



**NEWBURYPORT APPOINTED
BOARDS, COMMISSIONS AND COMMITTEES**

Mary Anne Clancy, Mayor

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Atkinson Common Commission

From Code of Ordinances, City of Newburyport

Sec. 11-26. Promulgation of rules.

(a) The board of commissioners of Moseley Woods and the board of commissioners of Atkinson Common are hereby authorized to promulgate reasonable rules for the use by the public of Moseley Woods and Atkinson Common, respectively. Such rules may include, but are not limited to, hours of use, conduct of persons, manner of use of particular facilities or areas within the respective parks. Each board shall consult with the city council and the mayor prior to such promulgation.

(b) Such rules, or any repeal or amendment thereof, shall become effective only after they have been published in each of not less than two (2) weeks in a newspaper of local circulation, and thereafter adopted by resolution of the city council, and posted in one (1) or more prominent places in the park to which they pertain.

(Ord. of 11-9-70, §§ 1, 2)

Sec. 11-27. Atkinson Common--Board of commissioners designated; duties of same; to serve without pay.

The mayor and the president of the city council, ex officio, with three (3) persons to be chosen as hereinafter designated, constitute a board of commissioners of the Atkinson Common, to carry out the provisions and limitations of the will of Mrs. Eunice Atkinson Currier granting the same, and who shall have the proper care, management and supervision of the same; also land purchased from Merrill Estate by Belleville Improvement Society and given to the city. The board of commissioners shall serve without pay.

(Code 1971, § 17-2)

Sec. 11-28. Same--Annual appointment to board.

Annually in the month of March, the mayor shall appoint, subject to the approval of the city council, from the citizens at large, one (1) member of the board of commissioners of Atkinson Common to hold office for three (3) years from the last Monday in April following.

(Code 1971, § 17-3)

Sec. 11-29. Same--Financial matters.

All money received for account of the Atkinson Common shall be deposited with the city treasurer/collector, in trust, subject to withdrawal by a majority of the board of commissioners only for expenditures on the Atkinson Common; and the accounts of the Atkinson Common shall be kept by the city treasurer/collector in such form and manner as the commissioners may direct.

(Code 1971, § 17-4)

Sec. 11-30. Same--Annual report of board.

The board of commissioners of the Atkinson Common shall make a report of their doings, receipts and expenditures to the thirtieth day of November in each year, to the city council, before the last Monday in December.

(Code 1971, § 17-5)

Bartlet Mall Commission

From Code of Ordinances, City of Newburyport

Sec. 11-26. Promulgation of rules.

(a) The board of commissioners of Moseley Woods and the board of commissioners of the Bartlet Mall and the board of commissioners of Atkinson Common are hereby authorized to

promulgate reasonable rules for the use by the public of Moseley Woods, Bartlet Mall, and Atkinson Common, respectively. Such rules may include, but are not limited to, hours of use, conduct of persons, manner of use of particular facilities or areas within the respective parks. Each board shall consult with the city council the mayor and the parks commission prior to such promulgation.

(b) Such rules, or any repeal or amendment thereof, shall become effective only after they have been published in each of not less than two (2) weeks in a newspaper of local circulation, and thereafter adopted by resolution of the city council, and posted in one (1) or more prominent places in the park to which they pertain.

(Ord. of 11-9-70, §§ 1, 2)

Bartlet Mall—Board of commissioners; duties; term of office.

The mayor shall appoint five (5) persons to constitute the board of commissioners of Bartlet Mall who shall have the responsibility for the proper care, management and supervision of the same. Each commissioner of said board shall be appointed for a terms of not in excess of three (3) years, and the appointments shall be so made that the terms of not more than two (2) commissioners shall expire in any single year. The appointments shall be made on or before the first Monday of February. All members shall hold office until their respective successors are appointed.

Sec. 11-35. Bartlet Mall—Annual appropriation for upkeep; use of other funds.

(a) The mayor and city council shall annually appropriate a sum of not less than five hundred dollars (\$500.00) for the general care and policing of Bartlet Mall, including the maintenance of public ice skating on the pond.

(b) The money annually appropriated by the city for the upkeep of the Bartlet Mall together with such sums as may be received by the commissioners shall be expended, in consultation with the mayor, planning office and parks commission, to the satisfaction of the Bartlet Mall commissioners for the maintenance of Bartlet Mall as a public park.

Board of Health

The role of the Board of Health is to oversee the Dept. of Health of the city. The director of the dept is responsible to the BOH. Other areas which fall under the purview of the health dept. include animal control, waste management, recycling, VNA, and weights and measures. These individuals report to the health director who in turn reports to the board. In the case that we are now faced with the board has assumed the duties of the director and are subcontracting on an as needed basis. In general board members meet once a month (4th Thurs) and review the actions of the dept. The board is also responsible for setting policy, setting and collecting fees, and approving contracts. One member of the board must be an MD. A health background would be helpful for a board member, but not mandatory. An individual who shows an interest and willingness to work in a cooperative effort should be considered.

Board of Registrars

From: M.G.L. Chapter 51: Section 15 Board of registrars in certain cities and towns; appointment; term of office

Section 15. Except as provided in section seventeen, there shall be in every city, other than one having a board of election commissioners or an election commission, and in every town a board of registrars of voters consisting of the city or town clerk and three other persons who shall, in a city, be appointed by the mayor, with the approval of the aldermen, and in a town, by a writing signed by the selectmen and filed with the town clerk. When a board of registrars is first appointed, the registrars shall be appointed in February or March for terms respectively of one,

two and three years, beginning with April first following. In February or March in every year after the original appointment, one registrar shall be appointed for the term of three years, beginning with April first following.

As the terms of the several registrars expire, and in case a vacancy occurs in the board of registrars of voters, the selectmen or the appointing authority shall so appoint their successors that as nearly as possible the members of the board shall represent the two leading political parties, as defined in section one of chapter fifty; provided, that a city or town clerk need not be enrolled in a political party; and provided further, that in no case shall an appointment be made as to cause a board to have more than two members, including the city or town clerk, of the same political party. Every such appointment shall be made in a town by the selectmen or the appointing authority from a list to be submitted to them by the town committee of the political party from the members of which the position is to be filled, containing the names of three enrolled members of such party resident in the town, selected by a majority vote at a duly called meeting, at which a quorum is present, of such committee; and every member of a board of registrars of voters shall serve until the expiration of his term and until his successor has qualified; provided, however, if the chairman of the town committee has not submitted such list to the selectmen or the appointing authority within forty-five days after a notification to said chairman by certified mail, the selectmen or the appointing authority shall make said appointment without reference to such a list.

Board of Sewer Commissioners

The Newburyport Sewer Commissioners are the citizen stewards of the Newburyport Sewer Department. The Commission is made up of five Newburyport Citizens appointed by the Mayor and confirmed by the City Council. As stated in the Enabling Acts of 1963, Chapter 261:

“Each member of said Board shall be appointed for a term of not in excess of three years and the appointments shall be so made that the terms of not more than two members shall expire in any single year. In any year in which any appointments are requirement to be made hereunder, such appointments shall be made on or before the first Monday in February. All members shall hold office until their respective successors are appointed. The commission shall annually in the month of February choose by ballot, from its own membership, a chairman and secretary.”

We oversee the operation, maintenance and capital improvement of the department. We accomplish this through Public Meetings that take place on a monthly basis (often more frequent) in which Sewer Department personnel (including the Superintendent, Chief Operator and Pretreatment Coordinator) update the Sewer Commission on ongoing efforts, accomplishments and challenges.

We have a 5-year Capital Plan that we update each January. We begin our detailed Fiscal Year (FY) budgeting process in February and submit this information to the Mayor’s office for review, comment and approval in March. It then goes to the City Council with the remainder of the City Budget for approval by June.

We are responsible for providing proper oversight of the department and guidance to our management staff to assure the department is operated in a cost effective, professional manner.

The Sewer Department has created a booklet that is given to each Sewer Commissioner as well as the Mayor. This booklet is also available for review in the Water/Sewer Office and the City Clerk’s office. It includes all relevant information and can be reviewed at any time.

Board of Water Commissioners

From: Acts of 1908, Ch. 403: An Act relative to the Water Supply of the City of Newburyport

Section 10 The powers and duties granted to and imposed upon the city by this act shall, except the power of borrowing money, and except as herein otherwise provided, be exercised by a board of water commissioners, consisting of five residents of the city to be appointed by the mayor with the approval of the city council. The present commissioners shall continue to hold office until the expiration of their respective terms, unless sooner removed as hereinafter provided, and until their successors are appointed and confirmed. Hereafter one commissioner shall be appointed each year for the term of five years from the first Monday of May. All such commissioners unless sooner removed as hereinafter provided, shall hold office until their successors are appointed and confirmed. Vacancies occurring during the term may be filled for the remainder of the term. No person shall be appointed commissioner who holds at the time any city office by popular election. Any commissioner, after due notice and a hearing, may be removed at any time by a two thirds vote of each branch of the city council, for any cause which shall be deemed sufficient and shall be expressed in the vote of removal. The commissioners shall receive no compensation for their services unless the city council by a two thirds vote of each branch thereof otherwise determines, and in such case the amount of compensation may be fixed by a two thirds vote. Said commissioners shall annually, and as often as the city council may require, render an account of their official acts; and their books and accounts shall be open to the inspection of the city auditor at any time.

Section 11 The water commissioners shall fix such prices or rates for the use of water as will produce annually, as nearly as may be, an amount sufficient, with the sum of not less than five thousand dollars which is to be raised by the city by general taxation as aforesaid, to defray all current operating expenses, including maintenance, all interest charges and payments on principal as they accrue upon any bonds, notes or scrip heretofore or hereafter issued by said city for water supply purposes, and may so fix such prices or rates as to produce a surplus of not more than five thousand dollars. (amended to \$15,000 2/7/56)

Section 12 The said commissioners shall apply the sums received from the water rates, in the first instance to the payment of the expenses and charges named in the proceeding section. The remainder, to the extent of not more than five thousand dollars in any one year, they may expend for new construction. They shall make no contract for new construction calling for an expenditure of a sum greater than five thousand dollars in any one year, or calling for an expenditure which cannot be met from the water rates, until an appropriation therefor has been made by the city council. If a surplus shall remain from the water rates at the close of any fiscal year, after the payment of the expenditures aforesaid, it shall be applied to the payment of the said expenditures in the following year, and if the surplus remaining in any one year amounts to more than five thousand dollars the water rates shall be reduced proportionately. No money from the water rates or other income of the water works shall be used for any purpose not specified herein.

Cable Advisory Committee

An ad-hoc, advisory committee to the Mayor charged with overseeing compliance with the city's cable franchise contract and license renewal process. There is no limit to the number of members the Mayor can appoint. The committee conducts public hearings for ascertainment and compliance purposes as needed.

Mission Statement:

The Newburyport Cable Advisory Committee will provide equipment, training and access to telecommunications technology and distribution systems to all Newburyport citizens for the purposes of building community, empowering the individual, and ensuring First Amendment rights of free expression. We will increase city-wide connectivity. We will manage the delivery

of basic programming at the lowest possible cost for residents at large, and provide discounted monthly basic rates for seniors.

City Investments Committee

An ad-hoc, advisory committee to the Mayor charged with working with the City's Treasurer and Auditor to devise sound investment strategies for tax dollars and other revenues. Members will provide investment advice and discuss available investment options, with the goal of maximizing the City's investment income. Members should have demonstrated professional experience in financial investing and a strong interest in assisting the city with funds management advice. Community members will be appointed for one-year terms and serve in an advisory capacity; the Treasurer and Auditor will serve as members of the committee.

Civic Commission

From: Code of Ordinances, City of Newburyport

Sec. 12-140. Creation.

In accordance with Section 5 of Chapter 486 of the Acts of 1980, there is hereby created a civic commission by the City of Newburyport.
(Ord. of 2-14-94)

Sec. 12-141. Composition.

The commission shall consist of five (5) persons, who shall hold office for terms of one (1), two (2), three (3), four (4), and five (5) years respectively from the first Monday in March next following such appointment, or until their successors are qualified; and thereafter the mayor shall annually, before the first Monday in March, with approval from the city council, appoint one such commissioner for a term of five (5) years from said first Monday in March. A vacancy in such board shall be filled in like manner for the remainder of the unexpired term. Such commissioners shall serve without compensation.
(Ord. of 2-14-94)

Sec. 12-142. Members, prohibition.

No person may serve on the commission who is either a member of the board of directors of the Society for the Development of the Arts and Humanities of Greater Newburyport, Inc. (hereinafter referred to as SDAH) as lessee or an employee or official of the City of Newburyport, nor the spouse or other immediate family member of any such director, employee, or official.
(Ord. of 2-14-94)

Sec. 12-143. Rules.

- (a) The commission at its discretion, shall draft and approve rules and regulations that govern the operation of the commission and the administration of the lease. Such rules shall include, but not be limited to, a method by which disputes between the SDAH and vendors may be resolved with the commission acting in the role of arbitrator.
- (b) The commission shall further require a monthly report from the SDAH in relation to the operation of the Firehouse Civic Center.
(Ord. of 2-14-94)

Sec. 12-144. Responsibilities.

Said commission shall be responsible for the duties granted to it by said Chapter 486 of the Acts of 1980. Further, said commission shall be authorized by the City of Newburyport to carry out all

of the city's obligations and to exercise all of the city's rights as determined by the lease agreement for the Firehouse Civic Center as entered into by the City of Newburyport as lessor and the SDAH as lessee. Said lease agreement was originally entered into on September 12, 1990. Any future amendments to such lease shall be governed by the terms of this section. A copy of the lease agreement and any amendments are on file in the office of the city clerk. (Ord. of 2-14-94)

Commission for Persons with Disabilities

From: M.G.L. Chapter 40: Section 8J. Disability commission; powers and duties; members; terms

Section 8J. A city which accepts the provisions of this section by vote of its city council, subject to the provisions of its charter, or a town which accepts the provisions of this section at an annual or special town meeting, may establish a commission on disability, hereinafter called the commission, to cause the full integration and participation of people with disabilities in such city or town. Such commission shall (1) research local problems of people with disabilities; (2) advise and assist municipal officials and employees in ensuring compliance with state and federal laws and regulations that affect people with disabilities; (3) coordinate or carry out programs designed to meet the problems of people with disabilities in coordination with programs of the Massachusetts office on disability; (4) review and make recommendations about policies, procedures, services, activities and facilities of departments, boards and agencies of said city or town as they affect people with disabilities; (5) provide information, referrals, guidance and technical assistance to individuals, public agencies, businesses and organizations in all matters pertaining to disability; (6) coordinate activities of other local groups organized for similar purposes.

Said commission shall keep records of its meetings and actions and shall file an annual report which shall be printed in the city or town annual report and shall have at least ten meetings annually.

Said commission shall consist of not less than five nor more than nine members. In cities, the members shall be appointed by the mayor, subject to the provisions of the city charter except that in cities having a Plan D or Plan E form of government said appointments shall be by the city manager, subject to the provisions of the charter, and in towns they shall be appointed by the selectmen, except towns having a town manager form of government, in which towns appointments shall be made by the town manager, subject to the approval of the selectmen and except towns having a town council form of government, the town manager. A majority of said commission members shall consist of people with disabilities, one member shall be a member of the immediate family of a person with a disability and one member of said commission shall be either an elected or appointed official of that city or town. The terms of the first members of said commission shall be for one, two or three years, and so arranged that the term of one-third of the members expires each year, and their successor shall be appointed for terms of three years each. Any member of said commission may, after a public hearing, if so requested, be removed for cause by the appointing authority. A vacancy occurring otherwise than by expiration of a term shall be filled for the unexpired term in the same manner as an original appointment. The chairperson and other officers shall be chosen by a majority vote of said commission members.

Community Preservation Committee

Sec. 2-120. Established.

There is hereby established a community preservation committee, in accordance with the Chapter 267 of the Acts of 2000, Massachusetts Community Preservation Act, consisting of nine (9)

voting members pursuant to M.G.L.A. c. 44B. All ordinances or parts of ordinances inconsistent herewith are hereby repealed.
(Ord. of 2-24-03)

Sec. 2-121. Membership and terms.

The composition of the committee, the appointment authority and the term of office for the committee members shall be as follows:

- (1) One (1) member of the conservation commission for a term of three (3) years.
 - (2) One (1) member of the historical commission for an initial term of two (2) years, and thereafter for a term of three (3) years.
 - (3) One (1) member of the planning board for an initial term of one (1) year, and thereafter for a term of three (3) years.
 - (4) One (1) member of the park commission for an initial term of one (1) year and thereafter for a term of three (3) years.
 - (5) One (1) member of the housing authority for an initial term of two (2) years and thereafter for a term of three (3) years.
 - (6) One (1) member of the open space committee for an initial term of one (1) year and thereafter for a term of three (3) years.
 - (7) Three (3) members of the general public to be appointed by the mayor, one (1) member to be appointed for a term of one (1) year and thereafter for a term of two (2) years and one (1) member to be appointed for a term of two (2) years and thereafter for a term of three (3) years.
- The appointments to the community preservation committee shall be made in accordance with the provisions of the City Charter.

(Ord. of 2-24-03)

Sec. 2-122. Powers and duties.

(a) The community preservation committee shall study the needs, possibilities and resources of the city regarding community preservation. The committee shall consult with existing municipal boards, including the city council, conservation commission, the historical commission, the planning board, the park commission, and the housing authority, or persons acting in those capacities or performing like duties, in conducting such studies. As part of its study, the committee shall hold one (1) or more public informational hearings on the needs, possibilities and resources of the town regarding community preservation possibilities and resources, notice of which shall be posted publicly and published for each of two (2) weeks preceding a hearing in a newspaper of general circulation in the town.

(b) The community preservation committee shall make recommendations to the city council acquisition, creation and preservation of open space, for the acquisition and preservation of historic resources, for the acquisition, creation and preservation of land for recreational use, for the creation, preservation and support of community housing and for rehabilitation or restoration of such open space, historic resources, land for recreational use and community housing that is acquired or created as provided in this section. With respect to community housing, the community preservation committee shall recommend, wherever possible, the reuse of existing buildings or construction of new buildings on previously developed sites.

(c) The community preservation committee may include in its recommendation to the city council a recommendation to set aside for later spending funds for specific purposes that are consistent with community preservation but for which sufficient revenues are not then available in the community preservation fund to accomplish that specific purpose or to set aside for later spending funds for general purposes that are consistent with community preservation.

(Ord. of 2-24-03)

Sec. 2-123. Rules and regulations.

(a) By majority vote of the members of the committee, the committee may adopt and promulgate rules and regulations for the conduct of its business on any matter within the committee's jurisdiction under the Massachusetts Constitution, Massachusetts General or Special

Laws, the Code of Massachusetts Regulations (CMR), ordinance, or other legal right or authority granted to or conferred upon the commission.

(b) The proposed rule or regulation shall be submitted to all committee members at least forty-eight (48) hours prior to any vote to adopt the same; provided, however, the committee may make such amendments to the proposed rules or regulations as it deems appropriate at the said meeting.

(c) Upon approval of any rule or regulation by the committee, a copy of the same shall be filed with the city clerk and become effective as of the date of filing thereof unless the specific vote of the committee establishes a later effective date.

(d) To enhance communication, minutes of each meeting shall be sent to the city clerk for distribution to the city council.

(Ord. of 2-24-03)

Conservation Commission

From: "So...you're joining the Conservation Commission," brochure prepared by the Massachusetts Association of Conservation Commissions in collaboration with the University of Massachusetts Extension School of Natural Resources and Environmental Conservation Program.

Conservation Commissions were formed under the Conservation Commission Act of 1957 (G.L. Ch.40 sec.8C) which gives the Commission responsibility for open space and other natural resource protections in the community. Commissioners help to identify key parcels that should be protected, work for acquisition where appropriate, and manage local lands dedicated to conservation and passive recreation. Commissions may also organize recycling and other programs that enhance the local environment.

The Conservation Commission is responsible for administering the Massachusetts Wetlands Protection Act (G.L. Ch 131 sec. 40) and non-zoning local wetland bylaws or ordinances. Commissions have the opportunity to review proposed development projects in or near wetlands and other water resource areas. The Conservation Commission also has, by law, a seat on the local Community Preservation Committee that oversees the Community Preservation Act.

Council on Aging Board

From: Code of Ordinances, City of Newburyport

Sec. 2-81. Establishment; membership.

There is hereby established a council on aging consisting of eleven (11) members, a majority of which must be a least sixty (60) years of age. Members must be residents and registered voters of the city. Members shall be appointed by the mayor, subject to the consent of the city council All members currently serving on the board shall remain, subject to terms designated by the mayor in section 2-82. (Code 1971, § 2-228; Ord. of 6-8-92)

As the term of each member expires, his successor shall be appointed for a term of five (5) years. Terms shall expire on the last day of May. A member may be reappointed for successive terms. (Code 1971, § 2-229; Ord. of 6-8-92)

Cultural Council

From: M.G.L. Chapter 10: Section 58 Local and regional cultural councils

Section 58. Any city or town may establish a local cultural council and any consortium of cities and towns, with the approval of the council, may establish a regional cultural council. Local cultural councils shall consist of at least five and not more than twenty-two members to be appointed by the mayor of a city, the city manager in a city having a Plan D or E form of government, the board of selectmen of a town or the executive officer in a town having a town council form of government.

Members of the local and regional cultural council shall be appointed for staggered terms of three years and any such member shall not be appointed to more than two consecutive terms. Members shall have demonstrated scholarship or creativity in, or distinguished service to, the arts, humanities, or interpretive sciences.

Upon a vacancy, for any reason, the member's successor, if any, shall be appointed for a term of three years, and shall serve until the qualification of such member's successor. Members shall not be elected public officials. Members shall be considered to be special municipal employees for the purposes of chapter two hundred and sixty-eight A. For purposes of chapter two hundred and sixty-eight A, any local or regional cultural council member who is authorized thereby to make disclosure to such member's city or town clerk or appointing authority, or to request a determination from such member's appointing authority, or to seek approval from the local legislative body may in lieu thereof, disclose to, or seek such approval from the council, and the council is authorized to receive such disclosure and approve such exemptions. Local and regional cultural council members shall be classified as officers for purposes of section thirteen of chapter two hundred and fifty-eight. Members shall serve without compensation but shall be reimbursed for their expenses actually and necessarily incurred in the discharge of their duties. Local and regional cultural councils shall annually elect a chairman, secretary and treasurer.

Local and regional cultural councils may establish administrative units, but no such cultural council shall utilize more than five percent of the monies received from the State Arts Lottery Fund for administrative purposes, including member expenses.

Subject to rules, regulations, rulings or guidelines of the council, such local or regional cultural councils may decide the distribution of arts lottery funds or other funds that may be allocable to them, may also conduct other activities to promote and encourage the arts, may enter into contracts, subject to approval of town counsel or city solicitor as to form, and may do and perform any and all acts which may be necessary or desirable to carry out such powers and the purposes of sections fifty-six to fifty-eight, inclusive. Nothing in the provisions of section twenty-seven of chapter ten shall prevent a local or regional cultural council or an arts organization, or their agents or employees, from encouraging the sale of lottery tickets for the arts nor from being licensed as agents to sell lottery tickets for the arts. Notwithstanding the provisions of section fifty-three A of chapter forty-four, local and regional cultural councils may accept grants, contributions, gifts, bequests, devises, and other donations from all sources, including governmental bodies and shall deposit such monies and any other revenues, including revenues derived from local or regional cultural councils activities, in the revolving fund established under the provisions of this section. Funds received from sources other than the arts lottery fund may be disbursed at the discretion of the local or regional cultural council for the same purposes as arts lottery funds, including administrative expenses, provided, however, that the council may by rule, regulation, ruling or guideline establish further clarification of such purposes as well as procedures to assure that such funds are so used.

Notwithstanding the provisions of section fifty-three of chapter forty-four, any city, town or consortium of cities and towns otherwise pursuant to the provisions of section four A of chapter forty, shall establish in the city or town treasury, or in one of the cities or towns in the consortium a revolving account which shall be kept separate and apart from all other monies by the treasurer

and in which shall be deposited all receipts from the state arts lottery fund, distributed under the provisions of section fifty-six, and any other receipts or donations to the local or regional cultural council authorized by law.

Eight Towns and the Bay

Eight Towns and the Bay (8T&B) is a coalition of nine communities located along Ipswich Bay ("the Bay"). The coalition includes representatives from these communities. The group is unique in that it brings issues of local concern to the attention of state and federal agencies. The group has staff support from the Merrimack Valley Planning Commission.

The towns represented in 8T&B are: Amesbury, Essex, Gloucester, Ipswich, Newbury, Newburyport, Rockport, Rowley, and Salisbury. The committee also currently includes an educational representative from the Massachusetts Audubon Society.

8T&B staff have facilitated and prepared grant applications for projects in growth planning, wetland restoration, non-point source pollution, and other key coastal issues. Representatives routinely collaborate and share information about local projects. At regular meetings, presentations from state and other environmental agencies, non-profit organizations, and others build the ability of committee members to address local concerns while drawing on a wide range of resources.

In particular, 8T&B has played a leading role in wetland restoration and opening clam flats. They also created a video entitled "The Great Marsh," and have collaborated on a wide variety of projects, including storm drain stenciling by Nock Middle School students, anadromous fish counts, rail trails, and a great many others. The group also has a role in stormwater regulations.

Harbor Commission

The role of the Harbor Commission focuses on making recommendations to the Mayor and / or other City Officials about the operation and safety of the harbor of Newburyport. The Commission is also responsible for the overseeing of the Harbormaster's budget, proposing ordinances, permitting docking and mooring facilities and updating and monitoring the Newburyport Harbor Management Plan. The Harbor Commission consists of seven members and two alternate members. Newburyport residency is required.

Historical Commission

The purpose of the NHC is to **protect, preserve and promote** Newburyport's historic structures, neighborhoods and landscapes.

Responsibilities of NHC members:

Attend bi-monthly meetings (1st and 3rd Thursdays), and participate actively in discussions concerning proposed demolition and construction projects involving historic structures and environments. With the city's demolition delay review process, it is *critical* that members are able and willing to commit to attend the majority of meetings throughout the year.

Participate in site visits scheduled between regular meetings, generally to view and discuss proposed demolition projects. These visits are generally scheduled on Friday or Saturday mornings, but may vary depending on availability of NHC members and demolition

applicants. Some properties may be unstable or in considerable disrepair, so members should be comfortable in those situations.

In order to insure that the Commission is fulfilling its duty to protect, preserve and promote the community's historic resources, NHC members should be knowledgeable in the preservation, restoration, renovation and adaptive reuse of historic structures; historical and contemporary architecture/design; construction materials and techniques appropriate for historical structures and landscapes; local history; and/or current city/regional planning, zoning and development issues.

Contribute to the workings of the NHC, either by serving as an officer (chairman, vice chair, clerk, treasurer) and/or by contributing in some of the following ways: conducting historical/architectural research, providing expertise in a particular area; spearheading an NHC subcommittee; serving on corollary city committees (i.e., joint committees with other boards, such as a project review committee).

NHC members also review and vote on projects undertaken by the city's Housing Rehabilitation Program (funded via a Community Block Development Grant), as well as any publicly-funded projects located within the city's National Register Historic District (past examples include the Newburyport Public Library expansion, Newburyport High School, and High Street renovations). On occasion, the NHC will provide *advisory review* services for private design/construction projects (i.e., the Atkinson Building, Towle Office Building), initiated either by the owner or at the behest of either the Building Inspector or Planning Director.

Library Board of Directors

The Library Board of Directors consists of twelve members. The Mayor, who is Chairman ex-officio, appoints seven members for seven-year terms. The President of the City Council is also an ex-officio member. There are three Building Fund Trustees who are self-perpetuating. They also serve as Directors for as long as they are Trustees of the original Building Fund. The Head Librarian is the secretary to the Board and while serving in that capacity posts all meetings, prepares all agendas and records the proceedings of all meetings.

The current Board meets monthly on the first Thursday of every month, except July and August, at 5:15 in the Directors' Room of the Newburyport Public Library. According to City Ordinance, they "...have the general care and superintendence of the public library...prescribe the duties of the Head Librarian, and have control and direction of the librarian in the discharge of his duties; and establish all convenient and necessary bylaws and regulation to be observed in the use of books and determine the fines and penalties to be incurred for their nonobservance." They act in an advisory capacity to the Head Librarian and review and approve all policies. Additionally, they are expected to be ambassadors for the library.

Licensing Commission

From: M.G.L. Chapter 138: Section 4 Licensing boards; appointments; membership

Section 4. In each city which is not exempt by the provisions of section ten there shall be a licensing board appointed by the mayor, subject to confirmation by the board of aldermen or, if there is no such board, by the city council, consisting of three persons, who shall not be engaged, directly or indirectly, in the manufacture or sale of alcoholic beverages, who have been residents of the city in which they are appointed for at least two years immediately preceding their appointment. One member shall be appointed from each of the two leading political parties and

the third member may also be appointed from one of said parties. If any member of said board engages directly or indirectly in such manufacture or sale, his office shall immediately become vacant.

Section 5. The terms of office of the members first appointed shall commence at the date of their appointment, and shall be so arranged as to expire at the end of two, four or six years from the first Monday in June in the year of their appointment, the date of expiration to be specified in their respective commissions; and thereafter a member shall be appointed for a term of six years from the first Monday in June of the year in which the previous term expires. All members shall hold office until their respective successors are qualified. They may be removed by the mayor for cause, after charges preferred, reasonable notice thereof, and a hearing thereon; and the mayor shall, in the order of removal, state his reasons therefor. Any member of said board may, within seven days after notice of his removal, apply to the superior court for a review of the charges, of the evidence submitted thereunder, and of the findings thereon by the mayor.

The Licensing Commission in the City of Newburyport also regulates the licensing of Transient Vendors and Hawkers and Peddlers (temporary vendors).

Moseley Woods Commission

From Code of Ordinances, City of Newburyport

Sec. 11-31. Moseley Woods--Acceptance of provisions of will.
The provisions of paragraph 7 of the will of Charles W. Moseley are hereby accepted.
(Code 1971, § 17-6)

Sec. 11-32. Same--Board of commissioners; term of office.
The mayor shall appoint five (5) persons to constitute the board of commissioners of Moseley Woods. Each commissioner of said board shall be appointed for a term of not in excess of three (3) years, and the appointments shall be so made that the terms of not more than two (2) commissioners shall expire in any single year. The appointments shall be made on or before the first Monday of February. All members shall hold office until their respective successors are appointed.
(Code 1971, § 17-7; Ord. of 2-23-04(2))

Sec. 11-33. Same--Annual appropriation for upkeep; use of other funds.
(a) The mayor and city council shall annually appropriate a sum of not less than five hundred dollars (\$500.00) for the care and policing of Moseley Woods as stipulated in paragraph 7 of the will of Charles W. Moseley.
(b) The money annually appropriated by the city for the upkeep of the Moseley Woods together with such sums as may be received from the trustees under such will shall be expended by the commissioners to the satisfaction of the trustees for the policing and maintenance of Moseley Woods as a public park.
(Code 1971, § 17-8)
Secs. 11-34--11-50. Reserved.

Municipal Retirement Board

The Newburyport Retirement System is managed by a five member board. The city auditor is the ex-officio member, a second member is appointed by the mayor. The third and fourth members are elected by the members and retirees of the system for a term of three years. A fifth member who is not an

employee, retiree, or official of this governmental unit is chosen by the other four members for a term of three years.

These board members are fiduciaries of the system responsible for making decisions on a member's eligibility for benefits, investing the board assets and the supervision of the board staff.

The system is overseen by a state agency, the Public Employee Retirement Administration Commission.

Newburyport Housing Authority

From: M.G.L. Chapter 121B: Section 3 Housing authorities; creation; dissolution

Section 3. There is hereby created, in each city and town in the commonwealth, a public body politic and corporate to be known as the ""Housing authority" of such city or town; provided, that no such authority shall transact any business or exercise any powers until the need for a housing authority has been determined and until a certificate of organization has been issued to it by the state secretary, both as hereinafter provided.

Whenever the municipal officers of a city or an annual or special town meeting shall determine that a housing authority is needed therein for the purpose of the clearance of substandard, decadent or blighted open areas or the provision of housing for families or elderly persons of low income or engaging in a land assembly and redevelopment project, including the preservation, restoration or relocation of historical buildings, it may by vote provide for the organization of such an authority. In determining the need for a housing authority, the city council or the town shall take into consideration the need for relieving congestion of population, the existence of substandard, decadent or blighted open areas or unsanitary or unsafe inhabited dwellings, and the shortage of safe or sanitary dwellings available for families or elderly persons of low income at rentals which they can afford.

Whenever a housing authority determines that there is no further need for its existence, that it has no property to administer, and that all outstanding obligations of the authority have been satisfied, it may by a majority vote of the five members submit the question of its dissolution, in a town, to the voters at an annual town meeting or, in a city, to the municipal officers. If a city or town votes for such dissolution in accordance herewith and the department is satisfied of the existence of the facts required herein it shall so certify to the state secretary and said housing authority shall be dissolved forthwith subject to the applicable provisions of section fifty-one of chapter one hundred and fifty-five.

Newburyport Redevelopment Authority

From: M.G.L. Chapter 121B: Section 4 Redevelopment authorities; creation; dissolution

Section 4. There is hereby created, in each city and town in the commonwealth, a public body politic and corporate to be known as the ""Redevelopment authority" of such city or town; provided, that no such authority shall transact any business or exercise any powers until the need for such an authority has been determined and a certificate of organization has been issued to it by the state secretary, both as hereinafter provided.

Whenever the municipal officers of a city, or the voters at an annual or special town meeting determine that there is a need for a redevelopment authority in such city or town for the purpose of engaging in urban renewal projects or other work under this chapter and that it is in the public

interest that such an authority be organized in such city or town, a redevelopment authority shall be organized in such city or town.

Whenever a redevelopment authority determines that there is no further need for its existence, and that all outstanding obligations of the authority have been satisfied, it may by a majority vote of the five members submit the question of its dissolution, in a town, to the voters at an annual town meeting or, in a city, to the municipal officers. If a city or town votes for such dissolution in accordance herewith and the department is satisfied of the existence of the facts required herein, it shall so certify to the state secretary and said redevelopment authority shall be dissolved forthwith subject to the applicable provisions of section fifty-one of chapter one hundred and fifty-five.

Chapter 121B: Section 5 Membership; appointment; election; term of office

Section 5. Every **housing and redevelopment authority** shall be managed, controlled and governed by five members, appointed or elected as provided in this section, of whom three shall constitute a quorum.

In a city, four members of a housing or redevelopment authority shall be appointed by the mayor subject to confirmation by the city council; provided, that, the members shall be appointed to serve for initial terms of one, two, four and five years, respectively.

In a town, four members shall be elected by the town; provided, that of the members originally elected at an annual town meeting, the one receiving the highest number of votes shall serve for five years, the one receiving the next highest number of votes, for four years, the one receiving the next highest number of votes, for two years, and the one receiving the next highest number of votes shall serve for one year; provided, that upon the initial organization of a housing or redevelopment authority, if a town so votes at an annual or special town meeting called for the purpose, four members of such an authority shall be appointed forthwith by the selectmen to serve only until the qualification of their successors, who shall be elected at the next annual town meeting as provided above.

In a city or town, one member of a housing or redevelopment authority shall be appointed by the department for an initial term of three years.

Thereafter, as the term of a member of any housing or redevelopment authority expires, his successor shall be appointed or elected, in the same manner and by the same body, for a term of five years from such expiration. Membership in a housing or redevelopment authority shall be restricted to residents of the city or town.

In a city, one of the four members of a housing authority appointed by the mayor shall be a resident of that city and shall be a representative of organized labor who shall be appointed by the mayor from a list of not less than two nor more than five names, representing different unions submitted by the Central Labor Council, AFL-CIO and the International Brotherhood of Teamsters, Chauffeurs, Warehousemen and Helpers of America of the city or of the district within which the city is included. If no such list of names is submitted within sixty days after a vacancy occurs, the mayor may appoint any representative of organized labor of his own choosing to the authority. In a city, one of the four members of a housing authority appointed by the mayor shall be a tenant in a building owned and operated by or on behalf of the local housing authority who shall be appointed by the mayor from lists of names submitted by each duly recognized city-wide and project-wide tenants' organization in the city. A tenants' organization may submit a list which contains not less than two nor more than five names to the mayor who shall make his selection from among the names so submitted; provided that, where no public housing units are owned and operated by the local housing authority and no such units are owned

and operated on behalf of the local housing authority, the mayor shall appoint any tenant of the housing authority from lists submitted in accordance with this section. If no list of names is submitted within sixty days after a vacancy occurs, the mayor shall appoint any tenant of his choosing to the authority. The mayor shall notify in writing tenant organizations as specified herein not less than ninety days prior to the expiration of the term of a tenant member. Whenever a vacancy occurs in the term of a tenant member for any reason other than the expiration of a term, the mayor shall notify in writing the tenant organizations specified herein within ten working days after the vacancy occurs. The mayor shall make an appointment within a reasonable time after the expiration of sixty days after said notice.

Vacancies, other than by reason of expiration of terms, shall be filled for the balance of the unexpired term, in the same manner and by the same body, except elected members in towns whose terms shall be filled in accordance with the provisions of section eleven of chapter forty-one. Every member, unless sooner removed, shall serve until the qualification of his successor.

As soon as possible after the qualification of the members of a housing or redevelopment authority the city or town clerk, as the case may be, shall file a certificate of such appointment, or of such appointment and election, as the case may be, with the department, and a duplicate thereof, in either case, in the office of the state secretary. If the state secretary finds that the housing or redevelopment authority has been organized and the members thereof elected or appointed according to law, he shall issue to it a certificate of organization and such certificate shall be conclusive evidence of the lawful organization of the authority and of the election or appointment of the members thereof.

Whenever the membership of an authority is changed by appointment, election, resignation or removal, a certificate and duplicate certificate to that effect shall be promptly so filed. A certificate so filed shall be conclusive evidence of the change in membership of the authority referred to therein.

Open Space Committee

From: City Clerk records, Resolution by the City Council on February 9, 1999

Established in February of 1999 by the Mayor and supported by Resolution by the City Council, the Open Space Committee grew out of the City's effort to update its Open Space Plan in 1999, for submittal to and approval by the Commonwealth of Massachusetts. The, "...creation of a committee of Newburyport citizens to develop a policy of identifying, prioritizing and preserving our valuable open space," was a goal that was realized in the creation of the ad hoc Open Space Committee.

Parks Commission

From: M.G.L. Chapter 45: Section 2 Board of park commissioners; membership; tenure; vacancies; removals

Section 2. The mayor of a city may, with the approval of the city council, appoint a board of park commissioners for said city, consisting of five persons, who shall hold office for terms of one, two, three, four and five years respectively from the first Monday in May next following such appointment, or until their successors are qualified; and thereafter the mayor shall annually, before the first Monday in May, with like approval appoint one such commissioner for a term of five years from said first Monday in May. No member of the city council, clerk or treasurer of such city or town shall be such commissioner. In cities a vacancy in such board shall be filled in

like manner for the residue of the unexpired term. A commissioner may be removed by a vote of two thirds of the voters of a town, or by a vote of two thirds of all the members of a city council. Such commissioners shall serve without compensation.

Planning Board

The Newburyport Planning Board is a nine-member board of volunteers appointed for five-year terms by the Mayor. Members must be residents of the City. Membership is based on experience or interest in the field of planning and zoning and whenever possible includes: an architect or landscape architect, an engineer, a realtor or developer, an affordable housing specialist, an environmentalist and an attorney. Members normally meet on the first and third Wednesday of each month at 7:00 pm at the Newburyport City Hall. Five members must be present to open the meeting.

The Planning Board considers land subdivision and zoning proposals; Approval Not Required (ANR) applications that generally consist of proposed lot line changes, Site Plan Review applications and proposed changes to elements of the City's master plan. In its deliberation the Board actively supports smart growth objectives and the goals of the City's Master Plan. The Board holds public hearings, as required, on these applications and makes recommendations through the Mayor's office to the City Council for its consideration and legislative action. Some members of the Board, working through the Planning Office, lead and/or participate on various committees related to city planning. Recent examples include the Strategic Land Use Plan, Waterfront Strategic Plan, and the CPA Application Committee. In addition, one member of the Planning Board represents the City on the Merrimack Valley Planning Commission.

Police-Citizens Advisory Council

Charged with building a firm partnership between the Police Department and the Citizens of Newburyport, the CAC provides a forum for an exchange of ideas as they relate to community policing and crime prevention, and to ultimately maximize the effectiveness and responsiveness of the Police Department to the needs of the community.

Specifically, the Citizens Advisory Committee (CAC) duties include the following:

- Acts as an advisory body representing various aspects of the community to the Police Marshal;
- Acts as a sounding board for the Marshal regarding community needs and concerns, as well as community response to proposed police programs and priorities;
- Assists in educating the community at large about the function and role of the Newburyport Police Department;
- Assists the Marshal as needed in projects and efforts for the benefit of public safety, such as neighborhood programs that could improve services;
- Expresses the needs and concerns of the Newburyport Police Department to the public;
- Attends quarterly meetings and additional meetings as needed.

Committee members are appointed by the Mayor, and serve two-year terms. A twelve-member committee comprises of the following:

- One representative from each of the 6 city wards
- One representative from the business community
- One representative from the clergy
- One representative from the school department
- Three representatives from the Police Department

Additionally, the Mayor's Office is represented as a non-voting member of the CAC.

Scholarship Committee and Education Fund Committee

From: M.G.L. Chapter 60: Section 3C City or town scholarship fund; donation; deposits; distribution

Section 3C. Any city or town which accepts the provisions of this section or has previously accepted chapter one hundred and ninety-four of the acts of nineteen hundred and eighty-six is hereby authorized, subject to the approval of the commissioner, to design and designate a place on its municipal tax bills, or the motor vehicle excise tax bills, or to mail with such tax bills a separate form, whereby the taxpayers of said city or town can voluntarily check off, donate and pledge an amount not less than one dollar or such other designated amount which shall increase the amount otherwise due, and to establish a city or town scholarship fund, the purpose of which shall be to provide educational financial aid to deserving city and town residents in accordance with this section and to establish a city or town educational fund, the purpose of which shall be to provide supplemental educational funding for local educational needs or to provide funding for existing adult literacy programs.

Any amounts donated to the scholarship fund or educational fund shall be deposited into a special account in the general treasury and shall be in the custody of the treasurer. The treasurer shall invest said funds at the direction of the officer, board, commission, committee or other agency of the city or town who or which is otherwise authorized and required to invest trust funds of the city or town and subject to the same limitations applicable to trust fund investments, except as otherwise specified herein. Interest earned upon such fund shall remain therewith and shall be used for the purpose of said fund without further appropriation.

In any city or town establishing a scholarship fund, there shall be a scholarship committee and educational fund committee to consist of the superintendent of the city or town schools or designee thereof, and no fewer than four residents of the city or town appointed by the board of selectmen to a term of three years. The scholarship committee or educational fund committee shall select the recipients of and amounts of financial aid from the scholarship fund and educational fund and shall be guided by any criteria established by the scholarship committee or educational fund committee subject to any ordinance or by-law and further subject to the following criteria:

- (a) The recipients of financial aid must be residents of the city or town at the time the financial aid is first awarded and have been accepted to pursue education beyond the secondary school level at an institution deemed accredited by the committee.
- (b) The committee shall take into consideration each recipients financial need, character, scholastic record and involvement in community work as well as extracurricular school activities.

The scholarship committee may distribute financial aid from both interest and principal of the fund, without further appropriation. The scholarship committee shall establish a procedure for determining at least on an annual basis the amounts or percentage of the funds that shall be authorized for distribution and for notifying the investing officer or agency so that the funds may be made available in a timely manner and with a minimum of penalties.

Street Tree Committee

An ad-hoc committee established by Mayor Lisa Mead in November, 2001, charged with, "...advocating for the health, beauty and general enhancement for the City's street trees, including such activities as: maintaining and expanding an inventory of street trees; helping to identify trees in need of care or maintenance, as well as hazard trees; coordinating events, designations, and grant requests (e.g., Arbor Day, Tree City U.S.A., Urban Forest grants); conducting planning and planting for new trees; conducting fund-raising campaigns for specific projects; cooperating with other City personnel, committees, and commissions, and working with all public and private organizations that impact the City's street trees; plus other related tasks." (Source: Memorandum to City Council from Mayor Mead, 11/01/01). Eight citizens are selected to serve on the committee. The committee is charged with providing regular notes to the Planning Office and quarterly updates to the Mayor and the City Council's Planning and Development Committee.

Trust Fund Commission

From: M.G.L. Chapter 41: Section 45 Creation; membership; powers and duties

Section 45. Any city or town, except Boston, may create a board of commissioners of trust funds, consisting of three persons who shall have the management of all trust funds given or bequeathed for the benefit of the town or the inhabitants thereof, unless the donor in making the gift or bequest shall otherwise provide. In cities the commissioners shall be appointed by the mayor and confirmed by the council. In towns they shall be elected in the same manner as other town officers. At the time of creating said board there shall be appointed or elected one member for one year, one member for two years, and one member for three years; and there shall be appointed or elected annually thereafter one member for three years. Vacancies shall be filled by the mayor, with the approval of the council, or by the selectmen.

Waterfront Trust

From: City Clerk records, Declaration of Public Trust for Waterfront Trust

On January 28, 1991, the City of Newburyport declared a public trust in the conveyance of public land and named five Trustees to oversee a portion of city-owned property along the waterfront for the public good. These lands, according to trust documents, are to, "...remain open and for the benefit of the general public forever." Trustees are appointed by the mayor and confirmed by the City Council for terms of five years. No two terms expire in the same year. The Newburyport Harbor Master served as an ex officio Trustee. The Trustees are granted control and management of the trust property, including maintenance, repairs and renovations. They may apply for grants or gifts to benefit the property, and they may charge fees for temporary use of the land by commercial enterprises. The City of Newburyport allocates money each year in the city's operating budget, to pay for said expenses.

Youth Commission

MISSION STATEMENT—The mission of the Newburyport Youth Commission is to recognize and promote the importance of Newburyport's youth as a trusted constituency, with rights, responsibilities and equality. The Youth Commission will work collaboratively and pro-actively with the community to promote, encourage, develop and provide appropriate activities to meet the apparent and underlying needs of the youth of Newburyport.

From M.G.L. Ch. 40 sec. 8E Youth commission; establishment; powers and duties

Section 8E. A city or town which accepts this section may establish a youth commission, hereinafter called the commission, for the purpose of carrying out programs which may be designed or established to meet the opportunities, challenges and problems of youth of said city or town and in conjunction with any similar or related programs of any agency of the commonwealth or any agency of the federal government. It shall keep accurate records of its meetings and actions and shall file an annual report which shall be printed in the case of towns in the annual town report. The commission may appoint such clerks and other employees as it may from time to time require. The commission shall consist of not less than three nor more than twenty-one members. In cities the members shall be appointed by the mayor, subject to the provisions of the city charter, except that in cities having or operating under a plan D or plan E form of city charter, said appointments shall be by the city manager, subject to the provisions of the charter; and in towns they shall be appointed by the selectmen, excepting towns having a manager form of government, in which towns appointments shall be made by the town manager, subject to the approval of the selectmen. When a commission is first established, the terms of the members shall be for one, two or three years and so arranged that the terms of approximately one third of the members will expire each year, and their successors shall be appointed for a term of three years each. Any member of a commission so appointed may, after a public hearing, if requested, be removed for cause by the appointing authority. A vacancy occurring otherwise than by expiration of a term shall in a city or town be filled for the unexpired term in the same manner as an original appointment. Said commission may receive gifts of property, both real and personal, in the name of the city or town, subject to the approval of the city council in a city or the selectmen in a town, such gifts to be managed and controlled by the commission for the purposes of this section.

Zoning Board of Appeals (ZBA)

Legal Basis and Powers

The ZBA is established through municipal ordinance under the provisions of Massachusetts General Laws (MGL 40A) also known as the Zoning Act. Specifically Section 12 (Board of Appeals) and Section 14 (Powers of the Board) and other sections. Section 12 authorizes the creation of the ZBA through municipal ordinance and specifies parameters for membership, terms of office, vacancies and rules. Section 14 details the powers of the ZBA as authority to hear appeals, applications for special permits and petitions for variances. Other sections of MGL 40A provide greater detail, both breadth and limitations, as to the ZBA's authority in the various proceedings.

The City of Newburyport implemented the authority granted under MGL 40A through the passage of legislation entitled "Zoning Ordinance of the City of Newburyport". Notes to the current ordinance indicate that it consists of a city ordinance adopted on November 30, 1987 and subsequent amendments. Newburyport had zoning regulations many years prior to 1987 but apparently the code was revised and readopted in whole at that time. The Zoning Ordinance implements MGL 40A regarding the establishment of the ZBA in Section X-H of the ordinance. Contained within the ordinance are details of the various types of application heard by the ZBA (Special Permits and Appeals) and petitions for Variances as authorized by the Ordinance and in the Zoning Act. Applications for comprehensive permits for Section 40B affordable housing are also heard by the ZBA although not described in the Ordinance as it is directly specified by State legislation. The Zoning Ordinance details the use and dimensional controls for the various zoning districts as well as special requirements for several overlay districts for Plum Island and Federal Street and special districts such as the Waterfront Zoning Districts and the Water Resource Protection District (WRPD). Certain responsibilities for the WRPD were recently transferred from the ZBA to the Planning Board. Section X-H (3) describes the powers of the ZBA as to include the hearing and deciding of appeals and the hearing and deciding of special

permits except as otherwise provided in the ordinance. Section X-H (6) describes the ZBA's authority, after appropriate legal notice as described and with the application of specific pre-conditions, to grant variances from the Ordinance. It is also stated that a variance may only be granted where a literal application of the ordinance would involve substantial hardship to the petitioner or appellant and if the relief can be granted without substantial detriment to the public good and without nullifying or substantially derogating from the intent or purpose of the ordinance. The section further specifies that the ZBA shall only apply the use of the variance sparingly and with due regard that the main purpose of the ordinance is to preserve the property rights of others (Sub-section 6-B).

The ZBA's Role in the Fabric of the City's Government

The ZBA role and responsibility consists of providing relief, where appropriate, from literal application the black letter law of the City's Zoning Ordinance as described and proscribed by the Zoning Act and the City's Zoning Ordinance. Any ZBA constantly deals with a continuous tension between the property rights of the applicant and the interests of neighboring property owners and its city as a whole. Members of the ZBA have to have a clear comprehension of the reasonable limitations on the ZBA's broad authority under the Ordinance while understanding the equity component of the ZBA's role.

The ZBA, while an independent board, works closely with the Planning Office, the Planning Director (also the Mayor through the Planning Director) and the Planning Board. Additionally the ZBA participates in such special joint boards and committees as the Mayor may request.

ZBA members need to be able to apply the Boards' discretion in a measured manner without allowing personal preferences or beliefs to interfere with the even application of the ZBA's powers.

REFERENCE TABLE¹

BOARDS/COMM/APPTS	AUTHORITY	TERM & CONDITIONS	# OF MEMBERS
Atkinson Common Commission	Sec. 11-28	Term of three years March	three members
Board of Health	Sec. 8-42	Term of three years January	three (1) member Physician
Board of Registrars	M.G.L.A. 51 s 15	Term of (3) yrs one appt. in Feb. or March	three member + one City Clerk
Board of Sewer Commissioners	Acts, 1963-Ch. 261	Terms of three years (no more then 2 exp. In 1 yr.	three but not more than five residents
Board of Water Commission	.Acts 1908 Ch.. 403	Term of five years 1st Mon. of May	five residents
Cable Advisory Committee	Ad hoc		
Civic Commission	Sec. 12-141	(5) yrs 1st Mon. in March ea. Yr	five persons
Community Preservation Act Committee	Sec. 2-121 M.G.L. 44 B	Term of three years (various boards)	nine members
Conservation Commission	M.G.L.A. 40 s 8C	1/3 member exp. Ea. Yr. & successor for (3) yrs	not less then 3 no more then 7
Council on Aging	Sec. 2-82	(5) years last day of May	11 members, Maj.(60+)yrs of age
Cultural Council	M.G.L.A. 10 s 58	Term of three years (staggered)	5 to 22 members
Disability Commission	M.G.L.A. 40 S 8J	1/3 members exp. Ea. Yr. & successor for (3) yrs	not less then 5 no more then 9
Eight Towns in a Bay Comm		MVPC	
Harbor Commission	Sec. 4-41	Term of (3) yrs, Alt, for (2) years	seven members (2) alt if necessary
Historical Commission	M.G.L.A. 40 s 8D	1/3/ member exp. Ea. Yr. & successor for (3) yrs	not less then 3 no more then 7
Library Board of Directors	Sec. 12-122	Annually in Jan. a Director (7)years	10=(7) Dir. (3)- ex officio
Licensing Board	M.G.L.A. 138 s 5	(6) yrs in June	five members Acts of 1984 Ch. 270
Moseley Woods Commission	Sec. 11-32	(3) yrs (no 2 terms ex in a yr)	5 members
Municipal Retirement Board	M.G.L.A. 32 s 20	Term of three years (2 elect by members)	five members
NBPT Housing Authority	M.G.L.A. 121B s 5	Term of five years	four members & 1 Gov Appt.
NBPT Redevelopment Authority	M.G.L.A. 121B s 5	Term of five years	four members & 1 Gov Appt.
NBPT Youth Commission	M.G.L.A. 40 s 8E	1/3 member ex Ea Yr. & successor for (3) yrs	not less then 3 no more then 21
Open Space Committee	Ad hoc (2/8/99)		
Parks Commission	M.G.L.A. 45 s 2	Annually before the 1st of May for (5) years	five members
Planning Board	Sec. 2-117 . (41-81A)	Term of five years (min.1 person ex. Each yr.)	nine members
Scholarship Committee and Education Fund Committee	M.G.L.A. 60 s 3C	Term of three years	
Street Tree Committee	Ad hoc (11/01/01)		
Trust Fund Commission	M.G.L.A. 41 s 45	One member annually for (3) years	three persons
Waterfront Trust	Article IV Trustees	Term of five years 1 ea yr.(No 2 terms ex in a yr)	five trustees
Zoning Board of Appeals	M.G.L.A 40A s 12	One member shall expire each year	5 members & 2 Assoc.(X-H-1)

All Appointments are to be made by the Mayor with the consent of the City council, unless otherwise provided in the Charter or Code.

Residency Requirement: Persons appointed to City of Newburyport Boards, Commissions and Committees that are established by ordinance shall be residents of the City of Newburyport. This shall pertain to new appointments made after the date of approval of this section (Ord. 2/27/1995).

¹ Source: Newburyport City Clerk's Office