

# Proposal

Date	Estimate #
5/25/2023	4667

Tel. 508-999-3020 Local
Tel. 866-873-3715 Toll Free
Fax. 877-841-3715 Toll Free

www.truebounce.com

<b>Name / Address</b>
City of Newburyport 60 Pleasant Street Newburyport, MA 01950 Kim Turner - 978.465.4413

<b>Ship To</b>
Perkins Playground 16 Beacon Avenue Newburyport, MA 01950

We thank you for your interest in TrueBounce!

<b>Terms</b>	<b>Rep</b>	<b>Job Name</b>
Net 30	JL	Perkins Playground

Item	Description	Qty	Cost	Total
XL7042	Standard 42" x 72" perforated polycarbonate backboard (Please provide Colors with PO & Deposit)	2	2,090.00	4,180.00T
KT0144	Retrofit Kit for TB XL7042 on 4.5" x 4' OD Gooseneck - includes struts for backboard, Diagonals and ring for mount at 11'	2	325.00	650.00T
RB1000	Single rim 3-spring competition breakaway goal 3 Yr Warranty - Best value in Industry	2	285.00	570.00T
Freight	Estimated LTL Freight Costs Excludes any Accessorials: Additional Cost for Lift Gate, Appointments Required, Inside Delivery, Call aheads, or any other additional services.		342.00	342.00
	Tax Exempt		0.00%	0.00

Comments:	<b>Total</b>	\$5,742.00
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CITY OF NEWBURYPORT



IN CITY COUNCIL

ORDERED:

That the City Council appropriates or reserves from the Community Preservation Act FY 2021 estimated revenues, in accordance with the provisions of M.G.L. Chapter 44B, for the following projects, based upon the Community Preservation Committee’s recommendation, the total amount of **\$1,254,885**. The source of funds shall be FY2021 estimated revenues in the amount of **\$1,033,322.27**, the Community Preservation Fund Balance in the amount of **\$86,408.22** and the current **Open Space Reserve Fund** in the amount of **\$729,965.98**. Each project listed below shall be considered a separate appropriation or reservation in the amount indicated for that project. Any conditions or stipulations indicated within the Community Preservation Committee’s recommendation, incorporated herein, shall be considered a condition of this appropriation and subsequent grant award.

Project #	Project Title	Applicant	Request	Final Recommended Appropriation or Reservation
1	Down Payment Assistance	Newburyport Affordable Housing Trust	\$150,000	\$150,000
2	Restoration of 1930s Maxim Fire Truck	Newburyport Fire Department	\$76,728	\$76,728
3	Newburyport Public Library Archival Center HVAC	Newburyport Public Library	\$127,575	\$127,575
4	Cushing House Cobble Courtyard Phase II	Historical Society of Old Newbury	\$30,250	\$30,250
5	Open Space Reserve Fund	Newburyport Open Space Committee	\$100,000	\$125,000 Reservation
6	Clipper City Rail Trail: Closing the Gaps	Newburyport Planning Office	\$250,000	\$250,000
7	Artichoke River Woods Watershed Land Conservation Project	Newburyport Planning Office	\$225,000	\$225,000 from Open Space Reserve Fund
8	Heritage Tree Preservation	Proprietors of Oak Hill Cemetery	\$10,000	\$10,000

<b>9</b>	Bartlet Mall Historic Restoration- Northwest Corner Improvements	Newburyport Parks Department and Commission	\$100,000	\$100,000
<b>10</b>	Perkins Park Shade	Newburyport Parks Department and Commission	\$12,062	\$12,062

**Total: \$1,081,615      \$1,106,615**

<b>11</b>	NHS Stadium Bond Payment	\$124,130
<b>12</b>	Cherry Hill Soccer Field Bond Payment	\$12,140
<b>13</b>	Administrative Costs	\$12,000

**Total: \$148,270**




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Councillor Charles F. Tontar

**In City Council June 8, 2020:**

Motion to refer to Budget & Finance by Councillor Tontar, seconded by Councillor Khan. So voted.

**In City Council June 29, 2020:**

Motion to approve Project No. 1 as amended by Councillor Tontar, seconded by Councillor Connell. 11 yes. Motion passed as amended.

Motion to approve Project No.2 by Councillor Tontar, seconded by Councillor Khan. 11 yes. Motion passed.

Motion to amend Project No. 3 by Councillor Tontar, seconded by Councillor Khan. 10 yes, 1 no (Devlin).

Motion passed as amended.

Motion to approve Project No. 3 amended by Councillor Tontar, seconded by Councillor Khan, to add the language

*and;*

*Further, that CPA funds identified in FY'21 Project 4 above (Cushing House Cobble Courtyard Phase II), and for FY'20 Project 4 (Cushing House Electrical System), previously approved by the Council in 2019 for preservation of the subject property, may be released to the applicant prior to recording of the perpetual Preservation Restriction (PR) due to the extant 10-year PR that will remain in place until final Massachusetts Historical Commission (MHC) approval of the perpetual PR; and*

**Further, that CPA funds identified in FY'21 Project 3 above (Newburyport Public Library Archival Center HVAC) may be released to the applicant prior to recording of the perpetual Preservation Restriction (PR) due to the City's direct ownership and control of the subject property and on the condition that all construction work associated with this project be reviewed and approved by the Newburyport Historical Commission (NHC) prior to the start of work in order to ensure consistency with the terms of the pending PR.**

11 yes. Motion passed.

Motion to amend Project No. 4 by Councillor Tontar, seconded by Councillor Shand, to add the language

*and;*

*Further, that CPA funds identified in FY'21 Project 4 above (Cushing House Cobble Courtyard Phase II), and for FY'20 Project 4 (Cushing House Electrical System), previously approved by the Council in 2019 for preservation of the subject property, may be released to the applicant prior to recording of the perpetual Preservation Restriction (PR) due to the extant 10-year PR that will remain in place until final Massachusetts Historical Commission (MHC) approval of the perpetual PR; and*

**Further, that CPA funds identified in FY'21 Project 3 above (Newburyport Public Library Archival Center HVAC) may be released to the applicant prior to recording of the perpetual Preservation Restriction (PR) due to the City's direct ownership and control of the subject property and on the condition that all construction work associated with this project be reviewed and approved by the Newburyport Historical Commission (NHC) prior to the start of work in order to ensure consistency with the terms of the pending PR.**

11 yes. So voted.

Motion to approve Project No. 4 by Councillor Tontar , seconded by Councillor Khan.

Motion to amend Project No. 4 by Councillor Tontar, seconded by Councillor Khan. 10 yes, 1 no (Zeid).

Motion passed.

Motion to approve Project No. 4 as amended by Councillor Tontar , seconded by Councillor Khan. 10 yes, 1 no (Zeid). Motion passed as amended.

Motion to approve Project No. 5 by Councillor Tontar, seconded by Councillor Khan. 11 yes. Motion passed.

Motion to approve Project No. 6 as amended by Councillor Tontar, seconded by Councillor Khan.

Motion to amend Project No. 6C by Councillor Tontar, seconded by Councillor Zeid. Changing 1.5 million to 1.3 million. 11 yes. Motion passed.

Motion to amend Project No. 6B by Councillor Zeid, seconded by Councillor Lane to add the language ***These funds shall be used within the confines of Newburyport.***

Council President Eigerman stepped down and Councillor Vogel acted as President Pro Tempore.

Motion to move the question by Councillor Zeid, seconded by Councillor Khan. Roll call. 7 no, 4 yes. Motion to move the question fails.

Roll call. 6 no, 5 yes. Motion to amend 6B fails.

Motion to approve Project No. 6 as amended by Councillor Tontar, seconded by Councillor Khan. 10 yes, 1 no (Zeid). Motion passed as amended.

Councillor Eigerman returned as Council President.

Motion to approve Project No. 7 as amended by Councillor Tontar, seconded by Councillor Khan. 11 yes.

Motion passed.

Motion to approve Project No. 8 by Councillor Tontar, seconded by Councillor Khan. 11 yes. Motion passed.

Motion to approve Project No. 9 by Councillor Tontar, seconded by Councillor Khan. 11 yes. Motion passed.

Motion to approve Project No. 10 by Councillor Tontar, seconded by Councillor Connell. 11 yes. Motion passed.

Motion to approve Project Nos. 11, 12, & 13 collectively by Councillor Tontar, seconded by Councillor Khan. 11 yes. Motion passed.



Approve: \_\_\_\_\_  
Donna D. Holaday, Mayor



Attest: \_\_\_\_\_  
Richard B. Jones, City Clerk

Date: 8/5/2020



April 4, 2024

# CITY OF NEWBURYPORT

## Ordered:

That the City Council appropriate from the Community Preservation Act FY 2025 estimated revenues, in accordance with the provisions of M.G.L. Chapter 44B, for the following projects, based upon the Community Preservation Committee’s recommendations and yearly obligations in the total amount of **\$1,926,453**. The source of funds shall be FY2025 estimated revenues in the amount of **\$1,340,562** and the Community Preservation Fund Balance in the amount of **\$616,891**. Each recommended project listed below shall be considered a separate appropriation or reservation in the amount indicated for that project. Any conditions or stipulations indicated within the Community Preservation Committee’s recommendation, incorporated herein, shall be considered a condition of this appropriation and subsequent grant award agreement.

	Project	Applicant	Request	Recommendation
1	<a href="#">YWCA Market Street Apartments</a>	John Feehan, YWCA	<b>\$15,750</b>	<b>\$15,750</b>
2	<a href="#">Custom House Masonry Restoration Supplemental Funding</a>	Custom House Maritime Museum	<b>\$42,200</b>	<b>\$20,000</b>
3	<a href="#">Meeting House Emergency Roof Replacement</a>	First Religious Society Unitarian Universalist	<b>\$80,000</b>	<b>\$64,000</b>
4	<a href="#">The Perkins Art and Research Center Phase II</a>	Historical Society of Old Newbury, dba the Museum of Old Newbury	<b>\$77,536</b>	<b>\$68,000</b>
5	<a href="#">Atkinson Common Rock Tower Restoration</a>	Mayor’s Office/ Parks Commission & Division	<b>\$128,700</b>	<b>\$100,000</b>
6	<a href="#">Rehabilitation of the Firefighters Memorial</a>	Newburyport Fire Department	<b>\$65,000</b>	<b>\$65,000</b>
7	<a href="#">Braunhardt Bike Trail Master Plan</a>	Planning Department	<b>\$75,000</b>	<b>\$25,000</b>
8	<a href="#">William Lloyd Garrison Interpretive Sign Panel Replacement</a>	Planning Department	<b>\$2,265</b>	<b>\$2,265</b>
9	<a href="#">Central Waterfront Boardwalk Reconstruction Feasibility Study</a>	Planning Department	<b>\$75,000</b>	<b>\$75,000</b>
10	<a href="#">Inn Street and Patrick Tracy Square Restoration</a>	Parks Commission	<b>\$246,000</b>	<b>\$56,250</b>
11	<a href="#">Woodman Park Basketball Court</a>	City of Newburyport/ Parks Commission	<b>\$98,563</b>	<b>\$98,563</b>
12	<a href="#">Nock Tennis Courts- Phase 2</a>	Newburyport Public Schools	<b>\$474,560</b>	<b>\$474,560</b>

13	<a href="#">Hill Street Gardens</a>	Back Bay Neighborhood Association / DPS	\$35,000	\$35,000
14	<a href="#">Lower Atkinson Common Improvement Project Phase II</a>	City of Newburyport	\$231,589	\$231,589
15	<a href="#">Minimum additional funding for housing to meet required 10%</a>	To NAHT per CPC vote	\$118,306	\$118,306
		<b>Total:</b>	<b>\$2,230,496</b>	<b>\$1,449,283</b>

Not Recommended				
	<a href="#">Open Space Reserve Fund</a>	City of Newburyport / Open Space Committee	\$70,000	Not Recommended
	<a href="#">FEMA Hazard Mitigation Program Plum Island Property Mitigation</a>	Kim Turner, Mayor's Office	\$395,027	Not Recommended

FY'25 CPA Obligations		Recommended
	<a href="#">NHS Stadium Bond Payment</a>	\$122,880
	<a href="#">Cherry Hill Soccer Field Bond Payment</a>	\$11,540
	<a href="#">Fuller Field Track Renovation, Phase Two Bond Payment</a>	\$48,750
	<a href="#">Market Landing Park Bond Payment</a>	\$280,000
	<a href="#">Administrative Costs</a>	\$14,000
	<b>Total FY'25 Obligations:</b>	<b>\$477,170</b>

<b>Total for Projects, 10% CPA community housing requirement and Obligations:</b>	<b>\$1,926,453</b>
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Councilor Sharif I. Zeid

Approve:  
Date:

Attest:

**NEWBURYPORT COMMUNITY PRESERVATION COMMITTEE  
RECOMMENDATIONS FOR FY25 APPROPRIATIONS**

The Newburyport Community Preservation Committee (CPC) recommends that the City Council appropriate or reserve, as indicated, **\$1,926,453** from Community Preservation Act (CPA) Fund Revenues for the projects and bond payments, in the amounts, in the categories, and subject to the conditions hereinafter described.

The following CONDITIONS are common to recommended current appropriations and exclude recommended reservations and bonded amounts:

- A. Each recipient of funds is required to submit to the CPC a written report on the status of the project by each October 15, January 15, April 15 and July 15 following appropriation and until final completion of the project.
- B. If a project is not completed within twenty-four (24) months of appropriation, the grantee must submit a written request to the CPC for an extension of the grant. Otherwise, funds may be subject to rescission and returned to Community Preservation Fund Reserves (applicable to appropriations, not to reservations).
- C. Full funding is conditioned upon the receipt of state matching funds, estimated to be 20% of local revenue.

Attached are:

- 1. A draft Council Order and table summarizing all CPC recommendations
- 2. Recommendations for project and bond payments with summaries for each
- 3. Criteria for project evaluation adopted and published by the CPC

Estimated Community Preservation funds available for appropriation in FY 2025 total **\$1,957,454**. This figure includes estimated receipts of the local CPA surcharge, accumulated interest, the currently estimated 20% state matching funds, current uncommitted and unreserved funds, and the returned funds from completed and closed-out projects.

**Applications for all projects, meeting minutes and meeting video recordings are available for review on the City website at the following URL: <https://www.cityofnewburyport.com/community-preservation-committee>.**

Respectfully submitted by:

Community Preservation Committee Members

Michael Dissette, Chair  
Andrea Weetman  
Thomas O'Brien  
Jamie Gagnon  
Charles Griffin

Jane Healey, Vice Chair  
Joe Teixeira  
Jennifer Bluestein  
Biff Bouse

**PROJECT NO. 1**  
**YWCA Market Street Apartments**

The CPC recommends the appropriation of \$15,750 from the FY 2025 Estimated Revenues to the YWCA for preservation of the Market Street Apartment exterior.

The CPA category is Community Housing.

**Project Summary:** The YWCA Market Street Apartments building was originally constructed in 1890 and extensively renovated and expanded with state funds and CPA funds in 2013. It has an affordable housing deed restriction. It houses very low-income individuals at rents below HUD standards. There are no other similarly affordable rental units in the city. This older building requires work in order to ensure that the building envelope is preserved and to ensure the structural integrity of the building. The YWCA is seeking funds to repaint the exterior, recalk the building and repair any holes or other penetrations of the building which may allow water damage to the structure.

CPA funds may be spent on the acquisition, creation, preservation and support of community housing, and for the rehabilitation or restoration of community housing created with CPA funds. Preservation work on existing community housing resources is an eligible CPA expenditure. Preservation is defined in the CPA as “protection of personal or real property from injury, harm or destruction.” Building envelope work to preserve the structural integrity of the existing affordable housing is work that DHCD has indicated can be classified as preservation work.

**PROJECT NO. 2**  
**Custom House Masonry Restoration Supplemental Funding**

The CPC recommends the appropriation of \$20,000 from the FY 2025 Estimated Revenues to the Custom House Maritime Museum for its Masonry Restoration Project as Supplemental Funding.

The CPA category is Historic Resources.

**Project Summary:** The Custom House Maritime Museum (CHMM) seeks additional support for the building’s Masonry Restoration Project at 25 Water Street due to rapidly escalating costs because labor shortage and materials backlog as a result of the lagging economic impact of the COVID pandemic. \$28,800 of the 2022 CPC \$150,000 grant is committed for the portico restoration commencing Q1 2024.

There is a current Preservation Restriction on the structure.

**PROJECT NO. 3**  
**Meeting House Emergency Roof Replacement**

The CPC recommends the appropriation of \$64,000 from the FY 2025 Estimated Revenues to the First Religious Society Unitarian Universalist Church for the Meeting House Emergency Roof Replacement Project.

The CPA category is Historic Resources.

**Project Summary:** Recently water leaks have threatened the architectural features and structural integrity of the First Religious Society (FRS) Unitarian Universalist Church Meeting House. The FRS Board authorized unbudgeted emergency repairs and commissioned a Historical Structure Evaluation by a licensed engineer to analyze building infrastructure issues. The objective is to ensure that the source of the problems is properly defined before starting work. This analysis is near completion. It will allow the FRS to comprehensively address issues at the root of the problem(s) to protect and preserve the Meetinghouse for future generations. This application focuses on Meeting House protection through roof replacement and restoration of damage already caused. Structural vulnerabilities are currently being assessed and determined.

There is an existing Preservation Restriction on the property.

#### **PROJECT NO.4**

#### **[The Perkins Art and Research Center Phase II](#)**

The CPC recommends the appropriation of \$68,000 from the FY 2025 Estimated Revenues to the Museum of Old Newbury for the Perkins Art and Research Center Phase II Project.

The CPA category is Historic Resources.

**Project Summary:** The Historical Society of Old Newbury, dba the Museum of Old Newbury, seeks funding for the art and archive storage systems which are to be a critical part of the transformation of the first and second floors of the 1808 Perkins Printing and Engraving Plant (also referred to as the Perkins "Mint") to allow for this building to function as the art and archive center for the Museum's collections. With appropriate storage systems, climate controls, and security, this building will allow the archived artifact, manuscript and photograph collections of the Museum of Old Newbury to be preserved and safely accessible. The lateral art storage system on the third floor was funded by the CPA through Phase I of this project. This is a request for funding for Phase II. The project allows for the preservation of the documents and artifacts which are included within the CPA's definition of historic resources.

The Newburyport Historical Commission has considered the application and the overall project and confirmed the historical significance to Newburyport of both the Perkins Mint structure and the collection of irreplaceable artifacts to be preserved. There is a current, city-held preservation restriction on the Perkins Building.

## PROJECT NO.5

### Atkinson Common Rock Tower Restoration

The CPC recommends the appropriation of \$100,000 from the FY 2025 Estimated Revenues to the Mayor's Office for the Atkinson Common Rock Tower Restoration Project.

The CPA category for this reservation is Historic Resources.

**Project Summary:** Last year, with the support of the CPC, combined with a donation from the Belleville Improvement Society, some of the much-needed repairs continued at the Atkinson Common Rock Tower, including the repair and coating of the floors and ceilings with an epoxy sealer, and installation of drains at each floor level to prevent water from pooling, freezing, and causing the concrete to spall and deteriorate. Prior work that was funded by the Belleville Improvement Society included the removal of the rotted interior stair and installation of a temporary wooden stair to provide construction access, installation of steel beams to increase loading capabilities, and replacement, cleaning, and repointing of exterior stones at the base of the Tower.

This year, the Parks Commission and Division would like to begin the third phase of work, which includes power washing the tower exterior, repointing and grouting stones from level 1 to the top of the tower, including the coping stones, and sealing open joints. This work will require a lift and perimeter fencing to secure the site.

Future phases of work will include parging and repairing interior walls and installing a new interior staircase that meets code, curbing the top level of the tower and installing a roof-type enclosure to prevent water and snow penetration, and rebuilding the basement level access by constructing a bulkhead.

Atkinson Common is listed in the National Register of Historic Places as a contributing property to the Newburyport Historic District, a National Register District.

## PROJECT NO.6

### Rehabilitation of the Firefighters Memorial

The CPC recommends the appropriation of \$65,000 from the FY 2025 Estimated Revenues to the Newburyport Fire Department for the Rehabilitation of the Firefighters Memorial Project.

The CPA category for this appropriation is Historic Resources.

**Project Summary:** The Newburyport Fire Department seeks to rehabilitate and improve the Firefighters Memorial that is located on the back side of The Oak Hill Cemetery off of Parker Street. The memorial acknowledges the sacrifices of the members of the Fire Department in the line of duty. The Department would like to add more hardscaping to stop erosion problems on the front side of the memorial and create a more permanent walkway for easier accessibility. Part of the project would also include an update to the surrounding landscape as the existing greenery has grown beyond its original use.

Included in the application is a letter of support from the Newburyport Historic Commission and comments from Ghlee Woodworth/ Oak Hill Cemetery Board.

#### **PROJECT NO.7**

##### **Braunhardt Bike Trail Master Plan**

The CPC recommends the appropriation of \$25,000 from the FY 2025 Estimated Revenues to the City of Newburyport Office of Planning and Development for the Braunhardt Bike Trail Master Plan.

The CPA category for this appropriation is Recreation.

**Project Summary:** The Braunhardt Bike Trail is a 1.2-mile section of old abandoned I-95 highway that is owned by the City of Newburyport and runs between Storey Avenue and Hale Street. This project will develop a Master Plan, including schematic design, to guide improvements of the trail. The mostly paved pathway connects across Storey Avenue with the Garrison Trail to the north and is a substantial and important link in Newburyport's off-road multi-use pathway network and the regional Coastal Trails Network connecting with Salisbury, Amesbury, and Newbury. Many residents and visitors to the city are not aware of this particular trail, although there is a small but steady stream of local trail users. Developing the Master Plan and investing in the trail will help to "lock in" the land use of the corridor as a recreational asset, as opposed to other potential land uses in the future, for the unrestricted 38 acres of this property.

#### **PROJECT NO.8**

##### **William Lloyd Garrison Interpretive Sign Panel Replacement**

The CPC recommends the appropriation of \$2,265 from the FY 2025 Estimated Revenues to the City of Newburyport Office of Planning and Development for the William Lloyd Garrison Interpretive Sign Panel Replacement.

The CPA category for this appropriation is Recreation.

**Project Summary:** One of the 24"x36" interpretive sign panels about William Lloyd Garrison located in Brown Square has significantly deteriorated since it was installed over a decade ago. The sign is delaminating quite visibly and needs a full replacement (the stanchions do not need replacing). The old sign panel is made of High-Pressure Laminate (HPL) that is past its 10-year warranty; many of the HPL signs in Newburyport have held up well but some have deteriorated. The city has recently switched to a new standard called Direct Embed (DE), and we anticipate remaking this sign as a DE panel. In addition, the existing sign's inset image of Garrison's birthplace home is now out of date since the structure on School Street was renovated in recent years. A graphic artist needs to swap in a new updated image and create a new camera-ready layout for the sign company to make and install the panel.

## PROJECT NO.9

### Central Waterfront Boardwalk Reconstruction Feasibility Study

The CPC recommends the appropriation of \$75,000 from the FY 2025 Estimated Revenues to the City of Newburyport Office of Planning and Development for the Central Waterfront Boardwalk Reconstruction Feasibility Study.

The CPA category for this appropriation is Recreation.

**Project Summary:** The Peter J. Matthews Boardwalk along Newburyport's central waterfront is one of the city's primary civic spaces. Originally built in the late 1970s, the boardwalk was re-decked and extended on either end in 2002 (and received new lighting, seating, shorepower and water, and other features). It is now about 1,250 feet long from the Fish Pier to the private boat ramp and restaurant property on the west. While the boardwalk appears to be in good shape structurally (to be confirmed by the feasibility study), the dense tropical hardwood Ipe decking has not weathered as well as anticipated, and an increasing number of boards are warping, flaking, rotting, and causing trip hazards and risks for pedestrians. Annual maintenance by the Waterfront Trust and the city has not been sufficient to address all of these hazards due to the material's deterioration. In addition, there is now a greater concern in the community about projected sea level rise (SLR) and storm surge in the coming decades and associated flooding of the boardwalk at its existing elevation, as reflected in the 2020 Resiliency Plan and elsewhere. Boardwalks can withstand flooding without significant harm but such floods can take these facilities out of service for public recreational use. This Feasibility Study project will allow the City to hire consultants to more thoroughly review the existing conditions of the boardwalk's decking and substructure, coordinate public meetings, identify and analyze multiple alternatives, develop preliminary cost estimates, and provide a final report with recommendations. The Feasibility Study will be essential for developing consensus, guiding the City's approach to addressing the boardwalk, and securing design and construction funding.

## PROJECT NO.10

### Inn Street and Patrick Tracy Square Restoration

The CPC recommends the appropriation of \$56,250 from the FY 2025 Estimated Revenues to the Newburyport Parks Commission for the Inn Street and Patrick Tracy Square Restoration Project. The CPC recognizes that the request was for a larger sum in order to complete the entire project however given the limited amount of funds available this year, the CPC voted to partially fund the project in order to get the work started.

The CPA category for this appropriation is Recreation.

**Project Summary:** The Parks Commission seeks funding to repair, reset, and/or replace the bricks and granite steps throughout Inn Street and Patrick Tracy Square. These two parks are both located in our downtown core. The historic brick walkways and steps currently cause reduced accessibility and pose hazards to park users. Rehabilitation of the bricks and steps in these two downtown parks will make them more functional for their intended recreational use. CPA funds may not be spent on ordinary maintenance or annual operating expenses; only capital improvements are allowed. A 2012 amendment to CPA broadened the law to also allow for the rehabilitation of existing, outdoor recreational facilities. The amendment made it clear that with respect to land for recreational use, "rehabilitation" could

include the replacement of playground equipment and other capital improvements to the land or the facilities thereon to make them more functional for their intended recreational use.

CPA defines “Capital improvement” as the “reconstruction or alteration of real property that: (1) materially adds to the value of the real property, or appreciably prolongs the useful life of the real property; (2) becomes part of the real property or is permanently affixed to the real property so that removal would cause material damage to the property or article itself; and (3) is intended to become a permanent installation or is intended to remain there for an indefinite period of time.”

#### **PROJECT NO.11**

##### **Woodman Park Basketball Court**

The CPC recommends the appropriation of \$98,563 from the FY 2025 Estimated Revenues to the City and Newburyport Parks Commission for the Woodman Park Basketball Court.

The CPA category for this appropriation is Recreation.

**Project Summary:** Woodman Park, located at 132 Crow Lane, is the only city park located in the West End of the city. It is heavily used by residents, dog walkers, children, bike riders, the Pioneer League, Newburyport Youth Soccer, and pickup basketball players, and is clearly showing signs of age. The park includes a baseball diamond, basketball court, youth soccer field, playground, and gravel parking lot. Last year, the CPC generously approved an allocation of \$57,570 to make the playground area more accessible. This year, the City and Parks Commission would like to continue to make improvements to the park.

The basketball court is likely original to the park, which was constructed circa 1981. The court is no longer salvageable and needs to be completely removed and replaced. The 2019 Parks Inspection Report flagged Woodman Park's basketball court as needing to be repaired. The planned work will not disturb or harm any trees and would include demolition of the existing court, regrading, new asphalt paving and resilient court surfacing, 2 new 'quiet' basketball goals, 2 new players benches, and loaming and seeding all disturbed areas.

#### **PROJECT NO.12**

##### **Nock Tennis Courts- Phase 2**

The CPC recommends the appropriation of \$474,560 from the FY 2025 Estimated Revenues to Newburyport Public Schools for the Nock Tennis Courts – Phase 2 Project.

The CPA category for this appropriation is Recreation.

**Project Summary:** The Newburyport Public Schools proposes to add three new tennis courts adjacent to the two courts that were recently renovated at the Nock Middle School at 70 Low Street through CPA funds. The three new courts would be located on the site of what was at one time a softball field and is now only used as a practice field for various sports as well as physical education activities. Sufficient space for those uses will remain beyond the area that will become the new tennis courts.

Tennis is a lifelong sport that people of all ages can enjoy. Newly installed tennis courts will benefit the students that attend the Nock Middle and Molin Upper Elementary Schools, the students on the Newburyport High School tennis teams, the neighbors who live adjacent to this property, and the greater Newburyport community interested in playing outdoor tennis.

Newburyport High School now has both girls' (two-time state champions) and boys' tennis teams with approximately 60 participants. The teams play at Atkinson Common on the three existing courts. Because there are only three courts, the matches take twice as long, as only half the positions can play at one time. Holding practices on these three courts is also challenging with so many participants. New courts at the Nock would give them additional courts to use for both matches and practices and provide the opportunity to host playoff matches, which they cannot do now.

Friends of Newburyport Tennis has raised from over 100 community members \$21,195 to be gifted toward this project.

**PROJECT NO.13**  
**Hill Street Gardens**

The CPC recommends the appropriation of \$35,000 from the FY 2025 Estimated Revenues to the Newburyport Department of Public Services and the Back Bay Neighborhood Association for the Hill Street Gardens Project.

The CPA category for this appropriation is Recreation.

**Project Summary:** On the corner Hill Street and Boylston Street lies a usable piece of land owned by the City of Newburyport that can be improved to benefit the community. The area is currently partitioned off by an old rusty chain link fence that runs immediately along the sidewalk and serves as a barrier between the Fulton Pit and the street. A barrier on the upper rim of the Fulton Pit is a necessity. However, there is valuable open space between the sidewalk and the rim of the pit. Inside the fence there is a grassy area lined with trees that is inaccessible. The applicant seeks an opportunity to reclaim green, open space for our community.

The focus for CPA recreational projects is on outdoor passive or active recreation, such as (but not limited to) the use of land for: community gardens, trails, noncommercial youth and adult sports as well as parks, playgrounds or athletic fields. The plans for Hill Street Gardens are to use CPA funds to improve the functionality of the area, which includes a positive aesthetic value. The planned project would include two phases. The first phase includes removal of the existing fence and the installation of a new fence closer to the pit (preliminary estimate of \$34,600). The approximate length of the fence is 400 linear feet. The second phase includes the installation of a sign, native plants and public art.

## PROJECT NO.14

### Lower Atkinson Common Improvement Project Phase II

The CPC recommends the appropriation of \$231,589 from the FY 2025 Estimated Revenues to the City of Newburyport for the Lower Atkinson Common Improvement Project Phase II.

The CPA category for this appropriation is Recreation.

**Project Summary:** In 2023, \$525,000 in funding to support the Lower Atkinson Community was appropriated. The funding allowed the City to implement Phase 1 of the Lower Atkinson Common Master Plan by relocating the playground to the heart of the park and making it a universally-accessible feature. The City is excited to complete the playground this spring and open it for community use. While the work was progressing at the playground, the Administration advanced the design of the second phase of the Master Plan and worked diligently to obtain community feedback and the necessary permit approvals to move Phase 2 forward. The work in Phase 2 will vastly improve the access to and pedestrian safety at the park. The proposal includes moving all parking off Merrimac Street, installing needed sidewalks (no CPA funds to be used for sidewalks) and pedestrian safety measures, including handicap-accessible parking spaces, improving drainage issues at the park, and planting native vegetation.

## PROJECT NO. 15

### **Community Housing Balance of Minimum 10%**

The CPC recommends the appropriation of \$118,306 from the FY 2025 estimated revenues to the Newburyport Affordable Housing Trust (NAHT) for use in its current or future programs in support of community housing, subject to the requirements and limitations of the Community Preservation Act.

The CPA category is Community Housing.

**Project Summary:** The CPA requires that each fiscal year at least 10% of the CPA revenues be spent, or set aside for later spending, for open space, for historic resources and for community housing. This fiscal year that minimum amount for each category is \$134,056. The only other Community Housing project this fiscal year is No. 1, above, in the amount of \$15,750. This recommendation represents the balance necessary to meet the annual required minimum. By [letter to the CPC dated December 15, 2023](#), the NAHT requested the CPC's consideration for this allocation in the event that the minimum percentage was not satisfied by other recommended Community Housing projects.

## CPA BOND OBLIGATIONS

### **World War Memorial Stadium Multi- Purpose Field Project Bond Obligation**

To cover the cost of previously authorized bonding (*i.e. a corresponding yearly bond payment*) associated with the World War Memorial Stadium Multi- Purpose Field Project Bond project, the CPC

recommends the appropriation of \$122,880 from the FY 2025 Estimated Revenues to the City of Newburyport for the eighth annual payment of interest and principal on the project.

CPA category is Recreation.

**Project Summary:** In April 2014, the City Council authorized bonding up to \$1,500,000 against future CPA revenue for the renovation and improvement of the Newburyport High School's World War Memorial Stadium athletic field. Debt payments on the bond will continue through 2030. The CPC is advised that it is necessary to appropriate the debt service payments annually.

#### **Cherry Hill Parcel B Soccer Field Improvement Project Bond Obligation**

To cover the cost of previously authorized bonding (*i.e. a corresponding yearly bond payment*) associated with the Cherry Hill Parcel B Soccer Field Improvement Project Bond, the CPC recommends the appropriation of \$11,540 from the FY 2025 Estimated Revenues to the City of Newburyport for the ninth annual payment of interest and principal the project.

The CPA category is Recreation.

**Project Summary:** In April 2014, the City Council authorized the bonding of up to \$134,000 against future CPA revenue for the redesign and construction of the Cherry Hill Parcel B athletic field. Debt payments on the bond will continue through 2030. The CPC is advised that it is necessary to appropriate the debt service payments annually.

#### **Fuller Field Track Renovation, Phase Two Project Bond Obligation**

To cover the cost of previously authorized bonding (*i.e. a corresponding yearly bond payment*) associated with the Fuller Field Track Renovation, Phase Two Project Bond, the CPC recommends the appropriation of \$48,750 from the FY 2025 Estimated Revenues to the City of Newburyport for the fourth annual payment of interest and principal on the project.

The CPA category is Recreation.

**Project Summary:** The project includes installation of a 300-person grandstand, completion of electrical connections throughout the facility for the sound and timing systems, installation of a new sound system, and renovation of the interior of the existing field house to include expanded restroom facilities. The CPC is advised that it is necessary to appropriate the debt service payments annually.

#### **Market Landing Park Bond Payment (Central Waterfront) Obligation**

To cover the cost of previously authorized bonding (*i.e. a corresponding yearly bond payment*) associated with Market Landing Park Bond, the CPC recommends the appropriation of \$280,000 from the FY 2025 Estimated Revenues to the City of Newburyport for the annual payment of interest and principal on the once the bond has been issued for this project.

CPA category is Recreation.

**Project Summary:** On July 11, 2022, the City Council authorized bonding up to \$3,000,000 against future CPA revenue for the Market Landing Park Project (Central Waterfront). The CPC also recommended that the FY'22 appropriation of \$250K (Council Order 265\_08\_09\_2021) be granted a 1-year extension. The CPC is advised that it is necessary to appropriate the debt service payments annually. Please note that the appropriation is subject to a final plan being presented to Council for approval. Council voted to approve final schematic plans on 11/1/22 (ORDR00385\_10\_11\_2022).

### **Annual Expenditure - Administrative Costs**

In addition to the FY project funding recommendations herein, and consistent with all previous years, this CPC advisory report takes into account a yearly appropriation of \$14,000 from the FY 2025 Estimated Revenues to fund the Community Preservation Committee's anticipated administrative costs. These costs include a stipend for the CPC administration liaison position in the Office of Planning & Community Development, annual membership dues in the statewide community preservation coalition, and other recurring expenses including note taking at meetings, legal advertising, and city solicitor review of legal documents when necessary. Excess funds remaining in this account at the end of the fiscal year revert to the general Community Preservation Fund.

The CPA category for this appropriation is Administration.

## **COMMUNITY PRESERVATION COMMITTEE – EVALUATION CRITERIA**

The Newburyport Community Preservation Committee gives preference to proposals which address as many of the following general criteria as possible:

1. Eligible for Community Preservation Act (CPA) funding according to the requirements described in the CPA legislation (Chapter 44B of Mass. General Laws).

2. Consistent with the Master Plan, Open Space and Recreation Plan, Land Use and other planning documents that have received public scrutiny and input.
3. Preserve and enhance the essential character of the city.
4. Protect resources that would otherwise be threatened.
5. Serve more than one CPA purpose or demonstrate why serving multiple needs is not feasible.
6. Demonstrate practicality and feasibility, and that the project can be implemented within budget and on schedule.
7. Produce an advantageous cost/benefit value.
8. Leverage additional public and/or private funds (eg. qualify the project for additional grants from other sources) or receive partial funding from other sources and/or voluntary contributions of goods or services.
9. Preserve or improve utility of currently owned city assets.
10. Receive endorsement by other municipal boards or departments and broad-based support from community members.

### **CATEGORY SPECIFIC CRITERIA**

The Community Preservation Act funds three key community interests: open space, historic preservation, and affordable housing. Public recreation projects may also be funded.

1. **Open Space** proposals which address as many of the following specific criteria as possible will receive preference for funding:
  - Permanently protect important wildlife habitat, particularly areas that include:
    - locally significant biodiversity;
    - variety of habitats with a diversity of geologic features and types of vegetation;
    - Endangered habitat or species of plant or animal.
  - Preserve active agricultural use.
  - Provide opportunities for passive recreation and environmental education.
  - Protect or enhance wildlife corridors, promote connectivity of habitat or prevent fragmentation of habitats.
  - Provide connections with existing trails, protected open space or potential trail linkages.
  - Preserve scenic views.
  - Border a scenic road.
  - Protect drinking water quantity and quality.
  - Provide flood control/storage.
  - Preserve and protect important surface water bodies, including streams, wetlands, vernal pools or riparian zones.
  - Buffer for protected open space, or historic resources.
2. **Historic Preservation** proposals which address as many of the following criteria as possible will receive preference for funding:

- Protect, preserve, enhance, restore and/or rehabilitate historic, cultural, architectural or archaeological resources of significance, especially those that are threatened.
- Protect, preserve, enhance, restore and/or rehabilitate city-owned properties, features or resources of historical significance.
- Protect, preserve, enhance, restore and/or rehabilitate the historical function of a property or site.
- Demonstrates a public benefit.
- Ability to provide permanent protection for the historic resource.

**3. Affordable Housing** proposals which address as many of the following criteria as possible will receive preference for funding:

- Contribute to the goal of 10% affordability as defined by chapter 40B of Mass. General Laws.
- Promote a socioeconomic environment that encourages a diversity of income.
- Provide housing that is harmonious in design and scale with the surrounding community.
- Intermingle affordable and market rate housing at levels that exceed state requirements for percentage of affordable units pursuant to chapter 40B.
- Ensure long-term affordability.
- Address the needs of range of qualified household, including very low, low and low-to moderate income families and individuals.
- Provide affordable rental and affordable ownership opportunities.
- Promote use of existing buildings or construction on previously-developed or city-owned sites.
- Convert market rate to affordable units.

**4. Recreation** proposals which address as many of the following criteria as possible will receive preference for funding:

- Support multiple recreation uses.
- Serve a significant number of residents.
- Expand the range of recreational opportunities available to city residents of all ages.
- Jointly benefit Conservation Commission and Parks Commission initiatives by promoting recreation, such as hiking, biking, and cross-country skiing.
- Maximize the utility of land already owned by city (e.g. school property).
- Promote the creative use of railway and other corridors to create safe and healthful non-motorized transportation opportunities.

# CITY OF NEWBURYPORT



## IN CITY COUNCIL

**ORDERED:**

**April 8, 2024**

That, at the recommendation of the Community Preservation Committee, ORDR00355\_05\_09\_2022 of the City Council amended on September 27, 2022 appropriating \$2,574,000 to pay costs of the Barlet Mall Frog Pond Improvements project is hereby rescinded.

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Councilor Sharif I. Zeid



CITY OF NEWBURYPORT  
COMMUNITY PRESERVATION COMMITTEE  
60 PLEASANT STREET • P.O. BOX 550  
NEWBURYPORT, MA 01950  
(978) 465-4400

**NEWBURYPORT COMMUNITY PRESERVATION COMMITTEE RECOMMENDATION**  
*(Bartlet Mall Frog Pond Improvements Project)*

The Newburyport Community Preservation Committee recommends, consistent with the communication to the Committee from the Mayor dated February 21, 2024, that Order 355\_05\_09\_2022 of City Council amended September 27, 2022 appropriating \$2,574,000 to pay costs of the Bartlet Mall Frog Pond Improvements project be rescinded.

Respectfully submitted by:

Community Preservation Committee Members

Michael Dissette, Chair  
Andrea Weetman  
Thomas O'Brien  
Jamie Gagnon  
Charles Griffin

Jane Healey, Vice Chair  
Joe Teixeira  
Jennifer Bluestein  
Biff Bouse



CITY OF NEWBURYPORT  
OFFICE OF THE MAYOR  
SEAN R. REARDON

60 PLEASANT STREET • P.O. BOX 550  
NEWBURYPORT, MA 01950  
(978) 465-4413 • (978) 465-4452 (FAX)  
WWW.CITYOFNEWBURYPORT.COM

Mike Dissette  
Chair, Community Preservation Committee  
60 Pleasant Street  
Newburyport, MA 01950

February 21, 2024

Dear Chair Dissette,

I would like to provide an update on the Bartlet Mall Restoration project. As you may know, on February 1 at 10 am we held the bid opening. While we were pleased to have received 4 bids, all of them were above the amount we had budgeted for the project. We had a held CPC bond of \$2.57M and the lowest bid came in at \$4.34M. We believe the pressures of the economy to have factored into this.

At this time, we are planning to hit pause on the project and release the CPC bond. We are also pulling our request for the Swan Fountain Restoration. We would like to hold on to the funds for the open CPC projects, in order to use them as leverage for fundraising and moving some smaller pieces of the project forward. Open CPC projects include Specimen Trees (\$7,724.47), Swan Fountain (\$125,931.20), and Walkway Improvements (\$11,573.08). I will continue to provide quarterly reports on each, and would like to formally ask for an extension for each of these projects.

Our permits for this project are good for 3 years, and we will use the next several months to seek alternative grants and private funding to bridge the gap, with the expectation to re-apply to the CPC, hopefully next cycle. I would like to respectfully request that the CPC hold some bonding capacity for this project, perhaps in the range of \$3-3.5M, to be discussed at a later date. We still believe the project design to be sound and look forward to carrying it through. A tremendous amount of time and energy went into this project and I'd like to personally thank our consultant team and all the champions of this project for all their hard work and dedication. I would also like to express my sincerest gratitude to the CPC for your support for this project over the years. I share your disappointment in this delay and look forward to the day when we can celebrate the success of the restoration of our City's original town common.

I look forward to continuing this conversation with you. In the meantime, please do not hesitate to contact me with any additional questions or concerns.

Sincerely,

Kim Turner, Manager of Special Projects

## CITY OF NEWBURYPORT



### IN CITY COUNCIL

#### ORDERED:

May 9, 2022

**THAT**, upon the recommendation of the Community Preservation Committee, \$2,574,000 is appropriated, subject to a final plan being presented to the Council for approval, to pay costs of the Bartlet Mall Frog Pond Improvements project, including the payment of all costs incidental and related thereto. To meet this appropriation, the Treasurer with the approval of the Mayor, is authorized to borrow said amount under and pursuant to M.G.L. c. 44, §7(1), M.G.L. c. 44B (the Community Preservation Act), or pursuant to any other enabling authority, and to issue bonds or notes of the City therefor; and that the Mayor and the Treasurer are authorized to take any other action necessary or convenient to carry out this vote.



Councilor Sharif I. Zeid

#### **In City Council May 9, 2022:**

Motion to waive the rules to accept the late files and refer to Budget & Finance by Councilor Zeid, seconded by Councilor McCauley. Roll call vote. 11 yes. Motion passes.

#### **In City Council September 27, 2022:**

Motion to approve ORDR00354 Project 4 and ORDR00355 collectively by Councilor Zeid, seconded by Councilor Donahue. Roll call vote. 11 yes. Motion passes.

Approve: 

Sean R. Reardon, Mayor

Attest: 

Richard B. Jones, City Clerk

Date: 10/18/2022

# **ORDINANCES**

# CITY OF NEWBURYPORT



## IN CITY COUNCIL

**ORDERED:**

**April 8, 2024**

### **An Ordinance Establishing a Residential Seasonal Dock Permit and Fee**

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

**THE** Code of Ordinances, City of Newburyport, Massachusetts, is amended as follows:

#### **The following is inserted in Article II, Division 4, Subdivision A, Section 4-72. – Definitions**

Residential Seasonal Dock shall mean permitted temporary moorings of floats or rafts installed seasonally by residential property owners pursuant to Massachusetts General Laws Chapter 91, Section 10A.

#### **The following is inserted in Article II, Division 4, Subdivision A, Section 4-73 (e). – Waterfront Fees**

Residential Seasonal Docks shall be subject to an annual fee as defined and shown in Appendix B (Municipal Fees by Category). Said fee shall be dedicated 100% to the Harbormaster Enterprise Fund.

#### **The following is inserted into Appendix B – Municipal Fees by Category, 2-B, Boats, docks and waterways (harbormaster department)**

Residential Seasonal Docks	\$50/season
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Councillor Sharif I. Zeid

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Councillor James J. McCauley

# CITY OF NEWBURYPORT



## IN CITY COUNCIL

### ORDERED:

April 8, 2024

AN AMENDMENT TO AN ORDINANCE TO ADD A NEW HANDICAPPED PARKING SPACE PURUSANT TO SECTION 179 OF CHAPTER 13 (TRAFFIC AND MOTOR VEHICLES) OF THE MUNICIPAL CODE

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

Chapter 13	Traffic and Motor Vehicles
Article 4	Specific Street Schedules
Division 6	Stopping, Standing and Parking
Section 13-179.2	Handicapped Parking Enforcement

**Add Section 13-179.2 by inserting a new line, as follows, with deletions ~~double-stricken through~~, and additions double-underlined:**

Any area designated as reserved for handicapped parking, whether public or private, where the public has right of access as invitees shall be enforced by any police or parking agency with jurisdiction within the municipal limits.

Chapter 13	Traffic and Motor Vehicles
Article 4	Specific Street Schedules
Division 6	Stopping, Standing and Parking
Section 13-179.3	Handicapped Violation - Penalty

**Add Section 13-179.3 by inserting a new paragraph, as follows, with deletions ~~double-stricken through~~, and additions double-underlined:**

Violation in any manner as to occupy or obstruct any parking space reserved for a vehicle, within the municipality, whether public or private, used by a disabled veteran or handicapped person whose vehicle bears the distinguishing license plate, or displays the special parking identification placard authorized by MGL c. 90, § 2, or bears the official identification of a handicapped person issued by any other state, or any Canadian province, will be punishable by a fine as established on the municipal fine and fee schedule in accordance with MGL c. 40, § 22A, and such vehicle shall be subject to towing at the owner's expense, as set forth under MGL c. 40, § 22D.

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Councillor Jennie L. Donahue

# CITY OF NEWBURYPORT



IN CITY COUNCIL

ORDERED:

April 8, 2024

## Appendix B Municipal Fee Schedule

### Section 2 Municipal Fees by Category

#### Section – 2-I - Parking fees (permits, rates)

The City Council of the City of Newburyport hereby amends Appendix B Municipal Fee Schedule Ordinance Section 2-J Parks and Recreation fees with deletions ~~double-stricken and italicized~~ and additions double-underlined and italicized:

#### 2-I - Parking fees (permits, rates)

Parking Permits	Fee
Residential <del>Daily</del> <u>Yearly</u> Street Permit Visitor Pass (sec 13-180)	<del>\$5.00</del> <u>\$25.00</u>

\_\_\_\_\_  
Councillor James J. McCauley



IN CITY COUNCIL

ORDERED:

April 8, 2024

**AN ORDINANCE TO AMEND CH. 13 SEC. 181 WITH RESPECT TO MUNICIPAL PARKING FACILITIES**

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

THAT Chapter 13 Section 13-181 of the Code of Ordinances, City of Newburyport, Massachusetts, is hereby amended to include the following parking restrictions with deletions ~~double strikethrough and italicized~~ and additions double-underlined and italicized:

CHAPTER 13. – TRAFFIC AND MOTOR VEHICLES

**Sec. 13-181. Municipal parking facilities.**

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

- ~~(1)~~  
~~Harris Street Lot.~~
- ~~(2)~~  
~~Green Street Lot.~~
- ~~(3)~~  
~~Somerby Landing Lot.~~
- ~~(4)~~  
~~Hales Court Lot pursuant to the city's license from the United States Postal Service.~~

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

(b)(1) Harris Street and Green Street Lots

In order to facilitate the turn-over of parking spaces, no person shall park a vehicle for a period of time longer than three (3) hours between the hours of 8:00 a.m. to 8:00 p.m. (6:00 p.m. from January 1<sup>st</sup> through March 31<sup>st</sup>) Monday through Saturday, and Sunday between the hours of noon to 6:00 p.m in the following described lots.

(1) Harris Street Lot.

(2) Green Street Lot.

(b)(2) Prince Place and Hales Court Lots

In order to facilitate the turn-over of parking spaces, no person holding a resident or senior resident parking permit shall park a vehicle with a for a period of time longer than three (3) hours between the hours of 8:00 a.m. to 8:00 p.m. (6:00 p.m. from January 1<sup>st</sup> through March 31<sup>st</sup>) Monday through Saturday, and Sunday between the hours of noon to 6:00 p.m in the following described lots.

(1) Prince Place Lot

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

(b)(3) Violation and Fines

A person whose vehicle remains in one (1) of the above-listed lots described in (b)(1) and (b)(2) beyond the three (3) hour time limit will be subject to fines for violation of this section as provided in section 1-18 of this Code, even if payment is made for additional time.

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Councillor Afroz K. Khan

## **COMMITTEE ITEMS**

# Committee Items – April 8, 2024

## Budget & Finance

### *In Committee:*

- ORDR00545\_03\_11\_2024 School Security Upgrades Lease Order \$731,343.00 (COTW)
- ORDR00546\_03\_11\_2024 Harbormaster Dept. Season Dock Permit Fee
- ORDR00547\_03\_25\_2024 Gift Acceptance \$4500 City Improvement Society
- ORDR00548\_03\_25\_2024 Gift Acceptance \$5,181.60 City Improvement Society *Amended in committee*
- ORDR00550\_03\_25\_2024 Gift Acceptance \$800 Port Parks Alliance to DPS-Parks Division
- TRAN00186\_03\_25\_2024 Harbormaster: Harbormaster Retained Earnings \$25,000 to  
Harbormaster Equipment \$25,000
- TRAN00187\_03\_25\_2024 Police: Police MIS/Communications \$6,500 to HR Assessment Center \$6,500

# CITY OF NEWBURYPORT



## IN CITY COUNCIL

### ORDERED:

March 11, 2024

**THAT**, the City Council of the City of Newburyport, in accordance with M.G.L. c. 44, §21C and upon the recommendation of the Mayor, hereby authorizes the following lease purchase financing agreements for the acquisition of equipment that may be acquired through the issuance of debt under M.G.L. c. 44 or improvement of a capital asset the improvement of which may be financed by the issuance of debt under M.G.L. c. 44, the term of such agreement not to exceed the useful life of the equipment or improvement as determined by the Mayor, and to authorize the departments specified below to enter into such agreements on behalf of the City or to take any other action relative thereto. **While all such agreements shall be general obligations of the City, it is the intent that all payments made in connection with said agreements shall be identified and paid for from the school budget.**

**And Furthermore THAT, by approval of this agreement for the aforementioned school security equipment, the City Council, in accordance with Newburyport Code of Ordinances Article 1, Sec 12-10, authorizes Deployment of security camera's on school property at Newburyport High School, the Bresnahan, The Nock and Molin schools, consistent with the submitted proposal. Placement of cameras, access to, and handling of data including images is to be managed in Compliance with the district's security policy as approved by the Newburyport School Committee on 3/27/2018, and Revised on 10/2/2023. This policy may be updated and reapproved from time to time.**

<b><u>Equipment/capital asset</u></b>	<b><u>Borrowing Amount</u></b>	<b><u>Maximum Term</u></b>	<b><u>Authorized Department</u></b>
School Security Upgrades	\$731,343.00	7 years	School Department

---

Councillor Sharif I. Zeid

**In City Council March 11, 2024:**

Motion to collectively refer ORDR00543 Budget & Finance and ORDR00545 to Budget & Finance/COTW by Councillor Zeid, seconded by Councillor McCauley. Roll call vote, 10 yes, 1 absent (Khan), motion passes.

**LEASE SCHEDULE 001**

This Lease Schedule is issued pursuant to the Lease Agreement No. NEW022124 dated February 21, 2024. The terms and conditions of the Lease Agreement and the terms and conditions of Certificates of Acceptance executed pursuant to Lease Schedule 001, including Installation Dates and descriptions and serial numbers of Equipment contained therein, are a part hereof and incorporated by reference herein.

**LESSOR:**

Vantage Financial, LLC  
444 Second Street  
Excelsior, MN 55331

**LESSEE:**

Newburyport Public School District  
70 Low Street  
Newburyport, MA 01950-2627

**SUPPLIER OF EQUIPMENT:**

ENE Security, LLC

**LOCATION OF INSTALLATION:**

Newburyport High School  
241 High Street  
Newburyport, MA 01950

**Term of Lease from Commencement Date:** 84 months

**Downpayment:** \$153,597.00 due upon signing of this Lease Schedule 001.

**Monthly Lease Charge:** \$8,073.17, due annually as \$96,878.00, beginning July 1, 2024.

**Security Deposit:** None

**EQUIPMENT:**

See Attached Equipment Exhibit A.

Lessee understands that Lessor's commitment to lease Equipment under this Lease Schedule 001 is contingent upon continuing credit approval by Lessor's credit committee and such credit approval shall be at Lessor's sole discretion.

Title to all of the Equipment listed on this Lease Schedule 001 shall transfer to Lessee "as-is, where-is" for one dollar (\$1.00) after all of the following have occurred; (i) Lessor has received all of the monies due under and associated with this Lease Schedule 001; (ii) Lessee has paid to Lessor all other monetary amounts that are due pursuant to Lease Agreement Number NEW022124; and (iii) Lessee has otherwise complied with all of the terms and conditions of Lease Agreement Number NEW022124. LESSOR SELLS TO LESSEE WITHOUT WARRANTY OF ANY KIND, EXPRESSED OR IMPLIED, INCLUDING THE WARRANTY OF MERCHANTABILITY AND OF FITNESS FOR ANY PARTICULAR PURPOSE.

The Monthly Lease Charge will be prorated and charged as interim rent between the date an item of Equipment is accepted and the Commencement Date. Lessee confirms that the Equipment listed on this Lease Schedule is business essential as part of the operation of Lessee.

**Every Term is Agreed to and Accepted:**

**VANTAGE FINANCIAL, LLC**  
**"LESSOR"**

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

Print Name: \_\_\_\_\_

Title: \_\_\_\_\_

Date: \_\_\_\_\_

**Every Term is Agreed to and Accepted:**

**NEWBURYPORT PUBLIC SCHOOL DISTRICT**  
**"LESSEE"**

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

Print Name: \_\_\_\_\_

Title: \_\_\_\_\_

Date: \_\_\_\_\_

The parties agree that this Lease Schedule, along with any riders and any documents or instruments issued or executed pursuant hereto, may be executed and delivered by electronic signatures and that the signatures appearing on such documents are the same as handwritten signatures for the purposes of validity, enforceability, and admissibility.

## Lease Proposal

January 5, 2023

**Lessee**

Newburyport Public Schools  
70 Low St  
Newburyport, MA 01950

**Lessor**

Vantage Financial, LLC  
444 Second Street  
Excelsior, MN 55331

Equipment Description	Total Estimated Equipment Cost	Term	Rate	Fixed Annual Payment
Verkada Camera Project – 10YR Licensing	\$731,343.00	84	4.60%	\$96,878.00

**\*\*\$153,597 Down Payment with 1<sup>st</sup> payment due July 1<sup>st</sup>, 2024\*\***

**Flex Lease:**

Lessee may add, substitute, or delete equipment at any time during the lease term.

**Refundable Security Deposit**

Lessee shall pay the equivalent of one month's payment as a refundable security deposit.

**Anticipated Delivery**

During the installation period, rent will be charged only on the Equipment accepted by Lessee. Once all of the Equipment is installed and accepted, the lease schedule will commence.

**Fees**

Lessor will not charge any documentation, administration, or legal fees.

**End of Lease Options**

At the end of the lease term, Lessee may purchase the equipment for \$1.

**Contingencies**

This proposal and the Lease Agreement are subject to final credit, equipment, and pricing approval by Lessor. This proposal is not intended to address all the legal matters relating to the lease. The lease documentation will represent the final legal agreement and will include non-appropriation language.

**Proposal Expiration:**

1/31/2023

We appreciate your consideration of Vantage Financial and look forward to partnering with you. Please do not hesitate to reach out to me directly with any questions regarding this proposal.

Sincerely,

**Chris Bogie**

Customer Signature: \_\_\_\_\_

Title: \_\_\_\_\_

Date: \_\_\_\_\_

*2-27-24 Overview*

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# Newburyport High School Security Upgrades

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District Wide Security Upgrades  
Bresnahan Elementary  
Nock / Molin School  
Newburyport High School  
Central Office



*2-27-24 Overview*

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# Bresnahan Elementary School Security Upgrades

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- Converting 63 doors to Verkada access-control
- Upgrading existing cameras with Verkada:  
(19 cameras to be upgraded)  
(8 exterior multi sensors added)
- Upgrading 3 existing intercoms to Verkada
- Desk station security upgrades at main office
- Alarm monitoring on all cameras / doors
- Guest management at main office



2-27-24 Overview

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# Nock / Molin School Security Upgrades

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- Converting 53 doors to Verkada access-control
- Upgrading existing cameras with Verkada:  
(43 cameras to be upgraded)  
(8 exterior multi sensors added)
- 12 interior dome cameras were already installed
- Upgrading 3 existing intercoms to Verkada
- Desk station security upgrades Nock/Molin/Central
- Alarm monitoring on all cameras/doors
- Guest management at main office



*2-27-24 Overview*

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# Newburyport High School Security Upgrades

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- Multiple camera upgrades already completed
- Multiple sensor work already completed
- Video intercom upgrades already completed
- Converting 14 doors to Verkada access-control
- Alarm monitoring on all cameras/doors  
Guest management at main office



2-27-24 Overview

## Key Elements of Payment Plan

---

- Utilize remainder ESSER III Funds \$153,597 down payment
- Enter a 7 year payment plan with Vantage Financial
- NPS earmarks \$80,000 - \$100,000 of School Choice Funds each year to fund security upgrades
- Cost of the overall project includes a 10 year licensing fee so all software & firmware updates happen automatically (keeping the security system up-to-date)
  
- Funding source does not impact future operational budgets
- NPS installs all security upgrades at once
- All purchased equipment has a 10 year warranty
- Cameras are high resolution with other security elements
- Door locks can be accessed by computer or cell phones
- Newburyport Police has full access to security upgrades



# MGL: Chapter 30B

## Uniform Procurement Act

- Section 12. (a) Unless otherwise provided by law and subject to paragraph (b), a governmental body may enter into a contract for any period of time which serves the best interests of the governmental body; provided, however, that the procurement officer shall include in the solicitation the term of the contract and conditions of renewal, extension or purchase, if any. The procurement officer shall not enter into a contract unless funds are available for the first fiscal year at the time of contracting. Payment and performance obligations for succeeding fiscal years shall depend on the availability and appropriation of funds.
- (b) Unless authorized by majority vote, a procurement officer shall not award a contract for a term exceeding three years, including any renewal, extension, or option. Such authorization may apply to a single contract or to any number or types of contracts, and may specify a uniform limit or different limits on the duration of any such contracts.



**Attachment A**  
**City of Newburyport Annual Renewal for Seasonal Dock Permit (10A)**

City of Newburyport  
Capt. Paul Hogg  
Harbormaster's Office  
60 Pleasant Street  
Newburyport, MA 01950  
1-978-462-3746  
phogg@cityofnewburyport.com



Effective Year \_\_\_\_\_

Name \_\_\_\_\_ Telephone \_\_\_\_\_

Email \_\_\_\_\_

Permit Address \_\_\_\_\_

City \_\_\_\_\_ State \_\_\_\_\_ Zip Code \_\_\_\_\_

Ramp Length \_\_\_\_\_ Ramp Width \_\_\_\_\_

Number of Floats \_\_\_\_\_ Float Dimensions \_\_\_\_\_

Total Square Feet \_\_\_\_\_ Material \_\_\_\_\_ Floatation \_\_\_\_\_

Number of Moorings \_\_\_\_\_ Type of Mooring \_\_\_\_\_

Weight of Each Mooring \_\_\_\_\_ Number of Boats Tied to Docks \_\_\_\_\_

Date of Last Inspection of Mooring & Chain \_\_\_\_\_

Electrical Service: (YES / NO) If YES what is the service and who handled the installation and inspection? \_\_\_\_\_

Conservation Conditions (As filed with the Harbormaster) \_\_\_\_\_

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

A detailed plan showing the configuration of all floats, moorings, chains, etc. must be submitted with the original application and may not change without approval. An annual fee of \$50.00 is due at the time of application submission. Application and payment are due by July 1 of each calendar year. Failure to meet these requirements will result in a fine of \$250.00 and the suspension of the permit.

Signature \_\_\_\_\_ Date \_\_\_\_\_



**CITY OF NEWBURYPORT**  
**GIFT ACCEPTANCE FORM**

Ordered, that, the City of Newburyport accepts the following gift in accordance with M.G.L. Chapter 44, Section 53A:

Date of Gift:	3/19/2024	
City Department:	DPS – Parks Division	
Staff Contact:	Michael Hennessey, Parks Manager	
<i>Gift Overview</i>		
Gift Type:	In-Kind	
Donor:	The City Improvement Society of Newburyport	
Purpose:	Painting of the Gillis Bridge (Route 1) underpass walls along the rail trail. Scope of work includes preparation, sanding and painting of all three sides of the cement wall at this location, as well as, cleaning of the existing mural per the artists instructions. Donor will make payment to the contractor directly upon completion of job.	
Gift Amount:	\$4,500.00	
<i>For Office Use Only</i>		
City Council Packet Date:	3/25/2024	
Emergency Measure?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No

\_\_\_\_\_  
Councillor Sharif I. Zeid

**In City Council March 25, 2024:**

Motion to collectively refer ORDR00547 and ORDR00548 to Budget & Finance by Councillor Zeid, seconded by Councillor McCauley. Roll call vote, 11 yes, motion passes.



**CITY OF NEWBURYPORT  
GIFT ACCEPTANCE FORM**

Ordered, that, the City of Newburyport accepts the following gift in accordance with M.G.L. Chapter 44, Section 53A:

Date of Gift:	3/19/2024	
City Department:	DPS – Parks Division	
Staff Contact:	Michael Hennessey, Parks Manager	
<i>Gift Overview</i>		
Gift Type:	In-Kind	
Donor:	The City Improvement Society of Newburyport	
Purpose: 1) Care of the Market Square Bullnose flower garden for 2024 season (\$1,681.60). Work includes: <ul style="list-style-type: none"> <li>• Planting - Dragon Wing or surefire Begonias 10 inch pots, White lobularia flowers 4 Inch pots</li> <li>• Monthly Maintenance of Plants- Watering and fertilizing every other day May-September</li> <li>• Mulching</li> <li>• Weeding of cobblestone area around island -Monthly application of approved weed killer (Not Round Up) as well as man hours to pick weeds.</li> </ul> 2) Improvements and cleaning of cobblestones surrounding flowerbed (\$3,500.00). Work includes: <ul style="list-style-type: none"> <li>• By hand remove all dirt and sand in all cobblestone joints in triangle</li> <li>• Remove dirt and sand off site</li> <li>• Supply and sweep in polymeric sand in all joints</li> <li>• Apply water to polymeric sand as needed</li> </ul> The donor will pay the contractors directly.		
Gift Amount:	\$5,181.60	
<i>For Office Use Only</i>		
City Council Packet Date:	3/25/2024	
Emergency Measure?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No

\_\_\_\_\_  
Councillor Sharif I. Zeid

**In City Council March 25, 2024:**

Motion to collectively refer ORDR00547 and ORDR00548 to Budget & Finance by Councillor Zeid, seconded by Councillor McCauley. Roll call vote, 11 yes, motion passes.

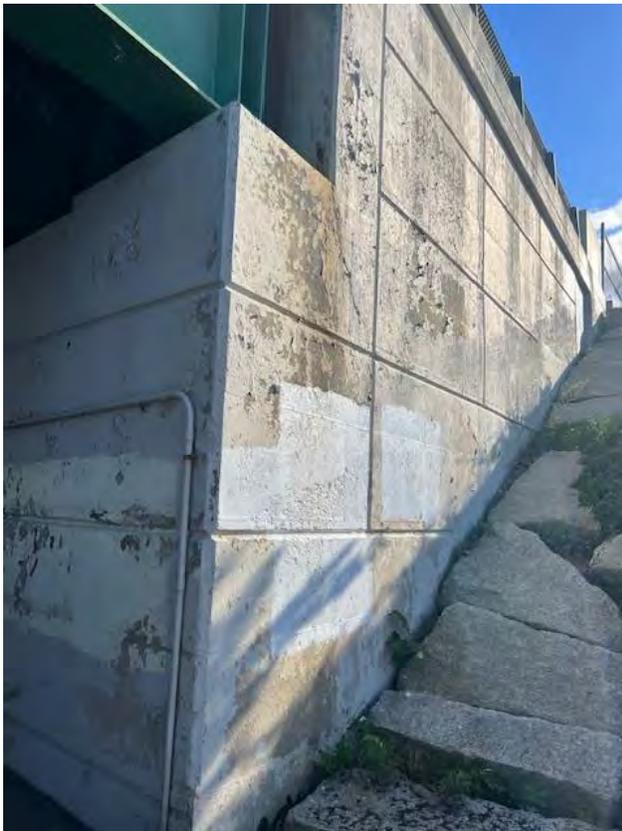
## Scope of Work

Job Site: Rt 1 Bridge underpass at Michaels parking lot

Dated: 03/07/24

### **The following job will entail the following:**

- Washing and scrubbing on mold and mildew build-ups.
- Precision scraping using Sandvik carbide scrapers where deemed necessary.
- Fine sanding, using hand sanding and Festool sanders as needed.
- Full primer coat using Benjamin Moore masonry primer on three sides of underpass. Work to include approx six and a half feet in height on river side and no work done in-between steel girders. Sides of underpass work shall wrap around and up onto the rt1 roadway blocks.
- Final coat using Benjamin Moore high build finish paint on all three sides of concrete.
- Work to be done at prevailing wage set by the state of Massachusetts.





**CITY OF NEWBURYPORT**  
**GIFT ACCEPTANCE FORM**

Ordered, that, the City of Newburyport accepts the following gift in accordance with M.G.L. Chapter 44, Section 53A:

Date of Gift:	3/25/2024	
City Department:	DPS – Parks Division	
Staff Contact:	Michael Hennessey, Tree Warden	
<i>Gift Overview</i>		
Gift Type:	Monetary	
Donor:	Port Parks Alliance	
Purpose:	Restricted donation for planting of two trees at the entrance to Moseley Woods with approval from the Newburyport Tree Commission.	
Gift Amount:	\$800.00	
<i>For Office Use Only</i>		
City Council Packet Date:	3/25/2024	
Emergency Measure?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No

\_\_\_\_\_  
Councillor Sharif I. Zeid

**In City Council March 25, 2024:**

Motion to waive the rules, accept the late files, and refer to their aforementioned committees by Councillor Zeid, seconded by Councillor Donahue. Roll call vote, 11 yes, motion passes.

Newburyport City Council  
60 Pleasant Street Newburyport, MA 01950

RECEIVED  
CITY CLERK'S OFFICE  
NEWBURYPORT, MA

2024 MAR 25 A 8:16

Subject: **Restricted** Donor Gifts from the Port Parks Alliance

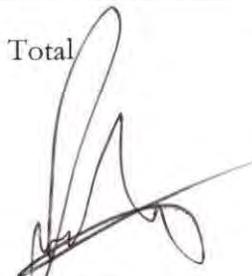
25 March 2024

Dear Councilors,

On behalf of the donors listed below please accept our check (#108) in the amount of \$800.00 in support of Newburyport Parks. This is a restricted contribution for two trees at the entrance to Moseley. Please deposit in City account #29929202-48300. **The trees are for Spring 2024; please expedite processing in City Council.**

Date of Donation	Donor Name/Method	Gift Restriction	Total Amount Given	Fees and PPA Op Expenses	Net Amount sent to City Council
25 Mar	J. McCarthy Saltbox	Moseley	\$825.00	\$25.00	\$800.00

Total \$800.00



Jim McCarthy  
Treasurer  
Port Parks Alliance  
(978) 417-9373



# CITY OF NEWBURYPORT FY 2024 TRANSFER/APPROPRIATION REQUEST

**Department:** Harbormaster

**Submitted by:** Paul Hogg, Harbormaster

**Date Submitted:** 3/25/2024

**Transfer From:**

Account Name:	<u>Harbormaster Retained Earnings</u>	Balance:	<u>\$ 846,187.10</u>
Account Number:	<u>6520-35920</u>	Category:	<u>\$ -</u>
Amount:	<u>\$25,000.00</u>	Trans I/O:	<u>\$ (1,043)</u>

**Why Funds Are Available:**

The Massachusetts Department of Revenue certified Retained Earnings for the Harbormaster Enterprise Fund for FY2024 at \$847,230. These funds are available for any legal expenditure with the approval of the Mayor and a majority vote of the City Council.

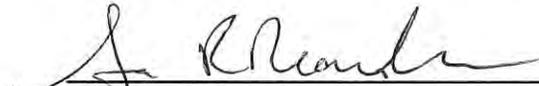
**Transfer To:**

Account Name:	<u>Harbormaster Equipment</u>	Balance:	<u>\$ 5,400.81</u>
Account Number:	<u>652008-58500</u>	Category:	<u>\$ -</u>
Amount:	<u>\$25,000.00</u>	Trans I/O:	<u>\$ -</u>

**Why Funds Are Needed:**

Replacement of a 2012 engine is needed, as the engine has exceeded its life expectancy and is becoming increasingly costly to maintain. The engine is old and unreliable. The department solicited three quotes for this replacement. The quoted amount includes labor and related components for installing a 225-horsepower motor.

Sean R. Reardon, Mayor:



Date:

Ethan R. Manning, Auditor:



Date: 3/19/2024

City Council Action:

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 NEWBURYPORT, MA  
 2024 MAR 19 A 11:56



# CITY OF NEWBURYPORT FY 2024 TRANSFER/APPROPRIATION REQUEST

**Department:** Police  
**Submitted by:** Mark Murray, Marshal **Date Submitted:** 3/25/2024

**Transfer From:**

Account Name:	<u>Police MIS/Communications</u>	Balance:	<u>\$ 14,725</u>
Account Number:	<u>01210008-58501</u>	Category:	<u>\$ 24,234</u>
Amount:	<u>\$6,500.00</u>	Trans I/O:	<u>\$ -</u>

**Why Funds Are Available:**

A surplus exists in this account due to a change in the service connection that is used to access the state's cameras on the shared-use path that spans the Whittier Bridge.

**Transfer To:**

Account Name:	<u>HR Assessment Center</u>	Balance:	<u>\$ 8,500</u>
Account Number:	<u>01152002-53011</u>	Category:	<u>\$ 38,764</u>
Amount:	<u>\$6,500.00</u>	Trans I/O:	<u>\$ -</u>

**Why Funds Are Needed:**

Civil Service municipalities have the option of utilizing an "assessment center" instead of a civil service written examination for police and fire promotions. A list of current centers be found here: <https://www.mass.gov/info-details/sole-assessment-center-examinations>. The FY'24 budget included an appropriation of \$8,500 to cover the cost of approximately one center; an additional \$6,500 is requested to cover a second. These assessment centers will cover upcoming promotion opportunities for police and fire lieutenants and sergeants. The cost is variable based on the number of candidates and the position, however typically ranges \$6,000-\$9,000.

Sean R. Reardon, Mayor:

Date: \_\_\_\_\_

Ethan R. Manning, Auditor:

Date: 3/19/2024

City Council Action:

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 NEWBURYPORT, MA  
 2024 MAR 19 A 11:57

# Committee Items – April 8, 2024

## General Government

### *In Committee:*

- ORDR00544\_03\_11\_2024      Ward 1P Polling Location Change

**CITY OF NEWBURYPORT**



**IN CITY COUNCIL**

**ORDERED:**

March 11, 2024

**WHEREAS**, the current Ward 1P Polling Place is located at the Plum Island Boat House, 300 Northern Boulevard, Newburyport, and

**WHEREAS**, said the Plum Island Boat House has fallen into a state of disrepair causing it to be consistently inaccessible.

**WHEREAS**, the People's United Methodist Church located at 64 Purchase Street is within the boundaries of Ward 1 and is the current State approved Polling Location for Ward 1, and

**WHEREAS**, Amended Article 114 of the Massachusetts Constitution and 950 CMR § 51.00 encourages the fundamental right to vote by improving access for handicapped and elderly individuals to polling places and the voting process, and

**WHEREAS**, the People's Methodist Church has passed the State mandated Polling Place Site Access Survey and approved locally by the ADA Coordinator.

**Now, Therefore, the City Council of the City of Newburyport** hereby states that public accessibility and public safety is better served by moving the Ward 1P polling place located at the Plum Island Boat House, 300 Northern Boulevard, Newburyport to the People's United Methodist Church located at 64 Purchase Street and such move would not have a disparate or adverse impact on access to the polls based on race, national origin, disability, income or age and approves the relocation of the Ward 1P Polling Location from the Plum Island Boat House to the People's United Methodist Church.

---

Councillor Sharif I. Zeid

**In City Council March 11, 2024:**

Motion to refer General Government by Councillor Zeid, seconded by Councillor Shand. Roll call vote, 10 yes, 1 absent (Khan), motion passes.

# MEMO

Date: 2/28/2024

From Sharif Zeid, Ward 1 City Councillor

To: Newburyport City Council

RE: Plum Island Voting location

Dear Councillors,

I am writing to you regarding the Plum Island (Ward 1P) voting location and the attached proposal to change the polling location going forward.

As you know the Boat House located at the point of the island has been used as a voting location for many, many years. The building itself is in significant disrepair and access to it can, at times, be impeded by weather. I was approached by the City Clerk about a year ago to start discussing the future of this building as a voting location. In January of 2024, the Council had to act to move voting to Purchase St. (the longstanding voting location for Ward 1) to ensure everyone could cast their vote.

Before going further, I want to note that the City does own the Boat House building and is responsible for its maintenance and upkeep. The Coast Guard, by agreement, uses the building from time to time for training, etc. Unfortunately, the building has been left with no meaningful maintenance for at least a decade, perhaps longer. At one point, there was potential discussion about leasing the building in some form to a private party, but it never came to fruition. This building and its future are of significant concern to the residents of Plum Island. I mention it in this memo as some residents will inevitably feel that this order is a further abandonment of the property. As a failing capital asset now turned into liability, I hope the building can get some attention in the short term and longer term on behalf of the residents that I represent.

Back to the matter at hand, given that the Boat House has questionable long-term viability, the Clerk and I worked to identify potential other locations and the Clerk then worked to vet out these potential locations.

The general criteria were:

1. Located in the City confines (not legally mandatory but considered favorable)
2. Proximity and accessibility from the island
3. Capacity of the location to handle the additional volume
4. Longevity of the site for voting (stability)
5. Operationally feasible for the Clerk to run elections
6. Approvability by the State

Based on those criteria, here are the locations that were considered:

PITA Hall	Potentially suitable, operationalizable, likely approvable by the State but not located in the City of Newburyport
Audubon building	Within the City, operationalizable but disinterest from the operator of the facility. Unknown longevity if they could be convinced.
The Refuge headquarters (not to be confused with the refuge itself)	Within the City but disinterest from the operator of the facility. Unknown longevity if they could be convinced.

The People's United Church Purchase St.	Within the City. Has been used as a polling location for a longtime for Ward 1 precinct. Approved by the State as a polling location. Not the closest option to PI but accessible. Parking on street available. Utilized for special election in 2024 and worked well.
---	--

Given the factors, the proposed Order was assembled to move the voting to the People's United Church going forward. My hope with the Order is to drive a substantive public process. The need to move the voting location as well as where to move it should be heavily scrutinized by Councillors and, of course, the public. I welcome the conversation.

Respectfully,



Sharif Zeid  
Ward 1 City Councillor

# Committee Items – April 8, 2024

## Licenses & Permits

### *In Committee:*

- APPL00186\_03\_11\_2024 Love Local Newburyport - Runway for Recovery 5/9/2024 3-9pm Inn Street
- APPL00190\_03\_25\_2024 Chamber of Commerce Spring Fest Saturday, May 25<sup>th</sup> & Sunday, 26<sup>th</sup>  
10am-4pm Waterfront Park
- APPL00191\_03\_25\_2024 Chamber of Commerce Car Show Thursday, August 8<sup>th</sup> 5pm-8pm  
State St., Inn St., Pleasant St., Unicorn  
St.
- APPL00192\_03\_25\_2024 Chamber of Commerce Fall Fest 1 Saturday, October 12<sup>th</sup> & Sunday, October 13<sup>th</sup>  
10am-4pm Waterfront Park

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CITY CLERK'S OFFICE  
NEWBURYPORT, MA

# NEWBURYPORT SPECIAL EVENT APPLICATION

Tel. \_\_\_\_\_

Fax. \_\_\_\_\_

2024 MAR -7 A 8:25

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

NAME OF EVENT: Love Local, Newburyport

Date: May 9, 2024 Time: from 3:00 p.m. to 9:00 p.m.

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

2. Location\*: Inn Street

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

3. Description of Property: From the public alley by Bar25 to the shop J. McLaughlin Public  Private \_\_\_\_\_

4. Name of Organizer: Runway for Recovery City Sponsored Event: Yes \_\_\_\_\_ No

Contact Person Olivia Boger

Address: 29 Water Street, Suite 216, Newburyport Telephone: 617-710-2172

E-Mail: olivia@runwayforrecovery.org Cell Phone: 617-710-2172

Day of Event Contact & Phone: 617-710-2172

5. Number of Attendees Expected: 300

6. MA Tax Number: EIN# 11-3822037

7. Is the Event Being Advertised? Yes Where? Email Marketing, Social Media, Posters, Daily News

8. What Age Group is the Event Targeted to? The "Shop/Love for Mom" portion (3-5:30 p.m. will be for kids and parents); The cocktail / speake fundraiser portion for 21+

9. Have You Notified Neighborhood Groups or Abutters? Yes Yes No \_\_\_\_\_, Who? All State Street, Inn Street, and Pleasant Street Businesses

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

A. Vending\*: Food  Beverages \_\_\_\_\_ Alcohol  Goods  Total # of Vendors 5

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

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

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

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

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

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

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

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

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

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

**If yes:**

Mandarava, the food vendor cleans up food and the 90+ Wine Truck cleans up plastic cups, we use trash bins on Inn Street.

- a) How many trash receptacles will you be providing? \_\_\_\_\_
- b) How many recycling receptacles will you be providing? \_\_\_\_\_
- c) Will you be contracting for disposal of : **Trash** Yes \_\_\_\_\_ No  **Recycling** Yes \_\_\_\_\_ No
- i. If yes, size of dumpster(s): **Trash** \_\_\_\_\_ **Recycling** \_\_\_\_\_
- ii. Name of disposal company: **Trash** \_\_\_\_\_ **Recycling** \_\_\_\_\_
- iii. If no, will you remove trash & recycling with organizers' cars or trucks? Yes \_\_\_\_\_ No \_\_\_\_\_
- iv. If no, where will the trash & recycling be disposed ? Mandarava takes care of the food waste

**If no:**

- a) # of trash container(s) to be provided by DPS \_\_\_\_\_
- b) # of recycling container(s) to be provided by Recycling Office \_\_\_\_\_
- c) \$45.00/hr/DPS employee charge must be paid by the organizer to DPS in advance of the event (Fee for Special Events). The hours required for the event will be determined by DPS.

All fees must be paid prior to the event. Check or money order is payable to the City

of Newburyport. E. Portable Toilets: (Each cluster of portable toilets must include at least one ADA accessible toilet)

# \_\_\_\_\_ Standard      # \_\_\_\_\_ ADA accessible

Name of company providing the portable toilets: N/A

# FOR STREET CLOSURE OR ANY USE OF A PUBLIC WAY

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

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

\_\_\_\_\_

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

\_\_\_\_\_

\_\_\_\_\_

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

\_\_\_\_\_

\_\_\_\_\_

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

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

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

\_\_\_\_\_

\_\_\_\_\_

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

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

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

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

11. Additional Parade Information:

• Number of Floats: \_\_\_\_\_

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

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

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

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

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

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

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

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

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

<i>Approval Required</i>	Date: _____	Signature _____
___	1. Special Events: _____	
___	2. Police: _____	
	Is Police Detail Required: _____	# of Details Assigned: _____
___	3. Traffic, Parking & Transportation: _____	
___	4. ISD/Health: _____	
___	5. Recycling: _____	
___	6. ISD/Building: _____	
___	7. Electrical: _____	
___	8. Fire: _____	
	Is Fire Detail Required: _____	# of Details Assigned: _____
___	9. Public Works: <i>Fee for Special Events: \$45/hr/DPS employee for trash handling/staging etc. may apply</i>	
	Yes: \$_____ due on _____	No Fee for Special Events applies
	Other requirements/instructions per DPS _____	
___	10. Parks Department: _____	
___	11. License Commission _____	

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

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

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

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

(c) *Definitions.*

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

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

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

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

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

(d) *Limitations.*

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Signed: 

Date: 2/26/24



# CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)

2/9/2024

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

**IMPORTANT:** If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must have ADDITIONAL INSURED provisions or be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

<b>PRODUCER</b> Eastern Insurance Group LLC 233 West Central St Natick MA 01760	<b>CONTACT NAME:</b> PHONE (A/C, No, Ext): 800-333-7234		FAX (A/C, No): 781-586-8244
	E-MAIL ADDRESS: CSR24CL@easterninsurance.com		
		<b>INSURER(S) AFFORDING COVERAGE</b>	<b>NAIC #</b>
		INSURER A : Philadelphia Indemnity Insurance Company	18058
<b>INSURED</b> Runway For Recovery, Inc. 29 Water Street, Suite 216 Newburyport MA 01950	RUNWFOR-01	<b>INSURER B :</b>	
		<b>INSURER C :</b>	
		<b>INSURER D :</b>	
		<b>INSURER E :</b>	
		<b>INSURER F :</b>	

**COVERAGES**

CERTIFICATE NUMBER: 1897597355

REVISION NUMBER:

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

INSR LTR	TYPE OF INSURANCE	ADDL INSD	SUBR WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS	
A	<input checked="" type="checkbox"/> COMMERCIAL GENERAL LIABILITY <input type="checkbox"/> CLAIMS-MADE <input checked="" type="checkbox"/> OCCUR GEN'L AGGREGATE LIMIT APPLIES PER: <input type="checkbox"/> POLICY <input type="checkbox"/> PRO-JECT <input type="checkbox"/> LOC OTHER:	Y		EV132145	5/9/2024	5/10/2024	EACH OCCURRENCE	\$ 1,000,000
							DAMAGE TO RENTED PREMISES (Ea occurrence)	\$ 300,000
							MED EXP (Any one person)	\$
							PERSONAL & ADV INJURY	\$
							GENERAL AGGREGATE	\$ 3,000,000
							PRODUCTS - COMP/OP AGG	\$ 3,000,000
								\$
	<b>AUTOMOBILE LIABILITY</b> <input type="checkbox"/> ANY AUTO <input type="checkbox"/> OWNED AUTOS ONLY <input type="checkbox"/> SCHEDULED AUTOS <input type="checkbox"/> HIRED AUTOS ONLY <input type="checkbox"/> NON-OWNED AUTOS ONLY						COMBINED SINGLE LIMIT (Ea accident)	\$
							BODILY INJURY (Per person)	\$
							BODILY INJURY (Per accident)	\$
							PROPERTY DAMAGE (Per accident)	\$
								\$
	<b>UMBRELLA LIAB</b> <input type="checkbox"/> OCCUR <b>EXCESS LIAB</b> <input type="checkbox"/> CLAIMS-MADE DED <input type="checkbox"/> RETENTION \$						EACH OCCURRENCE	\$
							AGGREGATE	\$
								\$
	<b>WORKERS COMPENSATION AND EMPLOYERS' LIABILITY</b> ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH) If yes, describe under DESCRIPTION OF OPERATIONS below	Y/N	N/A				PER STATUTE	OTH-ER
							E. L. EACH ACCIDENT	\$
							E. L. DISEASE - EA EMPLOYEE	\$
							E. L. DISEASE - POLICY LIMIT	\$

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (ACORD 101, Additional Remarks Schedule, may be attached if more space is required)  
 The City of Newburyport as an additional insured.

**CERTIFICATE HOLDER****CANCELLATION**

City of Newburyport  
 60 Pleasant Street  
 Newburyport MA 01950

SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS.

AUTHORIZED REPRESENTATIVE

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One Day All  
Alcohol/Wine &  
Malt License  
**ONE-24-8**

Your Submission  
Attachments  
Guests (0)

- ✔ Application Review
- ✔ Fire Department
- ✔ **Police Department**
- ✔ One Day Alcohol License
- ▶ Licensing Board Approval
- One Day License

## Police Department

✔ **Complete.** This inspection was completed on Feb 14, 2024 at 12:53pm.



**Olivia Boger**

Feb 14, 2024 at 1:52 pm

Sounds great — I'll reach out to you via email. What is the best one to use?



**Richard Siemasko**

Feb 14, 2024 at 12:53 pm

Approved, a detail officer will be required. Please contact me to arrange that.

**Ask a question about this**

Send Message

**City of  
Newburyport, MA**

**Your Profile**

Your Records  
(/dashboard/records)

**Resources**

Search for  
Records (/search)

Claim a Record  
(/claimRecord)

Employee Login  
(<https://newburyportma.workflow.opengov.com/employee-login>)

Portal powered by **OpenGov**



RECEIVED  
CITY CLERK'S OFFICE  
NEWBURYPORT, MA

# NEWBURYPORT SPECIAL EVENT APPLICATION

Tel.

Fax.

2024 MAR -7 P 5:54

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

NAME OF EVENT: GNCCL Spring Fest

Date: May 25th & 26th Time: from 10am to 4pm (both days)

Rain Date: NO RAIN DATE Time: from \_\_\_\_\_ to \_\_\_\_\_

2. Location\*: Waterfront Park

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

3. Description of Property: Vendors at Waterfront Park Public  Private \_\_\_\_\_

4. Name of Organizer: Newburyport Chamber of Commerce City Sponsored Event: Yes \_\_\_\_\_ No

Contact Person Sarah Motzkin

Address: 19 Inn St, Newburyport Telephone: \_\_\_\_\_

E-Mail: events@newburyportchamber.org Cell Phone: 617-771-4431

Day of Event Contact & Phone: Sarah Motzkin 617-771-4431

5. Number of Attendees Expected: around 2k throughout the day

6. MA Tax Number: 83-2884007

7. Is the Event Being Advertised? Yes Where? emails, social media, website

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

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

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

A. Vending\*: Food  Beverages \_\_\_\_\_ Alcohol  Goods  Total # of Vendors 50

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

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

Performers \_\_\_\_\_ Dancing \_\_\_\_\_ Amplified Sound \_\_\_\_\_ Stage \_\_\_\_\_ NO Stage

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

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

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

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

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

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

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

N/A

**If yes:**

- a) How many trash receptacles will you be providing? 2-3
- b) How many recycling receptacles will you be providing? 2-3
- c) Will you be contracting for disposal of : **Trash** Yes \_\_\_\_\_ No X **Recycling** Yes \_\_\_\_\_ No X
- i. If yes, size of dumpster(s): **Trash** \_\_\_\_\_ **Recycling** \_\_\_\_\_
- ii. Name of disposal company: **Trash** \_\_\_\_\_ **Recycling** \_\_\_\_\_
- iii. If no, will you remove trash & recycling with organizers' cars or trucks? Yes X No \_\_\_\_\_
- iv. If no, where will the trash & recycling be disposed ? arranged w/ Newburyport Development

**If no:**

- a) # of trash container(s) to be provided by DPS \_\_\_\_\_
- b) # of recycling container(s) to be provided by Recycling Office \_\_\_\_\_
- c) \$45.00/hr/DPS employee charge must be paid by the organizer to DPS in advance of the event (Fee for Special Events). The hours required for the event will be determined by DPS.

All fees must be paid prior to the event. Check or money order is payable to the City

of Newburyport. E. Portable Toilets: (Each cluster of portable toilets must include at least one ADA accessible toilet)

# \_\_\_\_\_ Standard # \_\_\_\_\_ ADA accessible on location already

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

NO Road  
Closures

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

PARADE \_\_\_\_\_

ROAD RACE \_\_\_\_\_

WALKATHON \_\_\_\_\_

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

\_\_\_\_\_

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

\_\_\_\_\_

\_\_\_\_\_

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

\_\_\_\_\_

\_\_\_\_\_

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

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

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

\_\_\_\_\_

\_\_\_\_\_

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

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

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

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

11. Additional Parade Information:

• Number of Floats: \_\_\_\_\_

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

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

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

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

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

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

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

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

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

<i>Approval Required</i>	Date: _____	Signature _____
___	1. Special Events:	_____
___	2. Police:	_____
	Is Police Detail Required:	_____ # of Details Assigned: _____
___	3. Traffic, Parking & Transportation:	_____
___	4. ISD/Health:	_____
___	5. Recycling:	_____
___	6. ISD/Building:	_____
___	7. Electrical:	_____
___	8. Fire:	_____
	Is Fire Detail Required:	_____ # of Details Assigned: _____
___	9. Public Works: <i>Fee for Special Events: \$45/hr/DPS employee for trash handling/staging etc. may apply</i>	
	Yes: \$ _____ due on _____	No Fee for Special Events applies
	Other requirements/instructions per DPS _____	
___	10. Parks Department:	_____
___	11. License Commission	_____

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

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

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

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

(c) *Definitions.*

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

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

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

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

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

(d) *Limitations.*

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

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

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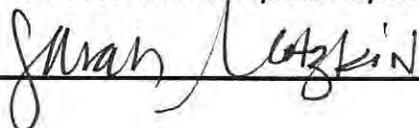
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**I fully understand and agree to all the terms set forth in this application. The information that I have provided is truthful and accurate. I accept all responsibility related to this event.**

Signed: \_\_\_\_\_



Date: \_\_\_\_\_

1-15-24



# Waterfront Park Spring Fest 2024 Vendor Placement

THIS EVENT IS RAIN or SHINE!

**SHOW HOURS:**

May 25th - 26th

**Saturday & Sunday Hours:**

Vendors: 10am to 4pm

**VENDOR SET-UP TIMES:**

SATURDAY May 25th - 7am to 9:30am

All Vendors must be set-up by or Before 10am on Saturday May 25th

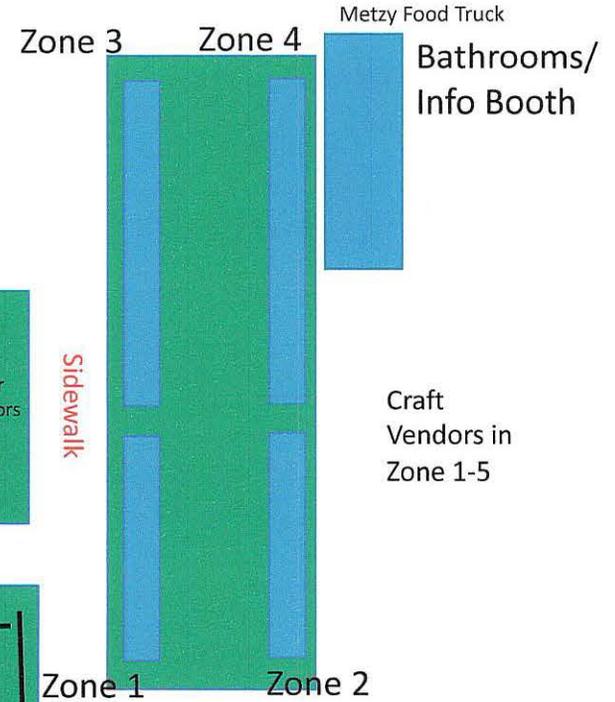
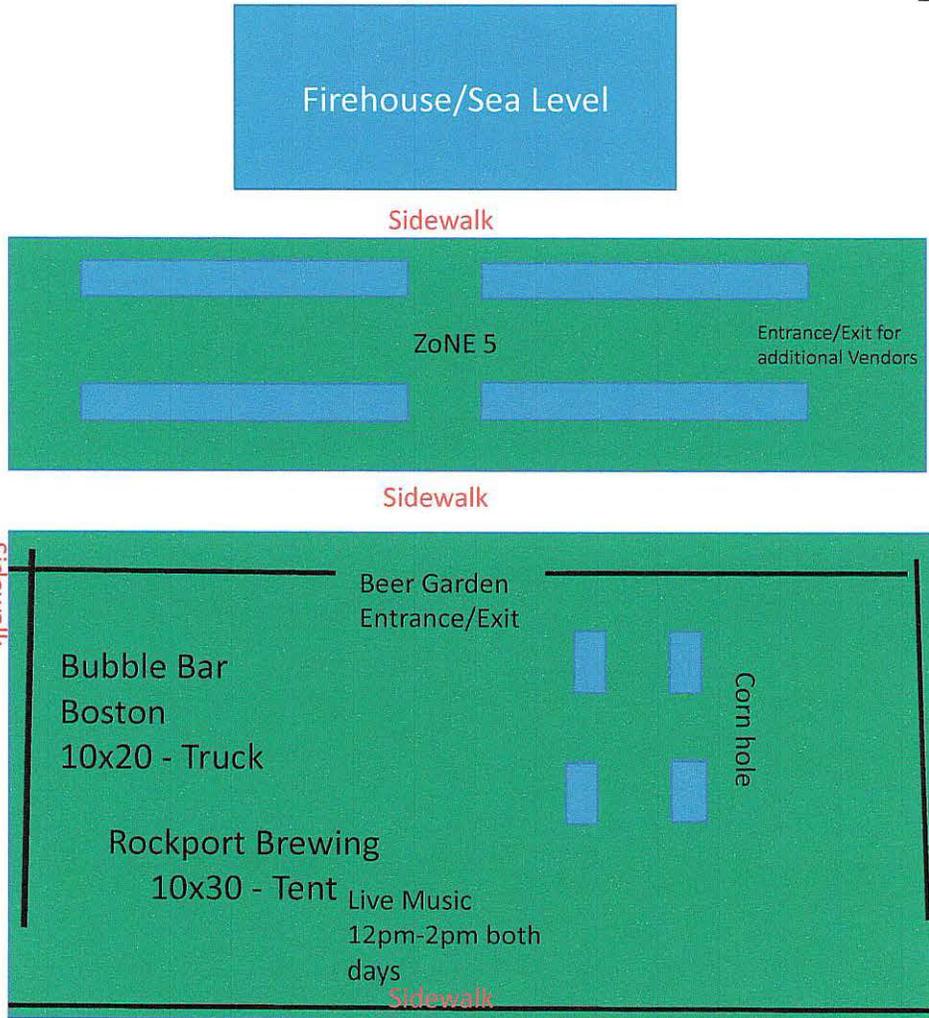
**VENDOR BREAKDOWN TIMES:**

Sunday 4pm to 6pm. No later.

Black Line around here is roped off area for Beer Garden

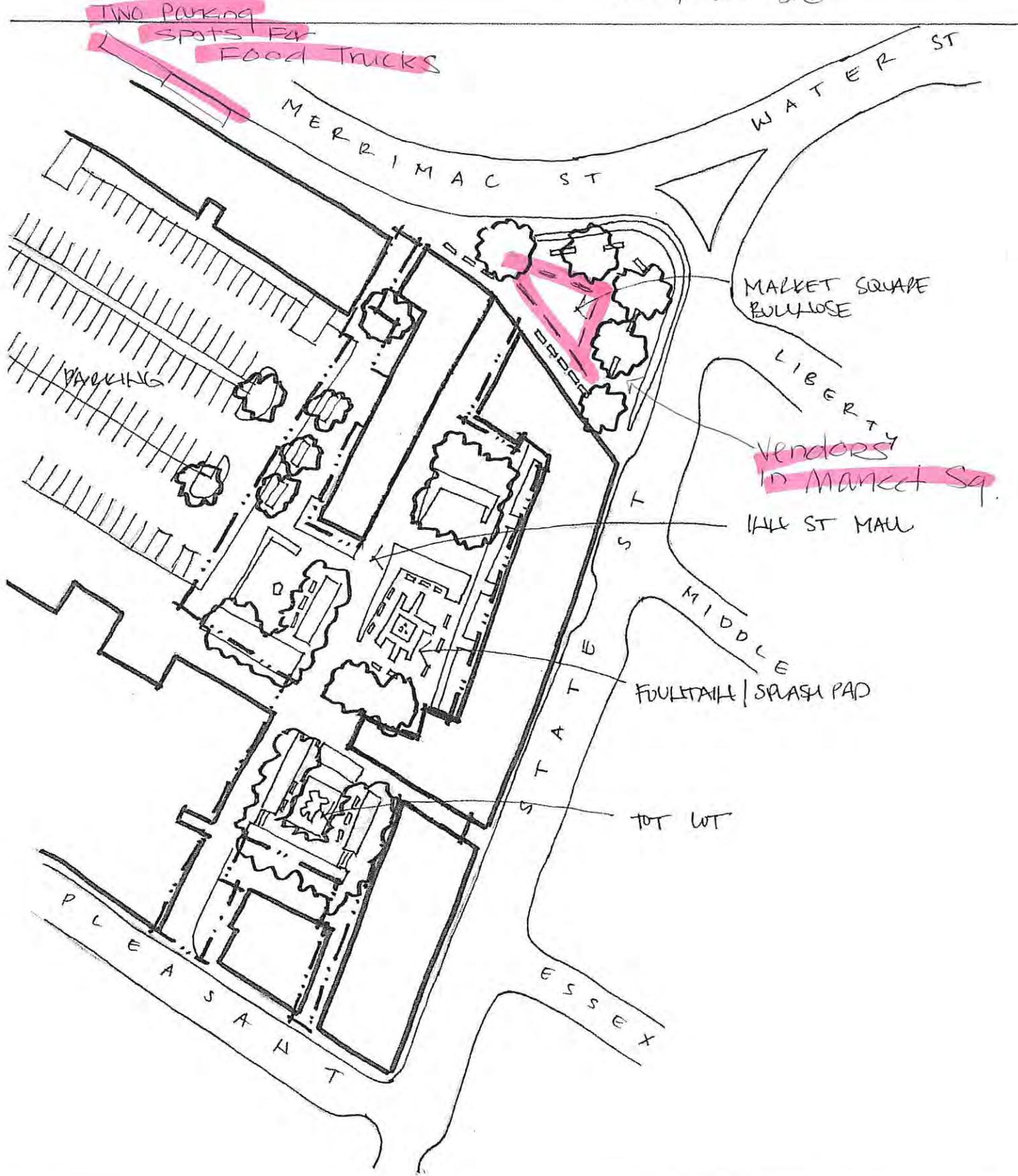
River →

Merrimac St. →



Zone 1-5 = vendors

Spring Fcst  
May 25-26



MARKET SQUARE &  
11th STREET

# NEWBURYPORT SPECIAL EVENT APPLICATION

RECEIVED  
CITY CLERK'S OFFICE  
NEWBURYPORT, MA

Tel.

Fax.

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

2024 AUG - 7 12 5: 51

NAME OF EVENT: car show

Date: Aug 8th Time: from 5pm to 8pm

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

2. Location\*: State St, Inn St, Pleasant St, Unicorn St.

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

3. Description of Property: Vintage cars / vendors Public  Private \_\_\_\_\_

4. Name of Organizer: Newburyport Chamber of Commerce City Sponsored Event: Yes \_\_\_\_\_ No

Contact Person

Address: 19 Inn St. Telephone: \_\_\_\_\_

E-Mail: events@newburyportchamber.org Cell Phone: 617-771-4431

Day of Event Contact & Phone: \_\_\_\_\_

5. Number of Attendees Expected: around 10k throughout the evening

6. MA Tax Number: 83-2884007

7. Is the Event Being Advertised? Yes Where? emails, social media, website, Flyers

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

9. Have You Notified Neighborhood Groups or Abutters? Yes \_\_\_\_\_ No  Who? will notify those that are needed

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

A. Vending\*: Food \_\_\_\_\_ Beverages \_\_\_\_\_ Alcohol  Goods  Total # of Vendors 10

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

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

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

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

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

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

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

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

N/A

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

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

**If yes:**

- a) How many trash receptacles will you be providing? \_\_\_\_\_
- b) How many recycling receptacles will you be providing? \_\_\_\_\_
- c) Will you be contracting for disposal of : **Trash** Yes \_\_\_\_\_ No \_\_\_\_\_ **Recycling** Yes \_\_\_\_\_ No \_\_\_\_\_
  - i. If yes, size of dumpster(s): **Trash** \_\_\_\_\_ **Recycling** \_\_\_\_\_
  - ii. Name of disposal company: **Trash** \_\_\_\_\_ **Recycling** \_\_\_\_\_
  - iii. If no, will you remove trash & recycling with organizers' cars or trucks? Yes \_\_\_\_\_ No \_\_\_\_\_
  - iv. If no, where will the trash & recycling be disposed ? \_\_\_\_\_

**If no:**

- a) # of trash container(s) to be provided by DPS provided on streets
- b) # of recycling container(s) to be provided by Recycling Office \_\_\_\_\_
- c) \$45.00/hr/DPS employee charge must be paid by the organizer to DPS in advance of the event (Fee for Special Events). The hours required for the event will be determined by DPS.

All fees must be paid prior to the event. Check or money order is payable to the City

of Newburyport. E. Portable Toilets: (Each cluster of portable toilets must include at least one ADA accessible toilet)

# \_\_\_\_\_ Standard      # \_\_\_\_\_ ADA accessible

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

\*Please see Map for Street Closures

FOR STREET CLOSURE OR ANY USE OF A PUBLIC WAY

CAR SHOW

PARADE \_\_\_\_\_

ROAD RACE \_\_\_\_\_

WALKATHON \_\_\_\_\_

1. Name of the Group or Person Sponsoring the Road Race, Parade, Walkathon: CAR SHOW  
Newburyport Chamber of Commerce

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

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

DPS

4. Date of Event: Aug 8, 2024 Expected Number of Participants: 10K

5. Start Time: 5pm Expected End Time: 8pm

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

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

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

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

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

11. Additional Parade Information:

- Number of Floats: \_\_\_\_\_
- Locations of Viewing Stations: \_\_\_\_\_
- Are Weapons Being Carried: Yes \_\_\_\_\_ No \_\_\_\_\_
- Are Marshalls Being Assigned to Keep Parade Moving: Yes \_\_\_\_\_ No \_\_\_\_\_

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

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

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

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

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

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

<i>Approval Required</i>	Date: _____	Signature _____
___	1. Special Events: _____	_____
___	2. Police: _____	_____
	Is Police Detail Required: _____	# of Details Assigned: _____
___	3. Traffic, Parking & Transportation: _____	_____
___	4. ISD/Health: _____	_____
___	5. Recycling: _____	_____
___	6. ISD/Building: _____	_____
___	7. Electrical: _____	_____
___	8. Fire: _____	_____
	Is Fire Detail Required: _____	# of Details Assigned: _____
___	9. Public Works: <i>Fee for Special Events: \$45/hr/DPS employee for trash handling/staging etc. may apply</i>	_____
	Yes: \$ _____ due on _____	No Fee for Special Events applies
	Other requirements/instructions per DPS _____	_____
___	10. Parks Department: _____	_____
___	11. License Commission _____	_____

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

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

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

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

(c) *Definitions.*

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

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

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

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

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

(d) *Limitations.*

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(e) *Enforcement.*

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

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

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

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

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

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

Signed: \_\_\_\_\_

*Jarvan Kotzkin*

Date: \_\_\_\_\_

1-15-24

# Cruisin the 50's Car Show - 2024

## Timeline

12:00pm: Chamber Employee meet at Market Square with walkies and clipboards

Nate Allard

Sarah Motzkin

Cori Stevens

Jacob Hoffman

12:30pm: Volunteers meet in Market Square for set up directions

Dennis Palazzo

Tracey Glynn

Liv Collette

Maddie Duval

2:00pm: Roads officially closed and volunteers put out cones/blockades on all sides of streets

(Cones/blockades provided by DPS ahead of time at each location)

2:00-3:00pm: Sponsors/Vendors arrive and set up at their location

3:00pm: Classic Cars begin to arrive

4:00pm:

5:00pm: Show officially opens to the public and band performs

5:00pm-6:00pm: Second shift of volunteers arrive

8:00pm: End of Show! Cars have one hour to exit for streets to reopen at 9:00pm

9:00pm: Streets re-open to the public

#### Notes about Streets/Parks

- The following roads and parks will close at 2:00pm sharp and re-open to the public at 9:00pm
- The cars participating in the show are instructed to enter downtown Newburyport by following Green Street to Merrimac Street to Market Square to State Street. Check-in for car is Market Square
- Band will be playing at Tracey Park from 5:00pm-8:00pm

#### Market Square

- 6/8 Vendors will be set up with tables and tents

#### Temple Street

- If anyone lives on Temple Street they can drive to their home
- People asking how to leave Temple Street can cut through the Newburyport Bank lot to Charter Street
- Prince Place residents are permitted but to cut across. Need to nifty PD and volunteer across the street

#### Essex Street

- Guests of the Essex Street Inn can drive down Essex Street but cannot turn onto State Street
- Please advise residence and hotel guests that they may only exit by cutting through the TD Bank lot

#### Liberty at Center Street

- No cars are to enter the show from Liberty Street

#### End of Harris at State Street

- Please help cars turning from Harris Street safely avoid pedestrians when turning on to State Street. Most will turn into Harris Street lot of Institution for Saving

#### Prince Place

- Please make a path for residence crossing from Temple to Prince Place

#### Harris Street at Park

- This is a very busy intersection that is for residence/local traffic only and not to be a cut through to avoid downtown
- Classic cars may enter Green Street and have been instructed to do so as they are being parked at Institution for Savings and the State/Harris lot
- VERY Important to limit traffic to residents returning home or classic cars because we want to prevent vehicles from turning on to State due to the number of pedestrians on State Street.

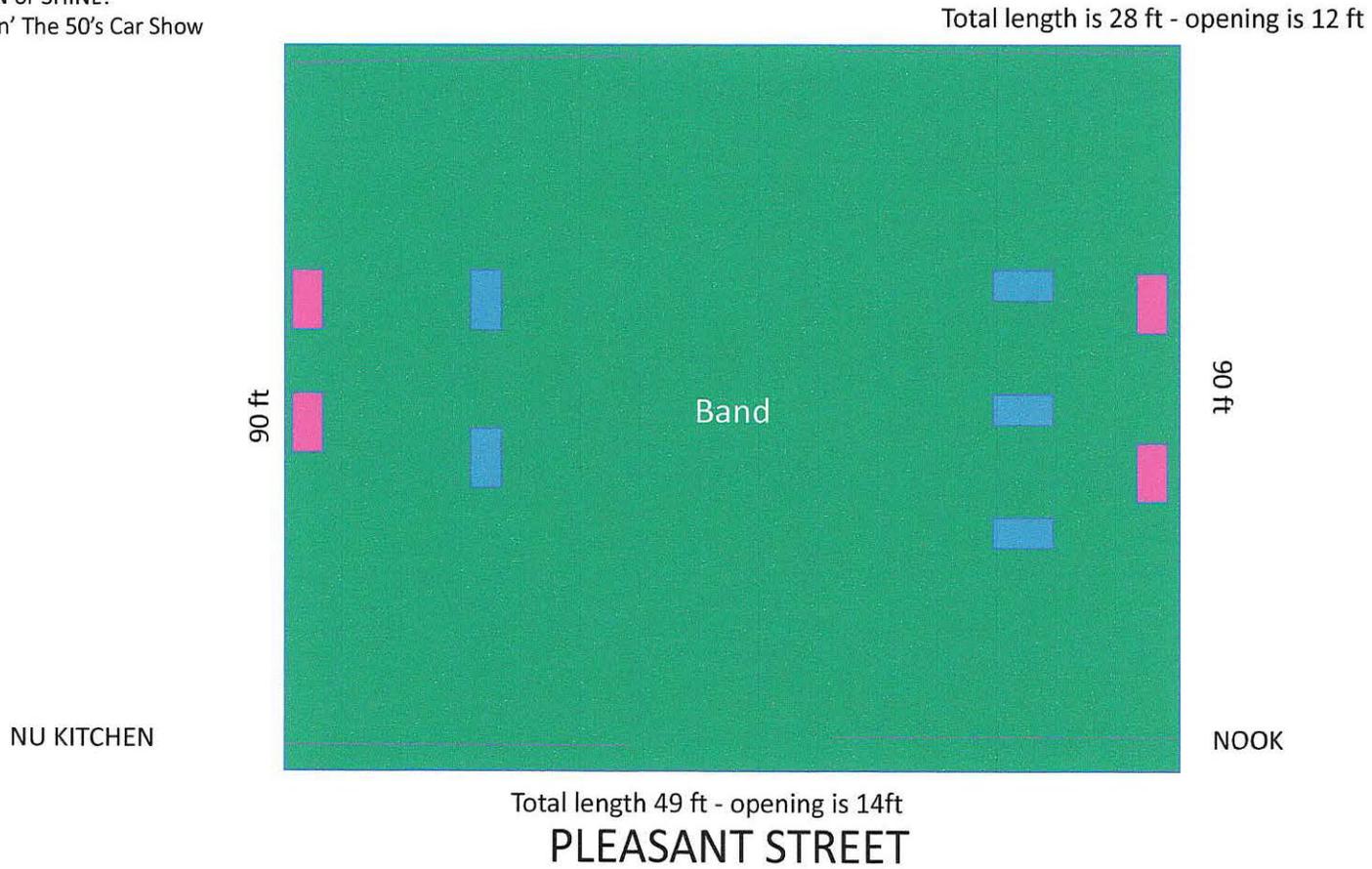


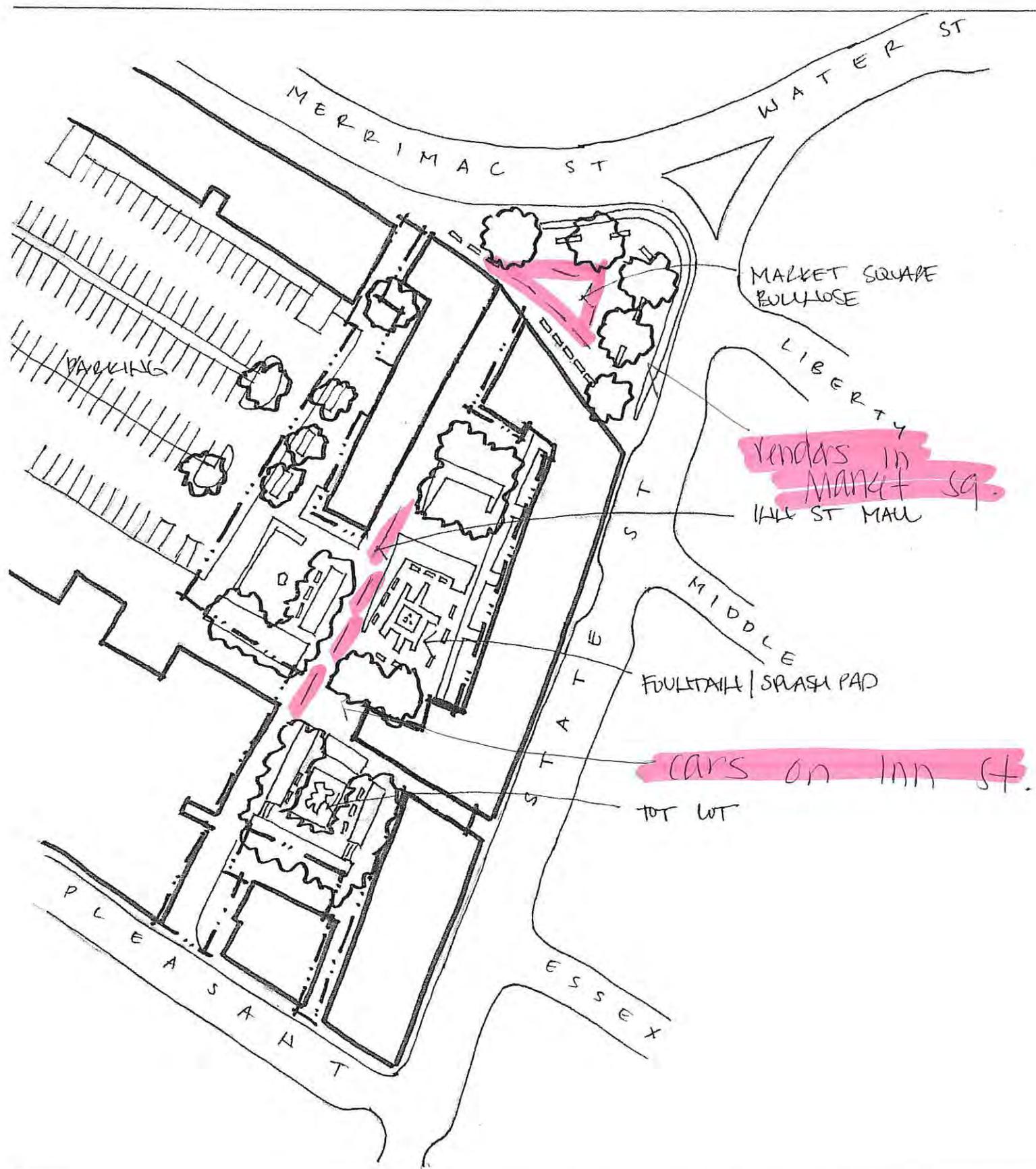
# Tracy's Place Car Show 2023

THIS EVENT IS RAIN or SHINE!  
11th Annual Cruisin' The 50's Car Show

SHOW HOURS:  
Aug 8th  
5pm-8pm

-Blue Rectangles are Table - There are five that seat 4  
-Pink Rectangles are benches

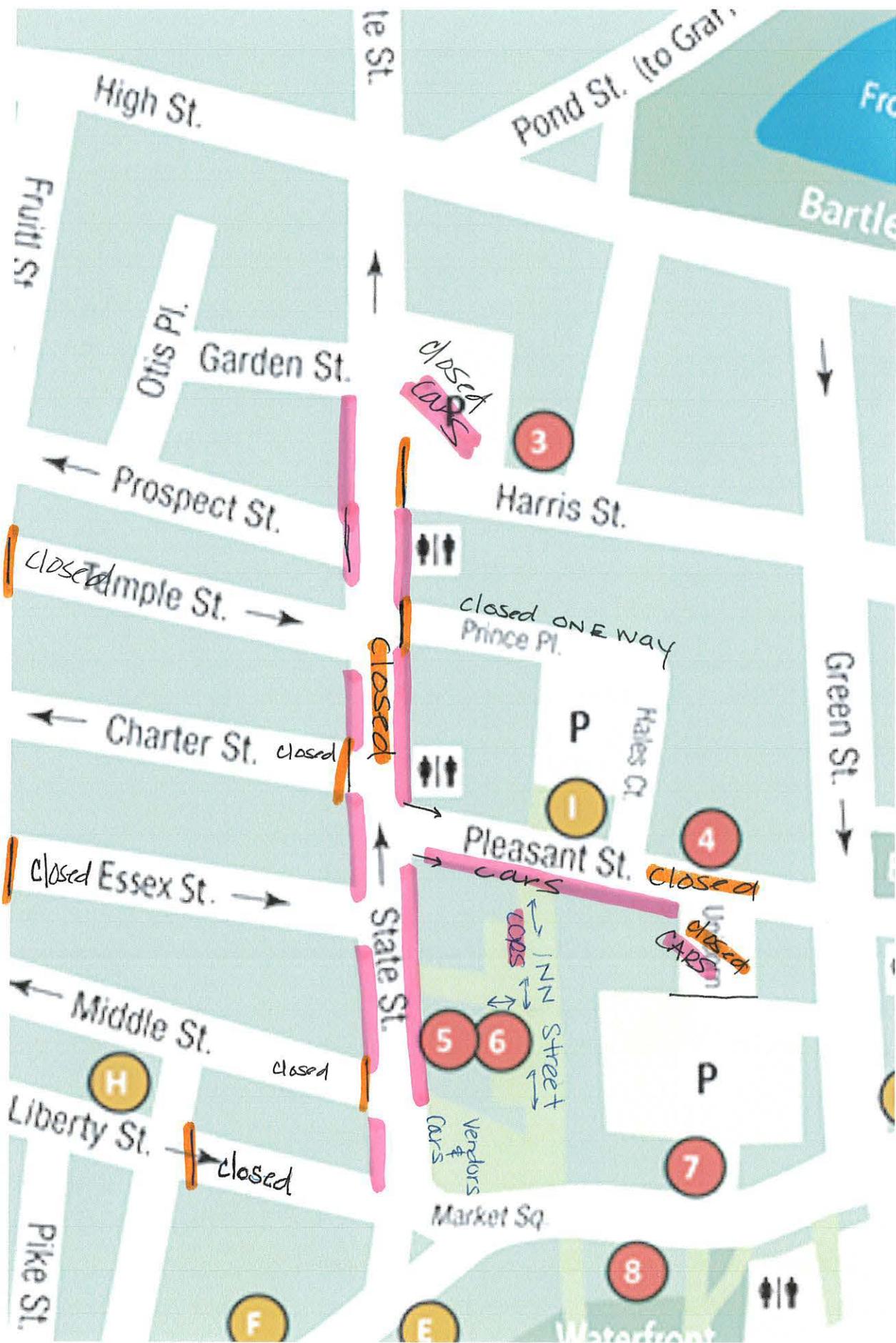




MARKET SQUARE & INN STREET

 = cars

 = Street closed



**NEWBURYPORT SPECIAL EVENT APPLICATION**

RECEIVED  
CITY'S OFFICE  
NEWBURYPORT, MA

Tel.

Fax.

2024 MAR -7 P 5:54

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

NAME OF EVENT: GNCCI Fall Fest

Date: Oct 12th & 13th Time: from 10am to 4pm (both days)

Rain Date: No Rain Date Time: from \_\_\_\_\_ to \_\_\_\_\_

2. Location\*: Waterfront Park

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

3. Description of Property: Vendors at Waterfront Park Public  Private \_\_\_\_\_

4. Name of Organizer: Newburyport Chamber of Commerce City Sponsored Event: Yes \_\_\_\_\_ No

Contact Person Sarah Motzkin

Address: 19 Inn St, Newburyport Telephone: \_\_\_\_\_

E-Mail: events@newburyportchamber.org Cell Phone: 617-771-4431

Day of Event Contact & Phone: Sarah Motzkin 617-771-4431

5. Number of Attendees Expected: around 2k throughout the day

6. MA Tax Number: 83-2884007

7. Is the Event Being Advertised? Yes Where? emails, social media, website

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

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

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

A. Vending\*: Food  Beverages \_\_\_\_\_ Alcohol  Goods  Total # of Vendors 50

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

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

Performers \_\_\_\_\_ Dancing \_\_\_\_\_ Amplified Sound \_\_\_\_\_ Stage \_\_\_\_\_ No Stage

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

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

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

Address: \_\_\_\_\_ N/A

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

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

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

**If yes:**

- a) How many trash receptacles will you be providing? 2-3
- b) How many recycling receptacles will you be providing? 2-3
- c) Will you be contracting for disposal of : **Trash** Yes \_\_\_\_\_ No  **Recycling** Yes \_\_\_\_\_ No
- i. If yes, size of dumpster(s): **Trash** \_\_\_\_\_ **Recycling** \_\_\_\_\_
- ii. Name of disposal company: **Trash** \_\_\_\_\_ **Recycling** \_\_\_\_\_
- iii. If no, will you remove trash & recycling with organizers' cars or trucks? Yes  No \_\_\_\_\_
- iv. If no, where will the trash & recycling be disposed ? arranged w/ NBPT Dev.

**If no:**

- a) # of trash container(s) to be provided by DPS \_\_\_\_\_
- b) # of recycling container(s) to be provided by Recycling Office \_\_\_\_\_

c) \$45.00/hr/DPS employee charge must be paid by the organizer to DPS in advance of the event (Fee for Special Events). The hours required for the event will be determined by DPS.

All fees must be paid prior to the event. Check or money order is payable to the City

of Newburyport. E. Portable Toilets: (Each cluster of portable toilets must include at least one ADA accessible toilet)

# \_\_\_\_\_ Standard      # \_\_\_\_\_ ADA accessible

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

NO  
Road Closures

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

PARADE \_\_\_\_\_

ROAD RACE \_\_\_\_\_

WALKATHON \_\_\_\_\_

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

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

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

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

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

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

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

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

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

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

11. Additional Parade Information:

• Number of Floats: \_\_\_\_\_

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

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

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

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

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

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

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

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

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

<i>Approval Required</i>	Date: _____	Signature _____
___	1. Special Events: _____	_____
___	2. Police: _____	_____
	Is Police Detail Required: _____	# of Details Assigned: _____
___	3. Traffic, Parking & Transportation: _____	_____
___	4. ISD/Health: _____	_____
___	5. Recycling: _____	_____
___	6. ISD/Building: _____	_____
___	7. Electrical: _____	_____
___	8. Fire: _____	_____
	Is Fire Detail Required: _____	# of Details Assigned: _____
___	9. Public Works: <i>Fee for Special Events: \$45/hr/DPS employee for trash handling/staging etc. may apply</i>	_____
	Yes: \$ _____ due on _____	No Fee for Special Events applies
	Other requirements/instructions per DPS _____	_____
___	10. Parks Department: _____	_____
___	11. License Commission _____	_____

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

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

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

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

(c) *Definitions.*

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

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

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

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

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

(d) *Limitations.*

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

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

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

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

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

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

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

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

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

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

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

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

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

(e) *Enforcement.*

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

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

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

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

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

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

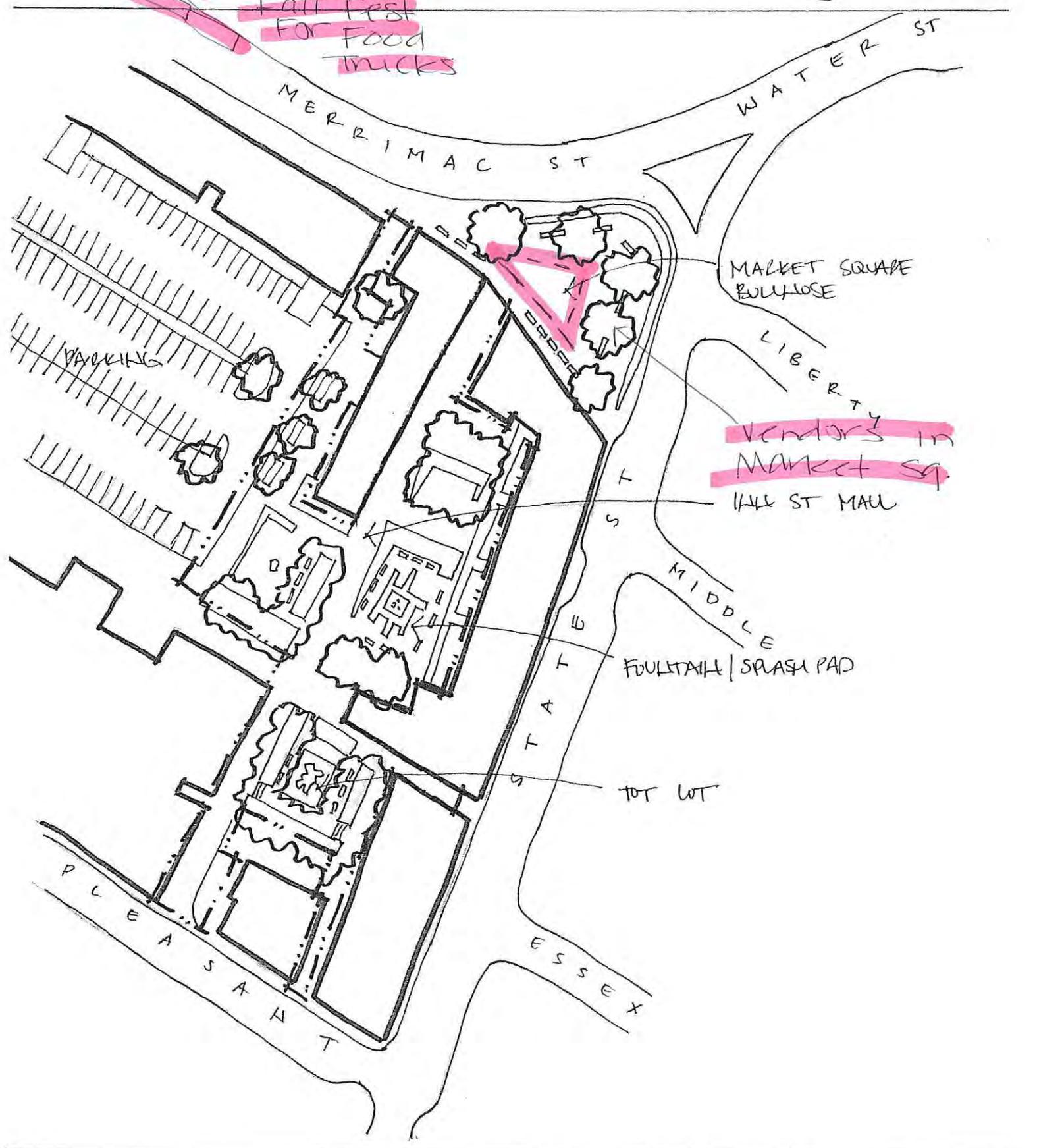
Signed: Juan Nietzkin

Date: 1-15-24



Fall Fest  
Oct 12-13

Two spots  
Blocked for  
Fall Fest  
for food  
trucks



MARKET SQUARE  
BULLDOSE

Vendors in  
Market Sq  
Hill St Mall

FOULTAILH / SPASH PAD

TOT LOT

MARKET SQUARE &  
HILL STREET

Waterfront Park  
 October Fall Fest  
 2024

Vendor Placement  
 THIS EVENT IS RAIN or SHINE!

SHOW HOURS:

Oct 12th - 13th

**Saturday & Sunday Hours:**

Vendors: 10am to 4pm

VENDOR SET-UP TIMES:

SATURDAY Oct 12th - 7am to 9:30am

All Vendors must be set-up by or Before  
 10am on Saturday Oct 12th

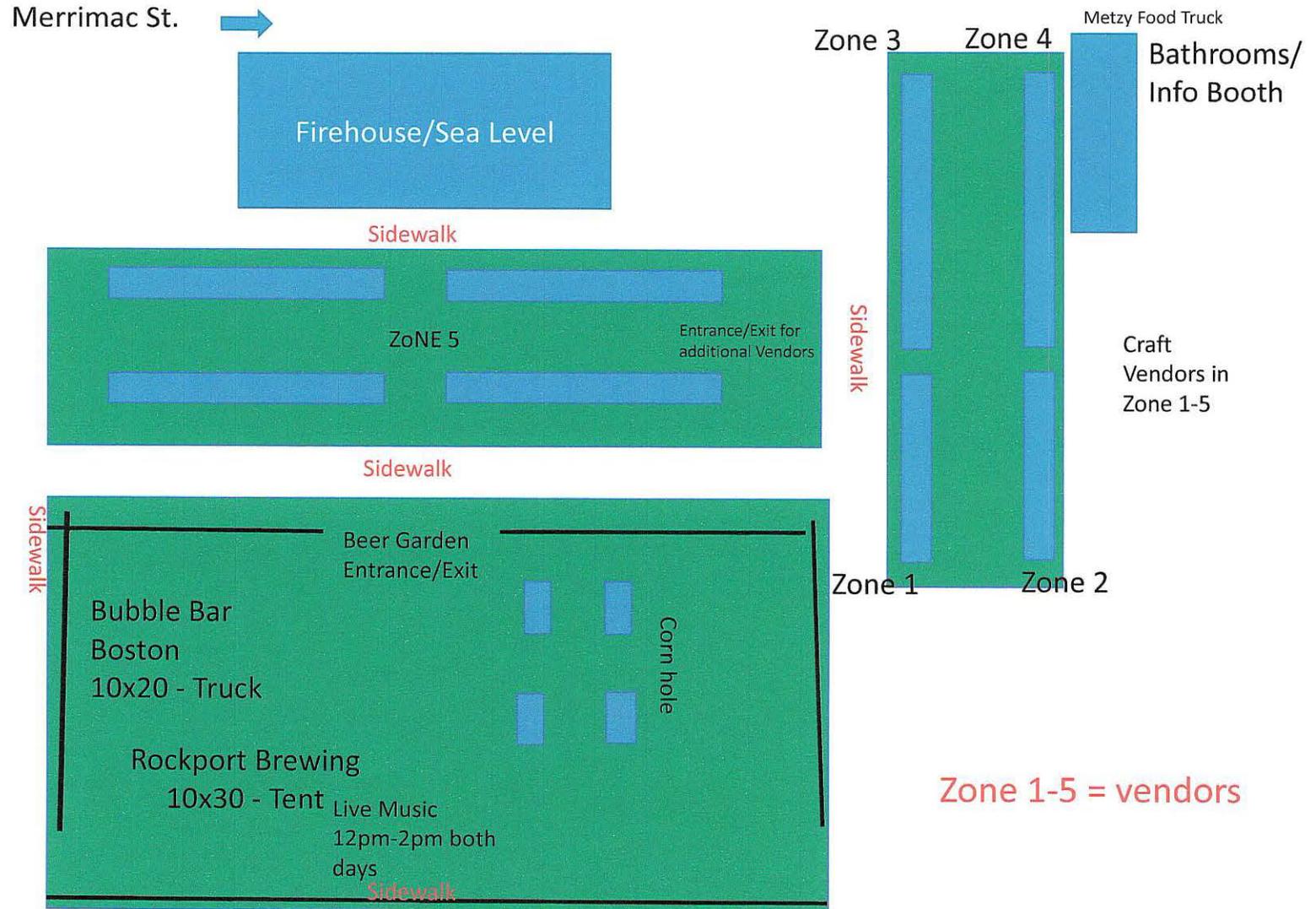
VENDOR BREAKDOWN TIMES:

Sunday 4pm to 6pm. No later.

Black Line around here is  
 roped off area for Beer  
 Garden

River →

Merrimac St. →



Zone 1-5 = vendors





CITY OF NEWBURYPORT

OFFICE OF THE MAYOR

SEAN R. REARDON, MAYOR

RECEIVED  
CITY CLERK'S OFFICE  
NEWBURYPORT, MA

2024 MAR 11 P 12:29

60 PLEASANT STREET - P.O. BOX 550

NEWBURYPORT, MA 01950

978-465-4413 PHONE

MAYOR@CITYOFNEWBURYPORT.COM

To: President and Members of the  
City Council

From: Sean R. Reardon, Mayor

Date: March 25, 2024

Subject: Appointment

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I hereby appoint, subject to your approval, the following named individual as a member of the Conservation Commission. This term will expire on May 1, 2027.

Barbara Riley, CSP  
12 Riverview Drive  
Newburyport, MA 01950

A handwritten signature in black ink that reads 'Sean R. Reardon'.

# Barbara Riley, CSP

BRiley@RileyEHS.onmicrosoft.com • 12 Riverview Drive, Newburyport, MA 01950 • 617-840-0363  
#RileyEHS • [Riley EHS Consulting Services LLC](#)

## Objective

Seeking a role in a forward thinking, diverse oriented, Non-Profit agency or municipal organization that will value and effectively utilize my extensive background in environmental, health & safety; consulting services; program/project development, management, and implementation; property management/real estate; volunteerism; and personal outdoor recreational experiences to promote and support climate change resiliency, land conservation and stewardship.

## Education

1984 University of Vermont, Burlington, VT – B.S. Geology

1994 University of Massachusetts, Lowell, MA – M.S. Environmental Studies

## Experience

### **Owner/Principal**

Riley EHS Consulting Services LLC, Newburyport, MA

Oct 2022 – Present

Barb started Riley EHS Consulting Services LLC after retirement with the goal to work on occasional projects that will encourage, enhance, and support risk-based approaches and continuous improvement programs to drive environmental, health and safety regulatory compliance, injury prevention/reduction, and sustainable solutions. Barb enjoys supporting business teams at all levels (global, regional, local) and for diverse-minded, inclusive organizations. Barb also supports land conservation, non-profits, and homeowner associations.

### **Program Director, EHS**

Environmental Strategies & Management, Norton & Newburyport, MA

May 2017 – Jul 2022

Barb developed and grew the EHS consulting division from scratch and managed projects for industrial/manufacturing, commercial, real estate developers, and attorneys. Specialized in injury prevention and risk reduction, EHS compliance, EHS management systems, remediation/brownfields, decommissioning, and supporting ESG. Established and managed teams (in house and external) to meet customer needs.

Barb also became an embedded consultant for Boston Scientific, working directly for the Global EHS Director. In this role, she helped develop, manage, train, and execute Global EHS compliance programs. During the pandemic, when on-site audits became impossible, she established the audit schedule and



conducted virtual site audits through TEAMS sessions with EHS teams globally. She became familiar and worked within their EHS Management Systems, often training sites new to platforms. Barb helped develop global standards and guidance/tools to support strategic goals, continuous process improvement activities, business acquisitions and EHS integration, and helped decommission sites. She participated in Global Operations calls as a team member and supported sites across the globe with compliance needs.

**Director/Leader, Environmental, Health & Safety**

General Electric (GE)-Aviation, Lynn, MA

Jan 2013 - May 2017

Barb was the director/leader for all EHS activities at one of the largest and complex manufacturing facilities in New England involving machining (CNC, manual lathes, rotating equipment, punch presses, EDM, grinding etc.), assembly & testing of aircraft engines, a power plant along Saugus River, and a logistics organization.

Barb was responsible for strategic planning & goal setting, EH&S management systems (Gensuite, GE Framework, OSHAs Voluntary Protection Program) injury & illness metrics/dashboards, safety teams, training, permit compliance, union leader interactions and EHS management communications and the successful implementation and maintenance of a wide range of EH&S programs, risk reduction measures, continuous improvement activities. The site operated under a Title V permit, was a Large Quantity Generator, had a complex National Pollution Discharge Elimination System (NPDES) permit, and local permits for industrial and sewage discharges and Barb was responsible for overseeing environmental permit applications and compliance for these programs.

She managed EH&S compliance and injury reduction activities through a team of program managers (direct and dotted line EHS Coordinators and union elected representatives), safety teams and consultants to meet business objectives. She analyzed EH&S performance metrics and communicated trends and business requirements and initiatives to the entire site using a variety of methods (routine meetings with Site Management, business leaders, EHS Teams, shop floor walks, internal and external audits and email). She also worked collaboratively with four Unions (Local 201 being the largest) to drive injury reduction programs, risk assessment and mitigation controls, and effective controls strong to achieve regulatory compliance. She conducted annual perception surveys and strategy sessions with individual organizations across the site and held numerous teaming events and action workouts and followed up with the implementation of corrective action items to improve EHS culture and compliance.

**Leader Remediation Programs, Facility & Environmental Engineering**

GE Aviation- Lynn, MA

Jan 1997 - Jan 2013

Barb was responsible for strategic planning, successful development and implementation of all programs involving soil and groundwater remediation, industrial building demolition, facility construction, energy savings, and environmentally sensitive waterfront projects (ie. tank and landfill closures, steam trestle removal, riverbank revetment). Her program territory included GE facilities in Lynn (250-acre manufacturing complex and about 20 satellite properties); Everett (350,000 sq. ft. building and 42 acres), Saugus Landfill (12 acres), and Medford (two industrial buildings and 12 acres). She worked with several regulatory agencies (MADEP, EPA, OSHA, USACOE, USCG, etc.) and within applicable regulations (i.e., to MCP, NCP, RCRA, TSCA) to complete countless projects across these facilities and in sensitive environments. She managed all cleanups, restorations, easements, access agreements, subdivisions, community involvement and ultimately the sale of numerous properties.

## Barbara Riley, CSP

• • •

Barb managed these activities through the development, management, and support of her coworkers, a variety of EHS consultants and contractors, and an outsourced facility engineering project management group (CH2M Hill). She worked tirelessly to engage all business, local, and community stakeholders to ensure success for any given project. She managed scope, schedule, and budgets (capital and expense) ranging up to \$20 Million in any given year and ensured construction safety, and EH&S compliance while doing so.

### Project Manager

Groundwater Technology & Fluor Daniel

Oct 1989 - Jan 1997

Account manager for several petroleum and industrial clients and Project Manager for several site assessment and remediation projects. Main focus was on installation, operation, and management of groundwater remediation and treatment solutions. Managed community involvement in certain cases.

### Staff Geologist

Wehran Engineering

1985-1989

Conducted field work (drilling/monitoring well installation; soil, sediment, and groundwater collection; geophysics surveys; and research under a MADEP contract (Mass FIT/ SARRS) and for a variety of industrial and landfill clients.

## Skills

### Certifications/Licenses/Training

- Certified Safety Professional (CSP-35763) & Associate Safety Professional (ASP-29465)
- ISO Certifications/deemed competent by BSI:
  - 14001:2015 Lead Auditor Training Course
  - 45001:2018 Lead Auditor Training Course
  - 19011:2018 Management Systems Auditing & Leading Management Systems Audit Teams
- Real Estate License (9555929)
- MA Licensed Site Professional & Continuing Education – (LSP# 4587, 1997-2013, Expired)
- RCRA and DOT Certified 1999 -2016
- Qualified Individual Training Certification -33 CFR 154.1026 OSHA HAZWOPER (since 1995)
- OSHA's VPPA Special Govt. Employee Training-2015
- OSHA 30 Hr. Construction Safety & Health -2009 and OSHA 40 Hr. HAZWOPER (1985) with 8-hr annual refreshers until 2021
- Proficient in Microsoft 365 and a variety of EHS Compliance & Management Systems

## Volunteerism

- President- Rappatak Home Site Owners Association ((2022-2023)
- GE Aviation Volunteer Council- Environmental Lead (15 years)
- Corporate Wetlands Restoration Partnership- Secretary (4 years)
- Project Leader- City of Lynn Annual Earth Day Park Clean-ups (15 years); My Brothers Table, Lynn, MA– Coordinator and volunteer (13 years), Saugus River Watershed Council projects,

Barbara Riley, CSP



Coast Sweeps cleanups, Lynn Housing shelter painting projects, MA Audubon-invasive species removal, The Food Project.

- Cyclist/fundraiser/Team Captain for special causes: Cancer (Pan Mass Challenge-25 years (>\$215,000), Homeless (Emmaus House ~ 15 years), Environment (Essex County Greenbelt, Maine Bike Coalition), and other health-oriented fundraisers (Diabetes, Parkinson's, MS).
- Merrimack River Watershed Council- Supported former Director.
- Appalachian Mountain Club member since 2007. Nature Conservancy since 2018. Also support Essex County Greenbelt Assoc. MA Audubon, Trustees of Reservation.

# CITY OF NEWBURYPORT



## IN CITY COUNCIL

ORDERED:

March 11, 2024

AN ORDINANCE TO AMEND CHAPTER 5 BUILDINGS AND BUILDING REGULATIONS

**CHAPTER 5 BUILDINGS AND BUILDING REGULATIONS**  
**ARTICLE III BUILDING CONSTRUCTION STANDARDS**  
**SEC. 5 – 65 ~~STRETCH~~ SPECIALIZED ENERGY CODE**

THAT the City Council of the City of Newburyport hereby amends Chapter 5 Buildings and Building Regulations, Article III Building Construction Standards by amending Section 5-65 to the City of Newburyport Code of Ordinances as follows, with deletions ~~double-stricken through~~ and in bold, and additions double-underlined and in bold:

~~5-65-1. Adoption. The City of Newburyport has adopted the provisions of 780 CMR 120.AA (i.e., Appendix 120.AA of the State Building Code or the "Stretch Energy Code"), as may be amended from time to time, in place of the provisions set forth under 780 CMR 13.00, 34.00, 61.00 and 93.00.~~

~~5-65-2. Purpose. The purpose of the Stretch Energy Code shall be to provide the city with a more energy efficient alternative to the base energy code otherwise set forth under the State Building Code.~~

5-65.1 Purpose

The purpose of the Specialized Energy code 225 CMR 22.00 and 23.00 including Appendices RC and CC, also referred to as the Specialized Energy Code is to provide a more energy efficient and low greenhouse gas emissions alternative to the Stretch Energy Code or the baseline Massachusetts Energy Code, applicable to the relevant sections of the building code for both new construction and existing buildings with the goal of achieving net Zero greenhouse gas emissions from the buildings sector no later than 2050. §

### 5-65.2 Definitions

- a. International Energy Conservation Code (IECC) – The International Energy Conservation Code (IECC) is a building energy code created by the International Code Council. It is a model code adopted by many state and municipal governments in the United States for the establishment of minimum design and construction requirements for energy efficiency, and is updated on a three-year cycle. The baseline energy conservation requirements of the MA State Building Code are the IECC with Massachusetts amendments, as approved by the Board of Building Regulations and Standards and published in state regulations as part of 780 CMR.
- b. Specialized Energy Code – Codified by the entirety of 225 CMR 22 and 23 including Appendices RC and CC, the Specialized Energy Code adds residential and commercial appendices to the Massachusetts Stretch Energy Code, based on amendments to the respective net-zero appendices of the International Energy Conservation Code (IECC) to incorporate the energy efficiency of the Stretch energy code and further reduce the climate impacts of buildings built to this code, with the goal of achieving net-zero greenhouse gas emissions from the buildings sector no later than 2050.
- c. Stretch Energy Code - Codified by the combination of 225 CMR 22 and 23<sup>1</sup>, not including Appendices RC and CC, the Stretch Energy Code is a comprehensive set of amendments to the International Energy Conservation Code (IECC) seeking to achieve all lifecycle cost-effective energy efficiency in accordance with the Green Communities Act of 2008, as well as to reduce the climate impacts of buildings built to this code. The stretch energy code was previously codified in 780 CMR appendix 115.aa, prior to the passage of the 2021 Act Creating a Next-generation Roadmap for Massachusetts Climate Polity (2021 Climate Act).

### 5-65.3 Applicability

This energy code applies to residential and commercial buildings.

### 5-65.4 Specialized Code

The Specialized Code, as codified by the entirety of 225 CMR 22 and 23 including Appendices RC and CC, including any future editions, amendments, or modifications, is herein incorporated herewith.

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<sup>1</sup> Note: The Stretch energy code was previously codified in 780CMR appendix 115.aa, prior to the passage of the 2021 Act Creating a Next-generation Roadmap for Massachusetts Climate Policy (2021 Climate Act). The 2021 Climate Act transferred authority for promulgation of the Stretch energy code to the Department of Energy Resources

The Specialized Code is enforceable by the inspector of buildings or building commissioner.

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Councillor Afroz K. Khan

**In City Council March 11, 2024:**

Motion to refer Planning & Development and COTW by Councillor McCauley, seconded by Councillor Harman. Roll call vote, 10 yes, 1 absent (Khan), motion passes.



## CITY OF NEWBURYPORT SUSTAINABILITY OFFICE

NEWBURYPORT CITY HALL

60 PLEASANT STREET  
TEL: 978-499-0413

NEWBURYPORT, MA 01950

### MEMORANDUM

TO: City Council President Edward Cameron and Members

FROM: Molly M. Ettenborough  
Sustainability Manager  
Michael Strauss  
Chairman, Energy Advisory Committee

CC: Sean R. Reardon, Mayor  
Andrew Levine, Chief of Staff  
Greg Earls, Building Commissioner  
Andrew Port, Director of Planning and Development

RE: Specialized Opt-In Stretch Code

Federal, state, and municipal governments have all made commitments to become net zero. In general terms that means that all energy use for building heating and cooling, electric plug loads, and transportation, will not add to greenhouse gas emissions in the atmosphere. The general plan from the federal and state government is to convert all energy use to electricity and green up the electric supply. Much of the work converting to electricity is at the local level, while converting the grid to renewable and non-greenhouse gas emitting sources is up to the state and federal governments. Currently, the ISO New England electric supply is 52% non-carbon emitting power. The percentage will increase over time.

Buildings heating and cooling are responsible for roughly one third of all greenhouse emissions. It is an important step for building codes to require buildings to use electricity for their HVAC systems or make sure they are wired for conversion, as it is less expensive to do this initially than to completely retrofit a building later.

The Specialized Opt-in Stretch code provides a tool for municipalities to encourage construction of electric buildings while maintaining consumer choice. With the Specialized Opt-in Stretch code in place, cities may focus their efforts on converting older buildings safe in the knowledge that new buildings will be energy efficient and either electric or easily converted to it.

The Specialized Opt-in Stretch code only applies to new construction and additions over 1000 square feet. For these additions, it only applies to the new space. The code does not require the existing space to be upgraded. The Specialized Opt-in Stretch code does not apply to renovations if they conform to the original footprint.

There are two pathways to conform to the Specialized Opt-in Stretch code. The first is the all-electric pathway. If the building is built with all electric utilities: heating, cooling, hot water, clothes dryer, and cooking, then nothing additional needs to be done above the current building code in the City of Newburyport.

The one exception is large multifamily buildings over 12,000 square feet. They need to have slightly higher energy efficiency than the current building code. This means better insulation, doors, windows, and air management.

The second pathway is mixed fuel. If the builder chooses to use fossil fuels for any part of the energy use, then additional requirements kick in. All building classes must be prewired for electricity. This means there must be panel capacity to handle all electric utilities and there must be wiring in place to get the electricity to appropriate places in the house. In addition, all building classes must have solar panels to offset at least some of the greenhouse gas emissions of the fossil fuels used, unless there is shading making it unfeasible or if it is a large multifamily (>12,000 square feet) because they will likely have heating and cooling units on the roof. Finally, all building classes except small homes (<4,000 square feet) will need to be constructed to a higher energy efficiency.

This two-pathway approach makes it easy for builders to plan and understand the consequences of their building choices. It is also straight forward for local building departments to implement. The State of Massachusetts DOER has determined that the total cost of ownership is less for new all-electric homes than for mixed fuel costs when one factors in the savings from incentives for electric operation and the differential in energy costs.

#### ADDITIONAL INFORMATION RESOURCES RELATED TO ALL-ELECTRIC HOMES

[Text of warrant article 31 and motion](#)

[Slide deck used for webinars](#)

[Cost advantages of electric heat pumps \(slides\)](#)

#### 1. Cost & practicality

[It's Time to Rewire America and Electrify Everything](#) (3 minute video)

[The largest city in the U.S. bans natural gas in new buildings](#) (NYC, 12/2021)

Electric heating & cooling

- [Air Source Heat Pump Buying Guide](#)
- [Cost comparison calculator on Efficiency Maine website](#)
- [The Economics of Electrifying Buildings](#)

Electric cooking

- [NYT article - "The Case for Induction Cooking"](#)
- [Blog post - Induction vs Electric Cooktop](#)
- [How the Fossil Fuel Industry Convinced Americans to Love Gas Stoves](#)

Electric water heaters

- [Your Guide to Heat Pump Water Heaters](#)

Financial incentives for heat pumps, water heaters, insulation, solar panels, EVs

- [Summary list with links](#)

Other information about sustainable living

- [LincolnGreenEnergy.org](#)

## 2. Connections to state-wide policy

The 2021 climate act (Next-Gen/Roadmap Act)

- [“What You Need To Know About The New Mass. Climate Law”](#)
- [MAPC summary](#)

Similar motions passed by other towns:

- [Acton](#) (articles 13 and 14)
- [Arlington](#) (motion described, with link to it)
- [Brookline](#) (article 21)
- [Concord](#) (article 31)
- [Lexington](#) (article 29)

Pending general home rule legislation: [H.2167](#) and [S.1333](#)

Net zero stretch code development

- [February 2022 DOER proposal](#)
- [Related state webpage](#)
- [Net Zero Building Alliance comprehensive comment letter](#)
- 

## 3. The urgency of climate change

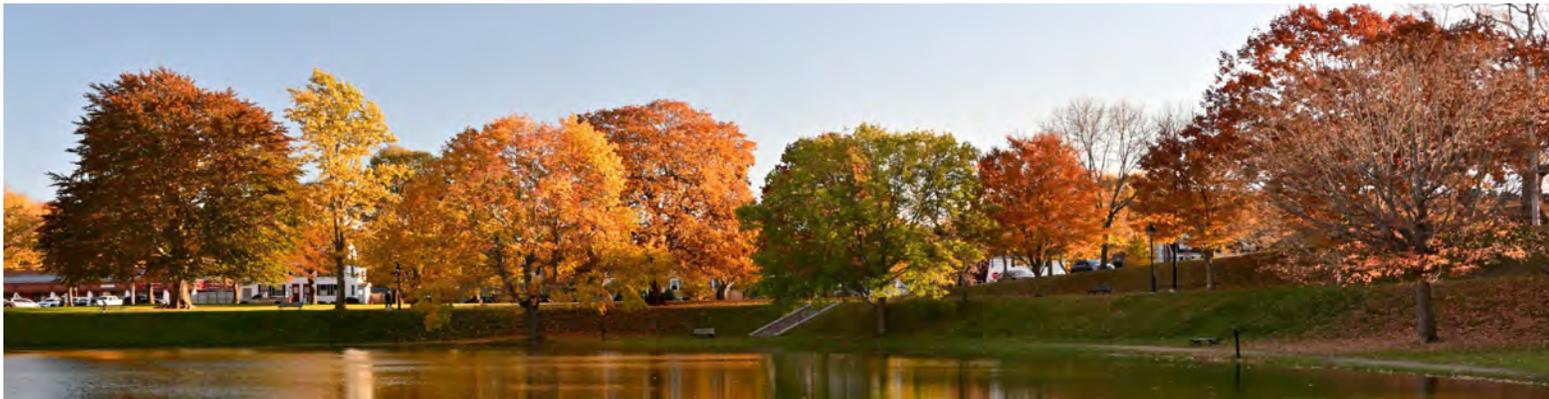
- [“In a World on Fire, Stop Burning Things”](#) (Bill McKibben in [The New Yorker](#), 3/18/22)
- [Deloitte Report: Inaction on Climate Change Could Cost the US Economy \\$14.5 Trillion by 2070](#)
- [Climate change: a threat to human wellbeing and health of the planet. Taking action now can secure our future](#) (2/28/22 press release from the Intergovernmental Panel on Climate Change (“IPCC”))

## 4. Interested in retrofitting?

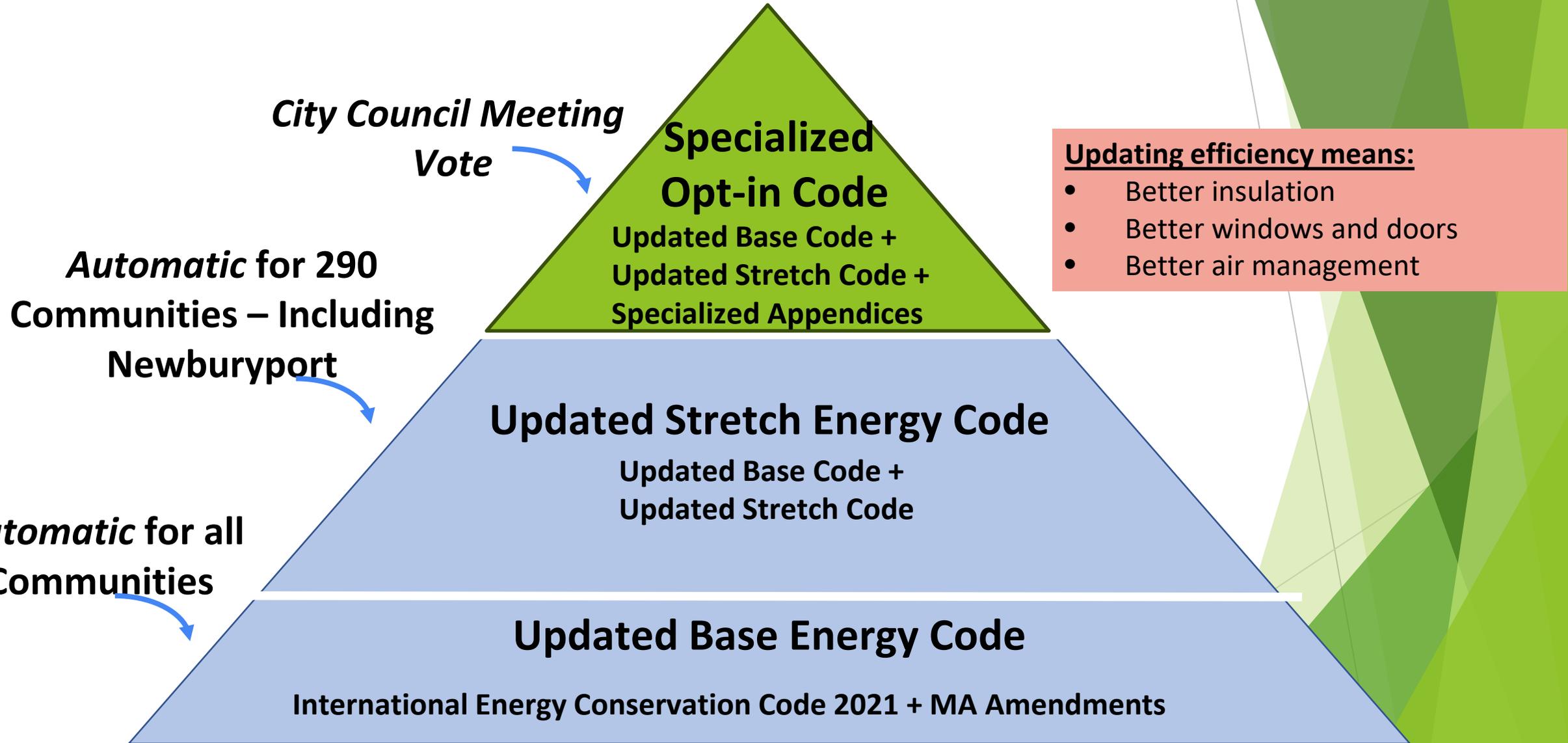
- [View the Videos of the ‘Home Electrification Series: A Step-by-Step Guide to Switching off Fossil Fuels and Going Electric in Your Home’](#)
- See also items under “Cost & Practicality”, above

# MA Specialized Opt-In Code Presentation

Newburyport City Council Meeting - February 26, 2024

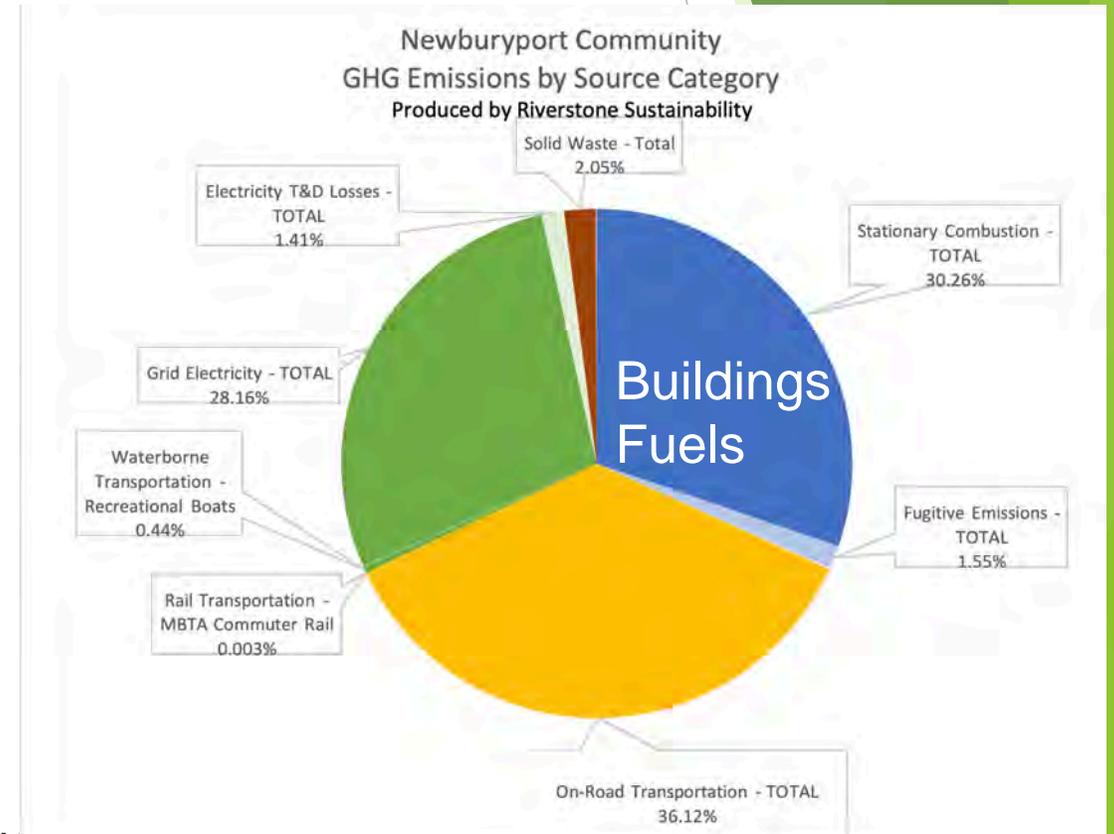


# MA Energy Codes Updated in Jan 2023



# Why Specialized Opt-In Code

- ▶ Net Zero Commitments
  - ▶ Master Plan
  - ▶ Energy Road Map
  - ▶ C40 Agreement
- ▶ Buildings are ~1/3 of our carbon footprint
  - ▶ Need to reduce this
- ▶ Our Net Zero Plan
  - ▶ Go electric (our job)
    - ▶ Buildings
    - ▶ Transportation
  - ▶ Green up the grid (state and feds job)
- ▶ The electricity grid is decarbonizing
  - ▶ 52% non-carbon sources (ISO New England)
  - ▶ Increase over time
- ▶ Specialized Opt-In Code
  - ▶ New construction will be electric or electric ready
- ▶ 31 Communities in MA have adopted it so far

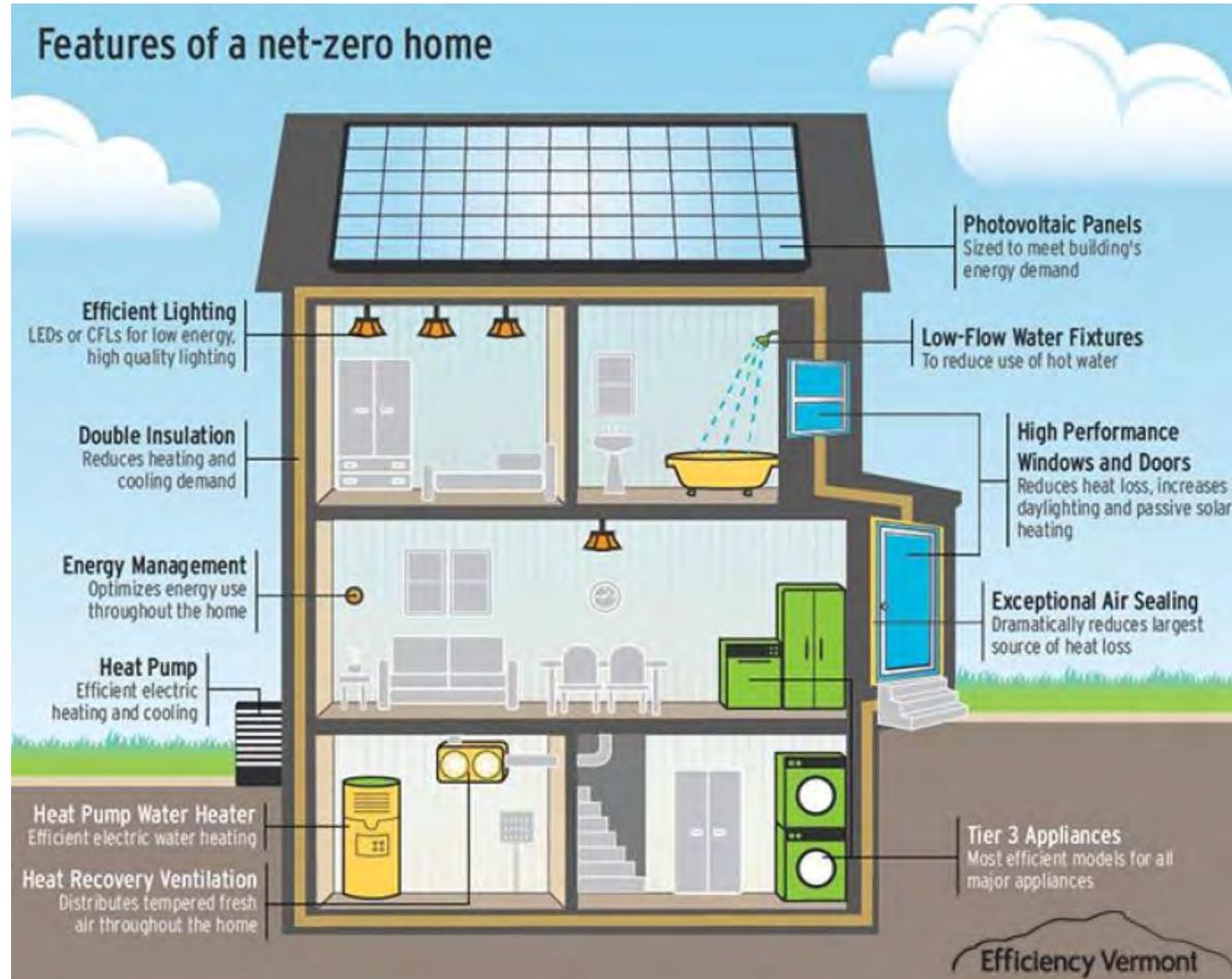


# Adopting the Specialized Opt-In Code



- Applies to **NEW** construction only.
  - Additions (>1000sqft) **NOT** original structure
  - Renovations are exempt
- **NOT** more efficient than stretch code, unless:
  - Large single family (>4000 sqft) & uses fossil fuels
  - Large multi-family (>12,000 sqft)
- Electric ready
  - Consumer choice in heating and cooling
  - Future proof: rewiring and panel capacity
- Encourages all-electric buildings:
  - Less \$ to build and operate
  - Healthier to live in
- New buildings: ready to meet MA climate goals
  - Per MA Dept. of Energy Resources

# What Does an Energy Efficient Home Look Like?



## 2 Pathways for New Construction

	<u>All Electric</u> Heating, Cooling, Hot Water, Clothes Dryer, Stove	<u>Mixed Fuel</u> Some Fossil Fuels
Residential <4000sqft 	NO additional requirements over stretch code	Pre-wire for electric Solar unless shaded
Residential >4000sqft 	NO additional requirements over stretch code	Pre-wire for electric Solar Higher energy efficiency
Multifamily >12,000sqft 	Higher energy efficiency	Pre-wire for electric Higher energy efficiency
Commercial 	NO additional requirements over stretch code	Pre-wire for electric Solar panels Higher energy efficiency
Higher energy efficiency means better insulation, windows and doors, and air management		

# Electric Buildings are Good for: Wallet, Comfort, Health, and Climate

- ▶ Lower initial and operating costs
  - ▶ Full cost of ownership: mortgage plus energy
  - ▶ MA DOER <https://www.mass.gov/doc/summary-of-stretch-code-study-energy-efficiency-analysis-feb-2022/download>
- ▶ Comfort
  - ▶ Quieter
  - ▶ Stable uniform temperatures
- ▶ Less Air Pollution = Improved Health Harvard School of Public Health 2017
  - ▶ In MA burning fuels in buildings:
    - ▶ 749 premature deaths
    - ▶ \$8.4 billion in additional health care costs
- ▶ Mitigates Climate Change
  - ▶ All-electric homes produce 31% fewer GHG emissions than mixed fuels homes.
  - ▶ Rocky Mountain Institute

# Won't This Make Newburyport Undesirable

- ▶ Same concerns with
  - ▶ Bottle bill
  - ▶ Thin film plastic bag ban
  - ▶ Stretch code
- ▶ Newburyport property values continue to increase
  - ▶ It is the most desirable city in our region
  - ▶ Building and renovation costs lower!
  - ▶ Operating costs lower!
- ▶ The Specialized Opt-In Code means Newburyport homes are :
  - ▶ The most energy efficient possible
  - ▶ The most comfortable in all weather
  - ▶ Least expensive to operate
- ▶ Affordable housing
  - ▶ Affordable should be quality housing and comfortable housing

# Better For the City

- ▶ Stretch code adoption (2010) enabled Green Community status
  - ▶ 7 grants, >\$1.2 million total
  - ▶ \$150,000/yr savings for streetlights alone
  - ▶ Almost all cities and towns are Green Communities: No longer an advantage
- ▶ New state program: Climate Leaders
  - ▶ Will require Specialized Opt-In code
  - ▶ Will open new funding opportunities for the city
- ▶ Minimal impact on city resources: Business as usual
  - ▶ Building Dept.
  - ▶ Planning Dept.
- ▶ The Specialized Opt-in code will become the base code over time
  - ▶ Might as well get the advantages of adopting it early
    - ▶ \$\$ for the city
    - ▶ Less expensive homes to build and operate
    - ▶ Homes that are better for the environment

# Questions and Comments

Mike Strauss, Chair Energy Advisory Committee

Email: [mstrauss@alum.mit.edu](mailto:mstrauss@alum.mit.edu)

Cell: 978-462-0102

Molly Ettenborough, Sustainability Manager

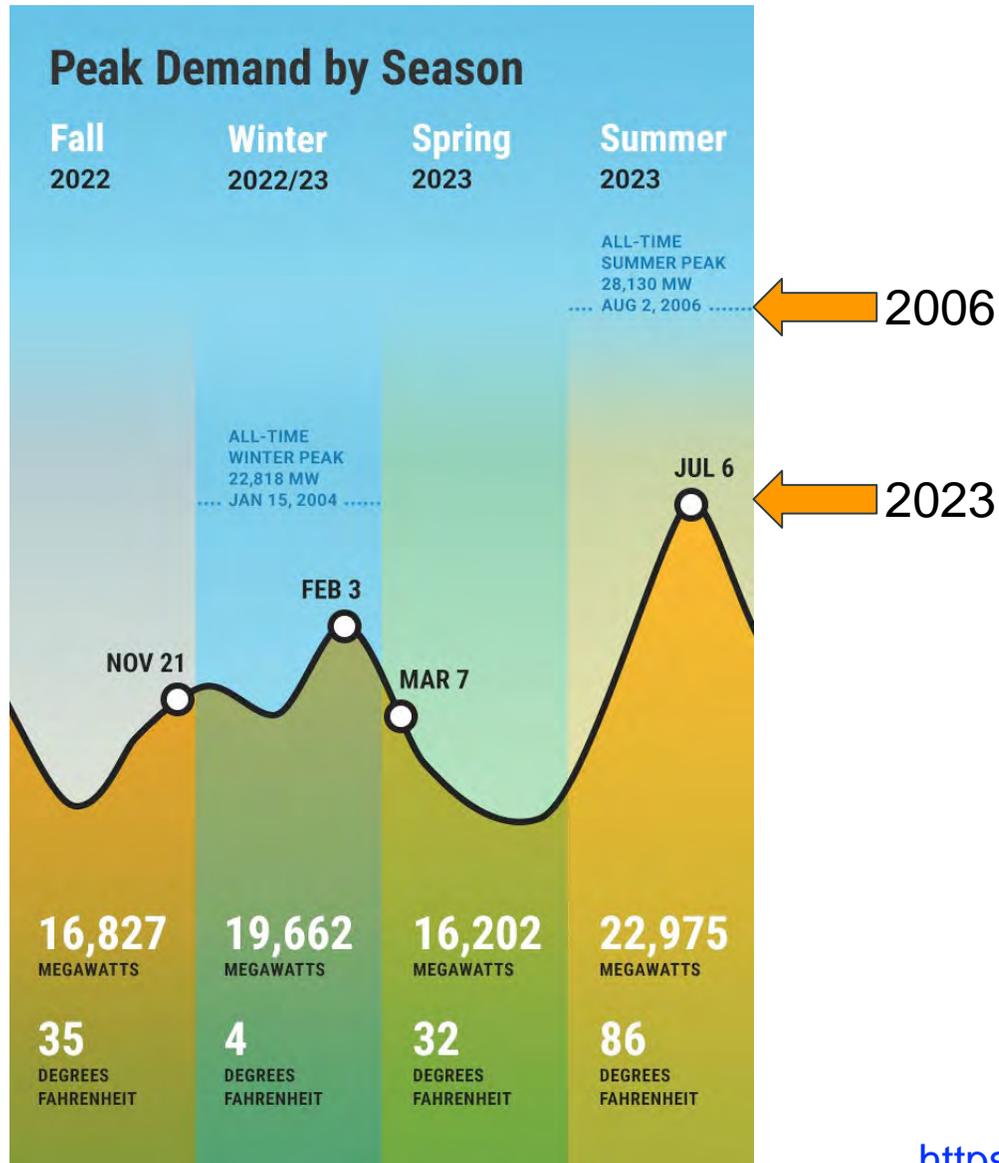
E-Mail: [mettenborough@cityofnewburyport.com](mailto:mettenborough@cityofnewburyport.com)

Work: 978-499-0413

# FAQs

- Does the Opt-In Specialized Code apply to existing structures?
  - **No.** Improvements to existing structures, depending on size, are regulated by the Updated Stretch Code and Base Code.
- Will the Opt-In-Specialized Code discourage the creation of affordable housing?
  - **No.** Incentives will continue to encourage affordable housing while the Opt-In Specialized Code delivers benefits for residents.
- Is it possible to install a gas cooktop?
  - **Yes.** This is permitted under the Mixed Fuel pathways.
- Why adopt the Opt-In Specialized Code?
  - **The #1 reason is that it requires pre-wiring**, avoiding costly retrofits down the road and expediting electrification.
- Why does the Opt-In Specialized Code permit fossil fuels?
  - **It preserves market choice** at a time when utility pricing is highly volatile and utility costs vary among MA communities.

# The Electric Grid is Ready for the Specialized Code



Current peak demand is 20% less than it was in 2006 due to energy efficiency and solar panel installations.

ISO New England's most recent 10 yr forecast:

- Summer peak demand is expected to grow by less than 2% annually through 2032
- Winter peak demand is expected to grow by 1-4% annually through 2032
- Capacity will continue to exceed peak demand

# All-Electric Saves Money Versus Base Code!

- Electric: **less expensive** to install
- Electric: **less expensive** to operate: Mortgage & Energy

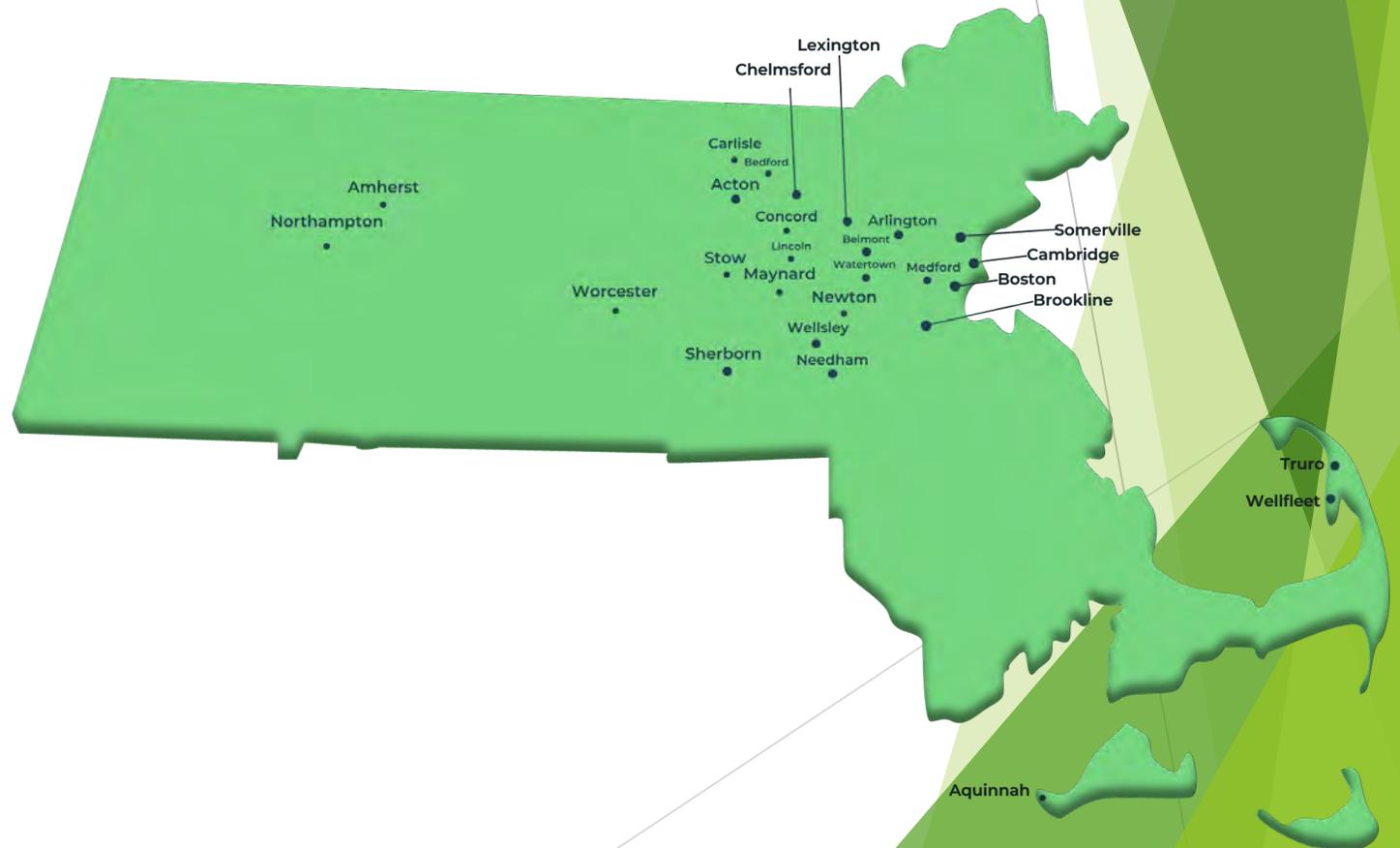
Building type	Incremental cost to build			Incremental cost to operate		
	Electric	Gas	Electricity edge	Electric	Gas	Electricity edge
Large 1-family	- \$20,062	+ \$3,183	<b>\$23,245</b>	- \$548	- \$302	<b>\$246</b>
Small 1-family	- \$28,597	+ \$7,907	<b>\$36,504</b>	- \$1,053	+ \$496	<b>\$1,549</b>
Townhouse	- \$11,938	+ \$802	<b>\$12,740</b>	- \$335	+ \$21	<b>\$356</b>
6-family	- \$15,690	+ \$2,277	<b>\$17,967</b>	- \$683	- \$14	<b>\$669</b>

From <https://www.mass.gov/doc/summary-of-stretch-code-study-energy-efficiency-analysis-feb-2022/download>  
Summary pages 13-14, detail pages 16-32

# Rapid Adoption of Opt-In Specialized Code: Communities Want to Protect Themselves

- ▶ The Opt-In Specialized Code, **designed to provide protections for communities** (although still not Fossil Fuel Free or Net-Zero, as it was mandated to be), has been passed in the following **31 communities** (as of 12.4.23), *many of those with unanimous or near-unanimous votes*, representing **25.6% of the State's population**, and far more in terms of building activity.
- ▶ About a dozen additional communities are expected to pass the Specialized Code later late Fall 2023 or Spring 2024, which would bring the total to **almost 30%** of the State's population. **The rapid adoption of the Specialized Code demonstrates that communities throughout MA are committed to adopting the BEST building codes that they are able to.**

## List of Communities Who Have Opted-In to the Specialized Stretch Code (Updated 11/14/23)





## 2023 Stretch Energy and Municipal Opt-In Specialized Building Code Frequently Asked Questions

### 1. What are the building energy code options for cities and towns in Massachusetts?

Massachusetts cities and towns now have 3 related choices of stringency of building energy code. These are the 'Base code' the 'Stretch code' and the 'Specialized code'. The minimum or 'base' energy code is the latest version of the national model code – the International Energy Conservation Code (IECC) with some amendments for Massachusetts. The base code is part of the building codes governed by the state Board of Building Regulations and Standards (BBRS). In 2023 the base code is being updated from the 2018 IECC to the 2021 IECC, and MA amendments adding wiring for electric vehicles and maintaining solar ready roof requirements.

### 2. What is the Stretch code?

The 'Stretch code' is a more energy efficient alternative to the base code. The 2023 update is the 3<sup>rd</sup> major update to the 2009 original Stretch code. The Stretch code increases the energy efficiency requirements for all new residential and commercial buildings, as well as for additions and renovations that require building permits. Municipalities started adopting the Stretch code in 2009; as of January 2023, 300 out of 351 Massachusetts cities and towns have adopted it. The Stretch code is now published and maintained by the Department of Energy Resources.

### 3. What is the Specialized code?

The Specialized code is required by statute ([MGL 25A Section 6](#)) to help achieve MA GHG emission limits and building sector\_sub-limits set every five years from 2025 to 2050. As a result, all compliance pathways under the Specialized code are designed to ensure new construction that is consistent with a net-zero Massachusetts economy in 2050, primarily through a combination of energy efficiency, that it in turn enables reduced heating loads, and efficient electrification. Use of fossil fuels such as gas and propane or biomass is permitted but comes with additional requirements for on-site solar generation and pre-wiring for future electrification of any fossil fuel using equipment.

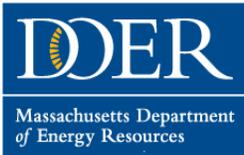
### 4. What is the anticipated cost of building under the Stretch energy code?

Designed and constructed in accordance to Stretch code standards, low-rise residential buildings built with all electric heating and cooling (via heat pumps) will typically cost less to build and operate than those built with fossil fuel heating. One reason for this is that heat pumps can be used for both heating and central air conditioning, whereas fossil fuel heated new homes typically require a separate air conditioning system.

DOER has commissioned studies to analyze the change in construction costs related to building to the Stretch code for several sizes and types of residences, and they generally indicate the construction and operating costs are lower under the Stretch code standards with fully electric heating and cooling via heat pumps. These case studies are available on DOER's website here:

<https://www.mass.gov/doc/residential-stretch-code-costs-and-benefits-case-studies/download>

Analysis of various types of common commercial buildings are also available on the DOER website,



though these don't include an analysis of Mass Save or federal building incentives.

### 5. How do the base and Stretch codes differ?

The base energy code is currently based on amendments to the IECC2018 national model code but will update to the IECC2021 model code as part of a larger update to the building code as it moves from the 9<sup>th</sup> edition to the 10<sup>th</sup> edition. The timing is uncertain but expected at some point in 2023. **The base energy code in both the 9<sup>th</sup> and 10<sup>th</sup> editions provides two options** residential builders may use to meet energy efficiency requirements:

- **Prescriptive Method**, installing elements with specific energy efficiency levels (e.g., windows, or wall & roof insulation, furnace, etc.), or
- **Performance-based Method**, building to ensure the home performs to a specific level of efficiency, typically measured through a **HERS** (Home Energy Rating System) or **Passive House** analysis, including both of the design plans and the actual built home once construction is completed. The builder can decide how to design the house to reach the performance target.

The Stretch code requires that builders use the **performance-based method**. Measuring the home in this way brings in a 3<sup>rd</sup> party energy expert who verifies it is designed and built to perform as expected, which is **an important protection for the homeowner and for any future buyer**. Some builders in non-Stretch code communities voluntarily choose to use the performance-based method required by the Stretch code because it can often provide greater flexibility.

### 6. How is the Specialized code different from the Stretch code?

The Specialized code has accelerated adoption of more efficient HERS rating thresholds (HERS 42 and 45) and provides three paths for low rise residential compliance, including a zero-energy pathway (with solar PV). It also requires new homes over 4,000 sq ft to follow the all-electric or zero energy pathway. Solar PV is required for any new construction utilizing fossil fuels for heating. The Specialized code for multi-family housing 4 stories and above phases in Passive House standards by January 2024.

### 7. Where can I find and read more about the Stretch code and Specialized code?

The Stretch and Specialized codes are new regulations in [225 CMR 22.00](#) and [225 CMR 23.00](#). CMR 22.00 covers Residential low-rise construction and CMR 23.00 covers Commercial and all other construction (including most multi-family).

### 8. What building types does the Stretch energy code and Specialized code apply to?

The Stretch code applies to both residential and commercial new construction, as well as certain renovations and additions. The Specialized code applies only to new residential and commercial new construction.

### 9. What categories do multi-family residential buildings fall into?

Multi-family building with central heating and cooling are considered commercial buildings. Those that are townhouses and have separate heating and cooling are considered to be low-rise residential buildings.

### 10. How does the Stretch code apply to historic buildings?

Historic buildings are exempt from both Stretch codes and the base energy code.



### **11. What is a HERS rating?**

HERS stands for 'Home Energy Rating System,' and is a national standard that uses information on the design of the energy systems in a home to calculate, via computer modeling, the average energy needs of that home and give it a rating score. The HERS Index was developed by the non-profit Residential Energy Services Network (RESNET) for the mortgage industry and is utilized by the Federal Internal Revenue Service (IRS) and the LEED for Homes program. On the HERS 2006 index scale smaller numbers are better, with 0 representing a net zero energy home, and 100 represents a home built according to meet the national model energy code in 2006 (the IECC 2004 with 2005 amendments). A HERS rating of 52 means that the home uses about 48% less energy than the same size home built to the 2004/2005 IECC code requirements.

### **12. Do I have to get a HERS rating?**

New low-rise residential buildings constructed under the Stretch code will have to get a HERS rating. The HERS performance-based approach provides a very good way to ensure that homes are not only well designed but also well built. As part of the HERS rating the home will be tested for air leakage, and under both the base and the Stretch code homes with heating and cooling ducts may also have those tested for leakage. The HERS rater, builder and building inspector can have confidence that the completed homes really are energy efficient.

## **Standards and Training:**

### **13. What training and materials are available on the Stretch and Specialized codes**

The Mass Save program provides training for code officials, builders, and design professionals. Visit their website at <https://www.masssave.com/en/learn/partners/energy-code-training-and-events> for scheduling.

DOER also provides technical experts to perform public outreach in municipalities that are considering a vote on the Stretch and/or the Specialized Stretch code. Those interested in this assistance should reach out to their regional Green Communities Coordinator

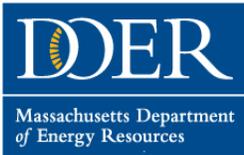
## **Process:**

### **14. What is the process for adoption of the Stretch and Specialized energy codes?**

Towns and cities in Massachusetts can choose to remain on the base energy code, adopt the Stretch energy code, or adopt the Specialized energy code as their mandatory energy code requirement. A municipality would remain on the base energy code unless and until it adopts the Stretch code or Specialized code through its appropriate public process.

### **15. How would a town or city adopt the Stretch and Specialized energy codes?**

The Stretch code and Specialized code regulations may be adopted by any municipality in the commonwealth, by decision of its governing body. In a city having a Plan D or Plan E charter the governing body shall be the city manager and the city council, and in any other city the mayor and city council. In towns the governing body shall be Town Meeting.



In order to be adopted, the regulations must be considered at an appropriate municipal public hearing, subject to the municipality's existing public notice provisions. Cities are advised to adopt the Stretch and Specialized energy codes by general ordinance and towns are advised to adopt the codes as a general bylaw. Current Stretch code communities wishing to adopt the Specialized code may choose to amend their existing ordinance or bylaw to refer to the new regulations. Municipalities should consult with their counsels on appropriate language.

**Please note, once the Stretch and Specialized code is adopted by a municipality, all future editions, amendments and modifications are automatically adopted unless the municipality rescinds adoption of the code itself.** A community must adopt the Stretch and Specialized code "as is," without applying any amendments or conditions.

**Also note, according to the Attorney General's office:**

*Pursuant to G.L. c.40, S 32, neither general nor zoning by-laws take effect unless the town has first satisfied the posting/publishing requirements of that statute. Once this statutory duty is fulfilled, general by-laws and amendments take effect on the date that these posting and publishing requirements are satisfied unless a later effective date is prescribed in the by-law ...*

DOER recommends that the warrant article, the motion and the by-law/ordinance explicitly specifies an effective date so that everyone (building officials, builders, homeowners, voters) is fully aware of when the Stretch and Specialized energy codes take effect. **It is further recommended that municipalities choose either July 1 or January 1 as the effective date.**

## **Enforcement/Requirements:**

### **16. How would the Stretch code be implemented and enforced?**

Once the Stretch or Specialized energy code is adopted by a town or city, it supplements the previous energy code language and becomes the binding energy code language for building projects in that municipality. Implementation and enforcement of the code is similar to existing code, where the developer is responsible for submitting documentation of compliance to the building inspector for review, and the building inspector conducts a site review.

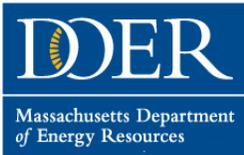
### **17. What is the role of a building code official and a HERS rater for residential projects?**

Residential low-rise buildings meeting the Stretch code through a HERS rating require independent certification by a HERS rater. Their work will produce a report detailing the energy systems in the building and will provide a HERS index score. In this way the local inspector retains their oversight role but the additional energy requirements are intended to not place a significant additional burden on their time.

### **18. How do I find a HERS rater?**

HERS raters work with the residential builder/developer/design team and should be included in the team from the outset. Lists of HERS raters working in Massachusetts are available on the [Mass Save website](#), and from the [Northeast HERS Alliance](#).

### **19. What training and certification do HERS raters undergo?**



HERS raters are typically experienced building professionals, who in addition take a week or two week long intensive training course in residential energy efficiency. After completing the training, learning how to use HERS rating software, and passing a test, new raters must also complete at least 5 ratings with an experienced HERS rater before being able to independently award ratings. In addition to this initial training and certification, HERS raters must be affiliated with a certified HERS provider which is responsible for ongoing code education and quality assurance oversight of the HERS rater’s work. The HERS providers also carry liability insurance and allow builders to request a review from a second HERS rater in the rare case of disputes.

**20. If my community has already adopted Stretch energy code, do we need to vote for it again?**

No

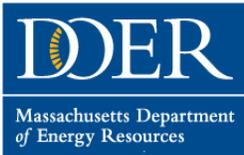
**Residential Building Questions:**

**R1. How do I meet the residential Stretch code for new 1 and 2 family homes and townhouses?**

For new residential homes including multi-family homes of 3 stories or less, builders can choose to either meet Home Energy Rating Scores (HERS) certification or Passive House certification. Starting January 1, 2023, the maximum allowed HERS Index Score for residential low-rise construction ranges from 52 (for residences heated with fossil fuels) to 58 (for all-electric residences with on-site solar PV). HERS Index scores will be reduced to 42 and 45 starting July 1, 2024. Please review to Table 1 below:

**TABLE 1: CHANGES TO MAXIMUM HERS INDEX**

On-site Clean Energy Application	Maximum HERS Index score (before renewable energy credit)		
	New construction		Extensive Alterations, Additions and Change of use
	Updated Stretch Code July 1, 2024	Updated Stretch Code Jan. 1, 2023 <i>(Same as 10<sup>th</sup> edition base code)</i>	Updated Stretch Code (Jan. 1, 2023)
None (Fossil fuels)	42	52	52
Solar		55	55
All-Electric	45	55	55
Solar & All-Electric		58	58



The 2023 Stretch Code maintains differential HERS ratings among new construction heating with fossil fuels, all-electric, and/or including onsite solar; after a phase-in period until July 1, 2024, which will require HERS 45 for all-electric homes and HERS 42 for homes with any use of fossil fuels.

The 2023 Stretch Code also updates HERS requirements for extensive alterations, additions and change of use for existing homes. Additional detail on alterations, additions and change of use can be found in the section below.

Builders wanting to achieve code compliance via Passive House certification will use the most recent Passive House Institute US (Phius) standards.

The updated Stretch code requires at least one space per home and a minimum of 20% of spaces in a new multi-family parking lot be provided with electric wiring to allow for **future EV charging**.

### **Existing buildings: Alterations, Additions and Changes of use:**

The 2023 Stretch Code clarifies when alterations to existing homes trigger compliance with different requirements. The requirements are as follows:

- **Additions over 1,000 square feet (sf)** must follow the HERS Pathway and meet the HERS requirements for Additions in Table 1 above. Additions under 1,000 square feet will continue to follow Base Energy Code.
- **Additions that exceed 100% of the conditioned floor area of the existing dwelling unit** (ie. more than double the size of the house) must follow the HERS Pathway and meet the HERS requirements for Additions in Table 1 above.
- **Level 3 Alterations** (over 50% of the home is renovated and reconfigured) as defined in the International Existing Building Code (IEBC 2021) or change of use **exceeding 1,000 sf or exceeding 100% of the existing conditioned floor area**, must meet the HERS requirements in Table 1 above. Level 1 and Level 2 alterations will continue to follow the Base Energy Code.

#### **R2. When is a HERS Rating required for an addition?**

A HERS Rating is required where the total added conditioned floor area is greater than 1,000 square feet or the addition exceeds 100% of the existing dwelling unit conditioned floor area.

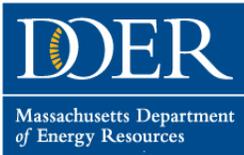
#### **R3. If multiple additions are made to the same dwelling unit and each is under 1,000 square feet, but the total adds up to more than 1,000 square feet, is a HERS Rating required?**

Yes, the floor area of multiple additions should be treated cumulatively. When two or more additions add up to greater than 1,000 square feet, a HERS Rating is required.

#### **R4. Is the floor area trigger for when a HERS Rating is required for additions based on conditioned floor area?**

Yes, only conditioned floor area is included when determining whether the addition requires a HERS Rating.

#### **R5. Can a HERS Rating be performed on an addition?**



It depends. HERS Ratings may only be performed on dwelling units, so if the addition contains areas for living, sleeping, eating, cooking, and sanitation, a HERS Rating may be performed on the addition. If the addition is not a dwelling unit, the HERS Rating must be performed on the existing home plus the addition.

**R6. Is a blower door test required for additions that trigger the requirement for a HERS Rating?**

Yes. Blower door testing is a required element of a HERS Rating.

**R7. Is a blower door test required for additions that do not trigger the requirement for a HERS Rating and are allowed to follow the prescriptive path?**

In most cases, blower door testing is not required because passing the test would require performing work on the existing building. IECC Chapter 5 states that additions must comply as they relate to new construction “without requiring the unaltered portion of the existing building or building system to comply.” However, where feasible and practical, a code official could require testing of the addition alone.

**R8. If an alteration meets the definition of a Level 3 alteration under the IEBC or an extensive alteration under IRC Appendix AJ, but does not exceed 1,000 square feet or 100% of the existing floor area, is a HERS Rating required? Likewise, if an alteration does not meet the definition of a Level 3 alteration, but exceeds 1,000 square feet or 100% of the existing floor area, is a HERS Rating required?**

No. A HERS Rating is only required for alterations that meet the definition of a Level 3 alteration under the IEBC or an extensive alteration under IRC Appendix AJ **and** exceed 1,000 square feet or 100% of the existing floor area.

**R9. Is the floor area trigger for when a HERS Rating is required for alterations based on conditioned floor area?**

Yes, only conditioned floor area is included when determining whether the alteration requires a HERS Rating.

**R10. Is a blower door test required for alterations that trigger the requirement for a HERS Rating?**

Yes. Blower door testing is a required element of a HERS Rating.

**R11. Is a blower door test required for alterations that do not trigger the requirement for a HERS Rating and therefore are allowed to follow the prescriptive path?**

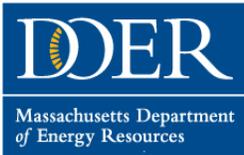
In most cases, blower door testing is not required because passing the test would require performing work on the existing building.

**R12. Is EV readiness required for alterations?**

No. EV readiness is only required for new construction.

**R13. Is solar readiness required for alterations?**

No. Solar readiness is not required for alterations. The solar-ready provisions apply only to new construction as Section R503 – Alterations makes no reference to Appendix RB Solar Ready Provisions.



In addition, Appendix RB states that, “these provisions shall be applicable for new construction, except additions under 1,000 sq ft.”

**R14. How much more does it cost to build to the Stretch code, and how does this compare to the energy savings?**

It depends on how the new homes are heated. DOER compared costs for residential construction for four building types: 1) Large single homes (4,000 sq. ft.); 2) Small single family homes (2,100 sq. ft.); 3) 3-bedroom townhouses (2,100 sq. ft.); and 4) six-unit multifamily buildings (1,400 sq. ft per unit). The analysis compared construction costs between base code (HERS 52) and Stretch code (HERS 42) heated with natural gas and electric heat pumps. Including tax credits and Mass Save incentives, it is less expensive to build and operate Stretch code homes heated and cooled with heat pumps than those heated with natural gas built under the base code.

<b>Costs and (savings) for residential construction under Stretch code (42 HERS) vs. base code (52 HERS)</b>				
	<b>Gas heat</b>		<b>Electric heat</b>	
<b>Size</b>	<b>Builder costs (savings)</b>	<b>Resident annual costs (savings)</b>	<b>Builder costs (savings)</b>	<b>Resident annual costs (savings)</b>
4,000 sq. ft.	\$3,184	(\$302)	(\$20,062)	(\$548)
2,100 sq. ft.	\$7,907	\$496	(\$28,597)	(\$1,053)
Townhouse	\$62	(\$11)	(\$11,492)	(\$316)
Multi family	\$2,277	(\$14)	(\$15,690)	(\$683)

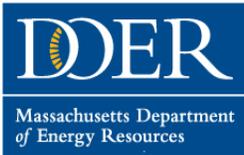
For more information on the residential cost studies, visit <https://www.mass.gov/doc/residential-stretch-code-costs-and-benefits-case-studies/download>

**R15.. What are the Specialized code requirements for new residential construction?**

The Residential low-rise Specialized Code offers 3 pathways to demonstrate energy code compliance with varying sets of additional requirements over and above the updated Stretch code:

- 1. Zero Energy pathway**
- 2. All-Electric pathway**
- 3. Mixed-Fuel pathway**

New homes up to 4,000 sf in size may follow any of the three pathways. **New homes over 4,000 sf in size shall follow either pathway 1 or pathway 2.** Table 2 below summarizes the low-rise residential Specialized Code requirements by home size and fuel use. All buildings are required to install wiring for electric vehicle (EV) charging in a minimum of 20% of new parking spaces, and one space per home in one- and two-family homes. Buildings with any combustion equipment designed for fossil fuel use are termed ‘mixed fuel’ buildings.



**TABLE 2: Residential Specialized code requirements summary by building/dwelling unit size**

Building Size	Fuel Type	Minimum Efficiency	Electrification	Min. EV wiring	Renewable Generation
Dwelling units up to 4,000 sf	All Electric	HERS 45 or Phius CORE or PHI	Full	1 parking space	Optional
Dwelling units up to 4,000 sf	Mixed-fuel	HERS 42 or Phius CORE or PHI	Pre-wiring	1 parking space	Solar PV (except shaded sites)
Dwelling units > 4,000 sf	All Electric	HERS 45 or Phius CORE or PHI	Full	1 parking space	Optional
Dwelling units > 4,000 sf	Mixed-fuel	HERS 0 or Phius ZERO	Pre-wiring	1 parking space	Solar PV or other renewables
Multi-family >12,000 sf	All Electric	Phius CORE or PHI	Full	20% of spaces	Optional
Multi-family >12,000 sf	Mixed-fuel	Phius CORE or PHI	Pre-wiring	20% of spaces	Optional

**All Electric building performance standard**

All electric buildings are defined in the updated Stretch Code and comply with the 2050 net-zero emissions performance standard by meeting the minimum efficiency standards of either HERS 45 or the Passive house pathway and using either air source or ground source heat pumps for primary space heating and heat pump or solar thermal water heating, as well as all electric appliances. All electric buildings are not required to install on-site solar panels but roofs must be solar-ready in accordance with the base and Stretch code requirements.

**Mixed Fuel Pathway**

New low-rise buildings **under 4,000 sf** using fossil fuels for any on-site use including space heating, water heating, cooking or drying must meet **minimum efficiency requirements of HER 42 or the Passive House pathway**. In order to demonstrate alignment with the 2050 net-zero emissions mandate, all homes or units using fossil fuels for space heating, water heating, cooking, or drying must install sufficient electrical service, space and wiring to allow for future conversion to all electric buildings.

These mixed-fuel homes and buildings utilizing the HERS pathway are also required to **install solar panels that provide no less than 4kw for single family** and not less than 0.75 W/ft<sup>2</sup> for multi-family, to mitigate these near-term emissions, with an exemption for shaded sites. Homes and buildings utilizing the Passive House pathway are exempt from additional solar install requirements, but must have solar-ready roofs consistent with both the stretch and base code provisions.



**R16. Can I include a gas stove in a new home built under the Specialized Code?**

Yes, provided the new home has **under 4,000 square feet** of conditioned space and is designed and built in accordance with the mixed-fuel pathway, which includes pre-wiring for future electrification of all heating, water heating, clothes dryers, and cooking equipment; meets HERS 42; and has onsite solar of not less than 4kW.

New dwelling units with **over 4,000 square feet** of conditioned space may install a gas stove, provided the building is designed using the **zero energy pathway**, meets HERS 0 or PHIUS 0 by including onsite renewables.

**R17. How much solar PV would I have to install under the Specialized Code Mixed Fuel Pathway?**

One- and two- family dwellings and townhouses are required to install a minimum of 4kW of onsite solar per dwelling unit, unless the potential solar zone area is less than 300 square feet.

**R18. Can a home with a fossil fuel backup generator still qualify as “all-electric” to be eligible for the trade-off for clean energy systems (i.e., 3-point increase in maximum HERS Index)?**

Yes. Fossil fuel powered backup generators are allowed in all-electric homes.

**R19. My homesite is in the woods – do I have to cut down trees to meet the onsite solar requirements?**

There are exceptions to the onsite solar requirements:

- Roof area oriented between 110 degrees and 270 degrees of true north of new one-and two-family homes and townhouses is under 600 square feet
- Roof area is in full or partial shade for more than 70 percent of daylight hours annually

**R20. Are there additional requirements for extensive renovations or additions under the Specialized code?**

No, extensive renovations and additions follow the requirements under the “regular” Stretch code.

**Commercial Building Questions:**

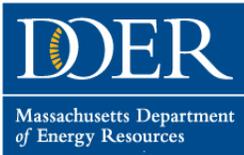
**C1. What buildings are covered by the commercial Stretch code?**

All non-residential buildings are covered by the commercial Stretch code starting July 1, 2023.

**C2. What is required for new commercial buildings to comply with the Stretch code?**

Depending on the building type, the updated Stretch code includes several code pathways for new construction.

1. **TEDI Pathway: Offices, residential, and schools** over 20,000-sf are required to use a new Thermal Energy Demand Intensity (TEDI) Pathway. The updated Stretch Code sets forth specific TEDI limits by



building type. This uses the same energy software tools as the current ASHRAE 90.1 Appendix G pathway but with significantly more focus on heating, cooling and the building envelope. Building uses adjacent to office and residential use, such as post offices, town hall, and other similar buildings are also covered under this pathway.

**2. 10% better than ASHRAE Appendix G: High ventilation buildings** such as labs and hospitals can continue to use a 10% better than ASHRAE appendix G pathway or opt to use the TEDI pathway. Multi-family buildings may follow the ASHRAE appendix G pathway until July 1, 2024. The updated Base Code and updated Stretch Code change the underlying ASHRAE standard 90.1 to the more recent 2019 edition.

**3. Prescriptive pathway: Small commercial buildings** (any building use except multi-family) under 20,000-sf will be able to continue to comply through an updated prescriptive pathway, or can opt to use the TEDI pathway. The prescriptive pathway is being updated in the Base Energy Code, and the updated Stretch Code includes additional amendments to improve efficiency beyond Base Energy Code for small buildings.

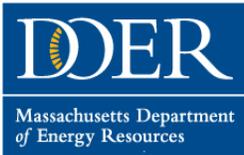
**4. HERS and Passive House: Multi-family buildings** larger than those covered by the residential low-rise code can choose between HERS and Passive House pathways that contain the same energy efficiency requirements as the updated Residential low-rise Stretch Code. The Passive House certification options remain available as an option for all building types.

	<b>Updated Stretch Code July 1, 2023 through June 30, 2024</b>	<b>Updated Stretch Code Beginning July 1, 2024</b>
Targeted Performance	Optional	Optional
HERS	Optional HERS 52/55	Optional HERS 42/45
Passive House	Optional	Optional
Relative Performance	Optional	Not allowed

Mixed-use buildings can use a combination of code pathways as appropriate for different portions of the building or choose a whole-building approach through the TEDI or Passive House pathways.

**C3. How are commercial renovations and/or additions handled by the Stretch code?**

The updated Stretch Code allows building additions which are less than 20,000-sf to continue to follow Base Energy Code. Additions greater than 20,000-sf will be required to meet applicable Stretch Code requirements for that building type and size. It will also require that any altered walls be brought up to prescriptive Stretch code, although historic buildings remain exempt from these provisions.



In addition, the updated Stretch Code will require buildings of any size which undergo **change of use or occupancy** to follow the new Stretch Code prescriptive pathway but allows for a 10% reduced envelope requirement for change of use compared to true new construction.

#### **C4. What is TEDI?**

Thermal Energy Demand Intensity (TEDI) measures the heating and cooling demand of a building in kBtu/sf-yr. **Heating TEDI** is the total annual energy **delivered** to the building for space conditioning and conditioning of ventilation air. **Cooling TEDI** is the total annual energy **removed** from the building for space conditioning and conditioning of ventilation air.

#### **C5. Are there EV parking space requirements?**

Yes. The updated Stretch Code raises the minimum number of spaces requiring EV wiring to 20% for business and residential space (from 10% required in the base code), with 10% for all other occupancies.

#### **C6. What are the Specialized code requirements for commercial buildings?**

The Specialized Code maintains the **same energy efficiency requirements as the Updated Stretch Code for all building types except multi-family**, including adoption of the ASHRAE 90.1-2019 pathway for high ventilation buildings, TEDI requirements for offices and schools, and a new prescriptive path for small buildings.

Multi-family buildings built to the Commercial Specialized Code must achieve precertification to **Passive House standards** (either from PHI or Phius). These requirements are phased-in for buildings up to 5 stories required to meet Passive House requirements if applying for permits after January 2023, and taller buildings 6 stories and above required to meet Passive House for permit applications beginning in January 2024.

There are three pathways for commercial Specialized code compliance:

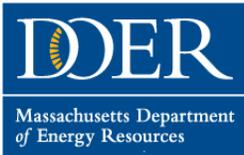
##### **1. All Electric Building Performance Standard**

This is the simplest compliance pathway under the Specialized Code, requiring the energy efficiency requirements of the Stretch code, and requiring that all space heating, water heating, cooking equipment and drying equipment is powered by electricity and meets minimum efficiency standards.

##### **2. Mixed-Fuel Building Performance Standard**

This pathway establishes minimum requirements for new buildings designed with any space heating systems, water heating systems or appliances capable of using fossil fuels such as natural gas, heating oil or propane fuel. While allowing these fossil-fired systems, the Specialized Code requires mitigation of these emissions with the following requirements:

- a) Minimum efficiency requirements for space and water heating, including both fossil fuel and clean biomass boilers and furnaces systems.
- b) Solar development of the available on-site solar potential, specifically through one of 2



options:

- i. *Not less than 1.5W/ft<sup>2</sup> for each sq foot of the 3 largest floors* (the threshold proposed in solar requirements in the forthcoming IECC2024), or
  - ii. *not less than 75% of the Potential Solar Zone Area* – which includes parking areas and additional roof space.
- c) Pre-wiring and electrical service provision to the building to allow for future electrification of space and water heating and cooking and drying equipment.

Note: Off-site renewable generation or the purchase of Renewable Energy Credits (RECs), are not an option for compliance with the on-site renewable energy requirements in the Specialized Code.

### **3. Zero Energy Building Performance Standard**

This is the most stringent of the 3 pathways in that it requires net zero energy on an annual basis from the 1<sup>st</sup> year of construction. The Specialized Code amends the IECC commercial appendix CC: Zero Energy Commercial Building Provisions by simplifying the allowable renewable options. As a result, zero energy may be demonstrated only with on-site generation (typically solar PV), and all buildings must meet minimum energy efficiency requirements prior to renewable offsets.

The option to show compliance using HERS 0 or Phius ZERO certification as used in the low-rise residential Specialized Code is also eligible under the Zero Energy pathway for multi-family residential buildings. solar PV), and all buildings must meet minimum energy efficiency requirements prior to renewable offsets.

The option to show compliance using HERS 0 or Phius ZERO certification as used in the low-rise residential Specialized Code is also eligible under the Zero Energy pathway for multi-family residential buildings.

## **Electric Vehicle Readiness Provisions**

### **EV1. Under the Massachusetts Stretch Code, what does it mean for a parking space to be electric vehicle (EV) ready?**

For a parking space to meet the EV Ready Spaces requirement, the space must be equipped with a dedicated electrical circuit. This means there needs to be adequate electric service capacity and wiring with a termination within 6 feet of the space. The dedicated branch circuit must be identified in the electrical panel or subpanel directory as "EV READY." The circuit must terminate in either a NEMA receptacle (standard outlet) or a Society of Automotive Engineers (SAE) Standard SAE J1772 electrical connector for servicing electric vehicles. The termination must also be marked as "EV READY".

### **EV2. What if the house does not have a garage, where is the circuit supposed to terminate?**

The code requires the circuit to terminate within 6 feet of the parking space, regardless of whether there is a garage. The code does not contain termination requirements beyond the types of allowable termination. If a house does not have a garage, the electrician might consider terminating the circuit with



a weatherproof outdoor receptacle on the side of the home, embedded in parking area pavement, or on a post near the space.

**EV3. Does EV readiness apply to buildings that have no onsite parking?**

In the absence of onsite parking, EV readiness is not required. Exception 1 of R404.4 states that, “In no case shall the number of required EV Ready Spaces be greater than the number of parking spaces installed.” Further, exception 2 states that, “This requirement will be considered met if all spaces which are not EV Ready are separated from the premises by a public right-of-way.”

**EV4. Many lake houses have parking spaces located across the street from the main structure. Is electric vehicle readiness required in these cases?**

This requirement will be considered met if all spaces which are not EV Ready are separated from the premises by a public right of way.

## **Solar Readiness Provisions**

**S1. If the building design does not allow for the required solar-ready zone area due to obstacles such as vents, chimneys, and roof-mounted equipment, does the project still need to comply with the solar-ready provisions?**

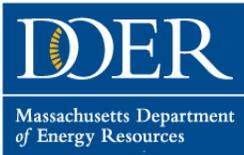
Yes. The stretch code adopts the IECC 2021 Appendix RB without amendments, and the appendix states that solar-ready zones shall be free from obstructions. In addition, a section on shading requires that the solar-ready zone is set back by a certain distance from any object on the building or site that will shade the zone. The code does not provide exceptions for rooftops with obstructions that interfere with the free area required for a solar-ready zone, so in these cases, a redesign is required. Designers should consider this requirement early in the design process.

**S2. Is there a minimum solar electric system size for a home to meet the solar-ready provisions?**

No. Appendix RB Solar-ready Provisions does not contain any requirements related to solar equipment, and as such, does not specify a minimum solar system capacity in kilowatts. The only size-related requirement is the area in square feet of the designated solar-ready zone. For homes with at least 600 square feet of roof area oriented between 110 and 270 degrees of true north, the solar ready zone must be at least 300 square feet. For townhomes with a total floor area of 2,000 square feet or less, the solar ready zone must be at least 150 square feet. The solar-ready zone may be split into multiple zones, but individual zone areas must be at least 80 square feet in area and at least 5 feet wide.

However, there are on-site renewable energy requirements for mixed-fuel new construction under the Specialized code.

**S3. Do the Solar-ready Provisions require conduit or wiring to be installed from the solar-ready zone to the electrical panel?**



No. The Solar-ready Provisions require the construction documents to indicate pathways for routing conduit or plumbing from the solar-ready zone to the electrical panel or service hot water system, but no conduit, wiring, or plumbing are required to be installed. In addition, reserved space in the electrical panel labeled as “for future solar electric” is required, and for flat roofs, a capped roof penetration must be installed.

### Development Agreement

This Agreement is entered into this the 14<sup>th</sup> day of November, 2023 by and between the City of Newburyport, 60 Pleasant St., Newburyport, MA by and through its Mayor (“City”) and Clipper City Development, LLC, a Massachusetts Limited Liability Company, 435 Main Street, Amesbury, MA 01913 (“Developer”).

*WHEREAS*, the Developer seeks to develop a certain parcel of property located in the HSR-A Zoning District (“HSR-A”) known as the “Mobile Gas Station” site (*107 State Street and 95 High Street, Assessors Map/Lot 33-43 and 33-42, respectively*) as more fully set forth on the plan attached hereto and which shall be referred to as the “Concept Plan” more specifically set forth on Exhibit A and consisting of 22,623 sq. ft. +/- (the “Premises”).

*WHEREAS*, the Developer has control of the Premises pursuant to a Purchase and Sale Agreement by and between the Premises Owner, Global Companies, LLC and the Developer which is dated May 18, 2023; and

*WHEREAS*, the Premises have been vacant for more than two years and is the site of a former gas station which use is no longer appropriate for the site and the existing zoning will not allow for an appropriate economically viable redevelopment of the Premises; and

*WHEREAS*, Developer and the City desire to facilitate viable adaptive reuse of said Premises for residential purposes, in a manner consistent with the development patterns in the general area and assure the redevelopment is done in a manner consistent with the architectural style and density of the surrounding historic area; and

*WHEREAS*, the City is desirous of the Developer undertaking the implementation of the Concept Plan and will assist and support the necessary zoning changes which will allow for the Concept Plan to be implemented.

NOW THEREFORE for good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged and for the mutual promises set forth below, the Parties agree as follows:

1. The Developer shall develop the Premises consistent with and in substantial conformance with the Concept Plan. It is fully understood and recognized by the City that the Concept Plan is merely a representation of the development generally and that details and final design have not yet occurred. Therefore, the City accepts and understands that the final design may result in minor changes to the actual exact location of the buildings and the detailed design of the structures. However, generally speaking the layout of the buildings on the lot, the location of units among buildings, the general parking layout, and the approximate height of the proposed buildings will all remain consistent with said Concept Plan. The exterior design of the proposed structures at 95-97 High Street shall be suggestive of the Victorian era architectural style, with cleanly appointed, not overly ornate features, not dissimilar to those found at the abutting property of 93 High Street. The exterior cladding shall be evocative of wood, and might have some masonry features. The window configurations/patterns will be

consistent with what might have been found in the Victorian era. The principal structure (3 units) will be 3 stories with a mansard style roof, with the third floor within the mansard roof. The height shall not exceed the 35 foot median roof height limit as permitted in the R3 zoning district. The secondary structure (1 Unit) may not be more than 2 ½ stories, and may have a roof style different from that of the principal structure. It is the design intention that the secondary structure have the appearance of a renovated carriage house that once belonged to the principal structure. Ground level outdoor recreational spaces for the individual units shall be generally located where shown on the conceptual site plan. The outdoor/recreational space for Unit 2, currently indicated as the middle unit of the principal structure on the conceptual site plan, shall be located at the second floor level opposite the high street side. Internal unit configurations may be further adjusted during final design and permitting, including the location for external points of ingress/egress to the individual units *(not including proposed garage doors which shall be located as shown)*.

2. The City will put forth the proposed zoning amendment attached hereto as Exhibit B without which the Concept Plan cannot be realized. The City will support the plan to facilitate redevelopment of the former gas station site consistent herewith, and as such make an effort to encourage an efficient hearing process between the City Council and Planning Board.
3. Once the City adopts the zoning, if it is adopted, the Developer will commence final design, and thereafter apply for all appropriate permits with the City in order to implement the Concept Plan. The proposed four-unit multifamily residential development will require, upon adoption of the zoning amendment contained in Exhibit B, a Special Permit for use from the Newburyport Zoning Board of Appeals (ZBA). As noted on the Concept Plan in Exhibit A, the proposed development and any plans submitted to the ZBA shall include only one driveway access off of State Street, at the southern end of the site, in order to provide a safe distance from the intersection with High Street. No driveway access or curb cut shall be permitted to the Premises off of the High Street frontage. All parking required for the four (4) dwelling units under Newburyport zoning shall be provided on-site (typical).
4. Any notice hereunder shall be in writing and shall be deemed duly given if mailed by certified or registered mail, postage and registration charges paid, by overnight delivery service with receipt, or by hand delivery to the City of Newburyport and the Developer at the addresses set forth below:

City of Newburyport  
60 Pleasant Street  
Newburyport, MA 01721  
Attention: Mayor  
Attention: Director of Planning & Development

With a copy to:

Karis North  
Murphy, Hesse, Toomey & Lehane, LLP  
50 Braintree Hill Office Park, Suite 410,  
Braintree, MA 02184

To Developer  
Clipper City Development LLC  
435 Main Street  
Amesbury, MA 01950  
Attn: John Grossi

With a copy to:  
Lisa L. Mead  
Mead, Talerma & Costa, LLC  
30 Green Street  
Newburyport MA 01950

5. It is the expressed intention of the Developer that each and every term, condition and provision hereof be fully enforceable and binding on the Premises. Should, however, any one or more of the provisions contained herein for any reason be held to be invalid, illegal or unenforceable in any respect, such invalidity, illegality or unenforceability shall not affect any other provision hereof, but each shall be construed as if such invalid, illegal or unenforceable provision had never been included.
6. This Agreement shall be governed and constructed in accordance with the laws of the Commonwealth of Massachusetts. Nothing in this Agreement shall affect the rights of the City of Newburyport, in the exercise of any of its powers under applicable law with respect to the proposed development of the Property, including, but not limited, to the powers of the Newburyport Planning Board, City Council and/or Zoning Board pursuant to the Zoning amendment process and/or the Special Permit Process. Nothing in this Agreement shall release the Developer from the obligation to satisfy all applicable provisions of law in the proposed development of the Property.
7. If Developer shall default in the performance of any term, covenant or condition of this Development Agreement, which default shall continue for more than thirty (30) days after written notice to Developer (or if such default shall be reasonably expected to take more than thirty (30) days to cure, said longer period of time), Newburyport shall have the right to (i) terminate this Development Agreement; (ii) withhold any Approvals issued by Newburyport; or (iii) exercise any other remedy available at law or in equity, including

commencing an action for specific performance. Developer shall reimburse the City its reasonable legal fees and other expenses in seeking enforcement hereof.

8. In an effort to mitigate the existing and historic conditions of the intersection lighting system and walkways at the adjacent intersection, the Developer will pay to the City \$25,000 upon the issuance of the first certificate of occupancy, to be deposited in an account specifically to improve the intersection lighting and crosswalks at High and State Street. As indicated on the Concept Plan, the Developer shall install new sidewalks along both High and State Street frontages of the property including code complaint access ramps at the intersection. All such work shall be in accordance with relevant City ordinances, regulations and specifications issued by the Department of Public Services.
9. This Development Agreement shall be effective as of the date it shall be executed by both Developer and the City.
10. In the event the zoning is not approved on or before January 31, 2024, this agreement shall be null and void.
11. Prior to the initiation of any court proceeding regarding the terms of this Agreement or performance thereunder, the City and the Developer agree that such disputes shall be first subject to nonbinding mediation, for a period not longer than sixty (60) days.
12. This Development Agreement is the entire agreement among the parties with respect to the subject matter hereof and supersedes all prior and contemporaneous oral and written agreements and discussions.
13. This Agreement may be signed in counterparts and when put together shall be deemed the entire Agreement between the parties.

IN WITNESS WHEREOF, this instrument is sealed and delivered as of the date first above written.

City of Newburyport



Its Mayor

Name (*print legibly*):

Sean R. Reardon

Developer

Clipper City Development LLC

DocuSigned by:  
  
3662870044926423

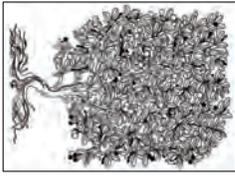
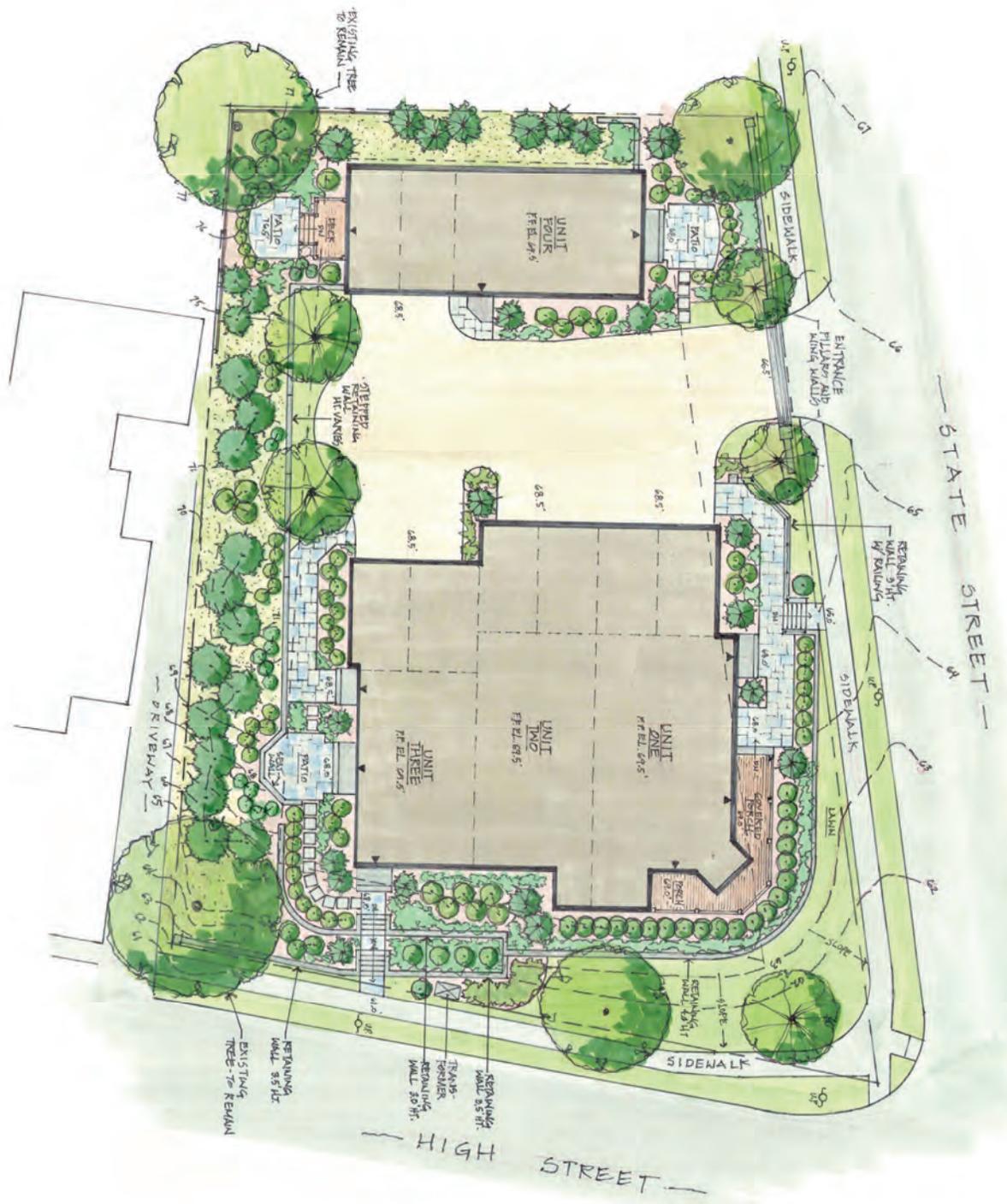
11/14/2023

Its Manager

Name (*print legibly*):

JOHN GROSSI

**EXHIBIT A**  
**PREMISES**  
**CONCEPT PLAN**



**LANDSCAPE ARCHITECTURE PLANNING AND DESIGN, LLC.**

Landscape Architecture  
Planning and Design  
28400 ROAD  
SOUTH HAVEN, MASS. 01888  
PHONE: (978) 468-1942  
FAX: (978) 468-1108  
http://www.landscape.com  
www.landscape.com



**CONCEPTUAL SITE PLAN**  
FOR  
**PROPOSED RESIDENCES**  
96-97 HIGH STREET  
NEWBURYPORT, MA  
01950

Ref: Scott Brown Architects  
Proposed Site Plan  
Option #9  
Dated October 9, 2023

This document, its ideas and designs are prepared by the author and are not to be construed as a contract. It is intended to be used as a guide only. It is not to be used for any other purpose without the written authorization of the author.

Date: 14 OCTOBER, 2023

#	Date	Revision

SHEET **L1**  
Scale: 1" = 10'-0"

**EXHIBIT B**  
**PROPOSED ZONING AMENDMENT**

ODNC164\_10\_30\_2023

**CITY OF NEWBURYPORT**



**IN CITY COUNCIL**

**October 30, 2023**

*(To Be Presented "As Amended" at 11/15/2023 Joint Public Hearing)*

**ORDERED:**

**A ZONING ORDINANCE AMENDMENT TO REZONE LAND AT THE INTERSECTION OF HIGH STREET AND STATE STREET, AND TO UPDATE THE DEFINITION OF MULTI-FAMILY RESIDENTIAL USE TO PERMIT REDUCED MASSING THROUGH THE USE OF MULTIPLE STRUCTURES**

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

WHEREAS, the Newburyport City Council has previously initiated proceedings relative to continued "blight" on land which contains an abandoned gas station at the intersection of State Street and High Street; and

WHEREAS, the City wishes to facilitate a viable redevelopment project for this land which is both residential in nature, and more consistent with the surrounding intersection and neighborhood; and

WHEREAS, the definition of Multifamily use within the Newburyport Zoning Ordinance currently, and inadvertently, precludes the use of multiple structures in developments of three or more residential units, for the otherwise beneficial purposes of reducing apparent building volumes,

THEREFORE, LET IT BE ORDAINED THAT the definition for use number 103 within Section V-E of the Newburyport Zoning Ordinance (List of allowable uses) be amended and revised, pursuant to

Section XII-B (Adoption and Amendment) to read as follows, with deletions ~~stricken through and bold~~ and additions double underlined and in bold as follows:

*Section V-E – List of allowable uses*

USE	NUM	
Multifamily	103	<p><u>One or more</u> <del>A</del> building(s) or structure(s) that <u>together</u> contain(s) three (3) or more dwelling units on the same lot, and <u>where at least one such building or structure contains three (3) or more units.</u></p> <p><del>w</del><u>Where there is more than one dwelling unit in a building, the units must be separated by</u> either common floor-ceiling assemblies between the dwelling units, or Common Wall Connectors as defined in section II-B, definitions.</p>

AND FURTHER, THAT the Zoning Map of said Zoning Ordinance entitled “Zoning Map of the City of Newburyport,” referenced in Section III-C (entitled Zoning Map) is hereby amended pursuant to Section III-D “Changes to Zoning Map” by changing the zoning designation of the following parcels of land, in their entirety, from HSR-A (High Street Residential A) to R-3 (Residential Three):

- 107 State Street (Assessors Map/Lot 33-43)
- 95 High Street (Assessors Map/Lot 33-42)

\_\_\_\_\_  
Councillor Jennie L. Donahue

\_\_\_\_\_  
Councillor Edward C. Cameron Jr.

\_\_\_\_\_  
Councillor Heather L. Shand

## Agreement

This Agreement is entered into this the <sup>6<sup>th</sup></sup> ~~January~~ <sup>February</sup> 2024 by and between the City of Newburyport, 60 Pleasant St., Newburyport, MA by and through its Mayor ("City") and Global Companies LLC a Delaware limited liability company authorized to do business in Massachusetts and having an office at 800 South Street, Suite 500, Waltham, MA 02453 ("Global").

*WHEREAS*, Global owns certain parcels of property located at 107 State Street and 95 High Street, Assessors Map/Lot 33-43 and 33-42, respectively (collectively, the "Subject Property"), which is the subject of a Development Agreement dated November 14, 2023 between a local developer, Clipper City Development LLC, and the City; and

*WHEREAS*, Global intends to sell the Subject Property to said local developer, pursuant to a Purchase and Sale Agreement by and between Global and John Grossi, the developer's Manager dated May 18, 2023; and

*WHEREAS*, Global is willing to impose a use restriction on the Subject Property in exchange for the City's adoption of the zoning amendment provided in Exhibit A hereto that restricts the development of the Subject Property to residential uses only as provided herein;

NOW THEREFORE for good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged and for the mutual promises set forth below, the Parties agree as follows:

1. Subject to the Newburyport City Council voting to adopt the zoning amendment currently pending before it and as provided in Exhibit A hereto, which will facilitate the residential redevelopment of the Subject Property, Global agrees to restrict the future development of the Subject Property to residential uses only by incorporating a restriction within the first deed for the Subject Property conveyed out to another party. This Agreement and this deed restriction shall be enforceable regardless of whether the applicable zoning on the Subject Property allows non-residential development. *[It should be noted that the January 31, 2024 deadline for Council action identified within the initially executed Development Agreement will be extended by City and Developer to allow for two (2) procedural Council votes on the pending zoning amendment in February 2024.]*
2. The agreed upon language of the restriction to be incorporated into the deed shall be as follows:

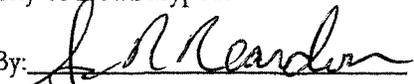
*Notwithstanding the zoning applicable to the subject property, such property shall be used only for residential uses, as defined within the City of Newburyport zoning ordinances, and no non-residential uses of the subject property shall be permitted or otherwise allowed. This restriction on use shall run with the land, and shall be binding upon all future owners, successors, and assigns.*

3. It is intended that this deed restriction shall be enforceable by the City, and evidence of this Agreement shall be sufficient evidence of the deed restriction in accordance with the above provisions, regardless of when the restriction is recorded.
4. If the Council does not vote to adopt the aforementioned zoning amendment by April 1, 2024 this Agreement shall terminate unless extended by the Parties in writing.

5. The parties hereby agree (a) to allow the exchange of counterpart signatures for the purposes of timely execution of this Agreement; and (b) that electronic copies of this Agreement and signatures thereon shall be treated as originals.

IN WITNESS WHEREOF, this instrument is sealed and delivered as of the date first above written.

City of Newburyport

By:   
Sean R. Reardon, Its Mayor

Global Companies LLC

By:   
Name: Sean F. O'Reilly  
Title: Chief Legal Officer

CITY OF NEWBURYPORT



IN CITY COUNCIL

October 30, 2023

*("As Amended" at the 11/15/2023 Joint Public Hearing)*

**ORDERED:**

**A ZONING ORDINANCE AMENDMENT TO REZONE LAND AT THE INTERSECTION OF HIGH STREET AND STATE STREET, AND TO UPDATE THE DEFINITION OF MULTI-FAMILY RESIDENTIAL USE TO PERMIT REDUCED MASSING THROUGH THE USE OF MULTIPLE STRUCTURES**

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

WHEREAS, the Newburyport City Council has previously initiated proceedings relative to continued "blight" on land which contains an abandoned gas station at the intersection of State Street and High Street; and

WHEREAS, the City wishes to facilitate a viable redevelopment project for this land which is both residential in nature, and more consistent with the surrounding intersection and neighborhood; and

WHEREAS, the definition of Multifamily use within the Newburyport Zoning Ordinance currently, and inadvertently, precludes the use of multiple structures in developments of three or more residential units, for the otherwise beneficial purposes of reducing apparent building volumes,

THEREFORE, LET IT BE ORDAINED THAT the definition for use number 103 within Section V-E of the Newburyport Zoning Ordinance (List of allowable uses) be amended and revised, pursuant to Section XII-B (Adoption and Amendment) to read as follows, with deletions ~~stricken through and bold~~ and additions **double underlined and in bold** as follows:

**Section V-E – List of allowable uses**

USE	NUM	
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AND FURTHER, THAT the Zoning Map of said Zoning Ordinance entitled “Zoning Map of the City of Newburyport,” referenced in Section III-C (entitled Zoning Map) is hereby amended pursuant to Section III-D “Changes to Zoning Map” by changing the zoning designation of the following parcels of land, in their entirety, from HSR-A (High Street Residential A) to R-3 (Residential Three):

- 107 State Street (Assessors Map/Lot 33-43)
- 95 High Street (Assessors Map/Lot 33-42)

\_\_\_\_\_  
Councillor Jennie L. Donahue

\_\_\_\_\_  
Councillor Edward C. Cameron Jr.

\_\_\_\_\_  
Councillor Heather L. Shand

**Proposed Zoning Amendment to Rezone Land at the Intersection of High Street and State Street, and to Update the Definition of Multifamily Residential Use (ODNC00164)**  
**Planning Board Report and Recommendations**  
**December 6, 2023**

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In accordance with MGL c.40A s.5, the Planning Board submits to the City Council this report with recommendations concerning proposed Ordinance 164. The Planning Board discussed the proposed zoning ordinance amendment in a joint public hearing with the City Council’s Planning and Development Committee on November 15, 2023, and voted unanimously at that meeting to recommend approval with the amendments presented at the hearing. The Board adopted this report at its meeting on December 6, 2023.

The proposed ordinance will amend the zoning ordinance in two ways. First, it will change the zoning map by rezoning a parcel of land on the southeast corner of High Street and State Street from the High Street residential district A (HSR-A) to the R-3 multifamily district. Second, the ordinance (incorporating the revised language presented to the Planning Board) will change the definition of “multifamily” in Section V-E (List of allowable uses) to include uses with more than one building on the lot, provided that at least one of the buildings contains at least three dwelling units.

**Proposed Zoning Map Amendment: HSR-A to R-3**

The parcel<sup>1</sup> proposed for rezoning is currently zoned High Street Residential District A (HSR-A) and has been so zoned since the HSR-A district was created in 2017. Prior to 2017, this parcel and all the abutting and nearby parcels were zoned R-3.

The subject parcel is the westernmost parcel in the HSR-A district and is the only HSR-A parcel with frontage on two major streets. Apart from the parcel at 93 High Street, all the abutting parcels are zoned R-3, as are the great majority of the other parcels within 300 feet of the subject parcel. Notably, the parcels on the other three corners of the intersection of State and High Streets are all zoned R-3.

The subject parcel differs in its existing use and character from all abutting and proximate parcels, which are a mix of single-family and multifamily residences. In contrast, the subject parcel contains an abandoned automobile service station which is out of context with the surrounding neighborhood. Furthermore, because the parcel is well under the minimum lot area for the HSR-A district, any reuse of the parcel would require multiple dimensional variances from the zoning ordinance. Given the small size and substantial non-conformances for this parcel under the present HSR-A zoning, this parcel is unlike the larger estate-size parcels the City was seeking to preserve in character when the High Street zoning districts were adopted with larger dimensional requirements than would be appropriate or feasible for the subject parcel. In fact, the

---

<sup>1</sup> The land to be rezoned includes two tax parcels: 33-43 (107 State St.) and 33-42 (95 High St.). However, these two parcels have long been used as a unit: the former service station building is on lot 33-42 while lot 33-43 contained the fuel pumps and driveways. Furthermore, neither parcel complies with the minimum lot area requirement of the HSR-A district, and lot 33-42 does not comply with the minimum street frontage requirement. The two lots are thus effectively merged, and this report therefore uses the singular word “parcel” to refer to the two tax parcels as a single entity.

size and proportions of the subject parcel are more consistent with those found on the other three corners of the adjacent intersection, which are all zoned R3 (as the subject parcel was just a few years ago).

### *“Spot Zoning”*

It has been suggested in public comment that the proposed rezoning of this parcel to accommodate a future multifamily residential use would constitute improper “spot zoning” because it would give a special benefit to the landowner that is not available to similar properties. However, the spot zoning characterization does not apply in this case for several reasons:

- First, the characterization of a zoning map change as “spot zoning” is questionable when the rezoning is to an existing adjacent zoning district.<sup>2</sup> As previously noted, the proposed ordinance would bring the subject parcel into the same zoning district as the majority of abutting and nearby parcels and thus make it more, rather than less, consistent with the overall zoning pattern of this part of the City.
- Second, while rezoning the parcel to R-3 will allow a prospective owner to develop the parcel for a use not currently allowed, the rezoning has been proposed in order to advance a significant objective of the City, i.e., to remove a blighted use of the property and replace it with a residential use that will enhance the neighborhood.
- Third, the proposed rezoning will support the purposes of the zoning ordinance, including “to conserve the value of property, with due consideration for the character of the zones and their peculiar suitability for particular uses” (Zoning Ordinance, Sec. I-C.2).

Based on these considerations, the Planning Board does not believe that the proposed rezoning of the subject parcel from the HSR-A district to the adjoining R-3 district would constitute impermissible spot zoning.

### *Scale and Impacts of the Proposed Redevelopment*

Concerns were raised in public comment about several aspects of the redevelopment concept plan which is incorporated in the development agreement that has been executed by the City and the prospective buyer of the property. Those concerns include building height and massing, setbacks from High Street, increases in the grade of the site, and traffic safety. However, the Board’s responsibility in this instance is to determine whether it believes that the proposed rezoning is appropriate, and not to opine on any specific development plan for the subject site.

Concerns about the proposed site development should be addressed by the Zoning Board of Appeals in its review of a special permit application to be filed after the property is rezoned. The site plan and architectural elevations proposed at that time should be compliant with applicable dimensional requirements and otherwise address the Board’s concerns prior to approval. It should be noted that the Development Agreement includes several design parameters in narrative

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<sup>2</sup> “Spot zoning has also been found to be less likely at the borders of districts. W.R. Grace & Co.- Conn., 56 Mass. App. Ct. at 571, citing *Coleman v. Bd. of Selectmen of Andover*, 351 Mass. 546 , 549 (1967).” *Franson v. City of Woburn*, MISC 15-000384 (Mass. Land Ct. Sept. 14, 2016).

format which further define the permissible scope of development and effectively limit the potential for incompatible architectural design at this prominent location along High Street.

#### *Potential for Nonresidential Use*

The Development Agreement that has been executed by the City and the current prospective developer specifies a four-unit multifamily residential development of the site. Based on the time and resources already spent by the developer in negotiating the purchase of the property and preparing the concept plans, it is highly likely that this site development concept will be implemented following approval of the rezoning. The Planning Board believes that rezoning the parcel to the R-3 district will result in a multifamily residential use of the property that is consistent with the Development Agreement.

However, concerns were expressed during public comment that the parcel could be developed for nonresidential uses given that the R-3 zoning district does permit – by discretionary special permit – uses like retail trade and retail services. In order to provide further assurance as to the future use of the property, Planning Director Port has reached out to both Global and the prospective buyer to request that a private covenant be recorded to prohibit nonresidential uses of this property in the future. While perhaps duplicative in the larger context here, this “belt and suspenders” approach may provide further confidence that only residential use of the parcel could even be proposed to the ZBA following passage of the subject R-3 zoning map change.

#### *Planning Board Recommendation*

Based on its review of the proposed ordinance, the presentation at the public hearing, and public comments, the Planning Board concurs with the proposed rezoning of the parcel to the R-3 district and recommends that the City Council approve this aspect of Ordinance 164.

#### **Proposed Amendment to Definition of “Multifamily”**

The current definition of “multifamily” in Section V-E of the zoning ordinance describes both a use (a lot containing three or more residential units) and a building type (a building containing three or more units). The proposed ordinance would amend the definition to provide more flexibility as to building type, allowing the multifamily *use* to include multiple buildings if it also contains at least one multifamily *building*.

This proposed change to the description of multifamily use was brought forward in conjunction with the zoning map change as a result of the analysis by the Planning Office of potential redevelopment plans for the parcel to be rezoned. Given the economic need to create at least four dwelling units on the site, it was determined that a plan that involved two structures – a main house and a secondary dwelling similar to a carriage house – would be more consistent with the character of most properties along the High Street corridor than a single structure with a larger footprint and mass. It is worth noting here that multifamily use is permitted only by special permit in all zoning districts (excluding the 40R Smart Growth District) thereby ensuring that discretionary plan review remains an effective tool should there be projects or sites elsewhere in the City where a single structure is still preferable.

In the case of the property that is proposed to be rezoned to the multifamily district, this definitional change would accommodate the development of a three-unit building and a second one-unit building, thereby reducing the total visual “massing” compared to providing four dwelling units in a single larger building.

#### *Relationship to Section VI-C*

Prior to and during the public hearing, the question was raised as to how the proposed definitional change related to the provision in Section VI-C of the ordinance, and specifically whether the proposed change would “override” Section VI-C. This section of the ordinance prohibits more than one residential building on a lot except where the Planning Board grants a special permit to permit two single-family dwellings on a lot.

As amended in April 2021, Section VI-C has two primary components:

- “(1) Except as otherwise permitted in this section VI-C or elsewhere in this zoning ordinance, only one (1) building containing residential dwelling units shall be erected, placed or converted to use as such on any lot.
- (2) In a zoning district where a two-family dwelling is allowed by right or by special permit, the planning board may grant a special permit to allow two (2) single-family dwellings on a lot ....”

[emphasis added]

Section VI-C(1) thus contemplates allowing multiple residential buildings on a single lot in particular circumstances. One of the options to do so is set forth in Section VI-C(2), which authorizes the Planning Board to grant a special permit to allow two single-family dwellings on a lot under specific site conditions and subject to specific dimensional and other standards. Another option that allows multiple residential buildings on a lot is in Section XIV of the Ordinance (Open Space Residential Development), which authorizes the Planning Board to grant a special permit for development of a larger parcel that promotes compact and efficient site development and preserves contiguous open space.

The proposed change in the definition of “multifamily” would add yet another option, giving the Zoning Board of Appeals the authority to allow, at its discretion, more than one building as part of its granting of a special permit for multifamily use. It should be noted that other than in the Smart Growth Overlay District, the zoning ordinance only allows multifamily use by special permit. Therefore, every application for multiple residential buildings on a lot entails a review and discretionary special permit by either the Planning Board or the ZBA.

#### *Site Plan Review*

Newburyport’s zoning ordinance provides for site plan review by the Planning Board for any development that contains five or more dwelling units. The definition of “multifamily” includes uses and buildings with three or more dwelling units. Thus, some uses allowed in the R-3 multifamily district – those with three or four dwelling units – are allowed by special permit from the Zoning Board of Appeals without site plan review by the Planning Board. Some

comments received with respect to the proposed rezoning have questioned whether the ZBA can adequately evaluate such special permit applications.

The Planning Board does not share this concern, for two reasons. First, the number of parcels in the R-3 district that are large enough to support two residential buildings is very limited, and the number of parcels in Business districts that have enough area and would only develop three or four dwelling units is also small. Second, the ZBA always has the authority to require an applicant for a special permit to pay for the costs of a peer review of the application.

*Planning Board Recommendation*

The Planning Board recommends that the City Council approve the proposed amendment of the definition of “multifamily” as amended in the presentation to the Planning Board:

“One or more building(s) or structure(s) that together contain(s) three (3) or more dwelling units on the same lot, and where at least one such building or structure contains three (3) or more units.

Where there is more than one dwelling unit in a building, the units must be separated by either common floor-ceiling assemblies between the dwelling units, or Common Wall Connectors as defined in section II-B, definitions.”

Respectfully submitted,

Newburyport Planning Board  
Rick Taintor, Chair



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

**MEMORANDUM**

**TO: Members of Planning Board and City Council (P&D/COTW)**

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

**CC: Sean R. Reardon, MAYOR**

**RE: Update Regarding ODNC164\_10\_30\_2023  
Zoning Amendment Global R3 Multi-Family (COTW)**

**DATE: February 6, 2024**

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The purpose of this memorandum is to provide a brief update regarding the above zoning amendment, which was held in committee and carried over from the prior Council session.

As you may recall, the Planning Board and City Council Planning & Development (P&D) Committee held a required Joint Public Hearing on the proposed zoning amendment on November 15, 2023. At that time, a new “as amended” version was presented and became the working version of this amendment. This version is posted to the P&D Committee webpage accordingly, and is attached here for your convenience. The Planning Board closed its portion of the joint public hearing and subsequently issued an advisory report on December 6, 2023. Although forwarded to the Council on December 7, 2023 this report was not entered as a late file for the December 12, 2023 regular Council agenda (*last meeting of the calendar year*) and carried over to this session along with the amendment. As such, I have attached hereto a copy of the Planning Board’s report and recommendation for your convenience, along with a copy of the “as amended” version currently in committee.

The P&D Committee kept this proposed zoning amendment in committee since late last year, pending a commitment from Global that any future uses of the property would be restricted to residential use only (*contingent of course upon the Council’s commensurate adoption of the proposed zoning amendment making such residential development feasible*). While a Development Agreement is already in place with the local buyer/developer regarding scale and composition of the proposed residential development (*even prior to ZBA permitting*), abutters expressed concern that reverting this land back to the previous R3 zoning designation would also allow a path to commercial uses of the property. While it is in my view highly unlikely that the ZBA would be in a position to grant such a discretionary Special Permit for commercial use at this location, it was agreed that we would seek a “belt and suspenders” approach to ensuring the best possible outcome for this gas station redevelopment. After roughly two months of exchanges with attorneys on both sides, we have obtained the attached written agreement from Global to ensure a deed restriction prohibiting non-residential uses pending Council adoption of the zoning amendment. Once the zoning amendment is adopted, Global would place the subject permanent restriction into the first conveyance/deed out to the new buyer, thereby closing the loop (*while protecting the interests of both Global and the City, respectively*). Following adoption of the zoning amendment, and closing of their private Purchase and Sale (P&S) Agreement, proposed plans (*e.g. building elevations*) can be

reviewed in greater detail by the Zoning Board of Appeals during permitting, with such plans to be consistent with terms contained within the Development Agreement (*e.g. maximum number of units, overall site layout, maximum building height, architectural style, etc.*)

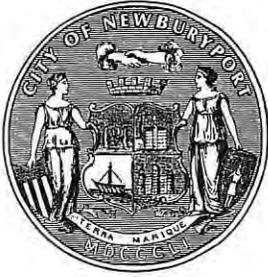
I believe that this agreement and update addresses the outstanding concern and request from both Councilors and abutters. Unless the Council has additional concerns regarding the proposed zoning amendment, or implications for redevelopment of this site, I recommend that the Committee now advance the “as amended” version of the zoning amendment for two readings/votes by the full Council. For procedural purposes, I presume that this memorandum, and materials attached hereto, can be included within the 2/12/24 regular meeting packet/agenda, at which time they could be either referred to committee (P&D) or simply received and filed (R&F) given that corresponding action may be taken by the Council that night on the related matter (*ODNC164\_10\_30\_2023*). In either case I defer to the Council’s preferences.

# Committee Items – April 8, 2024

## Public Works & Safety

*In Committee:*

- COMM00546\_03\_25\_2024      Extended Employee Parking in Green St. Lot
- ORDR00549\_03\_25\_2024      Handicapped Space-Auburn St. at High St.



# CITY OF NEWBURYPORT

MASSACHUSETTS

CITY CLERK'S OFFICE

NEWBURYPORT CITY HALL

60 PLEASANT STREET • P.O. BOX 550

NEWBURYPORT, MA 01950

TEL: 978-465-4407 • FAX: 978-462-7936

RICHARD B. JONES

CITY CLERK

## Memorandum

To: President and Members of the City Council

From: Richard B. Jones, Parking Clerk

Date: March 21, 2024

Re: Blue Dots in Green Street Lot; Council update

The Parking Advisory Committee has reviewed and approved a temporary parking proposal and the Committee has asked that I update the Council.

The Proposal was to temporarily designated 32 parking spaces in the Green Street lot by a blue dot and reserved for employee parking. The rationale is to provide temporary employee parking until the NRA East lot construction is completed on or about May 31, 2024.

These spaces are shown on the attached map.



Green Street

Blue Dot Area

Central Wharf Way

Marina

# CITY OF NEWBURYPORT



## IN CITY COUNCIL

### ORDERED:

March 25, 2024

AN ORDER TO ADD A NEW HANDICAPPED PARKING SPACE PURUSANT TO SECTION 166 (AMENDMENT, ADDITION AND DELETION BY ORDER) OF CHAPTER 13 (TRAFFIC AND MOTOR VEHICLES) OF THE MUNICIPAL CODE

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

Chapter 13	Traffic and Motor Vehicles
Article 4	Specific Street Schedules
Division 6	Stopping, Standing and Parking
Section 13-179	Handicapped Zones

***Amend Section 13-179 by inserting a new line, as follows, with deletions ~~double-stricken-through~~, and additions double-underlined:***

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

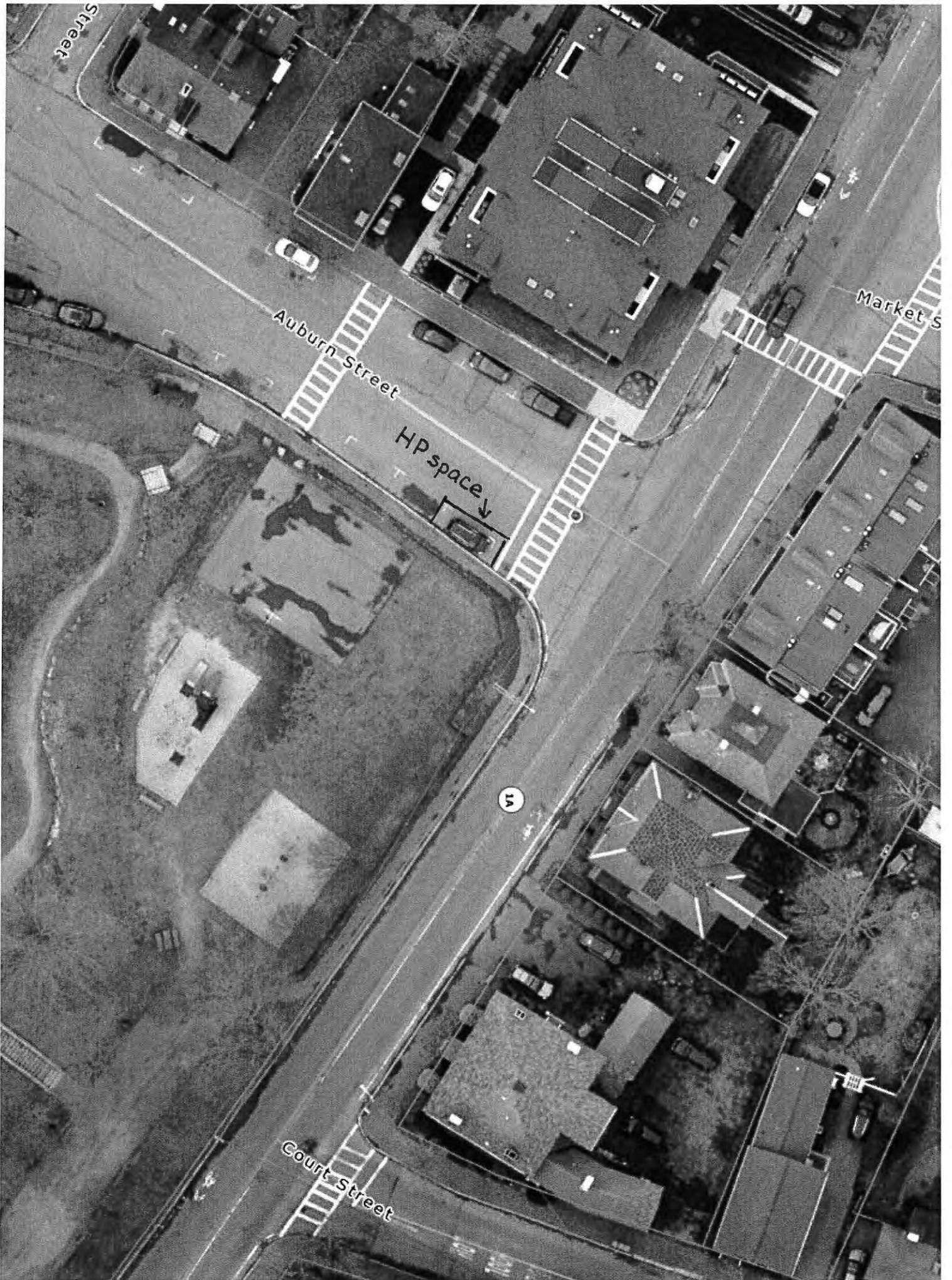
Auburn Street

One (1) space on easterly side of Auburn Street at the intersection of High Street.

\_\_\_\_\_  
Councillor Jennie Donahue

### **In City Council March 25, 2024:**

Motion to waive the rules, accept the late files, and refer to their aforementioned committees by Councillor Zeid, seconded by Councillor Donahue. Roll call vote, 11 yes, motion passes.





# Town of West Newbury

381 Main Street

West Newbury, Massachusetts 01985

Angus Jennings, Town Manager

978-363-1100, Ext. 111 Fax 978-363-1826

[townmanager@wnewbury.org](mailto:townmanager@wnewbury.org)

January 28, 2024

City Council

ATTN: Edward C. Cameron Jr., City Council President

City of Newburyport

## RE: Proposed Intermunicipal Agreement, Middle Street/Plummer Spring Bridge

To the Honorable City Council:

As you know, over these past six years, our communities have worked together toward solving our shared problem of the closure (in summer 2018) of the Middle Street / Plummer Spring Bridge, following its structural failure. Highlights of our collaboration to date include:

- 2018: Newburyport secured MDOT Small Bridge grant, providing \$500,000 of State funding. The City expended \$251,300 from the grant, which allowed engagement of the design engineer (BSC Group) and significant progress on survey/engineering/permitting. Roughly half of the grant funds (\$248,700) **remain available for project construction**.<sup>1</sup>
- 2019: West Newbury secured MassWorks grant for \$1,000,000. The Town expended \$292,285 from the grant prior to the expiration of unspent funds on 6/30/23. During this time, the project successfully completed its design and permitting processes.
- 2020: Intermunicipal Agreement executed (2020), upon endorsement by Newburyport Mayor and Council,<sup>2</sup> and upon authorization of the West Newbury Select Board.<sup>3</sup> IMA provided, generally, for 50/50 cost share for net (not grant-funded) project costs (based on the then-current cost estimates, which were appended to the IMA).
- 2021: West Newbury Town Meeting (in May) appropriated \$600,000 toward the project.

The IMA expired in September, 2021. Due in part to an updated (spring 2021) construction cost estimate that significantly exceeded the initial cost estimate, both communities understood that the increased costs would require new commitments of local, State and/or Federal funding.

Since that time, there have been a number of important milestones:

- The project has secured all required permits. Bid docs are prepared. **The project is “shovel ready,”** once the funding gap for construction costs can be filled.
- The Town (in fall 2023) secured an additional \$1.5M in State grant funds.<sup>4</sup>

<sup>1</sup> Of the \$500,000 MDOT grant, \$248,700 was made available only for construction. That funding remains available, and the original grant expiration date has been extended by MDOT upon Newburyport's prior extension requests. These construction funds will expire on 6/30/24 unless further extended by MDOT.

<sup>2</sup> By 11-0 vote of Newburyport City Council, August 31, 2020.

<sup>3</sup> By 3-0 vote of West Newbury Select Board, June 8, 2020.

<sup>4</sup> \$1,000,000 MassWorks grant awarded 9/21/23. \$500,000 MDOT Small Bridge grant awarded 11/7/23.

- The estimated project costs have also increased, with a detailed cost estimate prepared by the design engineer in May, 2023, and updated earlier this month to increase recommended contingency to reflect other recent publicly-bid bridge project costs.

The reflect these milestones, and to ensure that we lock in the existing \$1.8M in available, unspent State funding toward this project (in addition to the nearly \$550k in State grant funding already expended to get the project this far), **the time is right to resume work toward a new IMA**. In fact, for reasons outlined, an IMA will be necessary to bring this project to completion.

My office has worked with our Select Board and Town Counsel to prepare proposed amendments to the prior IMA that was previously in effect between the communities, intended to reflect the current circumstances, and to secure those intermunicipal agreements that will be legally required for the project (once fully funded) to move forward. Our draft is in a late stage of review, and will be sent for your and Mayor Reardon's consideration in the near term.

The major ingredients of the Town's proposal will include:

- That the Select Board and the City Council each formally authorize the work to take place within these public rights-of-way, in a form accepted by Bond Counsel;
- Clarification of each municipality's role with regard to project procurement, contracting, contract management, inspections, grants management, and record-keeping;
- Commit each municipality to continued efforts to secure non-local grant funding, including agreement that the City seeks extension of its remaining 2018 MDOT Small Bridge funds, and that it applies for a new MDOT Small Bridge grant in 2024;<sup>5</sup>
- Apportion net (non-grant-funded) project costs 50/50 between the communities,<sup>6</sup> with default provisions in the event of non-payment; and
- If necessary or advisable for either community's financing of the project, a 2/3 majority vote of the legislative body of the borrowing community to authorize debt for its share of project costs (or, alternatively, for the Council to grant the Town rights to issue debt for the portion of the project located in Newburyport, in a form accepted by Bond Counsel).<sup>7</sup>

Our discussions with Bond Counsel (Locke Lord) and our Financial Advisor (Hilltop Securities) suggest options to borrow, if doing so proves necessary or beneficial: the Town and City could each issue debt for its share of the project costs; or, subject the City providing it rights to do so, and Select Board approval and Town Meeting authorization, the Town could issue debt for full project costs, with an IMA providing for City reimbursement of its share of debt service over the

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<sup>5</sup> In a January 2024 meeting with MDOT, regarding the Town's Small Bridge grant, MDOT officials expressed willingness to consider a new Small Bridge grant application from the City. The max grant award is \$500,000, and MDOT has previously confirmed that the project is eligible for a separate Small Bridge grant **each fiscal year**.

<sup>6</sup> Subject to appropriation by City Council (in Newburyport) and Town Meeting (in West Newbury). Basis for 50/50 split based generally on: 1) land survey documenting municipal boundary at bridge midpoint; 2) consistent with prior IMA; 3) to align each communities' interest with regard to securing add'l non-local funding; 4) language in Mayor Reardon's project narrative for the Plummer Spring Bridge Replacement that "Both communities will share the balance of the bridge cost" (Newburyport FY2024-2028 Capital Improvement Program, proposed by Mayor Sean R. Reardon, May 8, 2023, pg. 45); and 5) basic fairness.

<sup>7</sup> Locke Lord has advised that such an approach would be permissible, if agreed by both communities.

term of the IMA (which may be up to 25 years), provided that the term of the IMA exceeds the term of the debt.

While purely hypothetical, we (with Hilltop Securities) have drawn up borrowing scenarios to illustrate estimated annual debt service if the current estimated funding gap (\$2.1M) were to be financed, as well as if the City successfully obtained a new \$500k MDOT Small Bridge grant to reduce the estimated funding gap to \$1.6M.

If financed over a 20-year term, annual debt service for \$2.1M is estimated to be about \$153,000 per year. Annual debt service for \$1.6M is estimated to be about \$118,000 per year. Keeping in mind that the current estimated funding gap reflects West Newbury's direct appropriation of \$600,000, with no direct appropriation (yet) by the City – which will need to be taken into account in determining an appropriate inter-municipal cost share – it appears that project financing could be apportioned in a manner that each of our communities could bear.

### **Next Steps**

In the next week or two, we expect to send to the Council and Mayor a proposed IMA for your consideration. Although we have not discussed terms in detail, Mayor Reardon and I have met on multiple occasions specifically to discuss the bridge, and on those occasions (which, admittedly, were some time ago), the Mayor expressed clear willingness to work toward a new IMA (while understanding clearly that its execution would require Council approval).

In order to take advantage of the \$1.5M in State grant funding awarded to West Newbury, to retain (upon MDOT approval of grant extension) the roughly \$250k in State grant funding awarded to Newburyport, to optimize Town efforts to secure Town Meeting approval (on April 29<sup>th</sup>) to extend the sunset date of the \$600k in local funds approved in May 2021, and to best position the project to secure additional State, Federal and/or local funding as needed to allow for project procurement and contract award, it will be necessary to execute an IMA this spring.

When it meets on February 6<sup>th</sup> to close the spring Town Meeting warrants, our Select Board will be asked to include articles regarding the Middle Street Bridge. In order to ensure that our proposals to our legislative body (Town Meeting) are in coordination and alignment with the City Council's considerations of its policy, budgeting and capital budgeting processes, it will be necessary to work together closely in the coming weeks and months.

I respectfully request that the Council either designate or authorize a member or members of your body to participate in an effort, with my office (on behalf of, and in consultation with, the Select Board), Mayor Reardon's office, our respective staff, and our respective legal and bond counsels, to refine the IMA as needed to get it in a form suitable for consideration by the full Council and Select Board. Achieving this **by the end of April** will optimize our chances of securing the Town Meeting vote(s) we'll need to fund our commitments to the project.

We in West Newbury recognize that the bridge project may not rank as highly on the City's list of capital improvement priorities as it does for West Newbury, but we also see a shared public interest in bringing this project to completion at this time. This will maximize available (and

prospective new) non-local funds, honor each municipality's prior commitments to MDOT and MassWorks in accepting and expending grant funds; and meet each municipality's obligation to maintain the functionality and the safety of its public infrastructure.

We do appreciate and thank you for your anticipated attention to this matter. On behalf of West Newbury's Select Board and residents, I look forward to continuing to work together.

Sincerely,



Angus Jennings  
Town Manager

Attachments:

- Middle Street Bridge, Funding Summary, WORKING DRAFT, 1/28/24
- Estimated debt service tables, \$2.1M and \$1.6M, January 2024
- Expired IMA dated Sept., 2021: "Agreement By and Between The City of Newburyport and the Town of West Newbury Regarding Allocation of Costs for Evaluation, Design and Repair of The Plummer Spring Road/Middle Street Bridge"

cc: *West Newbury Select Board, Finance Committee*  
*The Honorable Mayor Sean Reardon; Chief of Staff Andrew Levine*  
*Wayne Amaral, DPS Director; Jon-Eric White, City Engineer*  
*MassDOT: Paul Stedman, District 4 Highway Director; Jonathan Lee, District 4 Bridge Engineer; Cassandra Gascon, Community Grants Program Administrator*  
*Eddie Bates & Kristen Pennucci, MassDOT Small Bridge grant program*

Middle Street Bridge, Funding Summary, WORKING DRAFT, 1/28/24		
<b>Project Costs</b>		
Construction costs	\$	3,315,000
Design/Permitting	\$	550,000
Construction contingency (25%)	\$	828,750
Resident Engineer	\$	200,000
Construction Engineering Services	\$	100,000
TOTAL project costs (est.)	\$	4,993,750
<b>Available Funds (grants)</b>		
MassDOT Small Bridge grant, 2018, design funds (expended)	\$	251,300
MassDOT Small Bridge grant, 2018, construction funds (remaining)	\$	248,700
MassWorks grant (2019, \$1M grant, partially expended)	\$	292,285
MassWorks (2023)	\$	1,000,000
MassDOT Small Bridge grant (2023)	\$	500,000
Sub-Total: grant funding sources	\$	2,292,285
<b>Available Funds (local appropriations)</b>		
Town Meeting appropriation	\$	600,000
Newburyport (requiring City Council approval)	\$	-
Sub-Total: local funding sources	\$	600,000
Est. Shortfall	\$	(2,101,465)
Based on existing appropriations and grants		
<b>Potential Funds</b>		
MassDOT Small Bridge grant, 2024	\$	500,000
Federal Bridge Formula Program funds	?	
Work ongoing to determine project eligibility (or not)		
<b>Summary</b>		
Modified Est. Shortfall	\$	1,601,465
Assumes 2024 MDOT Small Bridge grant award to Newburyport		
Source: Angus Jennings, Town Manager		
<b>Notes</b>		
Construction costs	\$	3,315,000
Design/Permitting	\$	550,000
Construction contingency (25%)	\$	828,750
Resident Engineer	\$	200,000
Construction Engineering Services	\$	100,000
TOTAL project costs (est.)	\$	4,993,750
Source: BSC Group, 5/5/23; UPDATED 12/18/23		
Awarded to Newburyport; construction funds due to expire 6/30/2024, if not further extended by MDOT		
MassDOT Small Bridge grant, 2018, design funds (expended)		
MassDOT Small Bridge grant, 2018, construction funds (remaining)		
MassWorks grant (2019, \$1M grant, partially expended)		
MassWorks (2023)		
MassDOT Small Bridge grant (2023)		
Awarded to West Newbury		
Awarded to West Newbury		
Grant has now expired		
Town Meeting appropriation		
Newburyport (requiring City Council approval)		
Sub-Total: local funding sources		
Sub-Total: grant funding sources		
Est. Shortfall		
Based on existing appropriations and grants		
<b>Potential Funds</b>		
MassDOT Small Bridge grant, 2024		
Federal Bridge Formula Program funds		
Work ongoing to determine project eligibility (or not)		
<b>Summary</b>		
Modified Est. Shortfall		
Assumes 2024 MDOT Small Bridge grant award to Newburyport		
Source: Angus Jennings, Town Manager		

**Town of West Newbury, Massachusetts**  
**\$2,100,000 General Middle St. Bridge Bonds; Dated July 15, 2024**  
**20yrs - Level Debt Service**  
**Interest Estimated, Subject to Change**

**Debt Service Schedule**

Date	Principal	Coupon	Interest	Total P+I	Fiscal Total	Est. 50/50 Share
07/15/2024	-	-	-	-	-	-
01/15/2025	-	-	42,000.00	42,000.00	-	-
06/30/2025	-	-	-	-	42,000.00	21,000.00
07/15/2025	70,000.00	4.000%	42,000.00	112,000.00	-	-
01/15/2026	-	-	40,600.00	40,600.00	-	-
06/30/2026	-	-	-	-	152,600.00	76,300.00
07/15/2026	75,000.00	4.000%	40,600.00	115,600.00	-	-
01/15/2027	-	-	39,100.00	39,100.00	-	-
06/30/2027	-	-	-	-	154,700.00	77,350.00
07/15/2027	75,000.00	4.000%	39,100.00	114,100.00	-	-
01/15/2028	-	-	37,600.00	37,600.00	-	-
06/30/2028	-	-	-	-	151,700.00	75,850.00
07/15/2028	80,000.00	4.000%	37,600.00	117,600.00	-	-
01/15/2029	-	-	36,000.00	36,000.00	-	-
06/30/2029	-	-	-	-	153,600.00	76,800.00
07/15/2029	80,000.00	4.000%	36,000.00	116,000.00	-	-
01/15/2030	-	-	34,400.00	34,400.00	-	-
06/30/2030	-	-	-	-	150,400.00	75,200.00
07/15/2030	85,000.00	4.000%	34,400.00	119,400.00	-	-
01/15/2031	-	-	32,700.00	32,700.00	-	-
06/30/2031	-	-	-	-	152,100.00	76,050.00
07/15/2031	90,000.00	4.000%	32,700.00	122,700.00	-	-
01/15/2032	-	-	30,900.00	30,900.00	-	-
06/30/2032	-	-	-	-	153,600.00	76,800.00
07/15/2032	90,000.00	4.000%	30,900.00	120,900.00	-	-
01/15/2033	-	-	29,100.00	29,100.00	-	-
06/30/2033	-	-	-	-	150,000.00	75,000.00
07/15/2033	95,000.00	4.000%	29,100.00	124,100.00	-	-
01/15/2034	-	-	27,200.00	27,200.00	-	-
06/30/2034	-	-	-	-	151,300.00	75,650.00
07/15/2034	100,000.00	4.000%	27,200.00	127,200.00	-	-
01/15/2035	-	-	25,200.00	25,200.00	-	-
06/30/2035	-	-	-	-	152,400.00	76,200.00
07/15/2035	105,000.00	4.000%	25,200.00	130,200.00	-	-
01/15/2036	-	-	23,100.00	23,100.00	-	-
06/30/2036	-	-	-	-	153,300.00	76,650.00
07/15/2036	110,000.00	4.000%	23,100.00	133,100.00	-	-
01/15/2037	-	-	20,900.00	20,900.00	-	-
06/30/2037	-	-	-	-	154,000.00	77,000.00
07/15/2037	115,000.00	4.000%	20,900.00	135,900.00	-	-
01/15/2038	-	-	18,600.00	18,600.00	-	-
06/30/2038	-	-	-	-	154,500.00	77,250.00
07/15/2038	120,000.00	4.000%	18,600.00	138,600.00	-	-
01/15/2039	-	-	16,200.00	16,200.00	-	-
06/30/2039	-	-	-	-	154,800.00	77,400.00
07/15/2039	120,000.00	4.000%	16,200.00	136,200.00	-	-
01/15/2040	-	-	13,800.00	13,800.00	-	-
06/30/2040	-	-	-	-	150,000.00	75,000.00
07/15/2040	125,000.00	4.000%	13,800.00	138,800.00	-	-
01/15/2041	-	-	11,300.00	11,300.00	-	-
06/30/2041	-	-	-	-	150,100.00	75,050.00
07/15/2041	130,000.00	4.000%	11,300.00	141,300.00	-	-
01/15/2042	-	-	8,700.00	8,700.00	-	-
06/30/2042	-	-	-	-	150,000.00	75,000.00
07/15/2042	140,000.00	4.000%	8,700.00	148,700.00	-	-
01/15/2043	-	-	5,900.00	5,900.00	-	-
06/30/2043	-	-	-	-	154,600.00	77,300.00
07/15/2043	145,000.00	4.000%	5,900.00	150,900.00	-	-
01/15/2044	-	-	3,000.00	3,000.00	-	-
06/30/2044	-	-	-	-	153,900.00	76,950.00
07/15/2044	150,000.00	4.000%	3,000.00	153,000.00	-	-
06/30/2045	-	-	-	-	153,000.00	76,500.00
<b>Total</b>	<b>\$2,100,000.00</b>	<b>-</b>	<b>\$992,600.00</b>	<b>\$3,092,600.00</b>	<b>-</b>	<b>\$1,546,300.00</b>

**Town of West Newbury, Massachusetts**  
**\$1,600,000 General Middle St. Bridge Bonds; Dated July 15, 2024**  
**20yrs - Level Debt Service**  
**Interest Estimated, Subject to Change**

**Debt Service Schedule**

Date	Principal	Coupon	Interest	Total P+I	Fiscal Total	Est. 50/50 Share
07/15/2024	-	-	-	-	-	-
01/15/2025	-	-	32,000.00	32,000.00	-	-
06/30/2025	-	-	-	-	32,000.00	16,000.00
07/15/2025	55,000.00	4.000%	32,000.00	87,000.00	-	-
01/15/2026	-	-	30,900.00	30,900.00	-	-
06/30/2026	-	-	-	-	117,900.00	58,950.00
07/15/2026	55,000.00	4.000%	30,900.00	85,900.00	-	-
01/15/2027	-	-	29,800.00	29,800.00	-	-
06/30/2027	-	-	-	-	115,700.00	57,850.00
07/15/2027	55,000.00	4.000%	29,800.00	84,800.00	-	-
01/15/2028	-	-	28,700.00	28,700.00	-	-
06/30/2028	-	-	-	-	113,500.00	56,750.00
07/15/2028	60,000.00	4.000%	28,700.00	88,700.00	-	-
01/15/2029	-	-	27,500.00	27,500.00	-	-
06/30/2029	-	-	-	-	116,200.00	58,100.00
07/15/2029	60,000.00	4.000%	27,500.00	87,500.00	-	-
01/15/2030	-	-	26,300.00	26,300.00	-	-
06/30/2030	-	-	-	-	113,800.00	56,900.00
07/15/2030	65,000.00	4.000%	26,300.00	91,300.00	-	-
01/15/2031	-	-	25,000.00	25,000.00	-	-
06/30/2031	-	-	-	-	116,300.00	58,150.00
07/15/2031	70,000.00	4.000%	25,000.00	95,000.00	-	-
01/15/2032	-	-	23,600.00	23,600.00	-	-
06/30/2032	-	-	-	-	118,600.00	59,300.00
07/15/2032	70,000.00	4.000%	23,600.00	93,600.00	-	-
01/15/2033	-	-	22,200.00	22,200.00	-	-
06/30/2033	-	-	-	-	115,800.00	57,900.00
07/15/2033	75,000.00	4.000%	22,200.00	97,200.00	-	-
01/15/2034	-	-	20,700.00	20,700.00	-	-
06/30/2034	-	-	-	-	117,900.00	58,950.00
07/15/2034	75,000.00	4.000%	20,700.00	95,700.00	-	-
01/15/2035	-	-	19,200.00	19,200.00	-	-
06/30/2035	-	-	-	-	114,900.00	57,450.00
07/15/2035	80,000.00	4.000%	19,200.00	99,200.00	-	-
01/15/2036	-	-	17,600.00	17,600.00	-	-
06/30/2036	-	-	-	-	116,800.00	58,400.00
07/15/2036	85,000.00	4.000%	17,600.00	102,600.00	-	-
01/15/2037	-	-	15,900.00	15,900.00	-	-
06/30/2037	-	-	-	-	118,500.00	59,250.00
07/15/2037	85,000.00	4.000%	15,900.00	100,900.00	-	-
01/15/2038	-	-	14,200.00	14,200.00	-	-
06/30/2038	-	-	-	-	115,100.00	57,550.00
07/15/2038	90,000.00	4.000%	14,200.00	104,200.00	-	-
01/15/2039	-	-	12,400.00	12,400.00	-	-
06/30/2039	-	-	-	-	116,600.00	58,300.00
07/15/2039	95,000.00	4.000%	12,400.00	107,400.00	-	-
01/15/2040	-	-	10,500.00	10,500.00	-	-
06/30/2040	-	-	-	-	117,900.00	58,950.00
07/15/2040	95,000.00	4.000%	10,500.00	105,500.00	-	-
01/15/2041	-	-	8,600.00	8,600.00	-	-
06/30/2041	-	-	-	-	114,100.00	57,050.00
07/15/2041	100,000.00	4.000%	8,600.00	108,600.00	-	-
01/15/2042	-	-	6,600.00	6,600.00	-	-
06/30/2042	-	-	-	-	115,200.00	57,600.00
07/15/2042	105,000.00	4.000%	6,600.00	111,600.00	-	-
01/15/2043	-	-	4,500.00	4,500.00	-	-
06/30/2043	-	-	-	-	116,100.00	58,050.00
07/15/2043	110,000.00	4.000%	4,500.00	114,500.00	-	-
01/15/2044	-	-	2,300.00	2,300.00	-	-
06/30/2044	-	-	-	-	116,800.00	58,400.00
07/15/2044	115,000.00	4.000%	2,300.00	117,300.00	-	-
06/30/2045	-	-	-	-	117,300.00	58,650.00
<b>Total</b>	<b>\$1,600,000.00</b>	<b>-</b>	<b>\$757,000.00</b>	<b>\$2,357,000.00</b>	<b>-</b>	<b>\$1,178,500.00</b>

## CITY OF NEWBURYPORT



IN CITY COUNCIL

ORDERED:

**Agreement By and Between  
The City of Newburyport and the Town of West Newbury  
Regarding Allocation of Costs for Evaluation, Design and Repair of  
The Plummer Spring Road/Middle Street Bridge**

This Agreement is made as of this 17th day of September, 2020, by and between the City of Newburyport, a Massachusetts municipal corporation with its main office at City Hall, 60 Pleasant Street, Newburyport, MA 01950 (hereinafter referred to as "Newburyport") and the Town of West Newbury, a Massachusetts municipal corporation with its main office at the 1910 Office Building, 381 Main Street, West Newbury, MA 01985 (hereinafter referred to as "West Newbury").

**RECITALS**

**Whereas**, Newburyport and West Newbury in accordance with M.G.L. c. 40 §4A are authorized to enter into an agreement with another governmental unit to perform jointly or for that unit's services, activities or undertakings which any of the contracting units is authorized by law to perform; and

**Whereas**, Newburyport and West Newbury desire to enter into an Agreement to share the costs to evaluate the condition of the Plummer Spring Road/Middle Street Bridge over the Artichoke Reservoir (the "Bridge") situated on the border between Newburyport and West Newbury, and to share the costs of designing, bidding and making necessary repairs to the Bridge (the "Bridge Project"); and

**Whereas**, Newburyport and West Newbury both desire to work cooperatively in order to complete the repairs to the Bridge in the most expeditious fashion; and

**Whereas**, Newburyport has been authorized to enter into this agreement by vote of its City Council and approval of its Mayor; and

**Whereas**, West Newbury has been authorized to enter into this agreement by vote of its Board of Selectmen.

**Now, therefore,** in consideration of the mutual promises contained herein, Newburyport and West Newbury agree to the following terms, conditions and provisions.

1. **Effective Date and Term; Renewal:** This Agreement shall become effective when fully executed by Newburyport and West Newbury on the day first above written and shall continue, if renewed in accordance with the provisions hereinafter contained, until the completion of the Bridge Project.

The initial term of this Agreement shall be one year from the date first written above. The parties shall review the status of the Bridge Project on an annual basis and may renew this Agreement with such amendments as are mutually agreed upon; provided, however, that in no event shall the term of this Agreement, including any renewal thereof, exceed twenty-five (25) years. Any renewal shall be executed by the Mayor of Newburyport on behalf of the City of Newburyport and the Town Manager of the Town of West Newbury on behalf of the Town of West Newbury.

2. **Cost Sharing; Estimated Project Cost:** Newburyport and West Newbury mutually agree that they shall share equal responsibility for all aspects of the Bridge Project, including but not limited to, the costs of evaluation, project design, permitting, bidding, scheduling, oversight, construction, and contractor payment, to the extent that work is not undertaken by employees of Newburyport or West Newbury (all of whose costs and expenses shall be paid by their respective employer). To that end, Newburyport and West Newbury shall obtain the authorization of the other prior to incurring any such costs. Cost sharing shall pertain solely to work directly related to the Bridge Project, and shall be subject to appropriation.

The estimated Bridge project cost is contained in Appendix A attached to this Agreement. Funding, including any additional funding sources as described herein, shall be provided to address the costs as listed in Appendix A. Should additional funds for the Bridge Project in excess of this estimated cost be required, such additional costs shall be expressly subject to appropriation by both parties. Periodic financial statements shall be issued to both parties with respect to expenditures undertaken for the Bridge Project.

Notwithstanding anything set forth above, each party reserves the right to petition for an apportionment of the costs associated with the Bridge Project in accordance with the provisions of M.G.L. Ch. 84 §2.

3. **Cooperation:** Newburyport and West Newbury agree to work together to complete the Bridge Project design, bidding and repair as expeditiously as possible. Newburyport and West Newbury agree to use diligent efforts to obtain without undue delay, any required local, state or federal permit, clearances, approvals, and/or waivers for the Bridge Project. Newburyport and West Newbury acknowledge that each party has received grant funding for the completion of the Bridge Project, Newburyport having received a MassDOT grant and West Newbury having received a MassWorks grant, the terms and requirements of such grants being incorporated herein by reference. In the interest of complying with such grant requirements, the Bridge project must be completed by June 30, 2023.

4. **Liability:** Each party hereto shall be liable and responsible for the negligent or intentional acts of its employees, agents and contractors with respect to the Bridge Project, and shall hold each other harmless from any claims arising therefrom, to the extent permitted by law.

5. **Additional Funding Sources:** Newburyport and West Newbury agree to use their best efforts to secure such grants, reimbursements or other sources of funding for the Bridge Project. All such additional funding sources for the Bridge Project, whether received prior to or after the date of this Agreement shall reduce each party's obligations for costs by one half of the amount secured. The parties agree to comply with all terms and conditions set forth in such grants, reimbursements or other sources of funding.

6. **Notice and Change of Circumstances:** Each party shall promptly notify the other of any legal impediment, change of circumstances, including but not limited to changes in funding availability, insurance requirements, city or town approvals, or any condition or event which may adversely affect each party's ability to carry out any of its obligation, under this Agreement. Any request, demand, authorization, direction, notice, consent, waiver or other document provided or permitted by this Agreement to be made, given, furnished or filed with one party by another party shall be in writing and shall be delivered by hand or by certified mail, return receipt requested, or by overnight delivery service, in an envelope addressed to:

NEWBURYPORT:

Office of the Mayor  
Newburyport City Hall  
60 Pleasant Street  
Newburyport, MA 01950

WEST NEWBURY:

Town Manager  
1910 Office Building  
381 Main Street  
West Newbury, MA 01985

7. **Governing Law:** This Agreement is to be governed and construed in accordance with the laws of the Commonwealth of Massachusetts.

8. **Severability:** If any provision of this Agreement is determined to be invalid or unenforceable, the remaining provisions shall remain in force and unaffected to the fullest extent permitted by law and regulations.

9. **Modification and Amendment:** This Agreement may be modified or amended only by written mutual agreement of the Parties.

10. **Designation of Project Coordinator:** Newburyport and West Newbury shall each designate an employee to act as the Project Coordinator who will be the point of contact for all aspects of the Bridge Project for that party. Each Project Coordinator shall be copied on all correspondence or other communication with any third party involved in the Bridge Project. In the event of the temporary absence or unavailability of a Project

Coordinator, the Parties may designate a temporary Project Coordinator for the duration of such absence or unavailability.

11. **Oversight:** Newburyport and West Newbury agree that their respective employees, agents and officials shall have access to the Bridge during the pendency of this Agreement. Newburyport and West Newbury agree to promptly notify the other in the event that such party considers any work connected with the Bridge Project to be not in compliance with this Agreement, the Bridge Project contract issued pursuant to the joint Invitation for Bids ("IFB"), or applicable federal, state or local laws and applicable regulations.

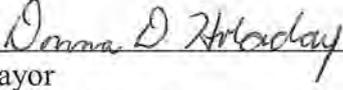
12. **Joint Invitation for Bids ("IFB"):** Newburyport and West Newbury shall prepare and advertise for a joint IFB for the construction of the Bridge Project and shall jointly open and evaluate bids and award a contract to the selected eligible and responsible bidder.

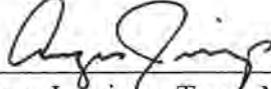
13. **Entire Agreement:** This Agreement, including all documents incorporated herein by reference, constitutes the entire integrated agreement between the parties with respect to the matters described. This Agreement supersedes all prior agreements, negotiations and representations, either written or oral, and it shall not be modified or amended except by a written document executed by the parties hereto.

**IN WITNESS WHEREOF**, the parties hereto have executed this Agreement on the day and year first above written.

**City of Newburyport**

**Town of West Newbury**

  
\_\_\_\_\_  
Mayor  
Duly authorized  
By 11-0 vote of the  
Newburyport City Council  
AUGUST 31, 2020

  
\_\_\_\_\_  
Angus Jennings, Town Manager  
Duly authorized  
By unanimous 3-0 vote of the  
West Newbury Board of Selectmen  
June 8, 2020

July 6, 2020

Jon-Eric White, PE  
City Engineer  
Department of Public Services  
16C Perry Way  
Newburyport, MA 01950

RE: MOU - Preliminary Cost Estimate

Dear Jon-Eric

Below is the preliminary cost estimate based on the 30% design status of the Plummer Spring Road/Middle Street Bridge Replacement. The estimate is for the bridge type selected at the September 23<sup>rd</sup>, 2019 public hearing.

- 45'-0" span spread box beam
- 24'-0" roadway width with one 5'-6" sidewalk
- and S3-TL4 bridge rail
- Overall width 32'-6"
- Integral abutment on piles
- Preliminary Cost Estimate = \$2.6 M

The preliminary cost estimate does not include a contingency. For budgeting purposes, the two communities may find it prudent to include a contingency. At this preliminary design stage MassDOT usually includes a 20% contingency for bridge projects of similar magnitude.

Sincerely,

BSC Group, Inc.



Micah Morrison, PE, SE  
Manager of Structural Engineering

cc: Peter Reed

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Engineers

Environmental  
Scientists

Custom Software  
Developers

Landscape  
Architects

Planners

Surveyors