CITY COUNCIL MEETING
AGENDA - VERSION 1
November 14, 2011
7:30 PM

POLE HEARING
7:15 PM

1) Ferry Road – Relocate Pole 38 and 40
2) Russell Terrace Extension – Install conduit in public way from existing pole

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1. **OPENING PRAYER**
2. **PLEDGE OF ALLEGIANCE**
3. **CALL TO ORDER**
4. **LATE FILE ITEMS**
5. **PUBLIC COMMENT**

CONSENT AGENDA

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

6. **APPROVAL OF MINUTES**
   October 31, 2011 (Approve)

7. **TRANSFERS**
   1. Mayor Gen. Fd. Free Cash $10,000 to SE Branch Library –Rev. Fd $10,000 (B&F)
   2. DPS- Sewer Retained Earnings $513,413.49 to Sewer Fund Balance $513, 413.49 (B&F)
   3. Mayor Gen. Fd. Free Cash $300,000 to Gen. Fd. Fund Balance $300,000 (B&F)

8. **COMMUNICATIONS**
   1. Letter re: pedicabs (R&F)
   2. Maudslay State Park Assoc. Garden Cmte Request to sell cut greenery 11/27/11 (Approve)
   3. Newburyport Waterfront Trust Annual Report (R&F)

9. **APPOINTMENTS**

Appointment

1. Rabbi Avi Poupko	2 Pleasant Street	Diversity and Tolerance Comm.	Feb. 3, 2012

END OF CONSENT AGENDA

REGULAR AGENDA

10. **APPOINTMENTS – Second Reading**

2. Gary Robinson	12 Hill Street	Highland Cemetery	Feb. 3, 2012
3. Jeffrey Briggs	17 Dalton Street	Highland Cemetery	Feb. 3, 2013
4. Karen Kelly-Alger	27 Hill Street	Highland Cemetery	Feb. 3, 2013
5. Patricia Spaulding	5 Bricher Street	Highland Cemetery	Feb. 3, 2014
6. Susan R. Brown	33 Fair Street	Diversity & Tolerance Comm	Oct. 1, 2014
7. Jeffrey R. Tomlinson	21 Hill Street	Highland Cemetery	Feb. 3, 2014

8. Jennie Donahue	18 Cherry Street	Disabilities Commission	Oct. 1, 2014
	Re-Appointment		
9. Benedetto Orlando	104 North Ave, Apt. 2 Haverhill	Ass't Harbormaster	Oct. 25, 2014

11. ORDERS

1. Acceptance of MGL c.32B, sections 21-23 regarding health insurance benefit changes
2. Acceptance of the Mayor's Supplemental Budget
3. Drain Layer/Utility Contractor Application for Dube Plus & Dirt Pro, LLC

12. ORDINANCES

1. TABLED - Second Reading - Amend Ord.13-180 Parking Resident Fruit Street

13. COMMITTEE ITEMS

Budget & Finance
In Committee:

1. Mayor Green Initiatives REV APPR ($20,000) to Mayor-CHMM	**11/29/2010*
2. Street Lighting Recommendation	**09/21/2011*
3. Mayor/Health Green Initiatives Rev Fd to Animal Control ($3,700)	**10/17/2011*
4. Mayor Budget Contingence to Planning Tech Stipend ($3,822)	**10/17/2011*
5. Order Wastewater Treatment Facility Mod. Project financing	**10/17/2011*

General Government
In Committee

1. Campaign Finance Reports-Municipal Forms posting on City Website	**05/09/2011*
2. Union Contract posting on City Website	**05/09/2011*
3. Section 13 - 180 Add/Delete Streets By Order	**09/12/2011*
4. Ltr re H1972 "An Act Regulating Election Primaries"	**10/17/2011*

Joint Education
In Committee:

License & Permits
In Committee:

1. Cars Port Taxi rate increase request	**05/31/2011*

Neighborhoods & City Services
In Committee:

1. Newburyport Tree Ordinance	**07/22/2010*

Planning & Development
In Committee:

1. Residential Handicap Parking Ordinance	**01/11/2010*
2. Atmospheric Pollution Ordinance	**02/08/2010*
3. Green Communities Order	**03/29/2010*
4. Zoning Ord – Sec II Definitions/Sec VI Dimensional Contr	**06/28/2010*
5. Letter for Essex St. Inn Visitor Parking	**07/11/2011*
6. Intermunicipal Agreement Newburyport and Newbury	**07/11/2011*
7. Amend Ord.13-182 Traffic and Motor Vehicles	**08/29/2011*
8. Amend Ord Zoning Map B1 Zone Storey Ave	**10/17/2011*

9. Amend Ord Zoning Sec. IV delete subsection V-C.1 "Smart growth ord"	**10/17/2011*
10. Amend Ord Zoning Sec. V-D, Sec V-E	**10/17/2011*
11. Amend Ord Zoning Sec. IX, Sec. XXI	**10/17/2011*
12. Amend Ord Zoning Sec. VIII Signs	**10/17/2011*
13. Amend Ord Zoning Sec. VI Dimensional Controls	**10/17/2011*
14. Amend Ord Zoning Sec. II Definitions	**10/17/2011*

Public Safety
In Committee:

1. Residential Handicap Parking Ordinance	**01/11/2010*
2. Amend Sec. 13-86 Water St. (25mph) State to Federal	**05/09/2011*
3. Amend Ord 13-121 One-Way Streets Griffin Court	**07/25/2011*
4. Amend Ord.13-180 Parking Resident Harris Street from Green to State Sts	**08/29/2011*
5. Amend Ord.13-182 Traffic and Motor Vehicles	**08/29/2011*
6. Section 13-182 entitled: Hotel/Inn and Bed and Breakfast Accommodations	**09/12/2011*

Public Utilities Committee
In Committee:

1. Letter regarding Pole at 114 High Street	**05/31/2011*
2. Ltr re Undergd Fuel Storage, Apache Oil, 75 Storey Ave, Biodiesel	**09/12/2011*
3. Street Lighting Recommendation	**09/21/2011*
4. Order Wastewater Treatment Facility Mod. Project financing	**10/17/2011*

Rules Committee
In Committee:

14. GOOD OF THE ORDER

15. ADJOURNMENT

POLE HEARING

nationalgrid

October 20, 2011

OFFICE OF THE CITY CLERK
60 PLEASANT STREET
PO BOX 550
NEWBURYPORT, MA 01950

To Whom It May Concern:

Enclosed please find a petition of NATIONAL GRID and VERIZON, covering joint NATIONAL GRID-VERIZON pole location(s)

If you have any questions regarding this permit please contact:

Jorge Sousa 781-907-3422

Please notify National Grid's Maureen Smith of the hearing date / time

If this petition meets with your approval, please return an executed copy to each of the above named Companies.

National Grid Contact: Maureen Smith; 1101 Turnpike Street; North Andover, MA 01845

Very truly yours,

Name: Distribution Design Supervisor
Supervisor, Distribution Design

Enclosures

Questions contact – Denver Chase 781-907-3288

Petition of the NATIONAL GRID
Of NORTH ANDOVER, MASSACHUSETTS
For Electric conduit Location:

To The City Council of Newburyport, Massachusetts

Respectfully represents the NATIONAL GRID of North Andover, Massachusetts, that it desires to construct a line of underground electric conduits, including the necessary sustaining and protecting fixtures, under and across the public way or ways hereinafter named.

Wherefore it prays that after due notice and hearing as provided by law, it be granted permission to excavate the public highways and to run and maintain underground electric conduits, together with such sustaining and protecting fixtures as it may find necessary for the transmission of electricity, said underground conduits to be located substantially in accordance with the plan filed herewith marked – Russell Terrace Ext

The following are the streets and highways referred to:
377180 Russell Terrace Ext-Install conduit in public Way from existing pole to serve Oleo Woods.

Location approximately as shown on plan attached

NATIONAL GRID
BY Jason Dwyer
Engineering Department

Dated: October 27, 2011

City

ORDERED:

Notice having been given and public hearing held, as provided by law, that the NATIONAL GRID be and it is hereby granted permission to excavate the public highways and to run and maintain underground electric conduits, together with such sustaining and protecting fixtures as said company may deem necessary, in the public way or ways hereinafter referred to, and to make the necessary house connections along said extensions, as requested in petition with said company dated the 27th day of October 2011.

Said underground electric conduits shall be located substantially in accordance with the plan filed herewith marked –Russell Terrace Ext- **377180**

The following are the public ways or part of ways along which the underground electric conduits above referred to may be laid:

Russell Terrace Ext-Install conduit in public Way from existing pole to serve Oleo Woods.

I hereby certify that the foregoing order was adopted at a meeting of the .....
.....
....., held on the ..... day of ....., 20 .....

....., ..., 20 .....

Received and entered in the records of location orders of the City/Town of
Book ..... Page .....

Attest:

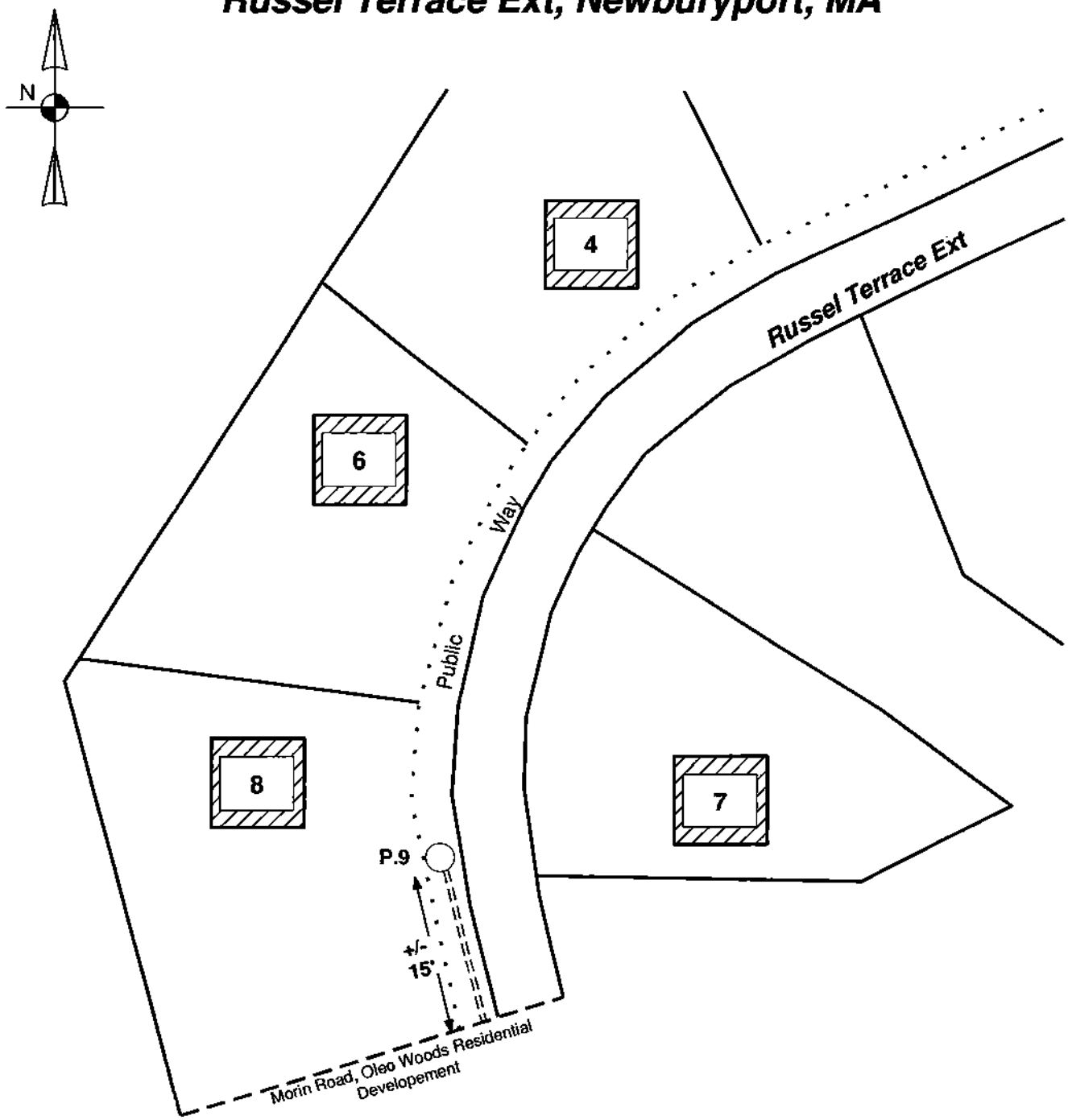
.....

..... hereby certify that on .....20....., at ..... o'clock, ...M at ....., a public hearing was held on the petition of NATIONAL GRID for permission to construct the underground electric conduits described in the order herewith recorded, and that I mailed at least seven days before said hearing a written notice of the time and place of said hearing to each of the owners of real estate (as determined by the last preceding assessment for taxation) along the ways or parts of ways upon which the Company is permitted to construct the underground electric conduits under said order. And that thereupon said order was duly adopted.

.....

.....

Russel Terrace Ext, Newburyport, MA



Conduit Installation Petition

==	Proposed Conduit
●	Existing NGRID Pole Locations
○	Existing J.O. Pole Locations
⦶	Proposed J.O. Pole Locations
◐	Proposed NGRID Pole Locations
⊠	Existing Pole Locations To Be Removed

DISTANCES ARE APPROXIMATE

nationalgrid

Date: 09/26/2011

Plan Number: 377180

To Accompany Petition Dated: 09/26/2011

To The: Town **Of** Newburyport

Install conduit in public way from existing pole to serve Oleo Woods

Location: Russel Terrace Ext

Date Of Original Grant:

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

October 31, 2011

Dear Property Owner:

Notice is hereby given that a Public Hearing will be held on the petition of National Grid, on Russell Terrace Extension to install conduit in public way from existing pole to serve Oleo Woods in Newburyport.

Said meeting will be held on Monday, November 14, 2011 at 7:15 PM in the City Council Chamber, City Hall, 60 Pleasant St., Newburyport, MA. At that time, all interested parties will have an opportunity to be heard.

A copy of the plan is enclosed.

Sincerely,

Tricia E. Barker

Tricia E. Barker
Assistant City Clerk

City of Newburyport

Office of the Assessor

Daniel Raycroft
City Assessor

Newburyport City Hall
60 Pleasant Street
Newburyport, MA 01950

Tel: 978-465-4403
Fax: 978-462-8495

www.cityofnewburyport.com

October 31, 2011

TO: Richard Jones, City Clerk

FROM: Board of Assessors

RE: Russell Terrace Extension – Install conduit in Public Way from existing pole to serve Oleo Woods

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The attached are the abutters to the above described location:

Daniel Raycroft

99/ 1/ / /
SPRINGWELL INVESTMENTS LLC
PO BOX 1297
NORTH HAMPTON, NH 03862

109/ 22/ / /
HUNTSMAN HOLDINGS LLC
PO BOX 1297
NORTH HAMPTON, NH 03862

109/ 21/ / /
GATELY JAMES JOSEPH
KATHERINE MARY T/E
5 RUSSELL TERR EXT
NEWBURYPORT, MA 01950

109/ 25/ / /
DOYLE PAUL F
BEVERLY L T/E
6 RUSSELL TERR EXT
NEWBURYPORT, MA 01950

109/ 24/ / /
MCCARTHY RICHARD M
PATRICIA L T/E
8 RUSSELL TERR EXT
NEWBURYPORT, MA 01950

nationalgrid

2011 OCT 28 A 11:19

October 27, 2011

OFFICE OF THE CITY CLERK
60 PLEASANT STREET
PO BOX 550
NEWBURYPORT, MA 01950

To Whom It May Concern:

Enclosed please find a petition of NATIONAL GRID covering the installation of underground facilities.

If you have any questions regarding this permit please contact:

Annette Thompson 781-907-3467

If this petition meets with your approval, please return an executed copy to:

National Grid Contact: Maureen Smith; 1101 Turnpike Street; North Andover, MA 01845

Very truly yours,

Name: Distribution Design Supervisor
Supervisor, Distribution Design

Enclosures

Questions contact – Central Design - Mike Meeneades-781-907-3302

PETITION FOR JOINT OR IDENTICAL POLE LOCATIONS

North Andover, Massachusetts

To The City Council
Of Newburyport, Massachusetts

NATIONAL GRID and Verizon New England, Inc requests permission to locate poles, wires, and fixtures, including the necessary sustaining and protecting fixtures, along and across the following public way:

Ferry Road-Relocate Pole 38 and Pole 40 for new bike path off Ferry Road

Location approximately as shown on plan attached

Wherefore it prays that after due notice and hearing as provided by law, it be granted a location for and permission to erect and maintain poles and wires, together with such sustaining and protecting fixtures as it may find necessary, said poles to be erected substantially in accordance with the plan filed herewith marked – Ferry Road Newburyport, Massachusetts.

11445899 September 29, 2011

Also for permission to lay and maintain underground laterals, cables, and wires in the above or intersecting public ways for the purpose of making connections with such poles and buildings as each of said petitioners may desire for distributing purposes.

Your petitioner agrees to reserve space for one cross-arm at a suitable point on each of said poles for the fire, police, telephone, and telegraph signal wires belonging to the municipality and used by it exclusively for municipal purposes.

NATIONAL GRID
BY _____
Engineering Department

VERIZON NEW ENGLAND, INC.
BY _____
Manager / Right of Way

Town/City

Questions contact – Mike Meneades-781-907-3302

ORDER FOR JOINT OR IDENTICAL POLE LOCATIONS

To the City Council of Newburyport Massachusetts

Notice having been given and public hearing held, as provided by law,
IT IS HEREBY ORDERED:
that NATIONAL GRID and VERIZON NEW ENGLAND INC. (formerly known as NEW ENGLAND TELEPHONE AND TELEGRAPH COMPANY) be and they are hereby granted joint or identical locations for and permission to erect and maintain poles and wires to be placed thereon, together with such sustaining and protecting fixtures as said Companies may deem necessary, in the public way or ways hereinafter referred to, as requested in petition of said Companies dated the 29th day of September 2011.

All construction under this order shall be in accordance with the following conditions:

Poles shall be of sound timber, and reasonable straight, and shall be set substantially at the points indicated upon the plan marked – Ferry Road Newburyport, Massachusetts.
11445899 Dated September 29, 2011. Filed with this order
There may be attached to said poles by NATIONAL GRID and Verizon New England Inc. such wires, cables, and fixtures as needed in their business and all of said wires and cables shall be placed at a height of not less than twenty (20) feet from the ground.

The following are the public ways or part of ways along which the poles above referred to may be erected, and the number of poles which may be erected thereon under this order:

Ferry Road-Relocate Pole 38 and Pole 40 for new bike path off Ferry Road

Also for permission to lay and maintain underground laterals, cables, and wires in the above or intersecting public ways for the purpose of making connections with such poles and buildings as each of said petitioners may desire for distributing purposes.

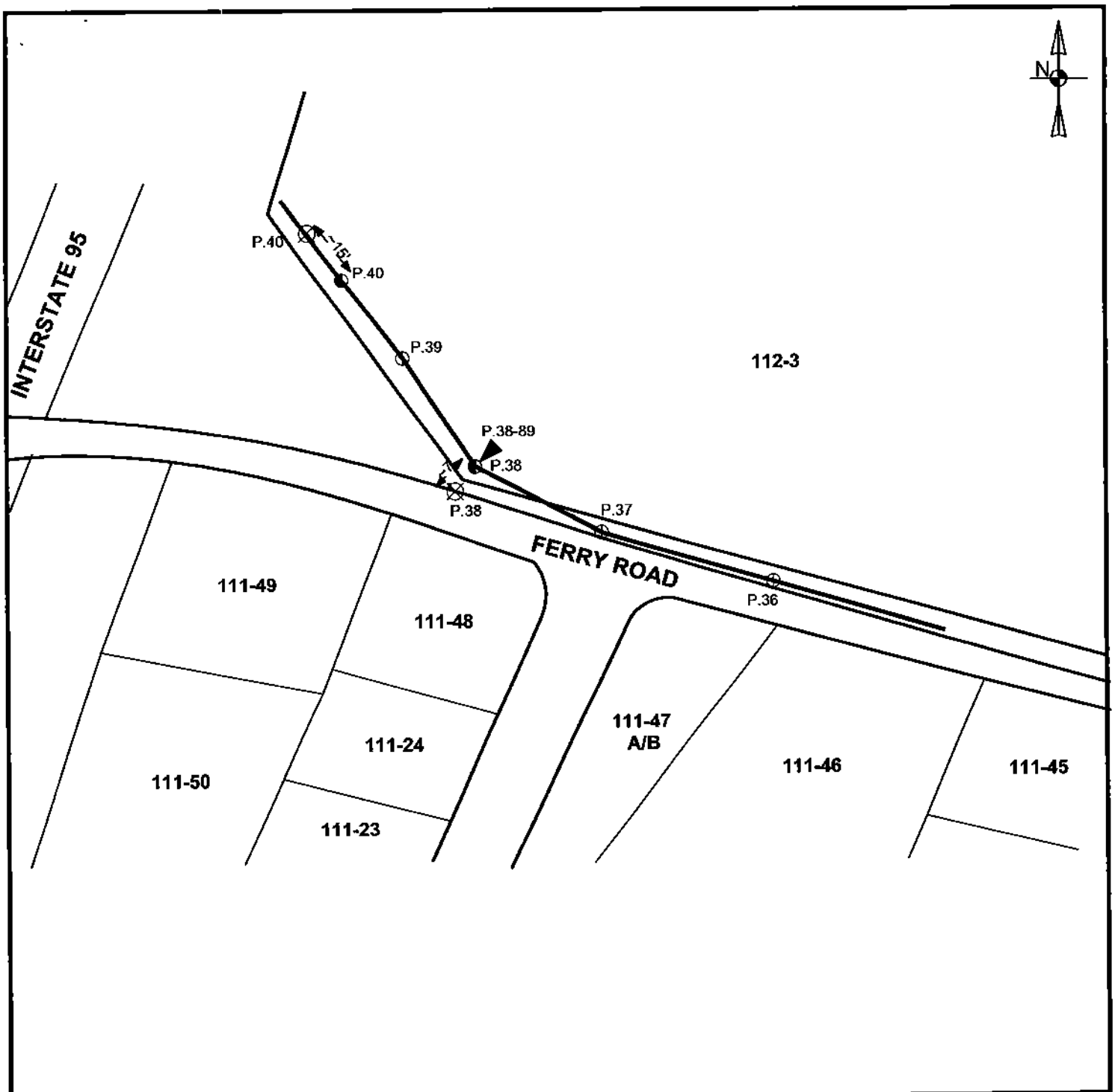
I hereby certify that the foregoing order was adopted at a meeting of the
of the City/Town of , Massachusetts held on the day of 20 .

City/Town Clerk.

Massachusetts 20 .

Received and entered in the records of location orders of the City/Town of
Book Page

Attest:
City/Town Clerk



JOINT OWNED POLE PETITION	nationalgrid And Verizon New England, Inc.
● Proposed NGRID Pole Locations	
○ Existing NGRID Pole Locations	Date: 9/28/2011
◐ Proposed J.O. Pole Locations	Plan Number: 11445899
⦶ Existing J.O. Pole Locations	To Accompany Petition Dated:
◕ Existing Telephone Co. Pole Locations	
◎ Existing NGRID Pole Location To Be Made J.O.	To The: Town Of Newburyport
⊠ Existing Pole Locations To Be Removed	For Proposed: Move Pole: 38 & 40 Location: Ferry Rd
DISTANCES ARE APPROXIMATE	Date Of Original Grant:

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

October 25, 2011

Dear Property Owner:

Notice is hereby given that a public hearing will be held on the petition of National Grid and Verizon New England Inc. for the relocation on Ferry Road of pole #38 & #40 for a new bike path. Said hearing will be held on Monday, November 14, 2011 at 7:15 pm in the City Council Chamber, City Hall, Newburyport, MA. At that time, all interested parties will have an opportunity to be heard.

A copy of the plan is enclosed.

Sincerely,

Tricia E. Barker
Assistant City Clerk

City of Newburyport

Office of the Assessor

Daniel Raycroft
City Assessor

Newburyport City Hall
60 Pleasant Street
Newburyport, MA 01950

Tel: 978-465-4403
Fax: 978-462-8495

www.cityofnewburyport.com

October 24, 2011

TO: Richard Jones, City Clerk

FROM: Board of Assessors

RE: Ferry Road – Relocate Pole 38 and Pole 40 for new bike path off Ferry Road

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The attached are the abutters to the above described location:

Daniel Raycroft

111/ 46/ / /
WEIR BEVERLY JUNE
109 FERRY ROAD
NEWBURYPORT, MA 01950

111/ 47/A / /
DAVIS CARL W & E JOY DAVIS TRS
JOY & CARL REALTY TRUST
111 FERRY RD UNIT A
NEWBURYPORT, MA 01950

111/ 47/B / /
COONEY RICHARD E
111 FERRY RD UNIT B
NEWBURYPORT, MA 01950

111/ 48/ / /
DILLON MARK J
CHRISTI T/E
113 FERRY ROAD
NEWBURYPORT, MA 01950

111/ 49/ / /
KARP EVAN S
KARP KATHLEEN A T/E
115 FERRY RD
NEWBURYPORT, MA 01950

112/ 3/ / /
CITY OF NEWBURYPORT
WATER DEPARTMENT
60 PLEASANT ST
NEWBURYPORT, MA 01950

CONSENT AGENDA

CITY COUNCIL MEETING
October 31, 2011
MINUTES

Council President O'Brien called the meeting to order at 7:30 pm and had a moment of silence followed by the Pledge of Allegiance. He then instructed the City Clerk to call the roll. The following Councillors answered present: Cameron, Connell, Cronin, Derrivan, Earls, Heartquist, Herzog, Ives, Jones and O'Brien. 10 present, 1 absent (Hutcheson).

1. LATE FILE ITEMS - None

2. PUBLIC COMMENT

1. Jennie Donahue	18 Cherry Street	Appointment
2. Jeff Esche	30 Lime Street	Forest Management
3. Manfed Raschke	207 High Street	Net Metering Contract
4. Jim Vaughn	Salisbury	Net Metering Contract
5. Cliff Goudey	21 Marlboro St.	Net Metering Contract
6. Michael Strauss	56 Federal St.	Net Metering Contract
7. Molly Ettenborough	35 Toppans Lane	Net Metering Contract

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.

3. APPROVAL OF MINUTES
October 17, 2011 (Approved)

4. TRANSFERS

1. DPS Highway Rsv App Gasoline $90,000 to DPS Highway Fuel & Oil $90,000 (B&F)

Removed by Councillor O'Brien.

2. Mayor Free Cash $133,700 to DPS Capital – Trackless Tractor $133,700 (B&F)

Removed by Councillor O'Brien.

5. COMMUNICATIONS

1. Letter re: street closing for Mayor's 2nd Annual Health Fair Nov. 19th (Approved)
2. Retirement Board Expense Budget C/Y 2012 (R&F)
3. Urban Forest Management Information (R&F)

6. APPOINTMENTS

		Appointment	
1. Gary Robinson	12 Hill Street	Highland Cemetery	Feb. 3, 2012
2. Jeffrey Briggs	17 Dalton Street	Highland Cemetery	Feb. 3, 2013
3. Karen Kelly-Alger	27 Hill Street	Highland Cemetery	Feb. 3, 2013
4. Patricia Spaulding	5 Bricher Street	Highland Cemetery	Feb. 3, 2014
5. Susan R. Brown	33 Fair Street	Diversity & Tolerance Comm	Oct. 1, 2014
6. Jeffrey R. Tomlinson	21 Hill Street	Highland Cemetery	Feb. 3, 2014
7. Jennie Donahue	18 Cherry Street	Disabilities Commission	Oct. 1, 2014

Re-Appointment

8. Benedetto Orlando 104 North Ave, Apt. 2 Haverhill Ass't Harbormaster Oct. 25, 2014

Motion to approve the Consent Agenda as amended by Councillor Jones, seconded by Councillor Cameron. 10 yes, 1 absent (Hutcheson). So voted.

END OF CONSENT AGENDA

REGULAR AGENDA

7. TRANSFERS

1. DPS Highway Rsv App Gasoline $90,000 to DPS Highway Fuel & Oil $90,000

Motion to approve by Councillor Cameron, seconded by Councillor Jones. 10 yes, 1 absent (Hutcheson). So voted.

2. Mayor Free Cash $133,700 to DPS Capital – Trackless Tractor $133,700

Motion to approve the Consent Agenda as amended by Councillor Derrivan, seconded by Councillor Connell. 10 yes, 1 absent (Hutcheson). So voted.

8. APPOINTMENTS – Second Reading

9. Walt Thompson	100 State Street, Unit 2	Bartlett Mall Commission	October 1, 2014
10. John P. Gavin	14 Marquand Lane	Police Officer	
11. Charles T. Ferlauto	4 Park Street	Police Officer	
12. Gregory F. Whitney	23 Low Street, Newbury	Police Officer	
13. Roger E. Jones	37 Storeybrooke Drive	Water Commission	October 1, 2016
14. Anne Spraker	35 Lime Street	Cultural Council	October 1, 2014

Motion to approve collectively by Councillor Jones, seconded by Councillor Herzog. 10 yes, 1 absent (Hutcheson). So voted.

9. ORDINANCES

1. Second Reading - Sec. 13-171.1 Traffic and Motor veh. pick up and drop off, 35 Summer St

Motion to approve by Councillor Cronin, seconded by Councillor Derrivan. Roll call vote, 10 yes, 1 absent (Hutcheson). So voted.

2. Second Reading - Amend Ord.13-180 Parking Resident Fruit Street

Motion to approve by Councillor Earls, seconded by Councillor Herzog. Motion to table by Councillor Earls, seconded by Councillor Derrivan. 10 yes, 1 absent (Hutcheson). So voted.

3. Second Reading - Section 13-176.1 Traffic and Motor Vehicles, High and Ashland

Motion to approve by Councillor Cameron, seconded by Councillor Connell. Roll call vote, 10 yes, 1 absent (Hutcheson). So voted.

4. Second Reading - Section 13-168 Salem Street, No Parking

Motion to approve by Councillor Heartquist, seconded by Councillor Earls. Roll call vote, 10 yes, 1 absent (Hutcheson). So voted.

10. COMMITTEE ITEMS

Budget & Finance

In Committee:

1. Mayor Green Initiatives REV APPR ($20,000) to Mayor-CHMM **11/29/2010*
2. CPA Allocation to Moseley to Maudslay Trail Con. Project **09/12/2011*

Motion to remove by Councillor Cameron, seconded by Councillor Jones. Motion to receive and file by Councillor Cameron, seconded by Councillor Jones. 10 yes, 1 absent (Hutcheson). So voted.

3. Street Lighting Recommendation *09/21/2011
4. Parks Commission-Quail Run to Park Maintenance $2,900, to Atkinson Common $2,000, to Rail Trail $3,000, to Other Supplies $12,100 *09/26/2011

Motion to remove by Councillor Cameron, seconded by Councillor Herzog. Motion to approve by Councillor Cameron, seconded by Councillor Jones. 10 yes, 1 absent (Hutcheson). So voted.

5. Supplemental recommendation CPC Allocation *10/17/2011

Motion to remove collectively from B&F and P&D by Councillor Cameron, seconded by Councillor Herzog. Motion to approve by Councillor Cameron, seconded by Councillor Jones. 10 yes, 1 absent (Hutcheson). So voted.

6. Mayor/Health Green Initiatives Rev Fd to Animal Control ($3,700) *10/17/2011
7. Mayor Budget Contingence to Planning Tech Stipend ($3,822) *10/17/2011
7. Order Wastewater Treatment Facility Mod. Project financing *10/17/2011

General Government

In Committee

1. Campaign Finance Reports-Municipal Forms posting on City Website *05/09/2011
2. Union Contract posting on City Website *05/09/2011
3. Section 13 - 180 Add/Delete Streets By Order *09/12/2011
4. Ltr re H1972 "An Act Regulating Election Primaries" *10/17/2011

Joint Education

In Committee:

License & Permits

In Committee:

1. Cars Port Taxi rate increase request *05/31/2011
2. Outdoor Seating Application – Expansion Agave *10/17/2011

Motion to remove by Councillor Earls, seconded by Councillor Ives. Motion to approve subject to proof of ownership regarding 46 State Street to the City Clerk and to fire door between 46 and 50 State Street by Councillor Earls, seconded by Councillor Ives. 10 yes, 1 absent (Hutcheson). So voted.

Neighborhoods & City Services

In Committee:

1. Newburyport Tree Ordinance *07/22/2010

Planning & Development

In Committee:

1. Residential Handicap Parking Ordinance *01/11/2010
2. Atmospheric Pollution Ordinance *02/08/2010
3. Green Communities Order *03/29/2010
4. Zoning Ord – Sec II Definitions/Sec VI Dimensional Contr *06/28/2010
5. Letter for Essex St. Inn Visitor Parking *07/11/2011
6. Intermunicipal Agreement Newburyport and Newbury *07/11/2011
7. Amend Ord.13-182 Traffic and Motor Vehicles *08/29/2011
8. Supplemental recommendation CPC Allocation *10/17/2011

Motion to remove by Councillor Connell, seconded by Councillor Derrivan. Motion to receive and file by Councillor Connell, seconded by Councillor Earls. 10 yes, 1 absent (Hutcheson). So voted.

9. Amend Ord Zoning Map B1 Zone Storey Ave *10/17/2011
10. Amend Ord Zoning Sec. IV delete subsection V-C.1 "Smart growth ord" *10/17/2011
11. Amend Ord Zoning Sec. V-D, Sec V-E *10/17/2011

12. Amend Ord Zoning Sec. IX, Sec. XXI *10/17/2011
13. Amend Ord Zoning Sec. VIII Signs *10/17/2011
14. Amend Ord Zoning Sec. VI Dimensional Controls *10/17/2011
15. Amend Ord Zoning Sec. II Definitions *10/17/2011

Public Safety
In Committee:
1. Residential Handicap Parking Ordinance *01/11/2010
2. Amend Sec. 13-86 Water St. (25mph) State to Federal *05/09/2011
3. Amend Ord 13-121 One-Way Streets Griffin Court *07/25/2011
4. Amend Ord.13-180 Parking Resident Harris Street from Green to State Sts *08/29/2011
5. Amend Ord.13-182 Traffic and Motor Vehicles *08/29/2011
6. Section 13-182 entitled: Hotel/Inn and Bed and Breakfast Accommodations *09/12/2011

Public Utilities Committee
In Committee:
1. Letter regarding Pole at 114 High Street *05/31/2011
2. Mayor's letter regarding True North Solar for renewable energy contract *08/29/2011

Motion to remove by Councillor Ives, seconded by Councillor Herzog. Motion to approve by Councillor Ives, seconded by Councillor Jones. So voted on a unanimous voice vote.

3. Ltr re Undergd Fuel Storage, Apache Oil, 75 Storey Ave, Biodiesel *09/12/2011
4. Street Lighting Recommendation *09/21/2011
5. True North Net Metering Sales Agreement *10/17/2011

Motion to remove by Councillor Ives, seconded by Councillor Herzog. Motion to approve by Councillor Ives, seconded by Councillor Jones. Roll call vote, 9 yes, 1 no (Ives), 1 absent (Hutcheson). So voted.

6. Order Wastewater Treatment Facility Mod. Project financing *10/17/2011

Rules Committee
In Committee:

11. GOOD OF THE ORDER

Councillor Ives commended National Grid for the good work.

12. ADJOURNMENT

Motion to adjourn by Councillor Derrivan, seconded by Councillor Cameron at 8:40pm. So voted on a unanimous voice vote.

TRANSFERS

Transfer #1
November 14, 2011

City of Newburyport
FY 2012
BUDGET TRANSFER REQUEST

2011 NOV -8 P 2:27

Department: Mayor

Submitted by: Mayor Holaday **Date Submitted:** 11/8/2011

Transfer From:

Account Name	General Fund - Free Cash	YTD Bal:	$ 1,657,388.00
Account Number:	01-35900	Trans In:	$ -
Amount:	$10,000.00	Trans Out	$ 133,700.00

Why are Funds Available: *The Mass Dept of Revenue has certified Free Cash for FY 2012. These funds are available for any legal purpose with the recommendation of the Mayor and a majority vote of the City Council.*

Transfer To:

Account Name	SE Branch Library- Revolving Fund	YTD Bal:	$ 11,334.29
Account Number:	2810-10400	Trans In:	$ -
Amount:	$10,000.00	Trans Out	$ -

Why are Funds Required: *Funds are required to comply with ADA regulations relative to handicapped access to the SE Branch Library.*

Transfer To:

Account Name		YTD Bal:	
Account Number:		Trans In:	$ -
Amount:		Trans Out	$ -

Why are Funds Required:

Donna D. Holaday, Mayor — Date: 11/8/11

William B. Squillace, Auditor — Date: 11/8/11

City Council Approval: (Stamp)

Transfer #2
November 14, 2011

City of Newburyport
FY 2012
BUDGET TRANSFER REQUEST

2011 NOV -8 P 2:27

Department: DPS - Sewer
Submitted by: Anthony Furnari, Director **Date Submitted:** 11/8/2011

Transfer From:

Account Name	Sewer - Retained Earnings	YTD Bal:	$	2,075,826.00
Account Number:	61- 35900	Trans In:	$	-
Amount:	$513,413.49	Trans Out:	$	-
Why are Funds Available:	*Funds are available for any purpose with the approval of the Mayor and City Council.*			

Retained earnings were certified by the DOR at $2,075,826.

Transfer To:

Account Name	Sewer- Fund Balance	YTD Bal:	$	-
Account Number:	61-32801	Trans In:	$	-
Amount:	$513,413.49	Trans Out:	$	-
Why are Funds Required:	*Reserve Funds are being used to balance the FY 2012 Sewer Budget.*			

Donna D. Holaday, Mayor — Date: 11/8/11
William B. Squillace, Auditor — Date: 11/8/11

City Council Approval: (Stamp)

Transfer #3
November 14, 2011

City of Newburyport
FY 2012
BUDGET TRANSFER REQUEST

2011 NOV -8 P 2:27

Department: Mayor

Submitted by: Mayor Holaday **Date Submitted:** 11/8/2011

Transfer From:

Account Name	General Fund - Free Cash	YTD Bal:	$ 1,657,388.00
Account Number:	01-35900	Trans In:	$ -
Amount:	$300,000.00	Trans Out	$ 133,700.00

Why are Funds Available: *The Mass Dept of Revenue has certified Free Cash for FY 2012. These funds are available for any legal purpose with the recommendation of the Mayor and a majority vote of the City Council.*

Transfer To:

Account Name	General Fund - Fund Balance	YTD Bal:	$ -
Account Number:	01-32801	Trans In:	$ -
Amount:	$300,000.00	Trans Out	$ -

Why are Funds Required: *The Mayor's FY 2012 budget proposal was based on the use of $200,000 in Free Cash and $500,000 from the Stabilization Fund as a funding source for the FY 2012 Budget. However, increased revenues in FY 2012 have reduced the need to use these reserves and only $300,000 from Free Cash is being requested for this purpose.*

Transfer To:

Account Name		YTD Bal:	
Account Number:		Trans In:	$ -
Amount:		Trans Out	$ -

Why are Funds Required:

Donna D. Holaday, Mayor — Donna D. Holaday — Date: 11/8/11

William B. Squillace, Auditor — Date: 11/8/11

City Council Approval: (Stamp)

COMMUNICATIONS

Communication #1
November 14, 2011

November 1, 2011

RECEIVED
CLERK'S OFFICE
NEWBURYPORT
2011 NOV -1 P 4:16

Richard Jones
City Clerk's Office
60 Pleasant St.
Newburyport, Ma. 01950

RE: Mike's Pedicab

Dear Members of the City Council:

As some of you may know Newburyport Pedicab has decided to cease operations. I have been involved with them from the beginning in 2007 and was sorry to hear the news. The pedicabs have become a fixture in the downtown area during the summer months and are enjoyed by both visitors and residents and especially the young children who enjoy taking a ride around the block during Yankee Homecoming.

I have decided to purchase a single cab for myself and I wanted to take this opportunity to inform the council and address any concerns or questions that you may have.

Please feel free to call me at 978-758-2188 or email me at mikecronan@comcast.net

Best Regards,

Mike Cronan
17 Shandel Drive
Newburyport, MA.

Communication #2
November 14, 2011

RECEIVED
CLERK'S OFFICE
NEWBURYPORT, MA

2011 NOV -7 P 12: 19

DATE: **11/7/11**

TO: **City of Newburyport**

FROM: **Maudslay State Park Association Garden Committee**

RE: **Request to Sell Cut Greenery on 11/27/11**

Dear President and Members of the Newburyport City Council,

The Maudslay State Park Garden Committee would like permission to hold a one-time sale of cut greenery (pine boughs, holly, etc) on the sidewalk at 22 Market Square on Sunday, November 27, 2011 from 3:30 to 5:30pm.

The Maudslay State Park Garden Committee is a non-profit 501(c)(3) organization comprised of volunteers who are in charge of maintaining and restoring the historic Italian and Rose Gardens at Maudslay State Park.

Components of our sale include:

1) a 2.5 x 6 ft folding table for display of greenery materials
2) a vinyl banner hanging from the table to show our name
3) cut branches/boughs of pine, spruce, holly and other natural greens used for holiday decorations.
4) prices for the greens will range from $6 to $15. All proceeds go directly to the Maudslay State Park Association Garden Committee to maintain the gardens at Maudslay State Park.
5) no electricity is required, and no food will be sold or given out.

We have received permission from Market Square Jewelers (manager, Jeannine) to place our table in front of their place of business. The table would not block pedestrian traffic in front of the building as the sidewalk is very wide there. (Attached please find a letter with Jeannine's signature indicating her approval.)

Thank you for your consideration of this request.

Sincerely,

Amy L King

Amy King
Volunteer, MSPA Garden Committee
15 Charles Street, Newburyport, MA 01950
phone: 978-499-7713 email:amyking11@comcast.net

11/4/2011

Market Square Jewelers at 22 Market Square, Newburyport gives approval to the Maudslay State Park Garden Committee to place a table in front of the business and conduct a sale of cut greens for the benefit of their non-profit organization on Sunday, November 27, 2011 from 3:30pm to 5:30pm.

Sincerely,

Name Jeannie @ Market Square Jewelers

Date 11/4/11

Communication #3
November 14, 2011

City Hall, City of Newburyport, Massachusetts 01950
(978) 465-4412

RECEIVED
CLERK'S OFFICE
NEWBURYPORT
2011 OCT 31 AM 11:06

Trustees
Clifford Goudey
Joyce Enderle
Joseph Brown
Douglas Locy
Catherine Russell

October 5, 2011

The Honorable Donna D. Holaday
Mayor, City of Newburyport
City Hall
Newburyport, MA 01950

Subject: 2011 Newburyport Waterfront Trust Annual Report to the Mayor

Dear Mayor Holaday,

Trustees of the Newburyport Waterfront Trust have documented and attached their 2011 Annual Report for your review. This report provides descriptive and financial information about the Trust property in addition to current activities and plans for its future. Please call either of us should you have any questions regarding the attached material.

Sincerely,

Clifford Goudey, Co-Chair

Douglas Locy, Co-Chair

Cc: Andrew Port – Planning Director
Thomas F O'Brien – City Council President
Brad Duffin – Harbor Commission Chair
James Shanley – NRA Chair
Geordie Vining – Senior Project Manager

Newburyport Waterfront Trust

2011 Annual Report to the Mayor

Background

The area comprising Market Landing Park and the Waterfront/Boardwalk Promenade and adjacent public and private acreage was taken by eminent domain by the Newburyport Redevelopment Authority (NRA) as part of an urban renewal project in 1968. The site was first developed into a park over a several year period, beginning in the early 1970's. In January 1991, the Newburyport Waterfront Trust (the Trust) was established to hold, manage, maintain, conserve, and utilize these lands for the use and enjoyment of the citizens of Newburyport, Newbury, and West Newbury. The granted lands total approximately 4.4 acres and consist of Market Landing Park, Riverside Park, approximately 1,100 feet of riverfront boardwalk, Somerby's Landing, and the six (6) Ways to the Water (Somerby Landing Way within Riverside Park, Central Wharf Way, Railroad Avenue west of the Firehouse, Railroad Avenue east of the Firehouse, Ferry Wharf Way [administered by the NRA but obligated for transfer to the Waterfront Trust], and Custom House Way). These lands were granted to the Trust to be held in perpetuity allowing the public free access forever.

In accordance with the Declaration of Trust, there are five Trustees who are appointed by the Mayor of Newburyport with the approval of the City Council to a maximum of two, five-year terms. Under this Declaration, the Trustees have absolute control of the Trust property with the exception of restrictions placed on certain portions of the property, including the duty to keep the public ways and Boardwalk "open" for benefit of the general public. In agreeing to the Declaration, the City of Newburyport accepted responsibilities for the funding of the maintenance of the Trust lands, and to indemnify the Trustees of liability associated with the ownership and management of the Trust lands. Over the years and using income from leases, rentals, use permits, and donor gifts, the Trust has assumed the primary responsibility for park maintenance and contracts this work to a commercial landscape company. The City's Department of Public Services provides valuable supplemental services for Trust properties, including trash removal, tree work, and the plowing of Riverside Park. The Trust employs a part-time Park Manager to coordinate these maintenance activities and provide liaison between the Trustees, park users, the DPS, the landscaping contractor, and various volunteer groups who help from time to time.

By contrast, major improvements to the Park and its infrastructure have been supported by funds raised in collaboration with the City, the Planning Department in particular. Examples of this include a $2.4 million dollar improvement (2002/2003) comprised of approximately $1.3 million in city funds, $800,000 in federal and state grants, and $300,000 from local businesses and individuals for the refurbishment and extension of the Waterfront/Boardwalk Promenade, the improvements along Somerby's Way, repairs to the pilings along the Merrimack River bulkhead, and improvements to the infrastructure of the Park.

Trust Property Description (See Attachment A, Trust Land Map)

Market Landing Park is located between Merrimac Street and the water near Market Square. The Firehouse Center is located at the Southeast corner of the Park. Park circulation is paved

with brick and lined with granite curbing. Lush green space is plentiful and flowerbeds abound. A black cast iron fence separates the street sidewalk and the Park. Earth mounds provide a buffer zone between the Park and adjacent parking lots. A granite railing and performance stage separate Market Landing Park from the Waterfront/Boardwalk Promenade.

The Promenade is a wooden wharf supported by steel caissons. The entire Promenade was re-built and completed in June, 2003 using robust Ipe decking. Railings on the waterside of the Promenade also serve as benches. Sturdy steel and wood benches line the landside of the wharf. The Promenade is straight, paralleling the river with the exception of an embayment that aligns with Market Landing Park.

Riverside Park is the western-most portion of the Trust's properties. It was originally dedicated in 1889 as city park land consisting of a ball field and recreational space, but in 1948 the City turned it into a parking lot to accommodate downtown parking needs. It was rededicated as a park when the Waterfront Trust was created in 1991 with parking allowed as a "permitted use." Today it's primarily a paved parking lot providing 64 spaces with some trees and greenery. It also serves as an optional entrance to two abutting parking lots and further entrance to the nearby boat yards and marine facilities. Since the 1990's the Trustees to have articulated the goal of giving Riverside Park a more park-like appearance. Plantings along Somerby Landing Way were added in 2003 with additional plantings and improved signage for the Park currently under consideration.

In the summer, the Trust allows the Harbormaster Department to place floating docks along the east end face of the Waterfront/Boardwalk Promenade for public docking. Additional floating docking and a public dingy dock are seasonally located in the embayment.

The Trust hosts public charter boats along the Promenade to the west of the embayment, informally known as a Transportation Docking area. These vessels operate in the summer and include a whale-watch boat, a harbor cruise, and a sailing catamaran. These vessels operate on a regularly scheduled basis for whale watches and harbor cruises as well as for special-event charters. These three tour-boat operations collectively are responsible for their own floats and ramps and their seasonal installation and removal. In the winter, the Trust hosts a small fleet of commercial fishing vessels in the embayment, as it offers welcome protection from river ice.

The Park and the Promenade are well maintained and provide an attractive draw to Newburyport's waterfront and nearby downtown area. A well-managed program of tree maintenance and pruning keeps the Park attractive and visible while providing shade. The Waterfront Promenade experiences heavy tourist traffic in the summer months. Market Landing Park is used as an access way to the Promenade and is also home to summer concerts and special events. It is also frequently used as a wedding venue.

Collaborations

The Trust furthers its purpose by collaborating with and hosting activities that encourage and facilitate the connection of the public to its property and to the Merrimack River. An example of this is the three aforementioned tour boat operations and includes the placement of a cooperative ticket kiosk to facilitate their operation.

The Trust also hosts the Somerby's Landing Sculpture Park, an area at the waterside portion of Riverside Park and the western end of the Waterfront/Boardwalk Promenade. A cluster of sculptures has been established; some relatively permanent, others that rotate on an annual basis.

The Trust works closely with the Greater Newburyport Chamber of Commerce & Industry in the planning and hosting of numerous summertime events. This typically includes an early-season spring festival, occasional evening events throughout the summer, a large Riverfront concert, and a fall harvest festival. The Trust is also exploring options to identify nearby businesses on signposts that are consistent with the rededication of Riverside Park as a park.

Market Landing Park was improved and expanded in the early 1970's and again in the early 1990's with federal, state, and City funds, along with local donations. It is the traditional location for the concerts and events associated with Yankee Homecoming, a major city-wide, week-long summer celebration. These activities bring many visitors to the downtown and waterfront and make a significant impact to the grounds. Careful coordination with Yankee Homecoming organizers ensures that cleanup and repairs after each event are done in a timely way and the condition of the Park is not compromised.

The Trust and the Newburyport Redevelopment Authority (NRA) have shared interests in the functioning of the waterfront. The NRA property is effectively surrounded by the Trust's property and the two groups share extensive borders. There is a planning process in place to transition the NRA land, presently two gravel parking lots accommodating approximately 400 cars, to a higher purpose. The timing and ultimate mix of activities remains unclear; however it is essential that the Trust work closely with the NRA to ensure that the Trust property remains freely accessible to the general public.

In 2007, the Trust and the NRA implemented a collaborative paid parking program that generated revenue on weekends and during Yankee Homecoming. This program involved a fee collection subcontractor and resulted in approximately $7,000 per year in revenue for the Trust for the two years the arrangement was in effect. More importantly, the collaboration offered the Trust a better sense of the revenue that could be generated by charging for its spaces in Riverside Park.

In 2009, the Trust implemented the first pay-and-display parking program within the City. This required the installation of a payment machine, signage, and a credit-card servicing arrangement. Installed in October 2009, the program grossed over $37,000 in receipts during the first year of operation. This revenue came in spite of free weekday parking in the neighboring NRA lot and with the absence of any enforcement. Not only did this program prove highly profitable, it facilitated the short-term use of Trust parking spaces by the public rather than their historical all-day use by the employees of nearby businesses. The success of the Trust's paid parking plan may have helped motivate the City to implement a consolidated parking plan for the downtown and waterfront. This plan was finalized in the spring of 2011 and the Trust has agreed to allow

the City to administer paid parking in Riverside Park in return for an annual fee of $30,000 for the two-year agreement.

Current Trustees

Name	Position	Term	Appointed	Expires	Expires[1]
Clifford Goudey	Co-Chair	2nd	27-Apr-09	08-Dec-13	31-Dec-13
Joyce Enderle	Events Coordinator	1st	11-Feb-08	31-Dec-11	31-Dec-11
Joseph Brown	Treasurer	1st	28-Apr-08	30-Apr-12	31-Dec-12
Douglas Locy	Co-Chair	1st	12-Apr-10	01-Mar-15	31-Dec-14
Catherine Russell	Beautification Coordinator	1st	14-Mar-11	01-Feb-16	31-Dec-15

[1] Pending City Council approval of correcting expiration dates to 31-Dec.

Trust Sources of Revenue

The Trust, acting in accordance with Article IV, Section 3 of the Declaration of Trust, is required to "in all matters relating to the administration of the Trust hereunder and the exercise of power hereby conferred, the Trust may act by majority of their members" and do so on all fiscal matters.

Under the Declaration of Trust, agreed upon by both the City of Newburyport and the Waterfront Trust, the City made a commitment to pay all reasonable expenses including the maintenance and landscaping of the Waterfront Park and Boardwalk. Over time the City has reduced its funding obligation requiring the Trust to rely more on income it generated through parking receipts, tour boat dock rentals and leasing arrangements. The City's Department of Public Works, however, continues to provide the Trust with such work as refuse removal, tree pruning, plowing, and walk repair on its property.

The Trustees are also able to generate revenue by charging fees for the occasional and regular use of the Park. In addition to this revenue stream, the Trust receives occasional donations in accordance with its 501 (C) 3 tax status, from the public as well as businesses that value the mission of the Trust.

The Trust's operating budget is based primarily on recurring sources of income. The following describes those sources and their basis. Details of the Trust's current net worth and income and expenses for FY2011 as well as projections for FY 2012 are included in Attachment B, C, & D. 2011 WFT report and vision

a) Paid parking: $30,000 - Under a two-year agreement with the City of Newburyport, the City administers parking in Riverside Park and collects all parking fees and revenues from enforcement ticketing and in return they compensate the Trust.

b) Summer tour boat tie-up fees: $16,000 – The Trust hosts the M/V Prince of Whales (a whale watch cruise), the M/V Yankee Clipper (a harbor tour and water taxi vessel), and the S/V Ninth Wave (a sailing catamaran cruise). The Trust charges $80 per foot for the summer season and the vessels provide their own cooperative ticket kiosk.

c) Firehouse patio lease: $6,683 – The Trust owns the land upon which the Firehouse patio was built. A lease by the Trust to the Society for the Development of the Arts and Humanities (SDAH) allows that nonprofit to profitably sublease the patio to their tenant first-floor restaurant.

d) Market Landing Park Event Fees: $5,200 – Events organized by the Chamber, Yankee Homecoming, and others are charged a fee based on the number of attendees and the duration of the event. These fees are intended to support the additional grounds-keeping expenses associated with the impact of the event.

e) Reserved parking for Riverside Park abutters: $3,000 – With the implementation of paid parking in Riverside Park in 2007, parking for tenants and customers of the Browns Wharf building became strained. The Trust allows the dedicated use of the six parking spaces abutting that building by employees and customers of the tenant businesses. The fees for these spaces are based on revenues collected for the rest of the Riverside Park spaces.

f) Fishing Vessel winter tie-up fees: $2,100 – Our fleet of fishing vessels has diminished over the years, as has the number of participants in local fishing industry. Presently, three commercial trawlers tie up in the waterfront embayment during the winter at $700 each for the season.

g) Bank donations: $1,000 – for maintenance of the flowerbeds on the berms that were funded by the Institution for Savings and the Newburyport Five Cents Savings.

h) Private weddings: $800 – The setting and high level of maintenance of Market Landing Park makes it a popular setting for weddings. We average six such events each year and charge a fee of $100 or $200 depending on the size of the gathering.

i) Transportation Dock Fuel deliveries: $600 – The Trust permits tenant vessels to fuel up at the Transportation dock, charging 5 cents per gallon.

Trust Expenses

The Trust's primary recurring expense is for the maintenance of its properties, the landscaping and upkeep of the Park grounds and the boardwalk promenade. Most of this work is done under a contract with ND Landscaping for approximately $22,000 per year. Additional, non-recurring work includes various grounds upgrades and tree pruning and/or removal is handled by the City DPS or by other contractors.

The Trust employs a Manager to oversee routine maintenance and special event logistics costing approximately $7,500 per year. A handyman is used for repairs and minor upgrades

and those annual costs have risen lately to $6,500 largely due to the boardwalk requiring an increased level of maintenance as the Ipe decking ages and twists. The cause seems to be either inadequate fasteners or degrading stringers to which they are nailed. The edges of uneven boards are planned to reduce trip hazards and refastened. Other routine costs include support and professional fees for a note taker, engineer, greens keeper, accountant, and a fund manager totaling $5,600 annually.

Recent Issues and Policy Decisions

The waterfront is a dynamic environment and like all things, its needs and the needs of its surrounding community change over time. The Trust property is governed by the Trustees in accordance with a Declaration of Trust crafted in the wake of litigation between 1972 and 1980, resulting in a Stipulation that was substantially executed by creation of the Waterfront Trust after completion of land registration in the year 1988. This has required both inventiveness and compromise in order to meet current needs while honoring the language of the Declaration established by its authors in 1991 and fulfilling the intent and spirit of the Trust purposes as viewed by the City, the Commonwealth, the NRA, and public intervenors.

The Tour Boat Ticket Kiosk - An example of this was the placement of the tour boat ticket kiosk on the Boardwalk promenade where no structures previously existed. This 10' x 7' structure was originally located on the Transportation Docking section of the Boardwalk in 2007 to serve the needs of the Trust's tenant vessels. However, it was determined that such a placement was viewed as violating the Declaration's covenant against the leasing of certain Trust lands, and the duty to keep the Boardwalk areas "open" under Article XIII. Following a review of location options, the Trustees voted to move the kiosk to a location previously used in part by the sculpture park abutting the Waterfront/Boardwalk promenade. The Trust will continue to pursue a more suitable and permanent location for this structure. The location on Trust property of a ticket kiosk to serve the information and ticket-selling needs of tenant and river community interests prompted a review by the Trustees on limitations placed on structures located on the Waterfront/Boardwalk promenade. Through this discussion, it became apparent that the City has both challenges and opportunities as it endeavors to provide information to tourists, visitors, and residents. At the heart of this, is the need to offer public access boating opportunities, public transportation, adequate public restroom facilities, and related facilities for boaters.

Transportation Dock Tenant Vessel Fueling - At the request of tenant vessels advocating that they were being financially hurt by non-competitive pricing of fuel along the Newburyport waterfront, a fueling plan was developed in collaboration with the Newburyport Fire Marshall, the City Solicitor, and other stakeholders. The Trust charges five cents per gallon of diesel fuel delivered and requires record keeping. Currently, the Waterfront Trust is in the discussion phase with the Newburyport Harbor Commission and the Harbormaster to determine if a more suitable location is available for this activity.

Accommodating Commercial Interests - The Trust's mission of encouraging public use of the waterfront can be furthered by partnering with commercial organizations. An example of this is a recent spate of requests by health and fitness organizations. Striking a proper arrangement with these groups can be challenging and depends on anticipated impacts to the Park and on whether the organization charges its participants. Fee determinations depend on whether the activity involves profit or non-profit permittees, imposes charges upon participants, imposes additional park maintenance burdens for which the Trustees seek cost recovery, or serves compelling needs of the City.

Valuing Leased Properties – The Declaration of Trust requires the Trustees to obtain full and fair market value for any leased properties. This has not been easy given the unique and encumbered nature of these locations.

Seaport Grant Funding – Through the efforts of the City's Planning and Development Department, Newburyport was awarded a $1.98 million dollar grant by the Massachusetts Seaport Advisory Council in April of 2011 to restore its bulkhead, pilings, and boardwalk at the waterfront. Funds for the planning/design phase are expected to be released in 2013 and construction is expected to begin in 2014. Trustees are anxious to work with the City in this endeavor.

Routine Planning

The Trustees handle routine matters through deliberations at monthly public meetings and in concert with the Trust's park manager. The coordination and short-term planning matters include:

1. Increasing the sophistication of gardens and intense landscaping in keeping with the Trust's financial resources.
2. Developing a tree replacement program to replace lost trees due to damage or disease, and implementing fertilizer and pruning programs.
2. Balancing the merits of a vibrant vs. a more passive setting.
3. Increasing the Trust's financial resources by competing for grants and encouraging private and commercial donations.

Vision Statement

The Newburyport Waterfront Trust envisions a waterfront that is both responsive and proactive; shaped by both recognized needs and emerging opportunities, and guided by a respect for its origins and historical significance. As active stewards of this environment, the Trustees believe that waterfront activities should be innovative, sustainable, and enhance the overall quality of life for the community. The waterfront is a shared and precious resource that must remain accessible to all and preserved for all time.

Long-term Planning

Although in the past, the financial limitations have tempered the Trust's ability to "think big," the proceeds from paid parking, even under the current collaboration with the City, enables the Trust to envision and pursue meaningful improvements to Trust properties by using these additional funds as match for grants and gifts. Improvements under consideration include:

1. Continue to work with other entities to manage the hazards and opportunities associated with the commercial development of neighboring parcels.
2. Complete the process with the NRA and the City to locate, mark, and transfer to the Waterfront Trust, the two final Rights of Ways to the Waterfront, specifically Ferry Wharf Way and Central Wharf Way.
3. Work cooperatively with the Newburyport Maritime Society Board, the City of Newburyport, and the NRA with a shared interest in reopening the second Custom House Way (formally a registered public way) and providing a more direct access to the City Fishing Pier.
4. Work cooperatively with the Newburyport Maritime Society Board, the City of Newburyport, Newburyport Harbor Commission and the NRA with a shared interest to improve waterfront docking that will enable routine visits by historic ships and ship replicas for the purpose of providing ship-based educational programs and to encourage a broader range of visitors.
5. Work with the Newburyport Redevelopment Authority (NRA) to assist in the conversion of portions of the gravel parking lots into park and other higher-use activities.
6. Integrate, as appropriate, additional NRA park land with the Waterfront Trust Park to create a seamless park, both in appearance and management.
7. Plan and construct a bikeway to accommodate rail-trail traffic across the park.
8. Work with charter boat operators to establish a permanent location for the ticket kiosk.
9. Improve the appearance of Riverside Park through the addition of trees and other plantings. Ultimately, reestablish Riverside Park as a formal park.
10. Increase the vitality and the range of visitor offerings by a measured enhancement of attractions and partnerships with commercial ventures.

11. Provide additional public boating opportunities along unused portions of the Promenade west of the embayment.
12. Collaborate with the City to raise funds to support substantial projected expenses related to the predictable deterioration of the bulkhead caissons, pilings, and Boardwalk support structure.
13. Consider including sculpture and additional forms of art to areas of Trust property in addition to the existing sculpture park.
14. Add additional benches where needed and of a design that is consistent with the existing area.
15. Engage professional landscape architects and enhance Waterfront Park with additional and appropriate plantings.

Attachments:

A. Map showing Newburyport Waterfront Trust Property

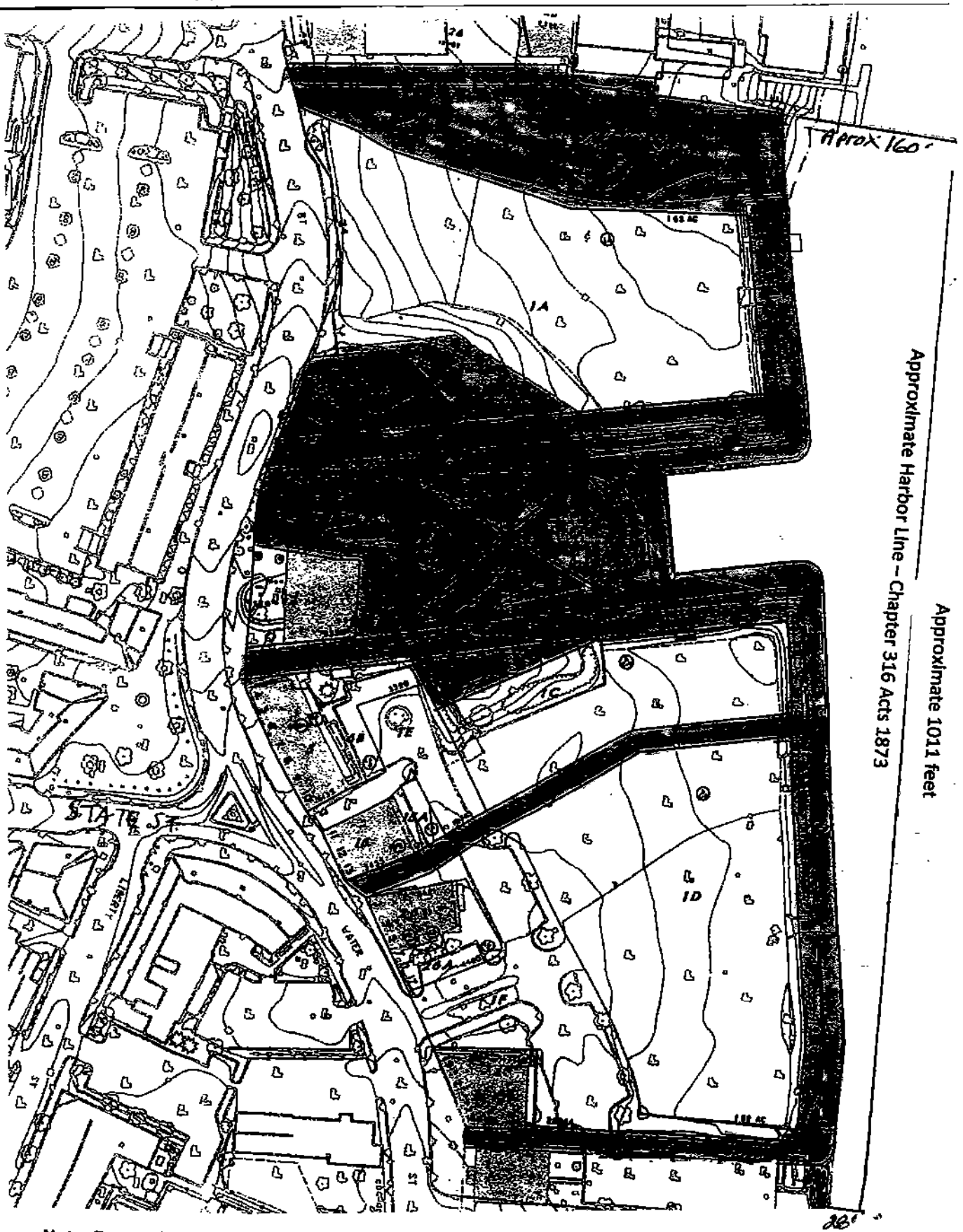
B. Net Worth Statement

C. Fiscal Year Revenue

D. Fiscal Year Expenses

Attachment A

Newburyport Waterfront Trust Property



Note: Ferry Wharf Way has not yet been conveyed to the Waterfront Trust

Attachment B

Net Worth
Newburyport Waterfront Trust
June 30, 2011

Assets

Land[1]	$2,236,107.00
Equipment (Parking Meter)	10,000.00
Cash or Equivalent	
Working Funds	76,759.29
Board Endowment	56,865.00
Sexton/Rindler Endowment	14,535.00
Waterfront Pier Project	17.43

Liabilities

Net Worth 6/30/2011 Newburyport Waterfront Trust	$2,394,283.72

[1] Report on Federal Tax Non-Profit Ending June 30, 2010

Attachment C

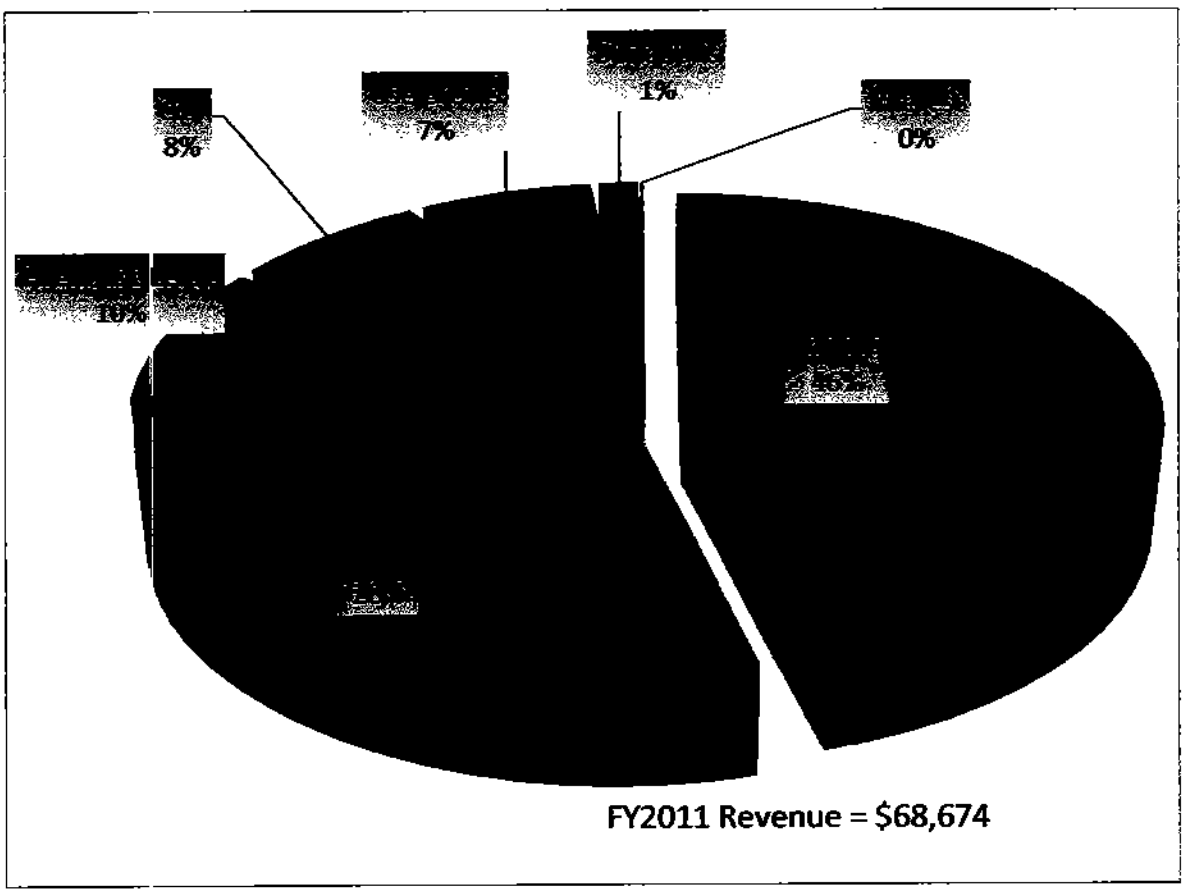
Newburyport Waterfront Trust

Actual FY2011 Revenue[1] (July 1 '10 - June 30 '11)
Estimated FY2012 Revenue

Name		Actual [1] FY2011
Parking - meter[3]	$	28,472.33
Tour Boats[2]	$	15,875.00
Firehouse Lease[2]	$	6,683.00
City of Newburyport[2]	$	5,200.00
Chamber & Yankee	$	3,490.00
Parking - Browns	$	3,150.00
Fishing Boats[2]	$	2,800.00
Bank Donations	$	1,064.00
Weddings	$	800.00
Atlantic Fuels, Inc.	$	621.99
Park Use	$	400.00
Interest	$	117.56
	$	**68,673.88**

Category		Actual [1] FY2011		Estimated FY2012
Parking (City)	$	31,622	$	30,000
Boats	$	19,297	$	18,400
Firehouse Lease	$	6,683	$	6,000
City[4]	$	5,200	$	-
Use Events	$	4,690	$	4,000
Donations	$	1,064	$	1,000
Interest	$	118	$	120
	$	**68,674**	**$**	**59,520**

[1] Fiscal Period on cash basis (estimate)
[2] Includes some payments from FY2010
[3] Meter pulled on 4/16/11
[4] Includes FY2010 & 11 and $3200 grant (solar pane



DAL -8/1/2011

Attachment D

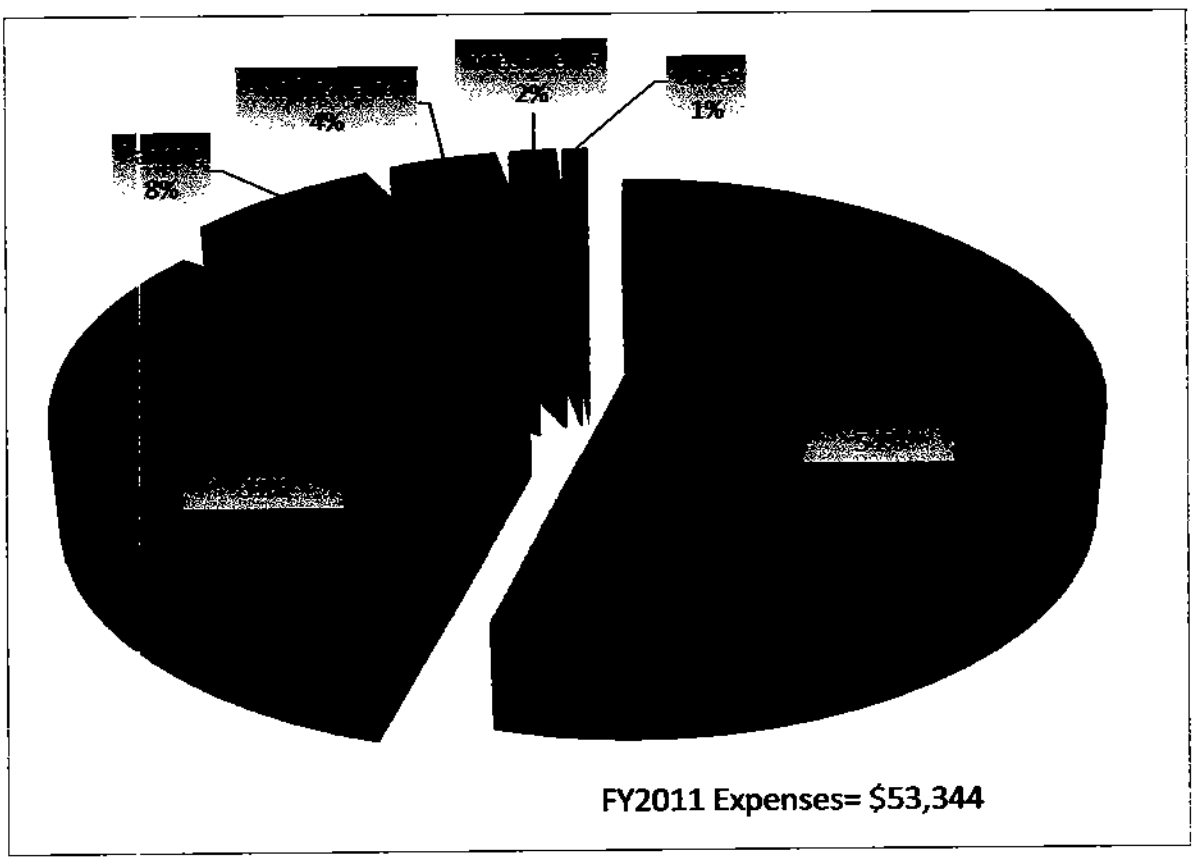
Newburyport Waterfront Trust

Actual FY2011 Expenses[1] (July 1 '10 - June 30 '11)
Estimated FY2012 Expenses

Name		Actual [1] FY2011
N.D.Landscaping, Inc	$	27,785.38
Charlie Nichols	$	7,758.29
Handyman/aka Equity Bldrs	$	6,528.00
Sage Pmt Solutions	$	3,421.00
Gretchen Sanders Joy	$	1,200.00
Vine Associates	$	1,200.00
Greenskeepers	$	1,146.00
Fritz DeGuglielmo	$	1,100.00
Fidelity Fund	$	1,000.00
Seaporrt Signworks	$	870.00
Cale parking Systems USA	$	681.00
Memorials	$	475.00
Misc Repairs	$	110.00
Other	$	69.00
	$	**53,343.67**

Category		Actual [1] FY2011		Estimated FY2012
Landscaping	$	28,931	$	28,000
Maintenance	$	16,466	$	18,000
Parking	$	4,102	$	1,500
Administration	$	2,300	$	2,500
Investments	$	1,000	$	1,000
Other	$	544	$	500
	$	**53,344**	$	**51,500**

[1] Fiscal Period on cash basis (est)



DAL -8/1/2011

APPOINTMENTS

Appointment #1
November 14, 2011

CITY OF NEWBURYPORT

OFFICE OF THE MAYOR

DONNA D. HOLADAY, MAYOR
60 PLEASANT STREET - P.O. BOX 550
NEWBURYPORT, MA 01950
(978) 465-4413 (978) 465-4402 (FAX)

RECEIVED
CLERK'S OFFICE
NEWBURYPORT, MA
2011 NOV -3 P 4:11

To: President and Members of the City Council

From: Donna D. Holaday, Mayor

Date: November 3, 2011

Subject: Appointment

I hereby appoint, subject to your approval, the following named individual as a member of the Diversity and Tolerance Commission. This term will expire on November 1, 2014.

Rabbi Avi Poupko
2 Pleasant Street
Newburyport, MA 01950

Dear Mayor Holaday,

This letter is to request appointment to the Commission for Diversity and Tolerance. I have been asked by the Clergy Association of Greater Newburyport to serve as their liaison to the CDT. This position was previously held by Ross Varney.

As a religious leader, I see it as my primary responsibility to encourage respect and goodwill between people. According to the Jewish Tradition our responsibility is first and foremost to those who live on the periphery of society or those who one might deem "the stranger"-the one who feels that they are an "outsider" to the rest of the community. It is because of this that I would be honored to serve on the CDT as it is the body appointed by the City of Newburyport to "create a caring community that welcomes and respects differences". I hope to make a difference.

Thank you,

Avi

Rabbi Avi Poupko

Newburyport, MA
Phone 978-518-1504
E-mail avipoupko@yahoo.com

PROFESSIONAL EXPERIENCE

Congregation Ahavas Achim Newburyport, MA 2011-Present
Rabbi

The Israeli Midrasha-Ein Prat Jerusalem, Israel 2008-2011
Director of the Israel Midrasha Fellowships and Lecturer
Lectured extensively on Talmud, Post-Modern Theology, Hasidism, Kabbalah, Halakha and Jewish Thought.

Beit Morasha of Jerusalem Jerusalem, Israel 2010-Present
Fellow
In recognition of academic achievement was awarded this prestigious fellowship. Responsibilities include participating in twice-weekly study sessions with other fellows and working towards publishing articles in academic journals.

Pardes Institute Jerusalem, Israel Summer 2008
Lecturer
Lectured in the popular Pardes Summer Program on the interplay between Post-Modern Theology and the radical Hasidic school of Ishbitz.

Harvard University Hillel Cambridge, Massachusetts 2005-2007
Campus Rabbi
Served as Campus Rabbi for Harvard Hillel. In the capacity as Campus Rabbi, was the main spiritual address for all three Harvard Hillel minyanim; Reform, Conservative, and Orthodox. For the wider Jewish community on campus taught numerous classes on a wide range of subjects. Served on the United Ministries of Harvard University and was on the planning committee for consecutive Martin Luther King Jr. days.

EDUCATION

Bar Ilan University Tel Aviv, Israel 2011-Present
Doctoral Candidate

Bar Ilan University Tel Aviv, Israel 2008-2010
M.A. Jewish Philosophy

Bar Ilan University Tel Aviv, Israel 2002-2005
B.A., Major: Jewish Philosophy, Minor: Jewish History

Gruss Rabbinic Institute, Yeshiva University Jerusalem, Israel 2000-2001
Received rabbinic ordination form the High Court of Jerusalem.

END OF CONSENT AGENDA

BEGINNING OF REGULAR AGENDA

APPOINTMENTS
SECOND READING

MAYOR'S APPOINTMENTS
November 14, 2010
SECOND READING

Appointments

1. Gary Robinson	12 Hill Street	Highland Cemetery	Feb. 3, 2012
2. Jeffrey Briggs	17 Dalton Street	Highland Cemetery	Feb. 3, 2013
3. Karen Kelly-Alger	27 Hill Street	Highland Cemetery	Feb. 3, 2013
4. Patricia Spaulding	5 Bricher Street	Highland Cemetery	Feb. 3, 2014
5. Susan R. Brown	33 Fair Street	Diversity & Tolerance	Oct. 1, 2014
6. Jeffrey R. Tomlinson	21 Hill Street	Highland Cemetery	Feb. 3, 2014
7. Jennie Donahue	18 Cherry Street	Disabilities Commission	Oct. 1, 2014

Re-Appointment

8. Benedetto Orlando	104 North Ave, Apt. 2 Haverhill	Ass't Harbormaster	Oct. 25, 2014

In City Council October 31, 2011
Motion to approve the Consent Agenda as amended by Councillor Jones, seconded by Councillor Cameron. 10 yes, 1 absent (Hutcheson). So voted.

ORDERS

Order #1
November 14, 2011

CITY OF NEWBURYPORT

RECEIVED
CLERK'S OFFICE
2011 NOV -8 A 9:05

IN CITY COUNCIL

ORDERED:

THAT the City Council of the City of Newburyport elects to engage in the process to change health insurance benefits under M.G.L. c. 32B, Sections 21-23. These amendments to Chapter 32B allow governmental units (1) to change plan design without engaging in the traditional bargaining process or (2) to transfer subscribers to the Group Insurance Commission (GIC) without following the requirements of Section 19(e).

Councilor Edward C. Cameron

NEW REGULATIONS –
801 CMR 52.00 MUNICIPAL HEALTH INSURANCE

52.01 General provisions
(1) Authority
(2) Definitions
(3) Notices

52.02 The vote by a political subdivision to implement changes in group health insurance benefits pursuant to M.G.L. c. 32B, §§ 21-23
(1) Advance notice of intent to vote.
(2) Notice of vote, request for name and contact information for the public employee committee representatives, and number of eligible unit members

52.03 The Implementation Notice

52.04 The thirty-day negotiation period

52.05 Health insurance review panel

52.06 Health insurance review panel process

52.07 Implementation of agreements reached under M.G.L. c. 32B, §§ 21 to 23

52.01 General provisions

(1) Authority

(a) 801 CMR 51.00 is adopted by the Secretary of Administration and Finance, under the authority of M.G.L. c. 32B, §21 to carry out the process by which political subdivisions elect to change health insurance benefits under M.G.L. c. 32B, §§ 21-23.

(b) The process set forth in 801 CMR 52.00 shall be followed each time a political subdivision elects to change health insurance benefits under the process authorized by M.G.L. c. 32B, §§21- 23 (the implementation process), except that acceptance under M.G.L. c. 32B, § 21(a) need only occur once.

(2) Definitions

Unless otherwise provided, terms shall have the meanings assigned to them in M.G.L. c. 32B. The following terms shall have the following meanings:

"Collective bargaining unit" means an employee organization as defined in M.G.L. c. 150E, §1 that is acting as the exclusive bargaining representation of the bargaining unit. Notice to a collective bargaining unit under 801 CMR 52.02 shall be made to the principal officer of each bargaining unit.

"Impartial member" means the member of the review panel selected from a list of 3 potential members provided by the Secretary of Administration and Finance under the process set forth in 801 CMR 52.05(1).

"Implementation notice" means the notice required under M.G.L. c. 32B, §21(b) of the intent to enter into negotiations to implement proposed changes to health insurance benefits.

"Insurance advisory committee" means an advisory committee established by a public authority as specified in M.G.L. c. 32B, §3.

"Limited provider network" means a reduced or selective provider network which is smaller than a carrier's general provider network and from which the carrier may choose to exclude from participation other providers who participate in the carrier's regional provider network or general provider network for the purpose of reducing premium costs but which offers the same benefits to those provided by the carrier's general provider network .

"Maximum possible savings" is used to determine whether a proposal to transfer subscribers to the Commission would achieve at least five percent greater savings than the maximum possible savings that would be attained by plan design changes authorized under M.G.L. c. 32B, § 22 and means the savings that would be realized for the first 12 months if a political subdivision were to provide health insurance coverage to its subscribers by implementing changes to health insurance benefits that equal the dollar amounts of the most-subscribed plan's design features for the same or most similar benefits offered by the commission for a non-Medicare plan under section 4 of M.G.L. c. 32A and for a Medicare-extension plan under section 10C and section 14 of M.G.L. c. 32A. Where the political subdivision currently does not offer a tiered provider network, the maximum possible savings shall be calculated by comparing the savings that would result if the dollar amounts of the co-pays, deductibles and other cost-sharing plan design features in the political subdivision's plan equaled the dollar amounts of the co-pays, deductibles and other cost-sharing plan design features under tier 2 of the commission's most-subscribed plan. Where the political subdivision currently offers a tiered provider network that is tiered differently from the tiering in the commission's most-subscribed plan, the maximum possible savings shall be calculated by assuming the co-pays, deductibles and cost-sharing plan design features in each tier of the political subdivision's plan are equal to those in the same tier of the commission's most-subscribed plan, beginning with a

comparison of the highest tier. If the political subdivision's plan has fewer tiers than the commission's plan, the political subdivision's highest tier shall be compared to the commission's tier 3, and the second highest tier to the commission's tier 2.

"Mitigation proposal" means a proposal to mitigate, moderate or cap the impact of these changes for subscribers, including retirees, low income subscribers and subscribers with high out-of-pocket health care costs, who would otherwise be disproportionately affected.

"Public Employee Committee" means the committee established under M.G.L. c. 32B, §19 or § 21. If a public employee committee has not been established under Section 19, a public employee committee shall be established exclusively to negotiate changes under Sections 21 to 23, and shall be established in the same form and with the same percent votes as prescribed in the fifth paragraph of subsection (a) of Section 19. A public employee committee established under Section 21 exclusively to negotiate changes under M.G.L. c. 32B, §§ 21 to 23 shall be considered dissolved upon completion of the process described in those sections.

"RSCME" means the Retired State, County and Municipal Employees Association, located at 11 Beacon Street, Suite 321, Boston, MA 02108.

"Review panel" means the municipal health insurance review panel comprised of 3 members, 1 of whom shall be appointed by the public employee committee, 1 of whom shall be appointed by the public authority and 1 of whom shall be selected under the process set forth in 801 CMR 52.05(1).

"Secretary" means the Secretary of Administration and Finance.

"Tiered provider network" means a provider network in which a carrier assigns providers to different benefit tiers based on the carrier's assessment of a provider's cost efficiency and quality, and in which insureds pay the cost-sharing (copayment, coinsurance or deductible) associated with a provider's assigned benefit tiers.

(3) Notices.

(a) All notices provided under 801 CMR 52.00 shall be sent by certified mail, delivery confirmation and return receipt requested, and a copy shall be sent to the Secretary. Either post office evidence of attempted delivery or return receipts shall be prima facie evidence of the time of receipt.

(b) All notices to the Secretary shall be sent electronically to: MunicipalHealth@state.ma.us.

52.02 The vote by a political subdivision to implement changes in group health insurance benefits under M.G.L. c. 32B, §§ 21-23

(1) Advance notice of intent to vote.

At least two calendar days in advance of any vote electing to change group health insurance under the process authorized by M.G.L. c. 32B, §§ 21-23, the appropriate public authority shall send a notice to each collective bargaining unit to which the authority provides health insurance benefits and to the Retired State, County Municipal Employees Association (RSCME) that the political subdivision intends to vote on whether to implement the process. The vote of the political subdivision under M.G.L. c. 32B, § 21(a) may be in the following form: "The [name of political subdivision] elects to engage in the process to change health insurance benefits under M.G.L. c. 32B, §§ 21-23."

(2) *Notice of vote, request for name and contact information for public employee committee representatives, and number of eligible unit members.*

(a) A political subdivision which has elected under M.G.L. c. 32B, §21(a) to change health insurance benefits under M.G.L. c. 32B, §§ 22-23, shall, before implementing any changes, evaluate its health insurance coverage and determine the savings that may be realized after the first 12 months of implementation of cost-sharing plan design changes or upon transfer of its subscribers to the commission. The appropriate public authority shall then notify its insurance advisory committee, or such committee's regional or district equivalent, of its estimated savings. The notice shall include all the information required in section 52.03. In any political subdivision in which an insurance advisory committee has not already been established under M.G.L. c. 32B, §3, the appropriate public authority shall notify the president of each organization of employees affected and shall designate and notify a retiree of a governmental unit as a member of the committee. The insurance advisory committee, within 10 days after receiving this notice, shall meet with the appropriate public authority to discuss its estimated savings and any reports or other documentation requested by the insurance advisory committee before that meeting. If the committee does not meet within 10 days after receiving proper notice, it shall be considered to have discussed the matter with the appropriate public authority.

185
186 (b) Not later than 2 business days after the insurance advisory committee meets
187 with the appropriate public authority or 10 days after the insurance advisory
188 committee receives notice from the appropriate public authority, whichever
189 occurs first, a political subdivision which has elected under M.G.L. c. 32B, §
190 21(a) to make changes under M.G.L. c. 32B, §§ 22 or 23 shall, provide a notice of
191 its decision, in writing, to the president or designee of each collective bargaining
192 unit and to the RSCME and shall include the number of employees eligible for
193 health insurance under M.G.L. c. 32B employed in each bargaining unit of the
194 political subdivision.
195
196 (c) In any political subdivision which has not previously formed a public
197 employee committee under M.G.L. c. 32B, §19 of this chapter, the notice shall
198 request that each of the collective bargaining units and the RSCME provide the
199 name, address, phone number, and email address of its designated public
200 employee committee representative.
201
202 (d) Where a public employee committee already exists under M.G.L. c. 32B, §
203 19, each collective bargaining unit and RSCME shall, within 2 business days of
204 receipt of notice under this section, provide the appropriate public authority with
205 the name, address, phone number and email address of its designated public
206 employee committee representative. If no public employee committee exists at
207 the time of receipt of the notice, each collective bargaining unit and RSCME shall
208 designate a representative to a public employee committee exclusively to
209 negotiate changes under M.G.L. c. 32B, §§21-23 and provide the appropriate
210 public authority with the name, address, phone number and email address of its
211 designated public employee committee representative within 5 business days after
212 receipt of notice under 801 CMR 52.02(3). If no public employee committee
213 exists at the time of receipt of notice from the political subdivision and the
214 appropriate public authority has not received this information from a collective
215 bargaining unit or RSCME within 5 business days, the collective bargaining unit's
216 principal officer shall be the unit's representative on the public employee
217 committee, the president of the RSCME shall be its representative on the public
218 employee committee, and the appropriate public authority shall send the notice
219 specified under 801 CMR 52.03 to the collective bargaining unit's principal
220 officer and to RSCME's president.
221
222 *52.03 The Implementation Notice/(Notification by public authority to its public employee*
223 *committee of its intention* to enter into negotiations to implement changes to its health insurance
224 benefits under M.G.L. c. 32B, §21)
225
226 The appropriate public authority shall give the written notice required in M.G.L. c. 32B,
227 § 21(b) to the insurance advisory committee in accordance with Section 52.02(2)(a) and,
228 not later than 2 business days following the appropriate public authority's receipt of
229 notice of the representatives of the public employee committee under Section
230 52.02(2)(d), to each public employee committee representative identified by the

collective bargaining units and the RSCME. The notice shall include the following information:

(a) the proposed changes to the political subdivision's health insurance benefits, including:

(i) a description of the political subdivision's current health insurance plans and each plan's co-pays, deductibles and other cost-sharing plan design features, enrollment (broken out by enrollment in individual, individual plus one, and family plans), annual premium total cost, and percentage of premium total cost paid by political subdivision;

(ii) a description of the proposed changes, including:(a) the earliest practical date for implementing the changes under law;(b) each plan to be offered, and the projected enrollment under each plan, including continued projected enrollment for subscribers covered by existing collective bargaining agreements that specify plan design features; retirees enrolled and being transferred for the first time to Medicare under M.G. L. c. 32B, § 18A and Medicare supplemental health insurance plans; and subscribers moved to the new, proposed insurance plans; and (c) the proposed dollar amounts for each plan's co-pays, deductibles and other cost-sharing plan design features. A proposal shall not include a health benefit plan design feature which seeks to achieve premium savings by offering a limited network of providers unless the appropriate public authority also offers a health benefit plan to all subscribers that does not contain a limited network of providers.

(b). the co-payments, deductibles, tiered provider network co-payments and other cost-sharing plan design features for the same or most similar benefits of the non-Medicare plan and the co-payments, deductibles, and other cost-sharing plan design features for the same or most similar benefits of the Medicare-extension plan with the largest subscriber enrollment offered by the Commission, as provided by the Commission under M.G.L. c. 32B, §28;

(c). the appropriate public authority's estimate of anticipated savings of such changes and the supporting information and analysis, including but not limited to:

i. the total projected premium costs and enrollment of plans under the existing coverage for the first 12-month period in which the appropriate public authority seeks to make changes as if no such changes were made,

ii. the anticipated total projected premium costs of plans, including plans with the proposed changes, and anticipated enrollment for the same 12-month period,

iii. the analysis that the appropriate public authority has to support its estimate of savings and the projected premium costs which may include quotes or bids from any insurance plan, third party administrator or insurance broker regarding the total premium cost of such plans with and without the proposed changes; demographic data regarding the number of employees, the number of subscribers, the number of subscribers enrolled in non-Medicare plans (by coverage -family or individual) and Medicare-extension plans; any data regarding out-of-pocket costs paid by subscribers; and any other factors relied upon by the appropriate public authority, including any information provided by an actuary or other consultant in developing the savings estimate.

If the appropriate public authority has indicated that it is considering transferring to the commission, it shall include in its analysis the estimates regarding plan choice that subscribers will make if transferred to the commission.

The savings estimate shall not take into account: savings resulting from transferring eligible retirees to Medicare under M.G.L. c. 32B, § 18A, but the savings estimate shall include savings due to proposed increases in dollar amounts for co-pays and deductibles for Medicare-extension plans under M.G.L. c. 32B, § 22 or the savings resulting from the transfer to Commission's medicare extension plans under M.G.L. c. 32B, §23.

The savings estimate shall be calculated based on the number of subscribers who will be covered under the proposed plans, including subscribers covered by existing collective bargaining agreements for whom implementation of the proposed changes would be delayed under St. 2011, c. 69, § 4. The appropriate public authority shall allocate funds to the mitigation plan in proportion to the number of total subscribers who will be covered under the proposed plan, with additional funds allocated when the plan changes are implemented for additional subscribers Subscribers will not be eligible for mitigation funds before they are transferred to the new plans.

If the proposed change involves a transfer of health insurance coverage of subscribers to the commission, the savings estimate shall be based on a determination of maximum possible savings.

(d) the mitigation proposal, including:
(i) the estimate of the cost to fund the proposal and what percentage that cost is of the savings;
(ii) an explanation and rationale for the proposal;
(iii) the manner in which it affects various subscribers, including those disproportionately affected;
(iv) the manner of distribution or allocation of estimated savings from the proposal.

52.04 The 30-day negotiation period

(1) The 30 (calendar) day negotiation period shall commence when each member of the public employee committee has received the implementation notice, with the information required under Section 52.03, in the manner specified under 801 CMR 52.01(3).

(2) The negotiations between the public employee committee and the appropriate public authority may include all aspects of the public authority's proposal. The parties are encouraged to negotiate in good faith.

(3) The public authority shall not implement any changes in health insurance benefits during negotiations absent mutual agreement of the public employee committee and the appropriate public authority.

(4) Any agreements reached between the public employee committee and the appropriate public authority shall be reduced to writing, and executed by the parties within the 30-day period.

(a) A written agreement shall include the plan design changes or transfer to the Commission, the process to notify subscribers of the changes, the timeframe to implement the changes and the mitigation plan. The same information required for the appropriate public authority's proposal under Section 52.03 shall be included in the agreement or in a separate document accompanying it. The appropriate public authority shall send a copy of the agreement and other documents accompanying it to the Secretary within 3 business days after execution of the agreement, and shall send notice to the health insurance review panel created under 801 CMR 52.05 that there is no need for its services.

366 (5) All subscribers shall be provided with at least 60 days advance notice in accordance
367 with M.G.L. c. 175, §24B, of any changes in plan design, including an agreement to
368 transfer to the Commission. Notice shall not be effective until the changes are included
369 in a written agreement between the appropriate public authority and the public employee
370 committee under this section or a written decision of the review panel under Section
371 52.06.
372
373 (6) If the appropriate public authority and the public employee committee are able to
374 reach a written agreement within 30 calendar days, the agreement shall be binding on all
375 subscribers and their representatives, and the public authority shall implement the
376 changes agreed to in the written agreement as quickly as practicable and in observance of
377 the 60-day notice requirement identified above in 801 CMR 52.04(4)(b).
378
379 (7) If the change is to transfer subscribers to the Commission, the notice shall include
380 information about the Commission plans, the enrollment process, and any other
381 information specified by the Commission in its rules and regulations issued under M.G.L.
382 c. 32B, §23 relating to the process by which subscribers shall be transferred to the
383 Commission.
384
385 *52.05 Health insurance review panel*
386
387 *(1) Creation of the panel*
388
389 (a) The appropriate public authority shall notify the Secretary in writing within 3
390 business days after the beginning of the 30-day negotiation period under 801
391 CMR 52.04. The notice shall include the start and end dates of the 30-day
392 negotiation period, and the name and contact information of the public authority's
393 representative for the health insurance review panel. The appropriate public
394 authority shall provide each member of the public employee committee with a
395 copy of the notice to the Secretary.
396
397 (b) Within 3 business days after receiving copies of notice to the Secretary under
398 (a), the public employee committee shall select one representative for the panel
399 and give notice to the appropriate public authority and the Secretary. Within 10
400 days after receiving this notice, the Secretary shall provide the appropriate public
401 authority, the public employee committee, and the public authority and public
402 employee committee representatives ("the parties") with a list ("the list") of 3
403 qualified, impartial potential members available to serve on the review panel.
404 Impartial members shall have professional experience in dispute mediation and
405 professional experience in municipal finance or municipal health benefits. The
406 Secretary shall also provide the parties with the name of an actuary selected by
407 the Commission to assist the panel in verifying the savings calculations if no
408 agreement is reached within the 30-day period and a panel is convened.
409

410 (c) Within 3 business days after receiving the list, the appropriate public authority
411 and the public employee committee shall jointly select the third member for the
412 panel from the list and shall notify the Secretary of their joint selection.
413
414 (d) If the appropriate public authority and the public employee committee cannot
415 agree within 3 business days on which person from the list to select as the third
416 member of the review panel, the notice by the public authority to the Secretary
417 shall include notification that the parties have been unable to reach agreement of
418 the selection of a name from the list of potential impartial panel members. If the
419 public authority and the public employee committee cannot agree, the Secretary
420 shall appoint the impartial member from the list and notify the parties not later
421 than the end of the 30-day negotiation period.
422
423
424
425 (2) If the appropriate public authority and the public employee committee are
426 unable to reach a written agreement on the public authority's proposal within 30
427 calendar days, the matter shall be submitted to the municipal health insurance
428 review panel. The appropriate public authority shall submit its original proposal to
429 the panel within 3 business days after the end of the 30-day negotiation period,
430 with a copy sent to the Secretary and each member of the public employee
431 committee. The appropriate public authority shall submit to the panel the same
432 proposal that it made to the public employee committee. If the proposal includes
433 the introduction of a limited network plan, the appropriate public authority shall
434 provide an enrollment survey, a determination of which subscribers would enroll
435 in a broad plan and which subscribers would enroll in a limited network plan, and
436 the effect that the addition of a limited network plan would have on total premium
437 costs and on disproportionately affected subscribers. The results of the
438 enrollment survey shall be considered in the savings analysis.
439
440 (3) The public employee committee shall also submit any alternate mitigation
441 proposal to the panel and any other information the public employee committee
442 wants the panel to consider with respect to any other matters before them within 3
443 business days after the end of the 30-day negotiation period, with a copy sent to
444 the Secretary and the other parties.
445
446
447 (4) Any fee or compensation provided to the impartial panel member for service
448 on the panel shall be shared equally between the public employee committee and
449 the appropriate public authority. The impartial members selected from the lists
450 provided by the Secretary will be reimbursed only for reasonable travel expenses.
451
452 *52.06 The health insurance review panel review process*
453
454

455 (1) At any time before the panel has made decisions in accordance with this
456 section, the parties may agree in writing, with copies to the panel and the
457 Secretary, to terminate or suspend the review process for a stated period of time
458 because they have reached an agreement, would like additional time to negotiate
459 an agreement under Section 52.04, have mutually decided to return to collective
460 bargaining pursuant to M.G.L. c. 150E or have mutually decided to resume
461 negotiations under M.G.L. c. 32B, § 19.
462
463 (2) If both parties have not mutually agreed to terminate the review process,
464 within 2 business days after receipt of notice of submission to the panel, the
465 impartial member of the review panel shall fix a time, date, and place for the
466 panel to convene and shall give notice to the parties.
467
468 (3) Meetings of the panel shall be conducted under the Open Meeting Law. The
469 impartial member shall chair the panel's meetings and shall arrange for suitable
470 records to be kept. The impartial member shall ensure that each member receives
471 advance notice of the time, place and agenda for each meeting. All decisions
472 shall be by recorded vote.
473
474
475 (4)When the panel convenes on the date and time set by the impartial panel
476 member, the panel shall do the following:
477
478 *(a) Review the public authority's proposed changes*
479
480 (1) Determine within 10 days whether the proposed increased
481 dollar amounts for co-payments, deductibles, and other cost-
482 sharing plan design features for the non-Medicare plan under
483 M.G.L. c. 32B, § 22 exceed the dollar amounts of the plan design
484 features for the same or most similar benefits offered by the
485 commission for the non-Medicare plan under section 4 of M.G.L.
486 c.32A with the largest subscriber enrollment,. If such increased
487 amounts do not exceed the dollar amounts of the plan design
488 features for the same or most similar benefits offered by the
489 commission for the non-Medicare plan under section 4 of chapter
490 32A with the largest subscriber enrollment, the panel shall approve
491 the appropriate public authority's immediate implementation of the
492 proposed changes under M.G.L. c. 32b, § 22, subject to Section
493 52.07. Where the political subdivision is not proposing a tiered
494 provider network, the determination shall be made by comparing
495 the savings that would result if the dollar amounts of the co-pays,
496 deductibles and other cost-sharing plan design features in the
497 political subdivision's plan equaled the dollar amounts of the co-
498 pays, deductibles and other cost-sharing plan design features under
499 tier 2 of the commission's most-subscribed plan. Where the
500 political subdivision currently is proposing a tiered provider

501 network that is tiered differently from the tiering in the
502 commission's most-subscribed plan, the determination shall be
503 made by assuming the co-pays, deductibles and cost-sharing plan
504 design features in each tier of the political subdivision's plan are
505 equal to those in the same tier of the commission's most-
506 subscribed plan, beginning with a comparison of the highest tier.
507 If the political subdivision's plan has fewer tiers than the
508 commission's plan, the political subdivision's highest tier shall be
509 compared to the commission's tier 3, and the second highest tier to
510 the commission's tier 2.
511
512
513 (2) Determine within 10 days whether the proposed increased
514 dollar amounts for co-payments and deductibles proposed for a
515 Medicare-extension plan under M.G.L. c. 32B, §22 exceed the
516 dollar amounts of the plan design features for the same or most
517 similar benefits offered by the commission for the Medicare-
518 extension plan under section 10C and section 14 of M.G.L. c.32A
519 with the largest subscriber enrollment. If such increased amounts
520 do not exceed the dollar amounts of the plan design features for the
521 same or most similar benefits offered by the commission for the
522 Medicare-extension plan under section 4 of chapter 32A with the
523 largest subscriber enrollment, the panel shall approve the
524 appropriate public authority's immediate implementation of the
525 proposed changes under M.G.L. c. 32B, § 22, subject to Section
526 52.07. Where the political subdivision is not proposing a tiered
527 provider network, the determination shall be made by comparing
528 the savings that would result if the dollar amounts of the co-pays,
529 deductibles and other cost-sharing plan design features in the
530 political subdivision's plan equaled the dollar amounts of the co-
531 pays, deductibles and other cost-sharing plan design features under
532 tier 2 of the commission's most-subscribed plan. Where the
533 political subdivision currently is proposing a tiered provider
534 network that is tiered differently from the tiering in the
535 commission's most-subscribed plan, the determination shall be
536 made by assuming the co-pays, deductibles and cost-sharing plan
537 design features in each tier of the political subdivision's plan are
538 equal to those in the same tier of the commission's most-
539 subscribed plan, beginning with a comparison of the highest tier.
540 If the political subdivision's plan has fewer tiers than the
541 commission's plan, the political subdivision's highest tier shall be
542 compared to the commission's tier 3, and the second highest tier to
543 the commission's tier 2.
544
545

546 (3) If the panel does not approve implementation because the
547 appropriate public authority's proposal fails to meet the criteria
548 detailed in Section 52.06(4)(a)(1) and (2), above , the appropriate
549 public authority may submit a new proposal to the public employee
550 committee and restart the process from that point pursuant to
551 Section 52.03.
552
553 (b) Review the public authority's estimated monetary savings due to
554 proposed changes, after consulting the Commission's actuary:
555
556 (1) Within 10 calendar days of receiving proposed changes under
557 M.G.L. c. 32B, §§ 22 or 23, the panel shall confirm, the
558 appropriate public authority's estimated monetary savings due to
559 proposed changes under M.G.L. c. 32B, § 22 or § 23.
560
561 (2) If the proposal is to transfer subscribers to the Commission, the
562 panel shall determine if the anticipated savings by doing so would
563 be at least five percent greater than the maximum possible savings
564 amount that would be attained by plan design changes authorized
565 under M.G.L. c.32B, § 22. If the panel confirms these savings, the
566 panel shall approve the appropriate public authority's immediate
567 implementation of the proposed changes under M.G.L. c. 32B, §
568 23, subject to procedures adopted by the commission for transfer
569 of subscribers.
570
571 (3) The appropriate public authority's estimate of savings due to
572 the proposed changes shall be confirmed by the panel after
573 consultation with the actuary selected by the Commission.
574
575 (4) If the panel finds that the savings estimate is unsubstantiated, it
576 may require the public authority to provide additional information
577 or submit a new savings estimate for the panel's review and
578 confirmation. It may also require the public employee committee
579 to submit a response to the new estimate.
580
581 (5) A certified copy of the vote confirming the savings estimate
582 and, if the proposal is to transfer subscribers to the Commission,
583 approval or rejection of the proposal, and explanation of the basis
584 for any such change or disapproval shall be sent to the parties and
585 the Secretary.
586
587 (c) Review the public authority's mitigation proposal:
588
589 (1) Within 10 calendar days of receiving proposed changes under
590 M.G.L. c. 32B, § 22 or § 23, the panel shall review the proposal to
591 mitigate, moderate or cap the impact of these changes for

592 subscribers, including retirees, low-income subscribers and
593 subscribers with high out-of-pocket health care costs, who would
594 otherwise be disproportionately affected.
595
596 (2) The municipal health insurance review panel may approve the
597 mitigation proposal, or it may determine the proposal to be
598 insufficient and may require additional savings to be shared with
599 subscribers in the form of health reimbursement arrangements,
600 wellness programs, health care trust funds for emergency medical
601 care or inpatient hospital care, out-of-pocket caps, Medicare Part B
602 reimbursements or reimbursements for other qualified medical
603 expenses, as determined by the panel. Premium reductions for
604 subscribers that result from the plan design changes shall not be
605 credited against the total amount determined to be required to fund
606 the mitigation proposal. Any health reimbursement arrangements
607 created under a mitigation proposal shall be administered by the
608 appropriate public authority and shall not be the responsibility of
609 the Commission.
610
611 (3) In no case shall the municipal health insurance review panel
612 designate more than 25 percent of the estimated savings to
613 subscribers.
614
615 (4) All obligations on behalf of the appropriate public authority
616 related to the mitigation proposal shall expire after the initial
617 amount of estimated savings designated by the panel to be
618 distributed to subscribers has been expended.
619
620 (5) In reaching a decision on the proposal under this subsection,
621 the municipal health insurance review panel may consider: (a) any
622 alternative proposal from the public employee committee to
623 mitigate, moderate or cap the impact of these changes for
624 subscribers, (b) discrepancies between the percentage contributed
625 by retirees, surviving spouses and their dependent and the
626 percentage contributed by other subscribers, and (c) the impact of
627 the changes on subscribers, including in particular the impact on
628 retirees, low-income subscribers and subscribers with high out-of-
629 pocket costs.
630
631
632 (6) The panel's decision shall incorporate any agreements made
633 by the parties, and shall constitute the written agreement between
634 the public employee committee and the appropriate public
635 authority. The agreement shall be binding on all subscribers and
636 their representatives.
637

638 (d) Once the panel has taken the actions required above, the panel shall be
639 considered dissolved.
640
641 *52.07 Implementation of agreements reached pursuant to M.G.L. c. 32B, §§ 21- 23*
642
643
644 (1) Subject to St. 2011, c. 69, § 4, a political subdivision shall implement changes to benefits
645 for all subscribers as soon as practicable upon completing the process provided in M.G.L.
646 c. 32B, § 21 and these regulations, but the public authority shall give subscribers at least
647 60 days notice before implementing any changes in health insurance benefits under these
648 regulations. Implementation of changes under M.G.L. c. 32B, §22 shall occur not later
649 than 90 days after a written agreement has been signed under 801 CMR 52.04 or 52.06
650 or, if the appropriate public authority and the public employee committee mutually
651 determine that a mid-year change time would produce an undue burden, at the end of the
652 current health insurance policy year. Implementation of transfer of subscribers to the
653 commission shall be in accordance with the Commission's procedures. If a political
654 subdivision provides notice to the commission by October 1, 2011 that it is transferring
655 its subscribers to the commission and complies with the notice requirements provided by
656 the Commission, the Commission shall allow the political subdivision to transfer its
657 subscribers to the commission on or before January 1, 2012.
658
659 (2) Any political subdivision which does not seek to make changes under M.G.L. c. 32B,
660 §§ 21-23, including any political subdivision which votes against adopting G.L. c. 32B,
661 §§ 21-23, shall file with the Executive Office for Administration and Finance a report by
662 June 30, 2012 comparing existing plan design to the maximum possible savings available
663 if health benefit changes were made pursuant to M.G.L. c. 32B, §21-23. To maintain
664 comprehensive records of political subdivisions that make use of this process, savings in
665 health insurance costs that resulted, and potential savings not achieved, and to measure
666 the extent to which political subdivisions took advantage of this process, each political
667 subdivision shall file an annual report by June 30 of each year with the Secretary
668 showing:
669 (i) the health insurance plans that it offers and the number of subscribers in each;
670 (ii) whether it made use of M.G.L. c. 32B, § 19 or §§ 21-23;
671 (iii) if it did not make use of these processes, the maximum possible savings available if
672 health benefit changes were made pursuant to M.G.L. c. 32B, §21-23.
673
674 (3) A political subdivision whose subscribers are currently covered by the commission shall
675 not implement changes under this procedure until it has followed the procedure for
676 withdrawal from coverage by the commission under the process set forth in the
677 commission's regulations.
678
679 (4) If a political subdivision initiated the process for implementing changes in its group
680 health insurance benefits under M.G.L. c. 32B, §§21 -23 before the effective date of these
681 regulations and has proceeded in a manner inconsistent with any provision of these
682 regulations, the Secretary may waive or modify those inconsistent provisions for that
683 political subdivision provided that the political subdivision comply with all requirements

684 of M.G.L. c. 32B, §§21-23. An appropriate public authority shall seek such waiver from
685 the Secretary in writing, with a copy to the public employee committee. Any member of
686 the public employee committee may present the Secretary with its position on the waiver
687 request within 3 business days of receipt of the request.
688
689
690
691
692

Order #2
November 14, 2011

CITY OF NEWBURYPORT

IN CITY COUNCIL

ORDERED:

Date:

November 14, 2011

THAT the City Council of the City of Newburyport approve the Mayor's Supplemental Budget Request in the amount of $394,842. Said request is to provide funding for the following items:

1.	Fire Department	$ 62,569.00
2.	Police Department	89,600.00
3.	Health Department	5,250..00
4.	Youth Services	10,500.00
5.	Mayor's Office	19,310.00
6.	Library	7,900.00
7.	Veteran Services	20,000.00
8.	Council on Aging	1, 300.00
9.	Parks Commission	2,250.00
10.	Information Technology	15,000.00
11.	Planning & Development	11,163.00
12.	Sidewalk Account	150,000.00
	TOTAL	**$ 244,842.00**

Councillor Edward C. Cameron.
Budget & Finance Chairperson

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

2011 NOV -8 P 2:21

To: President O'Brien and Members of the City Council

From: Donna D. Holaday, Mayor

Date: 11/8/11

Subject: FY2012 Supplemental Budget Request

Attached please find the FY2012 Supplemental Budget and FY2012 revised revenue estimates. We were pleased to learn last week that New Growth which was initially projected at $350,179 was certified by the Department of Revenue at $547,402. The Supplemental Budget request is $244,842 plus $150,000 that must be appropriated from General Fund revenues to the sidewalk account. $150,000 is equal to fifty percent of the revenue generated from the City Council's adoption of the local option meals tax, however, Massachusetts General Laws require revenue generated from the tax to be deposited into the general fund. By appropriating these funds we will be able to continue our sidewalk work.

In addition to New Growth being certified higher than anticipated, the City also received a $155,975 increase in local aid. The increases in local receipts, state aid, and new growth estimates have eliminated the need to use $500,000 from the Stabilization Account to supplement the original FY2012 budget. The budget will now use $300,000 from Free Cash to balance, however, please note that this is an $85,000 reduction in reserves used to balance the FY2011 budget.

The supplemental budget must be passed before we set the tax rate on November 28th. Please refer to the following explanations of the items in the supplemental budget. They are categorized by department and request:

Fire Department – $62,569.00
The City and Firefighter union agreed to terms of a new collective bargaining agreement after the FY2012 budget was approved. $62,569 will cover the costs associated with the new agreement including a 2% wage increase (which also requires a 2% increase in holiday pay and longevity line items) in FY12. The new agreement also included a $250 increase in clothing allowances and

increases in hazardous material stipends and education incentives. The city also agreed to cover the cost of hepatitis vaccinations which is an appropriate expenditure and this practice has become commonplace for municipalities. Please note that this appropriation will cover the only guaranteed financial increases in the four year agreement between the city and the union.

As you are aware, the union agreed to vacation restrictions as part of the agreement. I am pleased to report that as a result of those restrictions, the fire department has only expended 34.4% of its overtime budget to date.

Police Department - $ 89,600.00

The City Council transferred funds from the police department personnel salary line item into the retirement account to fund pay outs for two unexpected retirements; $36,100.00 is needed to replenish the salary account.

The unexpected retirements resulted in a transitional period in which the police department interviewed and eventually filled those positions. As a result of the vacant positions, the department exceeded normal overtime expenditures. In addition, at my direction, the police department incurred significant overtime costs during Yankee Homecoming. Given the increased concern over violent activity during the week, I determined that increased personnel were absolutely necessary. The cost overtime costs associated with Yankee Homecoming was $16,057.97 Appropriating $25,000 should sufficiently fund the overtime account for the balance of the fiscal year.

The Marshal has taken one marked cruiser out of service because of extraordinary maintenance costs that would exceed the value of the vehicle. The department also has an unmarked detective car that failed inspection and also needs repairs that exceed its value. The leasing costs of two of the current cruisers has come offline and the FY2012 budget anticipated the acquisition of two new cruisers. The $13,500 requested appropriation will fund radio equipment for these two new cruisers and the purchase of one used unmarked cruiser to replace the detectives' vehicle.

Fuel costs over the summer were higher than what was anticipated during the budget process. While the city increased fuel appropriations across departments in the FY12 budget, the police department will need to increase its appropriation by $15,000. The Marshal has implemented strict mileage limitations in order to control fuel consumption.

Health Department - $5,250.00

The Health Department requested in an increased appropriation in both the care of animals and removal of animals line items. The Health Department had an increased its rabies testing on bats and skunks and incurred the costs of beaver removal at Doe Run.

The Health Department also has requested an increased appropriation in the per diem inspection line item. The Department conducted several ground water tests at the National Grid remediation site and launched the Dog Ambassador Program in response to the new off leash program. Both the ground water testing and Dog Ambassador Program depleted this line item. The $2,500 increased appropriation will cover sidewalk snow removal and recycling enforcement.

Youth Services - $10,500.00
Youth Services has consistently increased its enrollment over the past several years and now manages cash receipts in excess of $250,000 annually. The Department is in need of professional accounting support. This appropriation will fund a part time five hour per week book keeper position to assist with reconciliation, warrant preparation and grant management.

The Skate Guard line item was reduced by $3,000 during the budget process. The hope was that 12,000 would cover the costs for FY12, however, the good weather during the summer months resulted in extensive use of the skate park and there is a need to increase the appropriation in order to provide adequate coverage for the remainder of the year.

Youth Services needs to increase its Kelley School expense line item by $2,500 to fund the building's utility costs. The original appropriation of $18,000 has remained fixed since before NYS moved into the building and is not reflective of the true costs of operating the building.

Mayor's Office - $19,310.00
Nancy Earls serves as the Director of the Learning Enrichment Center. Ms. Earls has a contract with the City which pays her an annual salary of $53,560. $20,000 was appropriated in both the City and School Department budget, but an increase of $13,560 is needed in order to adhere to the contract.

Jennifer Lamarre, Human Resources Coordinator has done a tremendous job at organizing the City's personnel files. Upon her review, Ms. Lamarre identified several critical needs including the City's obligation to comply with HIPAA regulations. $5,000 is requested to complete the organization of both the active and retired employee medical files by a HIPAA-qualified professional. This work has begun, but there is no budget to complete it. The City could potentially be fined for non-compliance unless this work is completed. The City remains confident that file organization should result in potential savings when discrepancies are identified and corrected during the process.

The Mayor's Office decreased its postage appropriation during the budget process. It appears the line item will not quite cover the annual costs and as a result $750 needs to be appropriated to cover postage costs.

Library – $7,900.00
The Library had one retirement this year, two employees on leave under the Family Medical Leave Act (FMLA) and has had to incur overtime costs in order to backfill positions. The Head Librarian estimates that the personnel salary line item will need to be increased by $3,900 in order to cover personnel costs for the remainder of the fiscal year.

The Library has also incurred significant maintenance costs associated ($3,656 to date) with the aging HVAC system. $4,000 is needed to continue maintaining the HVAC system and other equipment in the Library.

Veteran Services - $20,000.00
Similar to FY11, the demand for veteran benefits has exceeded original estimates. Kevin Hunt, Director of Veteran Services requested $80,000 to cover the remainder of the year, but we decided to fund this line item incrementally considering how demand can fluctuate during the year.

Council On Aging – $1,300.00
The Council on Aging is jointly purchasing a van with the Town of Salisbury to be shared by the two communities. Newburyport's contribution to this purchase will require a $1,300 appropriation.

Parks Commission - $2,250.00
The Parks Commission has to fund the removal of invasive weeds at the Bartlett Mall. This is estimated to cost $2,250 and will need to be completed at the beginning of the spring.

Information Technology - $15,000.00
The new IT system and phone system will be in place by the beginning of the calendar year. The new systems will require backup monitoring and support services which will cost approximately $2,500 per month. This request will fund these services from January 1, 2012 through June 30, 2012.

Planning & Development – $11,163.00
An $11,163.00 request for appropriation is needed to fund a part time 15 hour per week Conservation Agent effective December 1, 2011.

FY2012 Supplemental Budget

Department	Line Item	Amount Requested	Original Appropriation
Fire	Deputy Chief Salary	$ 1,810.00	$ 90,483.00
Fire	Firefighters Salary	$ 35,751.00	$ 1,787,544.00
Fire	Holiday Pay	$ 2,110.00	$ 105,506.00
Fire	Longevity	$ 2,428.00	$ 121,221.00
Fire	Clothing	$ 8,750.00	$ 25,800.00
Fire	Hazardous Material Stipend	$ 3,300.00	$ 25,700.00
Fire	Education Incentive	$ 3,500.00	$ 1,050.00
Fire	Hepatitis Vaccination	$ 4,920.00	$ -
Total Fire Department Request		**$ 62,569.00**	
Police	Fuel	$ 15,000.00	$ 45,000.00
Police	Police Officer Salary	$ 36,100.00	$ 1,877,439.00
Police	Cruiser Purchase	$ 13,500.00	$ 41,300.00
Police	Officer Overtime	$ 25,000.00	$ 180,000.00
Total Police Department Request		**$ 89,600.00**	
Health	Per Diem Inspections	$ 2,500.00	$ 4,000.00
Health	Care of Animals	$ 2,000.00	$ 3,000.00
Health	Removal of Animals	$ 500.00	$ 340.00
Health	Compost Attendants	$ 250.00	$ 43,000.00
Total Health Department Request		**$ 5,250.00**	
Youth Services	Book Keeper	$ 5,000.00	$ -
Youth Services	Kelley School Expenses	$ 2,500.00	$ 18,000.00
Youth Services	Employment - Skate Guards	$ 3,000.00	$ 12,000.00
Total Youth Services Request		**$ 10,500.00**	
Mayor's Office	Learning Enrichment Center	$ 13,560.00	$ 20,000.00
Mayor's Office	Human Resources	$ 5,000.00	$ -
Mayor's Office	Postage	$ 750.00	$ 18,000.00
Total Mayor's Office Request		**$ 19,310.00**	
Library	Salaries	$ 3,900.00	$ 858,636.00
Library	Maintenance of Equipment	$ 4,000.00	$ 9,260.00
Total Library Request		**$ 7,900.00**	
Veterans	Benefits	$ 20,000.00	$ 148,500.00
Total Veterans Request		**$ 20,000.00**	
Council On Aging	Purchase of Van	$ 1,300.00	$ -
Total COA Request		**$ 1,300.00**	
Parks Commission	Bartlet Mall	$ 2,250.00	$ 1,470.00
Total Parks Commission Request		**$ 2,250.00**	
IT	Off Site Services	$ 15,000.00	$ -
Total IT Request		**$ 15,000.00**	$ 14,500.00
Planning	Conservation Agent	$ 11,163.00	$ -
Total Planning Request		**$ 11,163.00**	
DPS	Sidewalks	$ 150,000.00	$ 60,000.00
Total Public Services Request		**$ 150,000.00**	
Total Requested Supplemental Budget		**$ 394,842.00**	

CITY OF NEWBURYPORT
ESTIMATED FY 2012 BUDGET REVENUES
GENERAL FUND
PROPERTY TAX, LOCAL RECEIPTS, STATE AID
(AS OF 11.8.11)

ITEM	FY 2010 ACTUAL	FY 2011 ACTUAL	FY 2012 PROJECTED
PROPERTY TAXES			
Prior Year Levy Limit	$ 36,941,035	$ 38,266,940	$ [illegible]
2 1/2 % Increase	$ 923,526	$ 956,674	[illegible]
New Growth (1)	$ 402,379	$ 350,179	$ [illegible]
TOTAL LEVY LIMIT	$ 38,266,940	$ 39,573,793	[illegible]
Debt Exclusion	$ 1,070,813	$ 1,015,005	[illegible]
TOTAL MAXIMUM LEVY LIMIT	**$ 39,337,753**	**$ 40,588,798**	[illegible]
Increase/(Decrease)		***$ 1,251,045***	[illegible]
LOCAL RECEIPTS (2)			
Motor Vehicle Excise	$ 2,038,820	$ 2,120,748	$ [illegible]
Other Excise-Meals/Hotel	$ 83,046	$ 193,369	$ [illegible]
Pen & Int on Tax & Exc	$ 366,670	$ 428,396	$ [illegible]
Payments in Lieu of Taxes	$ 60,044	$ 43,317	$ [illegible]
Fees	$ 41,423	$ 51,558	$ [illegible]
Other Dept. Revenue	$ 62,194	$ 65,182	[illegible]
Licenses and Permits	$ 548,200	$ 700,710	[illegible]
Fines & Forfeits	$ 93,941	$ 81,836	[illegible]
Investment Income	$ 96,929	$ 72,107	[illegible]
Miscellaneous Recurring	$ 283,347	$ 305,684	$ [illegible]
Miscellaneous Non-Recurring (3)	$ 29,007	$ 17,063	[illegible]
TOTAL LOCAL RECEIPTS	**$ 3,703,621**	**$ 4,079,971**	[illegible]
Increase/(Decrease)		***$ 25,379***	[illegible]
STATE AID (4)			
Cherry Sheet Receipts	$ 7,241,901	$ 6,796,853	[illegible]
Less Offsets	$ (977,434)	$ (838,636)	$ [illegible]
Less Charges and Assessments	$ (2,338,437)	$ (2,503,817)	$ [illegible]
TOTAL NET STATE AID	**$ 3,926,030**	**$ 3,454,400**	[illegible]
Increase/(Decrease)		***$ (471,630)***	[illegible]
RESERVES			
Capital Improvement Stabilization Fd	$ 155,000	$ -	[illegible]
General Stabilization Fund	$ 120,000	$ 185,000	[illegible]
Free Cash (5)	$ -	$ 200,000	[illegible]
TOTAL RESERVES	**$ 275,000**	**$ 385,000.00**	[illegible]
Increase/(Decrease)		***$ 110,000.00***	[illegible]
RESERVE FOR ABATEMENT	**$ (281,639.00)**	**$ (300,000)**	[illegible]
Increase/(Decrease)		***$ 18,361.00***	[illegible]
[illegible]			
TOTAL GEN FUND BUDGET REV	**$ 46,857,144**	**$ 47,857,198**	[illegible]
Increase/(Decrease)		***$ 1,000,054***	[illegible]

1. FY 2012 new growth based on actual certification from DOR.
2. FY 2012 projection based on FY 2011 actual collections, only 4 months in FY11, increased in FY 2012 based on 12 months.
3. Additional State Aid distributed on 10/31/11, counted in FY 2012 as Estimated Receipts - Non-Recurring revenue.
4. State aid estimate based on final State Budget.
5. Free Cash in FY 2012 was certified at $1,795,088.

squillace 11.8.11

Order #3
November 14, 2011

CITY OF NEWBURYPORT

IN CITY COUNCIL

ORDERED: **Date:**

November 14, 2011

THAT the City Council of the City of Newburyport approves the following Drain Layer/Utility Contractor application for the 2011construction year:

Dube Plus & Dirt Pro LLC
10 Bricketts Mill Road, Suite C
Hampstead, NH 03841

Paperwork on file in the City Clerk's office.

Kathleen O'Connor Ives
Public Utilities Chairperson

CITY OF NEWBURYPORT

DEPARTMENT
OF
PUBLIC SERVICES

BRENDAN B. O'REGAN
DIRECTOR

16A PERRY WAY
NEWBURYPORT, MA 01950

TEL: 978-465-4463
TEL: 978-465-4464
FAX: 978-465-1623

WWW.CITYOFNEWBURYPORT.COM

RECEIVED
2011 NOV -7 P 3:38

November 7, 2011

To: Richard Jones, City Clerk

Re: Drain Layer/Utility Contractor Application

Enclosed is a copy for a Drain Layer/Utility Contractor application with bond and references to be forwarded to the city council for approval for the 2011 construction year.

Dube Plus & Dirt Pro LLC
10 Bricketts Mill Road Suite C
Hampstead, NH 03841

Thank you for your cooperation.

Very truly yours,

Andrew M. Lafferty
Deputy Director DPS

CC: Members of the City Council
File

JONES & BEACH ENGINEERS, INC.

85 Portsmouth Avenue
Post Office Box 219
Stratham, NH 03885
Telephone: (603) 772-4746
Fax: (603) 772-0227

Post Office Box 484
Alton, NH 03809
Email:jbe@jonesandbeach.com
http://www.jonesandbeach.com

November 2, 2011

City of Newburyport
Public Works Department
Attn: Andrew Lafferty
16A Perry Way
Newburyport, MA 01950

Re: Recommendation Letter for
Brian Dube and Dirt Pro Excavation
10 Bricketts Mill Road
Hampstead, NH 03841

Dear Mr. Lafferty:

Jones & Beach Engineers, Inc., and I personally have worked with Brian Dube of Dirt Pro Excavation on a number of utility projects to ensure that the projects were constructed in accordance with the approved site plans and with sound engineering practices. The most recent of these projects was for The Grist Mill Homes Condominium site located at 434 High Street in Hampton, NH. Dirt Pro Excavation installed gravity sewer, water, gas, and drainage for this project. It would be my opinion that Brian Dube and the Dirt Pro Excavation Crew are properly qualified to install sewer, water, drainage and other utilities.

I would be happy to answer any questions or provide any additional information about this contractor if needed, please give me a call.

Very truly yours,
JONES & BEACH ENGINEERS, INC.

Bradford A. Jones
Vice President

C:\Users\jspencer\Desktop\Brad-Lafferty.docx

ALTUS
ENGINEERING, INC.

Civil
Site Planning
Environmental
Engineering

133 Court Street
Portsmouth, NH
03801-4413

October 28, 2011

Mr. Andrew Lafferty, Deputy Director
City of Newburyport Department of Public Services
16A Perry Way
Newburyport, MA 01950

TRANSMITTED VIA FACSIMILE TO 978-465-1623

Re: **Site Contractor Recommendation**
Dirt Pro – Brian Dube

Dear Mr. Lafferty:

Brian Dube of Dirt Pro has asked me to submit a recommendation concerning his company's ability to perform road construction and underground utility work. Our recommendation is as follows:

Over the past fifteen years, Altus Engineering has been under contract with several New Hampshire municipalities for construction inspection services on new town roads. These cities and towns include Portsmouth, Greenland, Seabrook, Newton and Newington. During the last two years, I had the opportunity to inspect the roadway work on a large residential subdivision (Beckman Woods) for the Seabrook DPW. Dirt Pro was the site contractor that constructed the asphalt roadway, sever, water, UGE conduits, drainage system, wetland areas, etc.

Altus found that Dirt Pro was a cooperative contractor that built the project according to the plans and specifications approved by the Seabrook Planning Board. They were also very skillful at dealing with high groundwater problems that were unforeseen by the road designers.

Altus highly recommends Dirt Pro for roadway construction projects valued at less than $1 million. Please call me if you have any questions.

Very truly yours,

James F. Kerivan, P.E.
Principal

JFK:ld

Tel: (603) 433-2335 Fax: (603) 433-4194 E-mail: Altus@altus-eng.com

Town of Berwick
Sullivan Square, P.O. Box 696, Berwick, Maine 03901-0696
Phone: (207) 698-1101 Fax: (207) 698-5181
Website: www.berwickmaine.org

October 24, 2011

Mr. Andrew Lafferty
Deputy Director of Public Services
16A Perry Way
Town of Newburyport
Newburyport, MA 01950
Via fax to 978-465-1623

Dear Mr. Lafferty,

Brian Dube of Dirtpro Excavators asked me to give you a reference for Dirtpro Excavators. This is in conjunction with a securing a trench permit in Newburyport.

Dirtpro Excavators constructed a new road named Dobson Road to service a new subdivision in Berwick Maine. The work included underground power, water mains, and sewer mains. Dirtpro opened both local and State of Maine roads to tie in utilities as required. The work was done in accordance with appropriate standards and lane closures were well coordinated. After several years no settlements have been observed.

Please let me know if you need anything else. My email is jstpierre@berwickmaine.org.

Very truly yours,

Jon St. Pierre

Jon St. Pierre, PE
Town Engineer

Effective Date: October 26th, 2011

Western Surety Company

LICENSE AND PERMIT BOND

KNOW ALL PERSONS BY THESE PRESENTS: Bond No. 61188155

That we, Thomas A. Dube Construction-Plus, Inc.; Dube Plus & Dirt Pro

of the Town of Hampstead, State of New Hampshire, as Principal, and WESTERN SURETY COMPANY, a corporation duly licensed to do surety business in the State of Massachusetts, as Surety, are held and firmly bound unto the City of Newburyport, State of Massachusetts, as Obligee, in the penal sum of Five Thousand and 00/100 DOLLARS ($5,000.00), lawful money of the United States, to be paid to the Obligee, for which payment well and truly to be made, we bind ourselves and our legal representatives, firmly by these presents.

THE CONDITION OF THE ABOVE OBLIGATION IS SUCH, That whereas, the Principal has been licensed Street Opening - Russell Terrace Extension by the Obligee.

NOW THEREFORE, if the Principal shall faithfully perform the duties and in all things comply with the laws and ordinances, including all amendments thereto, pertaining to the license or permit applied for, then this obligation to be void, otherwise to remain in full force and effect until October 26th, 2012, unless renewed by Continuation Certificate.

This bond may be terminated at any time by the Surety upon sending notice in writing, by First Class U.S. Mail, to the Obligee and to the Principal at the address last known to the Surety, and at the expiration of thirty (30) days from the mailing of said notice, this bond shall ipso facto terminate and the Surety shall thereupon be relieved from any liability for any acts or omissions of the Principal subsequent to said date. Regardless of the number of years this bond shall continue in force, the number of claims made against this bond, and the number of premiums which shall be payable or paid, the Surety's total limit of liability shall not be cumulative from year to year or period to period, and in no event shall the Surety's total liability for all claims exceed the amount set forth above. Any revision of the bond amount shall not be cumulative.

Dated this 26th day of October, 2011.

Thomas A. Dube Construction-Plus, Inc.; Dube Plus & Dirt Pro
Principal

Principal

WESTERN SURETY COMPANY

By Paul T. Bruflat
Paul T. Bruflat, Senior V

Form 532-1-2010

ACKNOWLEDGMENT OF SURETY
(Corporate Officer)

STATE OF SOUTH DAKOTA
COUNTY OF MINNEHAHA } ss

On this 26th day of October, 2011, before me, the undersigned officer, personally appeared Paul T. Bruflat, who acknowledged himself to be the aforesaid officer of WESTERN SURETY COMPANY, a corporation, and that he as such officer, being authorized so to do, executed the foregoing instrument for the purposes therein contained, by signing the name of the corporation by himself as such officer.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal.

S. EICH
NOTARY PUBLIC
SOUTH DAKOTA
SEAL

S. Eich
Notary Public — South Dakota

My Commission Expires February 12, 2015

ACKNOWLEDGMENT OF PRINCIPAL
(Individual or Partners)

STATE OF _____
COUNTY OF _____ } ss

On this _____ day of _____, _____, before me personally appeared _____, known to me to be the individual ___ described in and who executed the foregoing instrument and acknowledged to me that ___ he ___ executed the same.

My commission expires
_____, _____
Notary Public

DONNA M. MANNING
STATE OF
MY
COMMISSION
EXPIRES
NOVEMBER 4,
2014
NEW HAMPSHIRE
NOTARY PUBLIC

ACKNOWLEDGMENT OF PRINCIPAL
(Corporate Officer)

STATE OF New Hampshire
COUNTY OF Rockingham } ss

On this 27th day of October, 2011, before me personally appeared Thomas A. Dube, who acknowledged himself/herself to be the President / owner of Thomas A. Dube Construction Plus Inc., a corporation, and that he/she as such officer being authorized so to do, executed the foregoing instrument for the purposes therein contained by signing the name of the corporation by himself/herself as such officer.

My commission expires
November 4, 2014

Donna M. Manning
Notary Public

Western Surety Company

License or Permit No. _____

LICENSE AND PERMIT BOND
As _____
of _____
State of _____

Name of Applicant _____

Address _____

Filed _____, _____

Approved this _____
day of _____, _____

Western Surety Company

POWER OF ATTORNEY

KNOW ALL MEN BY THESE PRESENTS:

That WESTERN SURETY COMPANY, a corporation organized and existing under the laws of the State of South Dakota, and authorized and licensed to do business in the States of Alabama, Alaska, Arizona, Arkansas, California, Colorado, Connecticut, Delaware, District of Columbia, Florida, Georgia, Hawaii, Idaho, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Montana, Nebraska, Nevada, New Hampshire, New Jersey, New Mexico, New York, North Carolina, North Dakota, Ohio, Oklahoma, Oregon, Pennsylvania, Rhode Island, South Carolina, South Dakota, Tennessee, Texas, Utah, Vermont, Virginia, Washington, West Virginia, Wisconsin, Wyoming, and the United States of America, does hereby make, constitute and appoint

Paul T. Bruflat of Sioux Falls,

State of South Dakota, its regularly elected Senior Vice President,

as Attorney-in-Fact, with full power and authority hereby conferred upon him to sign, execute, acknowledge and deliver for and on its behalf as Surety and as its act and deed, the following bond:

One Street Opening - Russell Terrace Extension City of Newburyport

bond with bond number 61188155

for Thomas A. Dube Construction-Plus, Inc.; Dube Plus & Dirt Pro

as Principal in the penalty amount not to exceed: $ 5,000.00.

Western Surety Company further certifies that the following is a true and exact copy of Section 7 of the by-laws of Western Surety Company duly adopted and now in force, to-wit:

Section 7. All bonds, policies, undertakings, Powers of Attorney, or other obligations of the corporation shall be executed in the corporate name of the Company by the President, Secretary, any Assistant Secretary, Treasurer, or any Vice President, or by such other officers as the Board of Directors may authorize. The President, any Vice President, Secretary, any Assistant Secretary, or the Treasurer may appoint Attorneys-in-Fact or agents who shall have authority to issue bonds, policies, or undertakings in the name of the Company. The corporate seal is not necessary for the validity of any bonds, policies, undertakings, Powers of Attorney or other obligations of the corporation. The signature of any such officer and the corporate seal may be printed by facsimile.

In Witness Whereof, the said WESTERN SURETY COMPANY has caused these presents to be executed by its Senior Vice President with the corporate seal affixed this 26th day of October, 2011.

ATTEST

L. Nelson

L. Nelson, Assistant Secretary

WESTERN SURETY COMPANY

By Paul T. Bruflat

Paul T. Bruflat, Senior Vice President

WESTERN SURETY COMPANY CORPORATE SEAL SOUTH DAKOTA

STATE OF SOUTH DAKOTA
COUNTY OF MINNEHAHA } ss

On this 26th day of October, 2011, before me, a Notary Public, personally appeared Paul T. Bruflat and L. Nelson who, being by me duly sworn, acknowledged that they signed the above Power of Attorney as Senior Vice President and Assistant Secretary, respectively, of the said WESTERN SURETY COMPANY, and acknowledged said instrument to be the voluntary act and deed of said Corporation.

D. KRELL
SEAL NOTARY PUBLIC SOUTH DAKOTA SEAL

My Commission Expires November 30, 2012

D Krell

Notary Public

Form F1975-9-2006

ACORD™

CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY): 10/26/2011

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
Lakeside Insurance Agency, Inc.
Three Wall Street
Windham, NH 03087

CONTACT NAME:
PHONE (A/C, No, Ext): (603)432-3666 FAX (A/C, No): (603)432-6076
E-MAIL ADDRESS:
PRODUCER CUSTOMER ID #:

INSURER(S) AFFORDING COVERAGE	NAIC #
INSURER A: Peerless Insurance	24198
INSURER B:	
INSURER C:	
INSURER D:	
INSURER E:	
INSURER F:	

INSURED
Thomas A. Dube Construction-Plus, Inc.
Dube Plus & Dirt Pro; Watertown Village, LLC
10 Bricketts Mill Rd, Suite C
Hampstead, NH 03841

COVERAGES — CERTIFICATE NUMBER: Dube Construction 2011 — 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 X COMMERCIAL GENERAL LIABILITY CLAIMS-MADE X OCCUR GEN'L AGGREGATE LIMIT APPLIES PER: POLICY X PRO-JECT X LOC			CBP8273517	04/26/2011	04/26/2012	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 X ANY AUTO ALL OWNED AUTOS SCHEDULED AUTOS HIRED AUTOS NON-OWNED AUTOS			BA8278420	04/26/2011	04/26/2012	COMBINED SINGLE LIMIT (Ea accident)	$ 1,000,000
							BODILY INJURY (Per person)	$
							BODILY INJURY (Per accident)	$
							PROPERTY DAMAGE (Per accident)	$
								$
								$
A	UMBRELLA LIAB X OCCUR EXCESS LIAB CLAIMS-MADE DEDUCTIBLE X RETENTION $ 10,000			CU8270418	04/26/2011	04/26/2012	EACH OCCURRENCE	$ 1,000,000
							AGGREGATE	$ 1,000,000
								$
								$
A	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH) Y/N: Y If yes, describe under DESCRIPTION OF OPERATIONS below		N/A	WC8279020	04/26/2011	04/26/2012	X WC STATU-TORY LIMITS / OTH-ER	
							E.L. EACH ACCIDENT	$ 500,000
							E.L. DISEASE - EA EMPLOYEE	$ 500,000
							E.L. DISEASE - POLICY LIMIT	$ 500,000

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

Covering work performed by the Named Insured during the policy period at: Russell Terrace Extension.

Worker's Compensation statutory coverage is provided for New Hampshire and Massachusetts.

CERTIFICATE HOLDER

City of Newburyport
16A Perry Way
Newburyport, MA 01950

CANCELLATION

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

Joseph Rossetti/LYNN

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ORDINANCES

CITY OF NEWBURYPORT

IN CITY COUNCIL

ORDERED:

Date:

August 29, 2011

AN ORDINANCE TO AMEND AN ORDINANCE ENTITLED TRAFFIC AND MOTOR VEHICLES

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 13-180	Resident Parking

Add:

(g) (2) by adding the following streets or portions thereof to Zone 2

Fruit Street, full length of street

Councillor Gregory D. Earls

In City Council August 29, 2011
Motion to refer to Public Safety by Councillor Earls, seconded by Councillor Cronin. Roll call vote, 11 yes. So voted.

In City Council October 17, 2011
Motion to remove from committee by Councillor Cronin, seconded by Councillor Jones. Motion to approve and order published by Councillor Cronin, seconded by Councillor Jones. Roll call vote, 11 yes. So voted.

In City Council October 31, 2011
Motion to approve by Councillor Earls, seconded by Councillor Herzog. Motion to table by Councillor Earls, seconded by Councillor Derrivan. Roll call vote, 10 yes, 1 absent (Hutcheson). So voted.