

CITY COUNCIL MEETING AGENDA - VERSION 1

CITY COUNCIL CHAMBERS

June 8, 2015

7:00 PM

FY2016 BUDGET HEARING

7:30 PM

PROPANE GAS HEARING – TROPIC STAR, 81 & 83 Storey Avenue

7:40 PM

(Name Plates & Sound Check)

- 1. MOMENT OF SILENCE**
- 2. PLEDGE OF ALLEGIANCE**
- 3. CALL TO ORDER**
- 4. LATE FILE ITEMS**
- 5. PUBLIC COMMENT**
- 6. MAYOR'S UPDATE**

CONSENT AGENDA

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

7. APPROVAL OF MINUTES

May 26, 2015

(Approve)

8. TRANSFERS

1. Health-Energy/Recycling Solid Waste Fee to Hsehd Haz Waste \$10,000 (B&F)
2. Health-Energy/Recycling Solid Waste Fee to Sal. Energy Recycl.Coord. \$21,697 (B&F)
3. Fire Dept. FROM Lease of Vehicles \$77,000, Fuel/oil \$17,500, Protective Clothing \$12,500, Educ. Materials \$3,000 TO Overtime \$110,000 (B&F)
4. Mayor FROM Insurance 32-B \$410,500, Gen'l Fd Free Cash \$136,855.96, FEMA Reimb 2007 Rsv Appr \$23,367.67 TO Snow & Ice Exp \$570,723.63 (B&F)
5. Mayor Rsv Appr Legal Settlements \$134,772.44 to Snow & Ice Labor \$83,007.34, Snow & Ice Exp. \$51,765.10 (B&F)
6. Mayor Gen'l Fd Free Cash to Senior/Community Center Project \$100,000 (B&F)
7. Mayor Gen'l Fd Free Cash to Culvert Capital Project \$150,000 (B&F)
8. DPS Water Retained Earnings to FY16 Budget Reserves \$450,000 (B&F)
9. DPS Sewer Retained Earnings to FY16 Budget Reserves \$500,000 (B&F)

9. COMMUNICATIONS

1. Newburyport Fire Dept. permission for Fill the Boot Drive July 30, 31, Aug. 1 for MDA (PS)
2. Special Event Application Yankee Homecoming Road Race July 28, 2015 (PS)
3. Special Event Application Newburyport Lions Bed Race July 30, 2015 (PS)
4. FY2016 Proposed Budget (B&F)
5. Greater Newburyport Chamber of Commerce & Newburyport Dev. Use of Pleasant St 6/25/2015 (PS)
6. Block Party Monroe and Tyng and Merrimac Streets June 25, 2015 (Approve)
7. City-Wide Sidewalk Specifications (NC&S)

10. APPOINTMENTS – First Reading

APPOINTMENTS

- | | | | |
|-----------------|-----------------|-------------------------|--------------|
| 1. Dan Bourdeau | 376 High Street | Conservation Commission | June 1, 2017 |
|-----------------|-----------------|-------------------------|--------------|

RE-APPOINTMENTS

- | | | | |
|-------------------|---------------------|------------------------|-------------|
| 2. Roger E. Jones | 37 Storeybrooke Dr. | Water/Sewer Commission | May 1, 2018 |
|-------------------|---------------------|------------------------|-------------|

END OF CONSENT AGENDA

REGULAR AGENDA

11. COMMUNICATIONS

8. LATE FILE – Mayor's Communication

12. APPOINTMENTS - Second Reading

APPOINTMENTS

- | | | | |
|-----------------------|-----------------|-------------------------------|--------------|
| 3. Christopher Kealey | 8 Payson Street | Harbor Commission (Alternate) | June 1, 2017 |
|-----------------------|-----------------|-------------------------------|--------------|

13. ORDERS

1. Authorizing Mayor to grant access easement on land on Spofford Street
2. Discontinuance of a portion of Belcher St.
3. Revolving Funds FY2016
4. CPC FY2016 appropriations
5. Accept gift of \$500,000 from the Institution for Savings for synthetic turf field at WW Memorial Stadium
6. Land transfer March's Hill, Fish Pier, City Branch Rail Corridor, 115 Water St, Joppa Park, land in Newbury
7. Acquisition of Temporary and Permanent Easements and other Interests in Land Clipper City Rail Trail
8. Acquisition of Interest in Land in fee or by Lease Easement or Agreement Clipper City Rail Trail
9. Acquisition of Interest in Land in Fee or by Lease Easement or Agreement Boston & Maine Railroad, Town of Newbury
10. Acquisition of Interest in Land in fee or by Lease Easement or Agreement Harborwalk/Rail and Newburyport/Newbury Clipper City Rail Trail
11. Acquisition of Interest in Land in Fee or by Lease Easement or Agreement Mass Electric land
12. Transfer of Custody of Property and/or Grant of Easement Newburyport/Newbury Clipper Rail Trail
13. Acquisition of Interest in Land in fee or by Lease Easement or Agreement Clarridge Lot 2
14. Transfer of Custody of Property and/or Grant of Easement Lot 3 Lot 4
15. Order of taking Joppa Park
16. Order of taking portions of land Parker, High, Purchase, Water Streets and Custom House Way
17. Grant leasehold interest in land on Water Street

14. ORDINANCES - None

15. COMMITTEE ITEMS

Budget & Finance

In Committee:

- | | |
|--|-------------|
| 1. Mayor letter regarding Order for Revolving Fund Expenses | *03/17/2014 |
| 2. Order Amend Revolving Fund expenses | *03/17/2014 |
| 3. Order Home Rule Petition- supplementing education budget (COTW) | *05/12/2014 |
| 4. Amend ORD Ch. 2 Section 2-45 City Council Salary | *05/12/2014 |
| 5. Amend ORD Ch. 2 Section 2-61A School Committee Salary | *05/12/2014 |
| 6. Human Resources Dependent Audit | *06/30/2014 |
| 7. Letter from Hope Church regarding Master Box fee | *11/10/2014 |
| 8. Harbormaster Rate Increase | *03/30/2015 |
| 9. Annual Audit FY2014 Financial Statements – copy on file in City Clerk's office | *04/27/2015 |
| 10. Library Salaries Staff to Heat/Electricity \$20,000 | *05/26/2015 |
| 11. Mayor Ins. 32B \$64,500 -- \$2000 to Veterans Benefits, \$50,000 to LGL City Solicitor, \$7,500 to Colby Farm Lot 1 Feasibility Study, \$5,000 Joppa Park Survey | *05/26/2015 |

General Government

In Committee:

- | | |
|--|-------------|
| 1. Letter re: Health Insurance Benefit | *05/11/2015 |
|--|-------------|

Joint Education

In Committee:

- | | |
|--|-------------|
| 1. Order Home Rule Petition- supplementing education budget (COTW) | *05/12/2014 |
|--|-------------|

License & Permits

In Committee:

- | | |
|--|-------------|
| 1. Movable Sign Application Newburyport Brewing Company | *02/10/2014 |
| 2. Amend ORD Sec. 9-114 Transient Vendors Restricted Areas | *04/28/2014 |
| 3. Letter regarding transient vendor licensing | *06/30/2014 |
| 4. Taxi License Renewal Harold Congdon Port Taxi, Inc. | *01/12/2015 |
| 5. Taxi Cab Company Renewal Seacoast Taxi | *03/09/2015 |
| 6. New Outdoor Seating Application 17 State Street Café | *05/26/2015 |

Neighborhoods and City Services

In Committee:

- | | |
|---|-------------|
| 1. Amend ORD Part 2 Article III Ch. 3-31 Feeding or baiting of wild birds | *01/12/2015 |
| 2. Temple Street sidewalk repair | *04/27/2015 |
| 3. Letter re: sidewalks and bike paths to Hale Street and West End | *05/11/2015 |
| 4. Letter regarding Emerald Ash Borer | *05/26/2015 |

Planning & Development

In Committee:

- | | |
|---|-------------|
| 1. Letter from Newburyport Preservation Trust | *03/31/2014 |
| 2. First Refusal to Purchase Lot 8 Low Street | *01/12/2015 |
| 3. Amend ORD Zoning Map Sec. III-C "Back Bay Area Zoning Map Change" | *01/12/2015 |
| 4. Amend Zoning ORD Appendix A Sec. XXIX Smart Growth District (SGOD) | *01/29/2015 |
| 5. Request to present to City council Essex Tech High School | *05/11/2015 |
| 6. Amend Zoning Add Office Uses at Business Park | *05/11/2015 |
| 7. Amend Zoning Definitions 2 Family and Multi-Family uses | *05/11/2015 |

Public Safety

In Committee:

- | | |
|---|-------------|
| 1. Letter from Yankee Homecoming 2015 General Chair | *02/23/2015 |
| 2. London Livery request for valet parking at 38 State Street | *04/27/2015 |
| 3. Neurofibromatosis Northeast 5 th Annual Coast to Cure, Sept. 12, 2015 | *05/11/2015 |
| 4. Seaside Santa Dash 5k event | *05/26/2015 |
| 5. Order regarding Signs | *05/26/2015 |
| 6. Amend Ch 9 Article 7 Div # Regulation of Door to Door Sales | *05/26/2015 |
| 7. Amend Ch 13 Section 13-168 Parking restricted Toppans Lane | *05/26/2015 |

Public Utilities Committee

In Committee:

- | | |
|--|-------------|
| 1. Water and Sewer Commissions adjustment of sewer bill charges re second meters | *11/24/2014 |
| 2. Adopt Energy Aggregation Plan (COTW) | *05/26/2015 |

Rules Committee

16. GOOD OF THE ORDER

17. ADJOURNMENT

**PUBLIC HEARING
APPLICATION AND NOTICE**

**CITY OF NEWBURYPORT
NOTICE OF CITY COUNCIL
HEARING ON THE OPERATING
BUDGET FOR FISCAL YEAR 2016**

Notice is hereby given pursuant to Newburyport Home Rule Charter Section 6-4 that the Newburyport City Council will hold a Public Hearing on Monday, June 8, 2014 at 7:00 p.m. in the City Council Chambers at City Hall, 60 Pleasant Street, Newburyport, MA 01950 as part of its City Council Meeting on same date.

The purpose of the Public Hearing is to hear testimony and comment from interested persons relative to the proposed FY 2016 operating budget as submitted by the Mayor. The budget is available for inspection by the public during regular operating hours of the City Clerk's office, 60 Pleasant Street, Newburyport, MA and it is posted on the city website home page.

NT – 5/25/15

**PUBLIC HEARING
APPLICATION AND NOTICE**

**CITY OF NEWBURYPORT
CITY COUNCIL
NOTICE OF PUBLIC HEARING**

Tropic Star Development, LLC (as developer) and Giena of Newburyport, LLC (as owner) have filed an application with the City Council for a license under M.G.L. c. 148, s. 13 to store flammable and combustible liquids at 81 and 83 Storey Avenue, Newburyport, MA in connection with the approved service station to be constructed and operated at those properties (to replace the existing Shell Station at the corner of Storey Avenue and Low Street). The application is on file at the City Clerk's Office, City Hall, 60 Pleasant Street, Newburyport and can be reviewed during the normal hours of operation (tel: 978-465-4407). **There will be a public hearing related to this application at 7:30 pm on June 8, 2015 at City Council Chambers, 60 Pleasant Street, Newburyport MA.**

Thomas F. O'Brien, President

Publish date: Friday, May 29

Invoice:

Law Offices of Jeffrey L. Roelofs, P.C.
30 Green Street
Newburyport, MA 01950
978-462-7600

JEFFREY L. ROELOFS, P.C.

ENVIRONMENTAL AND LAND USE LAW

RECEIVED
CITY CLERK'S OFFICE
NEWBURYPORT, MA

2015 MAY 29 A 9:21

Jeffrey L. Roelofs
30 Green Street
Newburyport, MA 01950

Office 978-462-7600
Cell 978-376-1396
Fax 978-462-7610
jlr@roelofslaw.com
www.roelofslaw.com

May 29, 2015

By Hand

Newburyport City Council
Newburyport City Hall
60 Pleasant Street
Newburyport, MA 01950

RE: Applicant: Tropic Star Development, LLC (as developer) and
Giena of Newburyport, LLC (as owner)
Properties: 81 and 83 Storey Avenue, Newburyport, MA
Subject: Application for License under M.G.L. c. 148 § 13 to Store
Flammable and Combustible Liquids

Dear Councilors:

Tropic Star Development, LLC ("Tropic Star"), as the project developer, and Giena of Newburyport, LLC, as the current owner of the properties at 81 and 83 Storey Avenue, Newburyport (the "Property"),¹ hereby apply for a license under M.G.L. c. 148 § 13 to store flammable and combustible liquids at the Property as associated with the recently approved service station and convenience store to be constructed and operated at the Property (to replace the existing Shell Station at the corner of Storey Avenue and Low Street).

The completed application form, proposed license and associated background materials are enclosed, as follows:

- Exhibit A Application for License under M.G.L. c. 148 § 13, with Fire Department's endorsement of Approval (FP-002A, rev. 1/1/2015)
- Exhibit B Requested License (FP-002, rev. 1/1/2015)
- Exhibit C Public Notice to Abutters
- Exhibit D Site Plan and Conceptual Rendering of Approved Service Station

As required by the applicable statute, notice of the Council's hearing on this application, scheduled for June 8, has been published today (May 29) and is also being sent by certified mail to all abutters – both more than seven days prior to the June 8 hearing.

¹ The two lots will be combined and new lot boundaries established for the approved new Shell Station.

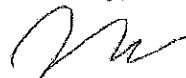
You may recall that Tropic Star's overall project involves (1) removing the existing Shell Station from the corner of Storey Avenue and Low Street, (2) constructing a new, replacement Shell Station with convenience store at the Property, (3) constructing a new pharmacy at the corner of Storey Avenue and Low Street, and (4) donating approximately 21-acres of open space behind the pharmacy to the City of Newburyport. For a conceptual depiction, see the Site Plan and Rendering included in Exhibit D hereto. The Zoning Board of Appeals issued a Special Permit for Use on September 25, 2014 approving the proposed new Shell Station that is the subject of this application. The Planning Board also issued a Site Plan Approval for the project (including the pharmacy component) on October 10, 2014.

The key points related to this license application are as follows:

1. The new service station will replace the existing Shell Station at the corner of Storey Avenue and Low Street.
2. The new station will have more storage capacity than the existing Shell Station, requiring fewer tanker deliveries to the site. The increased capacity is due in part to the new station including a tank for E85 fuel, which is not offered at the existing Shell Station. E85 is a new gasoline/ethanol blend that the USEPA is pushing to reduce emissions by increasing the percentage of ethanol in gas to 85%. The new station will also continue to offer E15 as the main product.
3. Fuel tank technology has improved over the years. All new tanks will be double wall fiberglass tanks, with a state-of-the-art leak detection system. This technology is an upgrade over the tanks used at the existing Shell Station.
4. The new tanks and fuel piping will comply with the new MassDEP UST regulations that went into effect January 2, 2015.
5. The Fire Department has reviewed and approved this Application for License – as noted on page two of the application form.

Accordingly, Tropic Star and Giena of Newburyport, LLC respectfully request that the City Council approve the enclosed application and endorse and issue the License included in Exhibit B hereto.

Sincerely,



Jeffrey L. Roelofs

Enclosures

cc: Christopher LeClaire, Fire Chief
Andy Port (by email)

EXHIBIT A



FP-002A
(Rev. 1.1.2015)

The Commonwealth of Massachusetts
City/Town of Newburyport

Application For License

Massachusetts General Law, Chapter 148 §13

☒ New License ☐ Amended License

| | |
|---------------------|-------|
| GIS Coordinates | |
| <u>70.54'38.5W</u> | LAT. |
| <u>42.49'08.21N</u> | LONG. |
| License Number | |

Application is hereby made in accordance with the provisions of Chapter 148 of the General Laws of Massachusetts for a license to store flammables, combustibles or explosives on land in buildings or structures herein described.

Location of Land: 81 & 83 Storey Avenue Assessor's Map 109 Lots 4 & 5
Number, Street and Assessor's Map and Parcel ID

Attach a plot plan of the property indicating the location of property lines and all buildings or structures.

Owner of Land: Giena of Newburyport, LLC

Address of Land Owner: 321D Lafayette Road, Hampton, NH 03842

Use and Occupancy of Buildings and Structures: Convenience store with gasoline/diesel fuel sales

If this is an application for amendment of an existing license, indicate date of original license and any subsequent amendments
N/A

Attach a copy of the current license

Flammable and Combustible Liquids, Flammable Gases and Solids

Complete this section for the storage of flammable and combustible liquids, solids, and gases; see 527 CMR 1.00 Table 1.12.8.50; Attach additional pages if needed. All tanks and containers are considered full for the purposes of licensing and permitting.

| PRODUCT NAME | CLASS | MAXIMUM QUANTITY | UNITS gal., lbs, cubic feet | CONTAINER UST, AST, IBC, drums |
|--|-------------|------------------|-----------------------------------|---|
| <u>Gasoline - Regular</u> | <u>IB</u> | <u>20,000*</u> | <u>gal.</u> | <u>UST</u> |
| <u>Gasoline - Super</u> | <u>IB</u> | <u>10,000*</u> | <u>gal.</u> | <u>UST</u> |
| <u>Ethanol Gasoline (E85)</u> | <u>IB</u> | <u>6,000**</u> | <u>gal.</u> | <u>UST</u> |
| <u>Diesel</u> | <u>II</u> | <u>6,000**</u> | <u>gal.</u> | <u>UST</u> |
| <u>Motor Oil/Brake Fluid/Transmission Fluid/Fuel Additives</u> | <u>IIIB</u> | <u>100</u> | <u>gal.</u> | <u>Above ground Individual Containers</u> |

*compartmentalized tank #1 (30,000 gallon total)

**compartmentalized tank #2 (12,000 gallon total)

Total quantity of all flammable liquids to be stored: 36,000 gal.

Total quantity of all combustible liquids to be stored: 6,100 gal.

Total quantity of all flammable gases to be stored: N/A

Total quantity of all flammable solids to be stored: N/A

LP-gas (Complete this section for the storage of LP-gas or propane)

Indicate the maximum quantity of LP-gas to be stored and the sizes and capacities of all storage containers.
(See 527 CMR 1.00 Table 1.12.8.50)

❖ Maximum quantity (in gallons) of LP-gas to be stored in aboveground containers: N/A

List sizes and capacities of all aboveground containers used for storage: _____

❖ Maximum quantity (in gallons) of LP-gas to be stored in underground containers: N/A

List sizes and capacities of all underground containers used for storage: _____

Total aggregate quantity of all LP-gas to be stored: N/A

Fireworks (Complete this section for the storage of fireworks)

Indicate classes of fireworks to be stored and maximum quantity of each class. (See 527 CMR 1.00 Table 1.12.8.50)

❖ Maximum amount (in pounds) of Class 1.3G: N/A Type/class of magazine used for storage: _____

❖ Maximum amount (in pounds) of Class 1.4G: _____ Type/class of magazine used for storage: _____

❖ Maximum amount (in pounds) of Class 1.4: _____ Type/class of magazine used for storage: _____

Total aggregate quantity of all classes of fireworks to be stored: _____

Explosives (Complete this section for the storage of explosives)

Indicate classes of explosive to be stored and maximum quantity of each class. (See 527 CMR 1.00 Table 1.12.8.50)

❖ Maximum amount (in pounds) of Class 1.1: N/A Number of magazines used for storage: _____

❖ Maximum amount (in pounds) of Class 1.2: _____ Number of magazines used for storage: _____

❖ Maximum amount (in pounds) of Class 1.3: _____ Number of magazines used for storage: _____

❖ Maximum amount (in pounds) of Class 1.4: _____ Number of magazines used for storage: _____

❖ Maximum amount (in pounds) of Class 1.5: _____ Number of magazines used for storage: _____

❖ Maximum amount (in pounds) of Class 1.6: _____ Number of magazines used for storage: _____

I, Scott Mitchell, hereby attest that I am authorized to make this application. I acknowledge that the information contained herein is accurate and complete to the best of my knowledge and belief. I acknowledge that all materials stored pursuant to any license granted hereunder must be stored or kept in accordance with all applicable laws, codes, rules and regulations, including but not limited to Massachusetts Chapter 148, and the Massachusetts Fire Code (527 CMR 1.00). I further acknowledge that the storage of any material specified in any license granted hereunder may not exceed the maximum quantity specified by the license.

Signature [Signature] Date 5/26/2015 Name Scott Mitchell

Fire Department Use Only

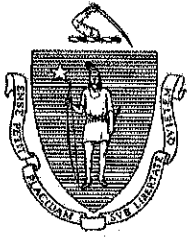
I, Christopher J. LeClair, Head of the Newburyport Fire Department endorse this application with my

☒ Approval ☐ Disapproval

Signature of Head of the Fire Department [Signature] Date 5/26/15

Recommendations: pending final state fire marshal approved plans

EXHIBIT B



FP-002
(Rev. 1.1.2015)

The Commonwealth of Massachusetts
City/Town of Newburyport

License

Massachusetts General Law, Chapter 148 §13

☒ New License ☐ Amended License

After notice and hearing, and in accordance with Chapter 148 of the Mass. General Laws,
a license is hereby granted to use the land herein described for the purposes described.

Location of Land: 81 & 83 Storey Avenue Assessor's Map 109 Lots 4 & 5

Owner of Land: Giena of Newburyport, LLC
Number, Street and Assessor's Map and Parcel ID

Address of Land Owner: 321 D Lafayette Road, Hampton, NH 03842

GIS Coordinates
42° 49' 08.21" N
LAT.
70° 54' 38.5" W
LONG.

License Number

Flammable and Combustible Liquids, Flammable Gases and Solids

Complete this section for the storage of flammable and combustible liquids, solids, and gases. All tanks and containers are considered full for the purposes of licensing and permitting. (Attach additional pages if necessary.)

| PRODUCT NAME | CLASS | MAXIMUM QUANTITY | UNITS gal., lbs, cubic feet gal. | CONTAINER UST, AST, IBC, drums UST |
|--|-------|------------------|---|---|
| Gasoline - Regular | IB | 20,000* | gal. | UST |
| Gasoline - Super | IB | 10,000* | gal. | UST |
| Ethanol Gasoline (E85) | IB | 6,000** | gal. | UST |
| Diesel | II | 6,000** | gal. | UST |
| Motor Oil/Brake Fluid/Transmission Fluid/Fuel Additives | IIIB | 100 | gal. | Above ground Individual Containers |

*compartmentalized tank #1 (30,000 gallon total)

**compartmentalized tank #2 (12,000 gallon total)

LP-gas *(Complete this section for the storage of LP-gas or propane)*

❖ Maximum quantity (in gallons) of LP-gas to be stored in aboveground containers: N/A
List sizes and capacities of all aboveground containers used for storage _____

❖ Maximum quantity (in gallons) of LP-gas to be stored in underground containers: N/A
List sizes and capacities of all underground containers used for storage _____

Total aggregate quantity of all LP-gas to be stored: _____

Fireworks *(Complete this section for the storage of fireworks)*

❖ Maximum amount (in pounds) of Class 1.3G: _____ N/A

❖ Maximum amount (in pounds) of Class 1.4G: _____

❖ Maximum amount (in pounds) of Class 1.4: _____

Total aggregate quantity of all classes of fireworks to be stored: _____

**THIS LICENSE OR A CERTIFIED COPY THEREOF MUST BE CONSPICUOUSLY
POSTED ON THE LAND FOR WHICH IT IS GRANTED.**

Explosives *(Complete this section for the storage of explosives)*

N/A

- | | |
|--|---|
| ❖ Maximum amount (in pounds) of Class 1.1: _____ | Number of magazines used for storage: _____ |
| ❖ Maximum amount (in pounds) of Class 1.2: _____ | Number of magazines used for storage: _____ |
| ❖ Maximum amount (in pounds) of Class 1.3: _____ | Number of magazines used for storage: _____ |
| ❖ Maximum amount (in pounds) of Class 1.4: _____ | Number of magazines used for storage: _____ |
| ❖ Maximum amount (in pounds) of Class 1.5: _____ | Number of magazines used for storage: _____ |
| ❖ Maximum amount (in pounds) of Class 1.6: _____ | Number of magazines used for storage: _____ |

Licensing Authority Use:

This license is granted upon the condition that the licensed activity will comply with all applicable laws, codes, rules and regulations, including but not limited to Massachusetts General Law, Chapter 148, and the Massachusetts Fire Code (527 CMR 1.00) as amended. The license holder may not store materials in an amount exceeding the capacities herein specified unless and until any amended license has been granted.

ADDITIONAL RESTRICTIONS:

Signature of Licensing Authority

Title

Date

**THIS LICENSE OR A CERTIFIED COPY THEREOF MUST BE CONSPICUOUSLY
POSTED ON THE LAND FOR WHICH IT IS GRANTED.**

EXHIBIT C

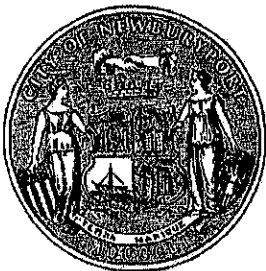
**CITY OF NEWBURYPORT
CITY COUNCIL
NOTICE OF PUBLIC HEARING**

TO: Owners Identified on Attached "Abutters List"

SUBJECT PARCELS: 81 and 83 Storey Avenue, Newburyport, MA

PUBLIC HEARING NOTICE:

Tropic Star Development, LLC (as developer) and Giena of Newburyport, LLC (as owner) have filed an application with the City Council for a license under M.G.L. c. 148, s. 13 to store flammable and combustible liquids at 81 and 83 Storey Avenue, Newburyport, MA in connection with the approved service station to be constructed and operated at those properties (to replace the existing Shell Station at the corner of Storey Avenue and Low Street). The application is on file at the City Clerk's Office, City Hall, 60 Pleasant Street, Newburyport and can be reviewed during the normal hours of operation (tel: 978-465-4407). **There will be a public hearing related to this application at 7:30 pm on June 8, 2015 at City Council Chambers, 60 Pleasant Street, Newburyport MA.**



City of Newburyport

OFFICE OF THE ASSESSOR

City Hall
60 Pleasant Street
Newburyport, MA 01950

Date: May 6, 2015

To: Newburyport License Commission

From: Newburyport Board of Assessors

Re: Abutters List – 79 & 81 & 83 Storey Ave
Map: 109 Lot: 3, 4 & 5

The following are the abutters of the above mentioned property:

Board of Assessors

109/ 1/ / /
LOW ST REDEVELOPMENT LLC
6 NORINO WAY
GEORGETOWN, MA 01833

109/ 9/ / /
WARNECKE PATRICK J
JULIE Z T/E
3 RUSSELL TERR
NEWBURYPORT, MA 01950

109/ 2/ / /
PECTEN PROPERTIES LLC
261 LEDYARD ST
NEW LONDON, CT 06320

109/ 10/ / /
MILLER HEATHER E
5 RUSSELL TERR
NEWBURYPORT, MA 01950

109/ 2/A / /
REPUCCI JC -CHRISTOPHER BI
TRS LOW ST RLTY TRUST
253 LOW ST STE 2
NEWBURYPORT, MA 01950

109/ 11/ / /
CARPENTER MAYA K
3 AVIATORS LANE
SANDWICH, MA 02563

109/ 2/B / /
EAST-WEST REALTY LLC
6 NORINO WAY
GEORGETOWN, MA 01833

109/ 12/ / /
SALYERS GAYLORD M & NANCY C TRS
G & N SALYERS FAMILY TRUST
9 RUSSELL TERR
NEWBURYPORT, MA 01950

109/ 3/ / /
WOODMAN ELEANOR
26 JACKMAN ST
GEORGETOWN, MA 01830

109/ 35/ / /
GLOBAL COMPANIES LLC
C/O ALLIANCE ENERGY LLC
ATTN: TAX DEPARTMENT
36 EAST INDUSTRIAL RD
BRANFORD, CT 06405

109/ 4/ / /
SWOFFORD GERALD E
DORIS A T/E
162 IPSWICH RD
BOXFORD, MA 01921

109/ 38/ / /
74 STOREY LLC
C/O ARMAND SANCARTIER
104B STATE ST
NEWBURYPORT, MA 01950

109/ 5/ / /
SWOFFORD GERALD E
DORIS A T/E
162 IPSWICH RD
BOXFORD, MA 01921

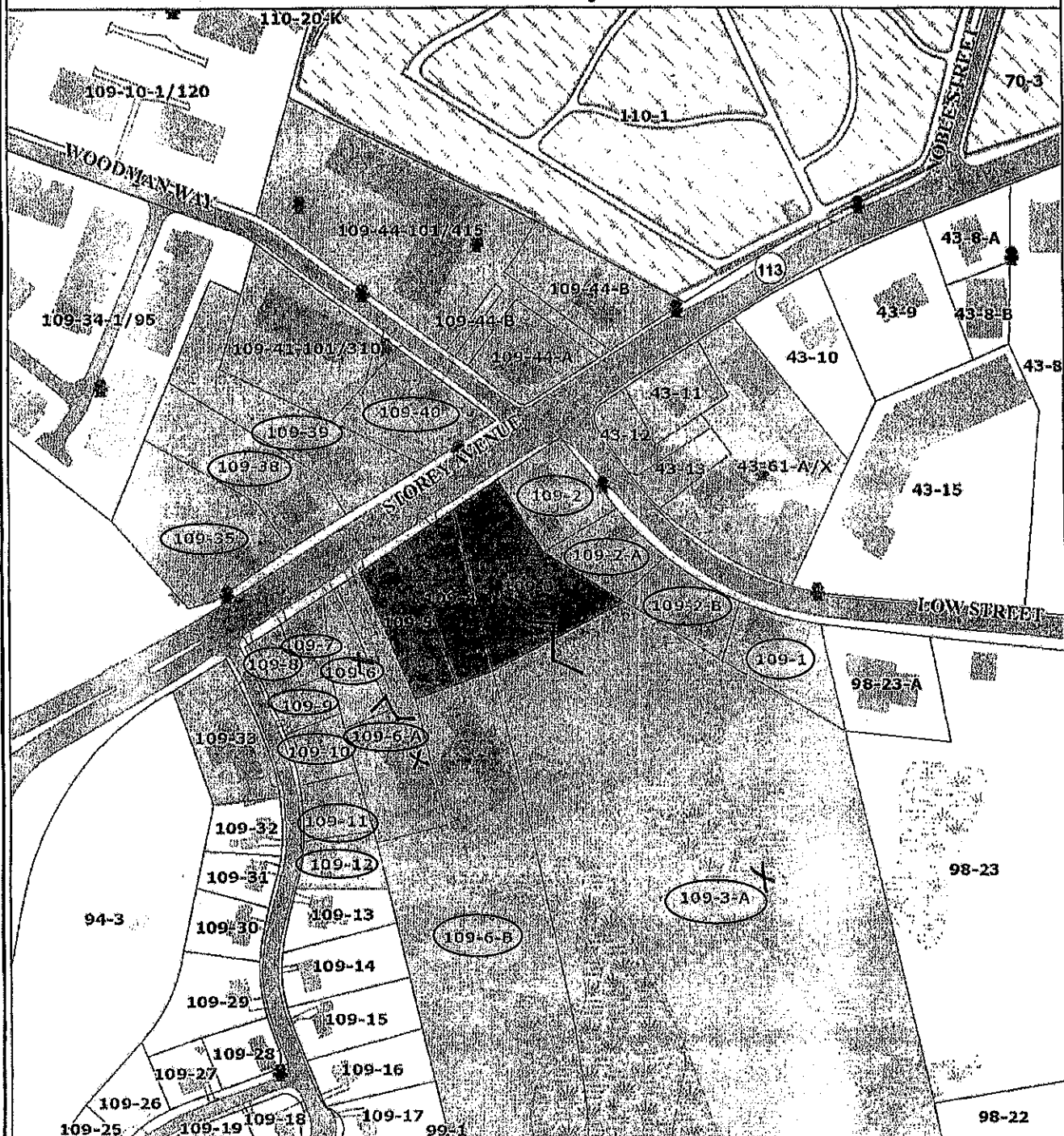
109/ 39/ / /
REALTY INCOME CORPORATION
C/O MARVIN F POER & COMPANY
PO BOX 52427
ATLANTA, GA 30355

109/ 6/B / /
VTR NORTHEAST HOLDINGS LLC
STE 300
10350 ORMSBY PARK PLACE
LOUISVILLE, KY 40223

109/ 40/ / /
SARDINHA MANUEL & HELENA TRS
C/O SARDINHA DONUTS INC
PO BOX 686
NEWBURYPORT, MA 01950

109/ 7/ / /
BUCKLEY JOY MARIE
87 STOREY AVE
NEWBURYPORT, MA 01950

109/ 8/ / /
CHEEVER JOSEPH L
MARYBETH K T/E
89 STOREY AVE
NEWBURYPORT, MA 01950



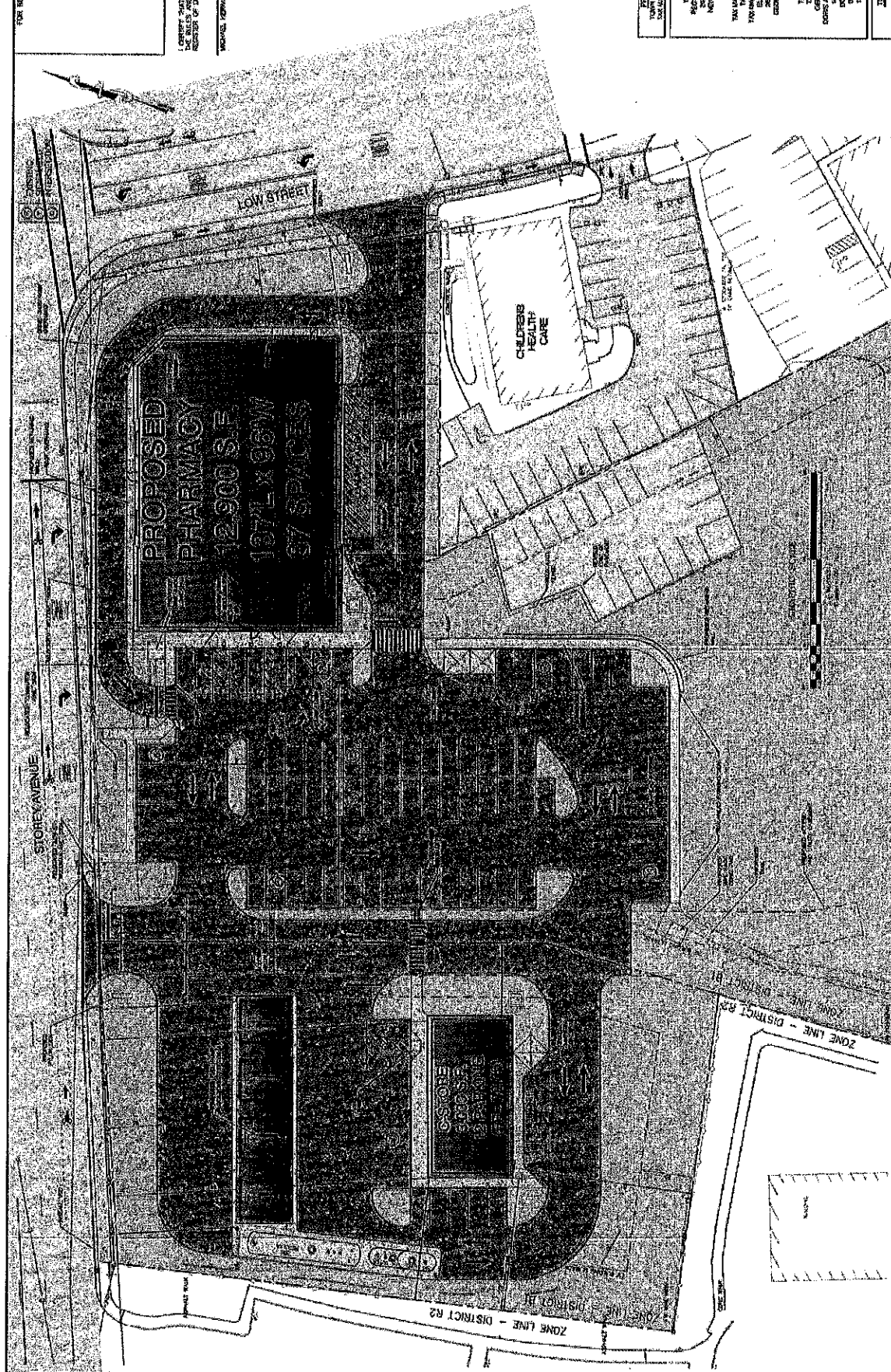
- ☐ MYPO Bo
☐ Newburyport Boundary
☐ Railroad
☐ Parcels
 Water System
 • Hydrant
 • Trails
 • Building Footprints
 • Driveways
 • Easements
 Road Right of Way
 ☐ Paved
 ☐ Unpaved
 Hydrographic Features
- Streams
 • Stream
 • Intermittent Stream
 Wetlands
 • City
 • City and State
 • State
☐ Exempt Lands
 Recreation Areas
- 1" = 264 ft



Horizontal Datum: MA Stateplane Coordinate System, Datum NAD83,
Meters Data Source: The data for this map was produced by Marinick
Valley Planning Commission (MVPC) using data provided by the City of
Newburyport. Additional data provided by the Executive Office of
Environmental Affairs-MassGIS. The information depicted on this map is for
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EXHIBIT D

2025 RELEASE UNDER E.O. 14176

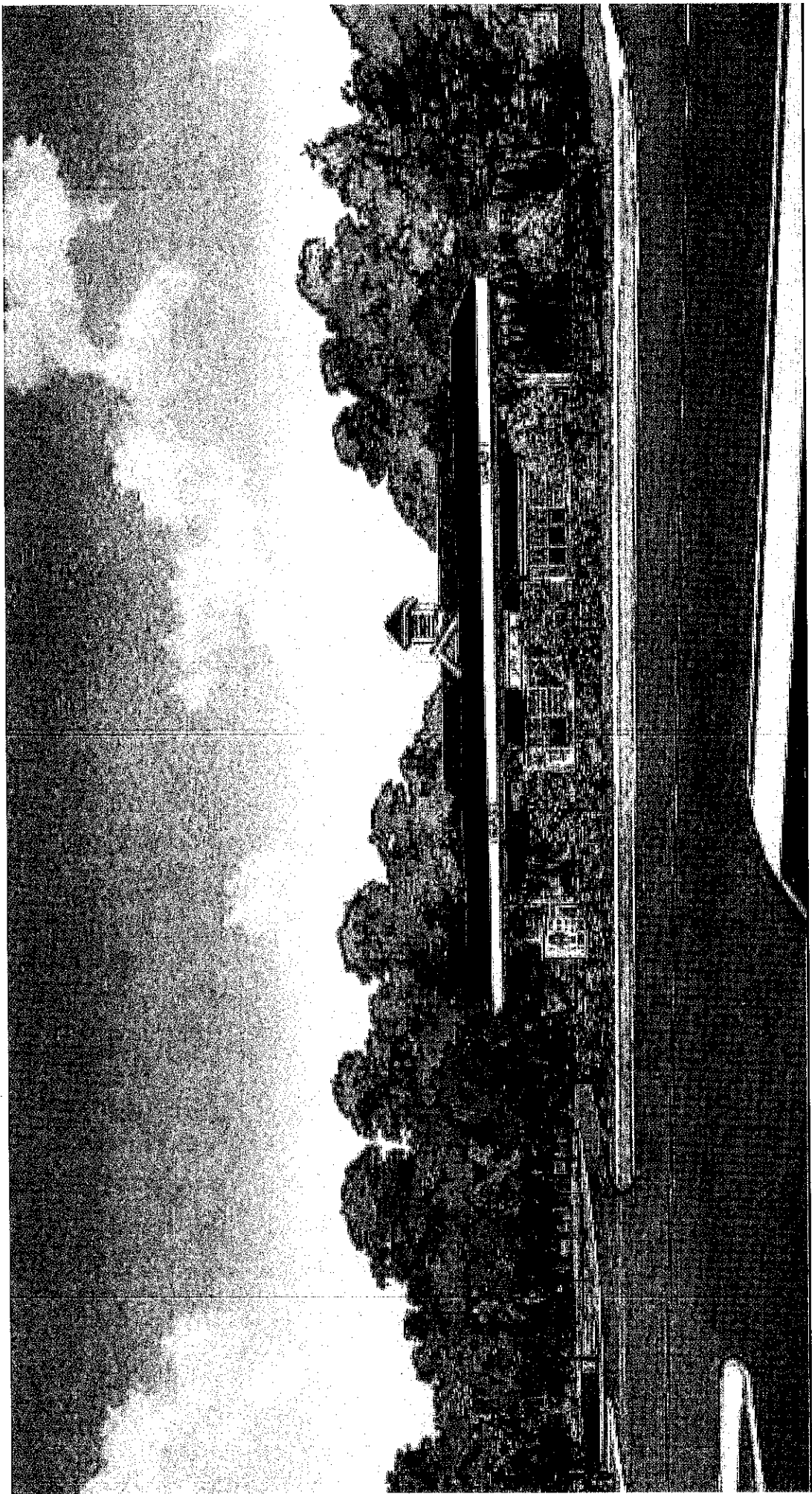


| | |
|------------|--|
| Plot Name: | SITE PLAN |
| Project: | STOREY AVE DEVELOPMENT STOREY AVE, NEWBURYPORT, MA 08150 |
| Applicant: | TRUCKS SEAS DEVELOPMENT, LLC 7500 CLARKSON DRIVE, SUITE 200 DALLAS, TX 75240-6029 |

J/P Jones & Beach Engineers, Inc.
Designed and Produced in USA
Civil Engineering Services
161 Pennsylvania Ave.
PO Box 702
Baltimore, MD 21206
800-772-4746
FAX: 800-772-6227
Tel: 410-528-0900
WWW.JONES-AND-BEACH.COM

[illegible]

| | | | | | |
|--|------|------|---------|-------------|-------|
| Agency | Date | Time | Officer | Project No. | 00176 |
| <p>Subject: [REDACTED]</p> <p>Location: [REDACTED]</p> <p>Remarks: [REDACTED]</p> | | | | | |



CONSENT AGENDA

CITY COUNCIL MEETING MINUTES - VERSION 1

May 26, 2015

7:30 PM

Council President O'Brien called the meeting to order at 7:30 pm. A moment of silence was held for Charles W. Howard, Jr., brother of retired Police Marshal Tom Howard, Harold Lester Kirkpatrick, husband of retired school teacher Jean Kirkpatrick and Jennifer Honegger Hatzmann, step daughter of Lois Honegger, the Mayor's Executive Assistant. This was followed by the Pledge of Allegiance. He then instructed the City Clerk to call the roll. The following Councillors answered present: Cameron, Connell, Cronin, Eigerman, Giunta, Heartquist, Herzog, Kinsey, Tontar, Vogel and O'Brien. 11 present.

1. LATE FILES – Mayor's Update Communication #7, and Communication # 8

Motion to waive the rules and accept the late file items by Councillor Cameron, seconded by Councillor Cronin. 11yes. So voted.

2. PUBLIC COMMENT

- | | | |
|-------------------|------------------|--------------------|
| 1. Jeff Esche | 30 Lime Street | Emerald Ash Borer |
| 2. Sheila Mullins | 7 Parsons Street | Budget |
| 3. Jack Fleming | Kennebunk, ME | Seaside Santa Dash |
| 4. Chris Kealey | 8 Payson Street | Harbor Commission |

3. MAYOR'S UPDATE

The Mayor gave an update.

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.

4. APPROVAL OF MINUTES

May 11, 2015

(Approved)

5. TRANSFERS

1. Mayor/Assessor Overlay Surplus Acct to Valuation/Processing \$1500
2. Library Salaries Staff to Heat/Electricity \$20,000

(Approved)

(Approved)

Removed by Councillor Cronin.

3. Mayor Insurance 32B \$64,500 - \$2000 to Veterans Benefits, \$50,000 to LGL City Solicitor, \$7500 to Colby Farm Lot 1 Feasibility Study, \$5000 Joppa Park Survey

(B&F)

6. COMMUNICATIONS

1. Tier II Boating Infrastructure Grant recipient letter

(PS)

Changed to R&F.

2. Seaside Santa Dash Event Application
3. Letter regarding Emerald Ash Borer

(PS)

(R&F)

Removed by Councillor Cameron.

4. New Outdoor Seating Application 17 State Street Cafe

(PS)

Changed to L&P.

5. Pan Merrimack Challenge Event Application

(PS)

Removed by Councillor Connell.

6. Comments on Capital Improvement Plan

(B&F)

Removed by Councillor Tontar.

7. APPOINTMENTS – First Reading

APPOINTMENTS

- | | | |
|-----------------------|-----------------|-------------------------------|
| 1. Christopher Kealey | 8 Payson Street | Harbor Commission (Alternate) |
|-----------------------|-----------------|-------------------------------|

June 1, 2017

END OF CONSENT AGENDA

Motion to approve the consent agenda as amended by Councillor Cameron, seconded by Councillor Kinsey. So voted.

REGULAR AGENDA

8. MAYOR's Presentation of FY2016 Budget

9. TRANSFERS

2. Library Salaries Staff to Heat/Electricity \$20,000

Motion to refer to Budget & Finance by Councillor Cronin, seconded by Councillor Cameron. So voted.

10. COMMUNICATIONS

3. Letter regarding Emerald Ash Borer

Motion to refer to Neighborhoods and City Services by Councillor Cameron, Councillor Eigerman. So voted.

5. Pan Merrimack Challenge Event Application

Motion to approve by Councillor Connell, seconded by Councillor Heartquist. So voted.

6. Comments on Capital Improvement Plan

Motion to receive and file by Councillor Tontar, seconded by Councillor Cameron. So voted.

7. LATE FILE – Mayor's Communication

Motion to receive and file by Councillor Cameron, seconded by Councillor Heartquist. So voted.

8. LATE FILE – MVRTA Summer Schedule

Motion to receive and file by Councillor Heartquist, seconded by Councillor Cameron. So voted.

11. APPOINTMENTS - Second Reading - None

12. ORDERS

1. Resolution Newburyport Day of Yoga

Motion to approve by Councillor Herzog, seconded by Councillor Cronin. 5 yes (Cronin, Eigerman, Giunta, Heartquist, Herzog), 5 no, 1 recused (Kinsey). Motion failed.

2. Signs

Motion to approve by Councillor Herzog, seconded by Councillor Heartquist. So voted. Withdrawn. Motion to refer to Public Safety by Councillor Heartquist, seconded by Councillor Cronin. Roll call vote,

3. Adopt Energy Aggregation Plan

Motion to refer to Public Utilities and Committee of the Whole by Councillor Herzog, seconded by Councillor Cameron. Roll call vote, 11 yes. So voted.

13. ORDINANCES

1. Amend Ch.9 Article 7 Div. 3 – Regulation of Door to Door Sales

Motion to refer to Public Safety by Councillor Cronin, seconded by Councillor Tontar. So voted.

2. Amend Ch. 13 Section 13-168 Parking restricted Toppans Lane

Motion to refer to Public Safety by Councillor Cronin, seconded by Councillor Giunta. So voted.

14. COMMITTEE ITEMS

Budget & Finance

In Committee:

- | | |
|--|-------------|
| 1. Mayor letter regarding Order for Revolving Fund Expenses | *03/17/2014 |
| 2. Order Amend Revolving Fund expenses | *03/17/2014 |
| 3. Order Home Rule Petition- supplementing education budget (COTW) | *05/12/2014 |
| 4. Amend ORD Ch. 2 Section 2-45 City Council Salary | *05/12/2014 |
| 5. Amend ORD Ch. 2 Section 2-61A School Committee Salary | *05/12/2014 |
| 6. Human Resources Dependent Audit | *06/30/2014 |
| 7. Letter from Hope Church regarding Master Box fee | *11/10/2014 |

8. Harbormaster Rate Increase

*03/30/2015

9. FY2015-FY2019 Capital Improvement Program

*04/13/2015

Motion to remove by Councillor Tontar, seconded by Councillor Cameron. So voted. Motion to strike #45 Fish Pier Embayment Dredging Project by Councillor Eigerman, seconded by Councillor Vogel. Roll call vote, 2 yes (Eigerman, Vogel) 9 no. Motion failed. Motion to strike #48 Inn Street –Phase IV Elevated Walkway Project by Councillor Eigerman, seconded by Councillor Vogel. 4 yes (Cronin, Eigerman, Kinsey, Vogel), 7 no. Motion failed. Motion to amend #51 Parking Garage by deleting last sentence by Councillor Eigerman, seconded by Councillor Vogel. Roll call vote, 11 yes. So voted. Motion to amend #85 Graf Road Lift Station and Force Main such that the lift station will handle up to 2500 gal/min by Councillor Eigerman, seconded by Councillor Vogel. Roll call vote, 10 yes, 1 no (Connell). So voted. Motion to approve the CIP as amended by Councillor Cameron, seconded by Councillor Vogel. Roll call vote, 11 yes. So voted.

10. AFSCME Negotiations – Tentative Agreement

*04/27/2015

Motion to remove by Councillor Tontar, seconded by Councillor Herzog. So voted. Motion to approve by Councillor Tontar, seconded by Councillor Herzog. So voted.

11. Annual Audit FY2014 Financial Statements – copy on file in City Clerk's office

*04/27/2015

12. AFSCME Negotiations – Tentative agreement details

*05/11/2015

Motion to remove by Councillor Herzog, seconded by Councillor Tontar. So voted. Motion to receive and file by Councillor Tontar, seconded by Councillor Herzog. So voted.

General Government

In Committee

1. Letter re: Health Insurance Benefit

*05/11/2015

Joint Education

In Committee:

1. Order Home Rule Petition- supplementing education budget (COTW)

*05/12/2014

License & Permits

In Committee:

1. Movable Sign Application Newburyport Brewing Company

*02/10/2014

2. Amend ORD Sec. 9-114 Transient Vendors Restricted Areas

*04/28/2014

3. Letter regarding transient vendor licensing

*06/30/2014

4. Taxi License Renewal Harold Congdon Port Taxi, Inc.

*01/12/2015

5. Taxi Cab Company Renewal Seacoast Taxi

*03/09/2015

Neighborhoods and City Services

In Committee:

1. Amend ORD Part 2 Article III Ch. 3-31 Feeding or baiting of wild birds

*01/12/2015

Motion to remove by Councillor Connell, seconded by Councillor Herzog. So voted. Motion to approve 1st reading and order published by Councillor Connell, seconded by Councillor Herzog. So voted.

2. Cushing Park

*04/13/2015

Motion to remove by Councillor Connell, seconded by Councillor Herzog. So voted. Motion to approve as amended by Councillor Connell, seconded by Councillor Herzog. So voted.

3. Temple Street sidewalk repair

*04/27/2015

4. Letter re: sidewalks and bike paths to Hale Street and West End

*05/11/2015

Planning & Development

Councillor Cameron announced a joint hearing on June 17th on the Smart Growth plan.

In Committee:

1. Letter from Newburyport Preservation Trust

*03/31/2014

2. First Refusal to Purchase Lot 8 Low Street

*01/12/2015

3. Amend ORD Zoning Map Sec. III-C "Back Bay Area Zoning Map Change"

*01/12/2015

4. Amend Zoning ORD Appendix A Sec. XXIX Smart Growth District (SGOD)

*01/29/2015

5. Request to present to City Council Essex Tech High School

*05/11/2015

6. Amend Zoning Add Office Uses at Business Park

*05/11/2015

7. Amend Zoning Definitions 2 Family and Multi-Family uses

*05/11/2015

Public Safety

In Committee:

1. Letter from Yankee-Homecoming 2015 General Chair *02/23/2015
2. Letter from Chamber of Commerce on 2015 use of streets *02/23/2015

Motion to remove by Councillor Cronin, seconded by Councillor Herzog. So voted. Motion to approve by Councillor Cronin, seconded by Councillor Herzog. So voted.

3. Coastal Trails Coalition Slow Bike Race July 29, 2015 *03/30/2015

Motion to remove by Councillor Cronin, seconded by Councillor Tontar. So voted. Motion to approve by Councillor Cronin, seconded by Councillor Tontar. So voted.

4. London Livery request for valet parking at 38 State Street *04/27/2015
5. Neurofibromatosis Northeast 5th Annual Coast to Cure, Sept. 12, 2015 *05/11/2015

Public Utilities Committee

Councillor Herzog said there will be a meeting of Public Utilities and Committee of the Whole at 6:30pm on June 8th.

In Committee:

1. Water and Sewer Commissions adjustment of sewer bill charges re second meters *11/24/2014

Rules Committee

15. GOOD OF THE ORDER

16. ADJOURNMENT

Councillor Tontar moved to adjourn, seconded by Councilor Kinsey at 8:53pm. So voted.

TRANSFERS



City of Newburyport

FY 2015

BUDGET TRANSFER REQUEST

Transfer #1
May 26, 2015

2015 JUN -2 P 2:15

Department: Health -Energy/Recycling

Submitted by: Molly Ettenborough

Date Submitted: 6/2/2015

Transfer From:

| | | | |
|---|--|------------|---------------|
| Account Name | Solid Waste Fee | YTD Bal: | \$ 316,291.33 |
| Account Number: | 2747-59600 | Trans In: | \$ - |
| Amount: | \$10,000.00 | Trans Out: | \$ 17,500.00 |
| Why are Funds Available: | <i>Funded through compost sticker fees and recycling rebate.</i> | | |
| <i>This transfer is the standard method for moving funds from Reserve for Appropriations accounts into General Fund accounts.</i> | | | |

Transfer To:

| | | | |
|-------------------------|---|------------|----------------|
| Account Name | Household Hazardous Waste | YTD Bal: | \$ (30,872.51) |
| Account Number: | 01519002-53424 | Trans In: | |
| Amount: | \$10,000.00 | Trans Out: | \$ - |
| Why are Funds Required: | <i>To cover remaining balance of hazardous and solid waste materials.</i> | | |

Donna D. Holaday, Mayor
Ethan R. Manning, Auditor
City Council Approval: (Stamp)

Donna D. Holaday
Ethan R. Manning

Date:

6/2/15

Date:

6/2/15



Transfer #2
May 26, 2015

City of Newburyport
FY 2015
BUDGET TRANSFER REQUEST

2015 JUN -2 P 2:40

Department: Health -Energy/Recycling

Submitted by: Molly Ettenborough

Date Submitted: 6/2/2015

Transfer From:

| | | | |
|---|--|------------|---------------|
| Account Name | Solid Waste Fee | YTD Bal: | \$ 316,291.33 |
| Account Number: | 2747-59600 | Trans In: | \$ - |
| Amount: | \$21,697.00 | Trans Out: | \$ 17,500.00 |
| Why are Funds Available: | <i>Funded through compost sticker fees and recycling rebate.</i> | | |
| <i>This transfer is the standard method for moving funds from Reserve for Appropriations accounts into General Fund accounts.</i> | | | |

Transfer To:

| | | | |
|-------------------------|---|------------|----------------|
| Account Name | Health Dept Salary Energy/Recycling Coord | YTD Bal: | \$ (21,598.47) |
| Account Number: | 01519001-51160 | Trans In: | \$ - |
| Amount: | \$21,697.00 | Trans Out: | \$ - |
| Why are Funds Required: | <i>To cover salary for Energy Recycling Coordinator for remainder of FY 2015 that is funded by the Solid Waste Fee Reserve for Appropriation Account.</i> | | |

Donna D. Holaday, Mayor
Ethan R. Manning, Auditor
City Council Approval: (Stamp)

Donna D. Holaday
Ethan R. Manning

Date:

Date:

6/2/15
6/2/15



Transfer #3
May 26, 2015

City of Newburyport
FY 2015
BUDGET TRANSFER REQUEST

2015 JUN -2 P 2:15

Department: Fire Department

Submitted by: Chief Christopher LeClaire

Date Submitted: 6/2/2015

Transfer From:

| | | | |
|--------------------------|--|------------|---------------|
| Account Name | Lease of Vehicles | YTD Bal: | \$ 119,647.32 |
| Account Number: | 01220002-52750 | Trans In: | \$ - |
| Amount: | \$77,000.00 | Trans Out: | \$ - |
| Why are Funds Available: | <i>This line item included the lease payments on two Fire Engines that did not need to be made due to the issuance of debt to fund the purchase at a lower financing cost.</i> | | |

Transfer From:

| | | | |
|--------------------------|---|------------|--------------|
| Account Name | Fuel/Oil | YTD Bal: | \$ 19,623.86 |
| Account Number: | 01220004-54801 | Trans In: | \$ - |
| Amount: | \$17,500.00 | Trans Out: | \$ - |
| Why are Funds Available: | <i>A surplus is anticipated in this account at year-end due to lower than anticipated fuel costs.</i> | | |

Transfer From:

| | | | |
|--------------------------|--|------------|--------------|
| Account Name | Protective Clothing | YTD Bal: | \$ 12,787.58 |
| Account Number: | 01220004-54317 | Trans In: | \$ - |
| Amount: | \$12,500.00 | Trans Out: | \$ - |
| Why are Funds Available: | <i>A surplus is anticipated in this account at year-end.</i> | | |

Transfer From:

| | | | |
|--------------------------|--|------------|-------------|
| Account Name | Educational Materials | YTD Bal: | \$ 3,219.33 |
| Account Number: | 01220004-55101 | Trans In: | \$ - |
| Amount: | \$3,000.00 | Trans Out: | \$ - |
| Why are Funds Available: | <i>A surplus is anticipated in this account at year-end.</i> | | |

Transfer To:

| | | | |
|-------------------------|---|------------|-----------------|
| Account Name | Overtime | YTD Bal: | \$ (127,304.06) |
| Account Number: | 01220001-51301 | Trans In: | \$ - |
| Amount: | \$110,000.00 | Trans Out: | \$ - |
| Why are Funds Required: | <i>The FY 2015 appropriation for Fire Overtime was \$250,000. The Fire Department anticipates total overtime costs to exceed \$400,000 by year-end (see attached detail).</i> | | |

Donna D. Holaday, Mayor
Ethan R. Manning, Auditor
City Council Approval: (Stamp)

Donna D. Holaday
Ethan R. Manning

Date: 6/1/15
Date: 6/2/15

Newburyport Fire Department

Office of the Fire Chief

To: President and Members of the City Council
From: Chief LeClaire
Date: June 1, 2015
Re: **FY 15 Transfer**

The fire department is hereby requesting a transfer of \$110,000.00 from three (3) line items within the NFD budget to cover cost overruns in the overtime line item. The overtime account is continually underfunded by approximately \$100,000.00 in each year's budget. This time last year the NFD requested a \$100,000.00 transfer out of free cash to cover overruns in the overtime line. This year, not unexpectedly, we once again must seek a transfer. However, this year there are other extenuating circumstances that further strained the account:

1. In the new contract, along with increases in wages, the city agreed to host an EMT course for those firefighters that did not have their EMT certification. The cost of shift coverage for those attending this three-month-long class came to **\$13,567.84**.
2. Firefighter Matt Houle attended the Massachusetts State Firefighting Academy as part of the hiring and certification requirements. The cost to send Matt to the academy and cover his shifts came to **\$16,436.65**.
3. Several firefighters were out on extended leave for injuries suffered in the line of duty. Two firefighters injured their rotator cuffs and required surgeries. FF Cutter is back to work. FF Elwell, who tore both rotator cuffs, is still out and is approaching one year. He expects to be back at work by the end of this month. Also out injured were Lt. Rick

Department Memorandum

Thurlow and Firefighter Tony Raven. Fortunately, they are back at work and healthy. The cost of covering those extended injury vacancies amounted to **\$74,788.67**.

4. The extended coverage, emergencies during, and clean-up after our tremendous storms this winter took a toll, not only on this line item, but on our personnel as well. The extended exposure also added to the use of sick time as our run-down personnel caught ever flu bug circulating. The coverage for the storms amount to **\$15,409.60**, with sick leave throughout the year amounting to **\$78,706.79**.

These items alone amount to **\$198,909.55**. This does not account for vacation or personal days, bereavement, emergency call-back, training, mutual aid, or city events such as Yankee Homecoming Week, Riverfest, etc.

The good news is that the insurance company that provides for our Worker's Compensation, Cabot Risk, has reimbursed the NFD for lost wages due to the long term injuries suffered by our personnel throughout the year in the amount of **\$99,428.57**. These funds returned to the NFD budget to offset wages and benefits paid. This is part of the reason we are able to ask for an internal transfer and not a request from free cash. Other items on the plus side include:

1. Lease of Vehicles – Lease payments budgeted in this year's budget are not due until next year, so there is a surplus of \$77,000.00 to be applied to the transfer.
2. Fuel Oil – Lower than expected pricing and usage resulted in a surplus of \$17,500.00 to be applied to the transfer.
3. Protective Clothing – Protective clothing purchases were delayed until the last quarter of the fiscal year. The purchases have now been postponed due to the deficit in the budget. The line item of \$12,500.00 can therefore be applied to the transfer.

If you should have any further questions or concerns, please let me know and I will provide more information in person. And, as always, thank you for your support of the NFD.



City of Newburyport

FY 2015

BUDGET TRANSFER REQUEST

703 JUL-2 P 2-05

Department: Mayor's Office

Submitted by: Mayor Donna D. Holaday

Date Submitted: 6/2/2015

Transfer From:

| | | | | |
|--------------------------|--|------------|----|--------------|
| Account Name | Insurance - 32-B | YTD Bal: | \$ | 1,192,731.55 |
| Account Number: | 01914001-51700 | Trans In: | \$ | - |
| Amount: | \$410,500.00 | Trans Out: | \$ | 64,500.00 |
| Why are Funds Available: | <i>A surplus is anticipated in this account at year-end.</i> | | | |

Transfer From:

| | | | | |
|--------------------------|---|------------|----|--------------|
| Account Name | General Fund - Free Cash | YTD Bal: | \$ | 1,136,154.57 |
| Account Number: | 01-35910 | Trans In: | \$ | - |
| Amount: | \$136,855.96 | Trans Out: | \$ | 1,236,891.43 |
| Why are Funds Available: | <i>The Massachusetts Department of Revenue certified Free Cash for FY2015 at \$2,373,046. These funds are available for any legal expenditure with the approval of the Mayor and a majority vote of the City Council.</i> | | | |

Transfer From:

| | | | | |
|--------------------------|---|------------|----|-----------|
| Account Name | FEMA Reimb 2007 Rsv Appr | YTD Bal: | \$ | 23,367.67 |
| Account Number: | 01-35910 | Trans In: | \$ | - |
| Amount: | \$23,367.67 | Trans Out: | \$ | - |
| Why are Funds Available: | <i>A FEMA reimbursement from 2007 was placed into a special revenue account, which is available for any legal expenditure with the approval of the Mayor and a majority vote of the City Council.</i> | | | |

Transfer To:

| | | | | |
|-------------------------|--|------------|----------------|---|
| Account Name | Snow & Ice - Expenses | YTD Bal: | (\$622,488.73) | |
| Account Number: | 01423002-52901 | Trans In: | \$ | - |
| Amount: | \$570,723.63 | Trans Out: | \$ | - |
| Why are Funds Required: | <i>Snow and ice expenses are variable depending on winter weather conditions. Weather conditions during this past winter were severe and the amount appropriated for S/I Expenses was exceeded by \$622,488.73. State law allows communities to deficit spend in this category, however the deficit must be removed by fiscal year-end with available funds or raised in the following fiscal years.</i> | | | |

Donna D. Holaday, Mayor
Ethan R. Manning, Auditor
City Council Approval: (Stamp)

Donna D. Holaday
Ethan R. Manning

Date: 6/2/15
Date: 6/2/15



City of Newburyport

FY 2015

BUDGET TRANSFER REQUEST

Transfer #5
May 26, 2015

Department: Mayor's Office

Submitted by: Mayor Donna D. Holaday

Date Submitted: 6/2/2015

Transfer From:

| | | | |
|--------------------------|--|------------|---------------|
| Account Name | Rsv Appr Legal Settlements | YTD Bal: | \$ 134,772.44 |
| Account Number: | 2745-59600 | Trans In: | \$ - |
| Amount: | \$134,772.44 | Trans Out: | \$ 450,000.00 |
| Why are Funds Available: | <i>The Reserve for Appropriation Legal Settlements account is a special revenue account set up, in accordance with Massachusetts General Laws, to deposit legal settlements awarded to the City. These funds are available for any legal expenditure with the approval of the Mayor and a majority vote of the City Council.</i> | | |

Transfer To:

| | | | |
|-------------------------|--|------------|---------------|
| Account Name | Snow & Ice - Labor | YTD Bal: | (\$83,007.34) |
| Account Number: | 01423001-51301 | Trans In: | \$ - |
| Amount: | \$83,007.34 | Trans Out: | \$ - |
| Why are Funds Required: | <i>Snow and ice expenses are variable depending on winter weather conditions. Weather conditions during this past winter were severe and the amount appropriated for S/I Labor was exceeded by \$83,007.04. State law allows communities to deficit spend in this category, however the deficit must be removed by fiscal year-end with available funds or raised in the following fiscal years.</i> | | |

Transfer To:

| | | | |
|-------------------------|--|------------|----------------|
| Account Name | Snow & Ice - Expenses | YTD Bal: | (\$622,488.73) |
| Account Number: | 01423002-52901 | Trans In: | \$ - |
| Amount: | \$51,765.10 | Trans Out: | \$ - |
| Why are Funds Required: | <i>Snow and ice expenses are variable depending on winter weather conditions. Weather conditions during this past winter were severe and the amount appropriated for S/I Expenses was exceeded by \$605,153.13. State law allows communities to deficit spend in this category, however the deficit must be removed by fiscal year-end with available funds or raised in the following fiscal years.</i> | | |

Donna D. Holaday, Mayor
Ethan R. Manning, Auditor
City Council Approval: (Stamp)

Donna D. Holaday
Ethan R. Manning

Date:

Date:

6/2/15
6/2/15



City of Newburyport

FY 2015

BUDGET TRANSFER REQUEST

Transfer #6
May 26, 2015

2015 JUN -2 P 246

Department: Mayor's Office

Submitted by: Mayor Donna D. Holaday

Date Submitted: 6/2/2015

Transfer From:

| | | | |
|--------------------------|---|------------|-----------------|
| Account Name | General Fund - Free Cash | YTD Bal: | \$ 1,136,154.57 |
| Account Number: | 01-35910 | Trans In: | \$ - |
| Amount: | \$100,000.00 | Trans Out: | \$ 1,236,891.43 |
| Why are Funds Available: | <i>The Massachusetts Department of Revenue certified Free Cash for FY2015 at \$2,373,046. These funds are available for any legal expenditure with the approval of the Mayor and a majority vote of the City Council.</i> | | |

Transfer To:

| | | | |
|-------------------------|---|------------|----------------|
| Account Name | Senior/Community Center Project | YTD Bal: | \$2,959,343.72 |
| Account Number: | 4505-49700 | Trans In: | \$ - |
| Amount: | \$100,000.00 | Trans Out: | \$ - |
| Why are Funds Required: | <i>See explanatory memorandum from Mayor Holaday.</i> | | |

Donna D. Holaday, Mayor

Ethan R. Manning, Auditor

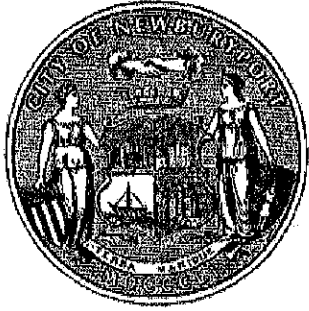
City Council Approval: (Stamp)

Donna D. Holaday
Ethan R. Manning

Date:

Date:

6/2/15
6/2/15



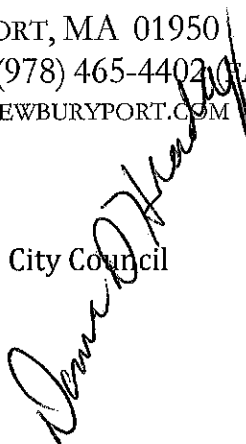
CITY OF NEWBURYPORT
OFFICE OF THE MAYOR
DONNA D. HOLADAY
60 PLEASANT STREET • P.O. BOX 550
NEWBURYPORT, MA 01950
(978) 465-4413 • (978) 465-4402 (FAX)
WWW.CITYOFNEWBURYPORT.COM

TO: President and Members of the City Council

FROM: Mayor Donna D. Holaday

DATE: June 1, 2015

RE: Transfer for Senior Community Center Project



We are writing to respectfully request the City Council to authorize a transfer of \$100,000 from Free Cash to the Senior Community Center capital account in order to fully cover the projected costs of the project. Construction is scheduled to be substantially completed this September 2015.

In the spring of 2012, the community voted to approve \$6.5 million for the design and construction of the project. Soft costs for design, permitting, project management, and construction oversight have been about \$840,000, approximately 12% of the total project cost. However, when the project was advertised for construction two years later in 2014, the lowest bid came in \$450,000 over the professional itemized cost estimate due primarily to higher than expected sub-bid prices for various trades. The City had sufficient funding to contract with a very capable general contractor and initiate the project, but not enough to cover the projected cost of furnishings, construction contingency for projected change orders, testing, etc.

A fund-raising committee was formed and a very successful fund-raising campaign has been implemented that has resulted in pledges of approximately \$280,000 and \$130,000 received in hand to date. At the same time, the City has worked with the contractor to delete and credit various items and to hold change orders to a minimum (approximately 2-3%). Consequently, we have been able to reduce the funding gap. However, there is still a financial gap and there are 3-4 months of construction remaining as well as the need to bid out the furnishings this summer to coincide with the completion of the new facility in the fall. We therefore respectfully request the transfer of \$100,000 to fully cover the projected expenses of this much anticipated facility. Thank you for your consideration.



City of Newburyport

FY 2015

BUDGET TRANSFER REQUEST

2015 JUN -2 P 2:45

Department: Mayor's Office

Submitted by: Mayor Donna D. Holaday

Date Submitted: 6/2/2015

Transfer From:

| | | | |
|--------------------------|---|------------|-----------------|
| Account Name | General Fund - Free Cash | YTD Bal: | \$ 1,136,154.57 |
| Account Number: | 01-35910 | Trans In: | \$ - |
| Amount: | \$150,000.00 | Trans Out: | \$ 1,236,891.43 |
| Why are Funds Available: | <i>The Massachusetts Department of Revenue certified Free Cash for FY2015 at \$2,373,046. These funds are available for any legal expenditure with the approval of the Mayor and a majority vote of the City Council.</i> | | |

Transfer To:

| | | | |
|-------------------------|---|------------|--------|
| Account Name | Culvert Capital Project | YTD Bal: | \$0.00 |
| Account Number: | New Account | Trans In: | \$ - |
| Amount: | \$150,000.00 | Trans Out: | \$ - |
| Why are Funds Required: | <i>See explanatory memorandum from Mayor Holaday.</i> | | |

Donna D. Holaday, Mayor
Ethan R. Manning, Auditor
City Council Approval: (Stamp)

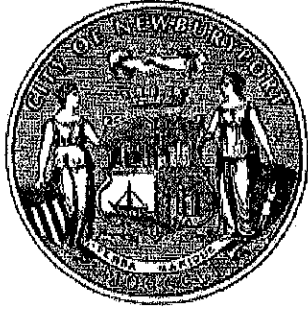
Donna D. Holaday
Ethan R. Manning

Date:

Date:

6/2/15

6/2/15



CITY OF NEWBURYPORT
OFFICE OF THE MAYOR
DONNA D. HOLADAY

60 PLEASANT STREET • P.O. BOX 550
NEWBURYPORT, MA 01950
(978) 465-4413 • (978) 465-4402 (FAX)
WWW.CITYOFNEWBURYPORT.COM

TO: President and Members of the City Council
FROM: Mayor Donna D. Holaday
DATE: June 1, 2015
RE: Transfer for culvert project

The City was informed in August 2014 by the new owner of the former Davis Electric Building property that a brick culvert runs through his property and under his building. He purchased the property to develop it into the "Ale House," which has recently been approved by the Planning Board and other local and State permitting authorities. The owner uncovered this culvert when he was doing his own exploratory digging in preparation of designing his foundation. I immediately directed the DPS to survey the culvert and determine its location and its purpose.

The DPS Engineering Department performed a thorough survey – size, location, depth, photos, and video recordings from the manhole near the Black Cow all the way past Merrimac Street and into Green Street. They determined that it does, in fact, collect roadway runoff from both Green and Merrimac Streets and discharges to an outfall at the boat ramp next to the Black Cow (see attached). It not only runs under the old Davis Electric Building but also runs under the Brown's Wharf Building (Port City Sandwich, etc.) and the adjacent Hudson Building (Chamber of Commerce, etc.).

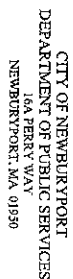
DPS hired John O'Connell, Registered Structural Engineer, to assist in this effort. They looked at the culvert's condition under all three buildings and determined that it needs to be repaired or replaced soon. The condition of the culvert beneath the Brown's Wharf and Hudson Buildings is in poor condition. The culvert under those two buildings collapsed decades ago and was repaired in one location using corrugated metal arch pipe (CMP) and in another location spanning the culvert with timber planks to act as a ceiling. The CMP and timber planks are now corroded and rotted.

We looked at various options – slip-lining; inserting a smaller pipe within the culvert; re-pointing and structurally repairing the culvert; and relocating it outside the footprints of the buildings. We determined that relocating it is clearly the only sensible option:

1. Slip-lining is impossible with so many different materials and irregular shapes (CMP arch, timber plank ceiling, deformed brick cross-section, etc.).
2. Inserting a smaller pipe is virtually impossible from a constructability standpoint and would not make the situation much safer.
3. Re-pointing the brick culvert and repairing it structurally in-place does not address what to do with the CMP arch pipe nor timber plank ceiling. Repairing the CMP and timbers is impractical due to their condition. They need to be replaced.

Relocating the culvert and filling the existing culvert with concrete will cost the least to the City and reduce our risk. (See attached relocation and abandonment Plans.) We looked at relocating only a portion of it around the Ale House in order to spread out the total relocation costs over multiple fiscal years and to help expedite the construction of the Ale House but we do not suggest doing so. Constructing it in sections will cost the City tens of thousands more because of the extra work involved. It makes the most sense to relocate the entire culvert under one construction project to save the most money. A construction cost estimate is still being prepared pending the results of an environmental soils analysis by GZA.

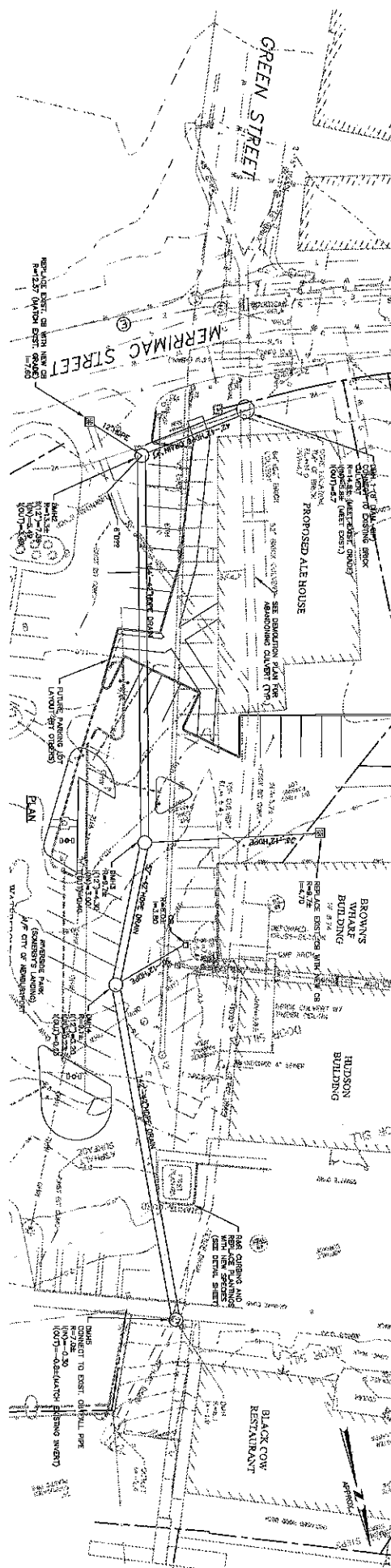
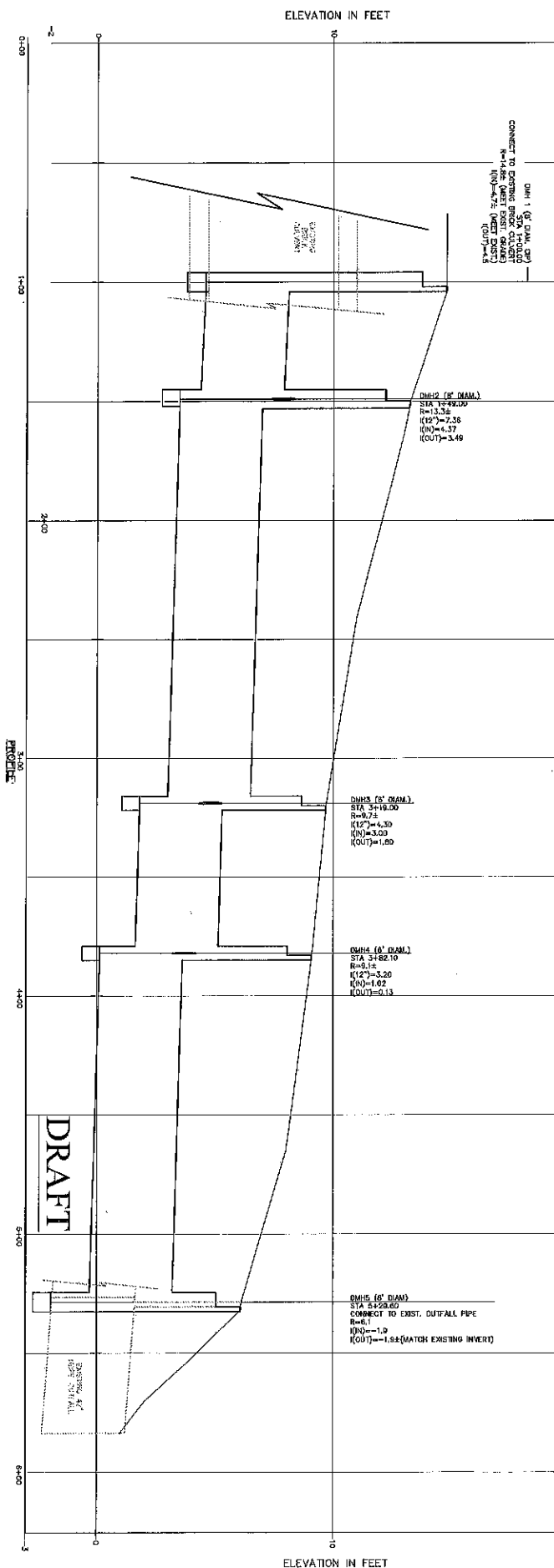
We will continue to work with the owners to assist us financially in this work.

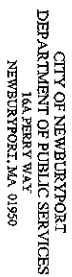


SCALE:
1" = 20' HORIZ.
1" = 2' VERT.

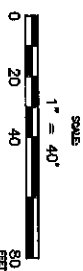
BROWN'S WHARF DRAIN LINE RELOCATION
DRAINAGE PLAN & PROFILE

Sheet No. 2 of 2





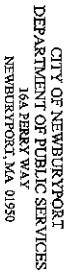
| | | |
|-------------------------|---------------------------|----------------------------|
| Designed By: M. PATE | Checked By: A.E. WHITE | Dated: JANUARY 25, 2015 |
|-------------------------|---------------------------|----------------------------|



**ALE HOUSE BREWERY DRAINAGE
CULVERT RELOCATION
CONCEPTUAL LAYOUT - OPTION 3**

Sheet No.
4 of 4
C-4

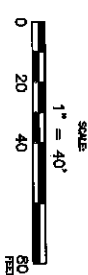


[illegible]

100

bioRxiv preprint doi: <https://doi.org/10.1101/000000>; this version posted January 1, 2016. The copyright holder for this preprint (which was not certified by peer review) is the author/funder, who has granted bioRxiv a license to display the preprint in perpetuity. It is made available under aCC-BY-NC-ND 4.0 International license.

| | |
|-------------|------------|
| Designed By | M. PERE |
| Directed By | J.C. WHITE |
| Date | |



**ALE HOUSE BREWERY DRAINAGE
CULVERT RELOCATION
CONCEPTUAL LAYOUT - OPTION 1**

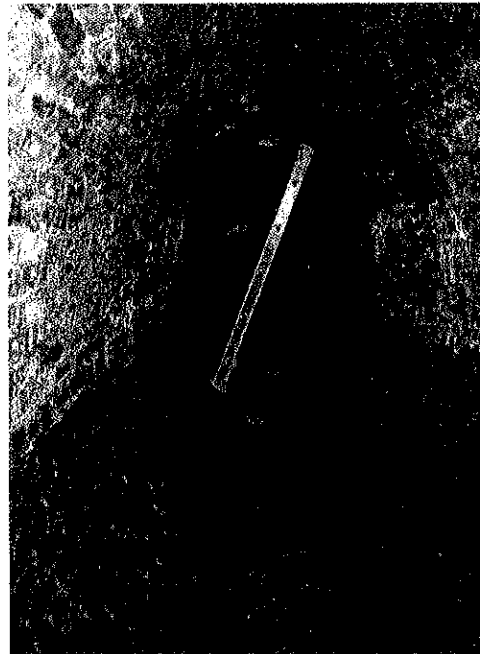
2 of 4
C-2



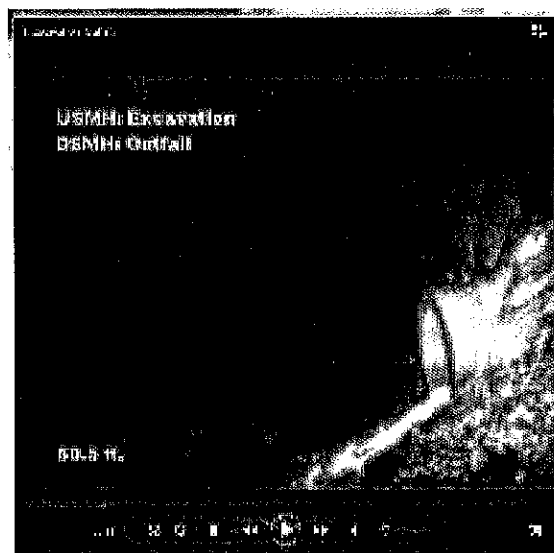
**FROM EXCAVATION PIT IN FRONT OF OLD DAVIS ELECTRIC BLDG.
ON MERRIMAC ST. TO THE OUTFALL**



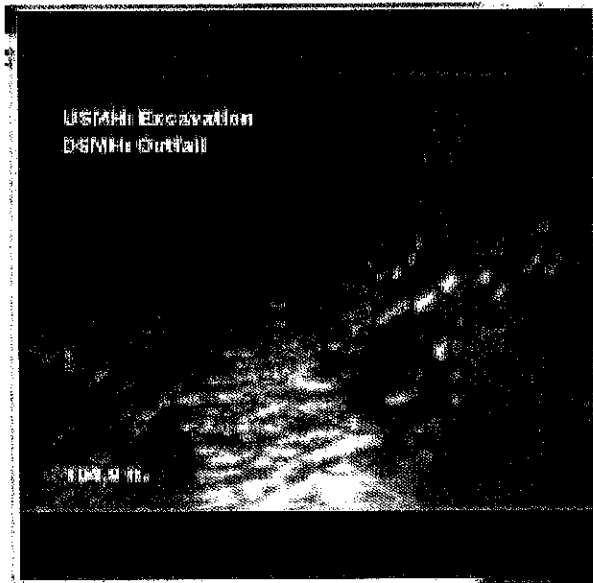
MERRIMAC ST. TO THE LEFT



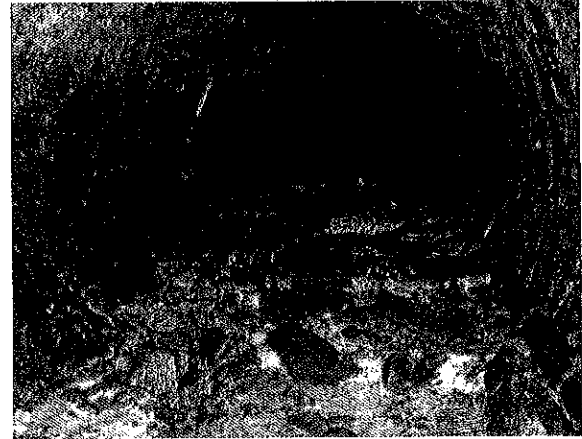
DOWNSTREAM OF ENTRY LOOKING
UPSTREAM TOWARDS MERRIMAC ST.



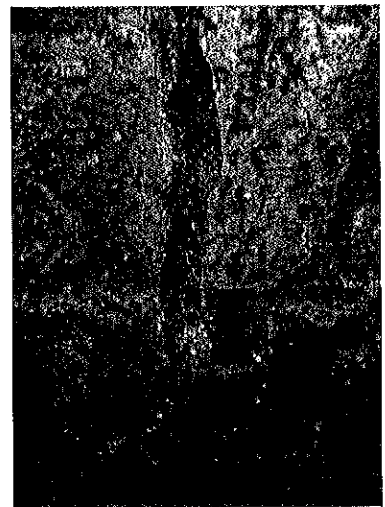
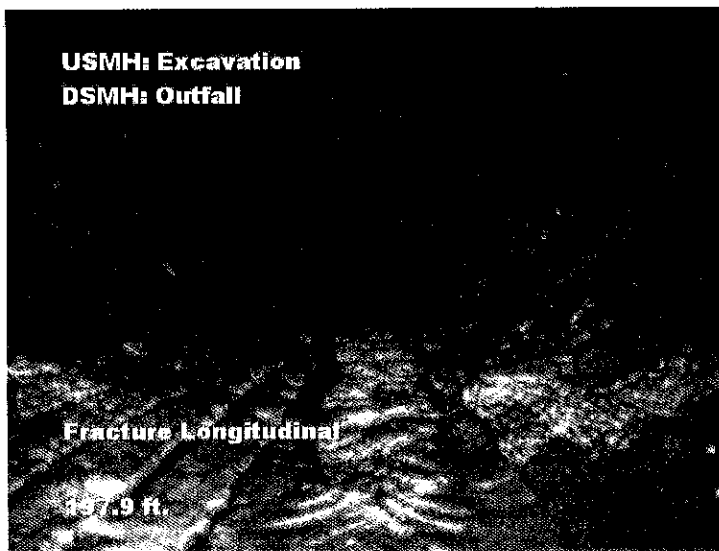
TAKEN AT 60' SHOWING 10'+- INLET DRAIN
[taken 9-2-2014 by Inland Waters]



TAKEN AT 105' SHOWING 36" BRICK
CULVERT CONNECTION ON RIGHT
[taken 9-2-2014 by Inland Waters]

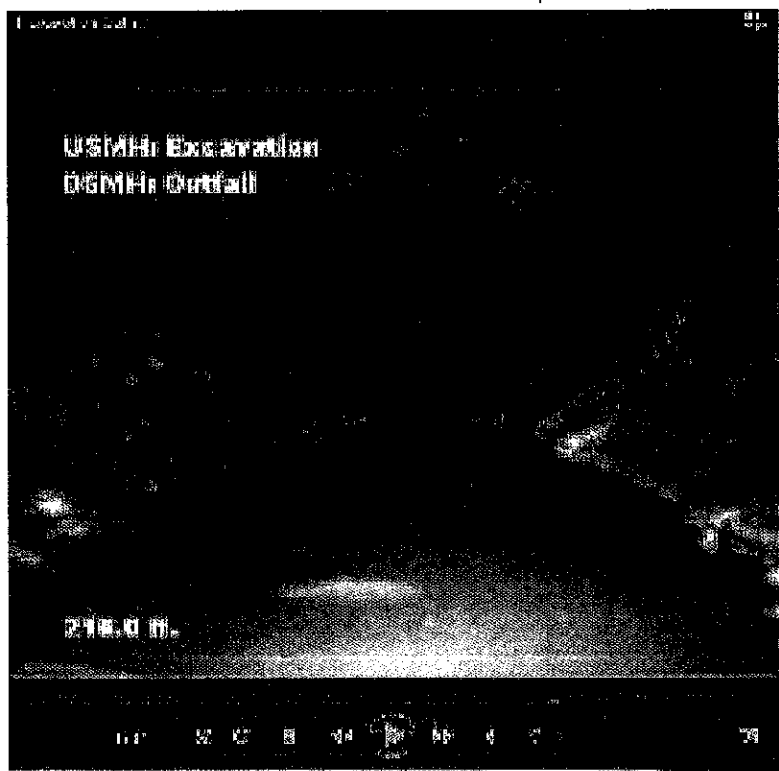


LOOKING UP 36" BRICK CULVERT

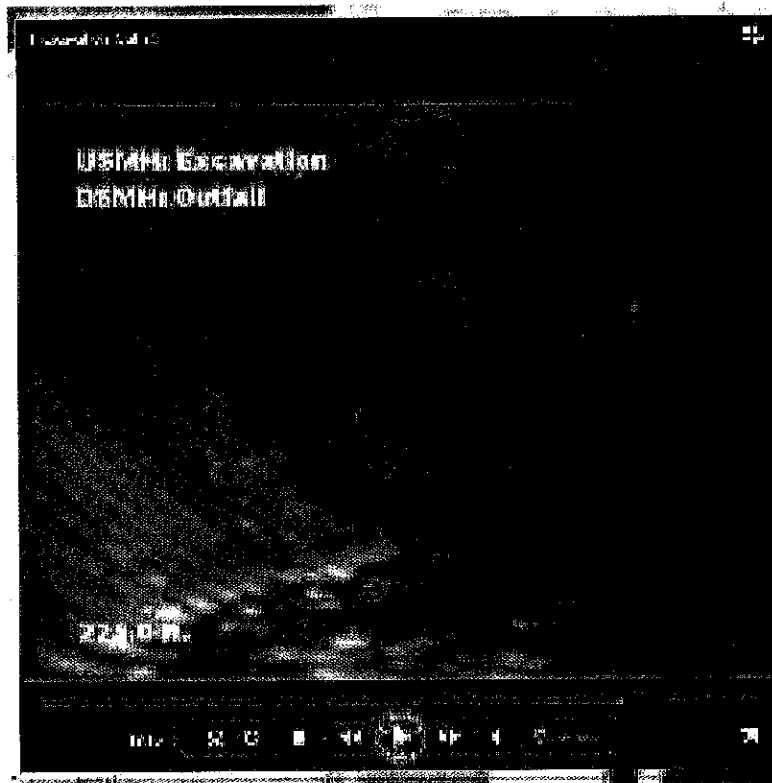




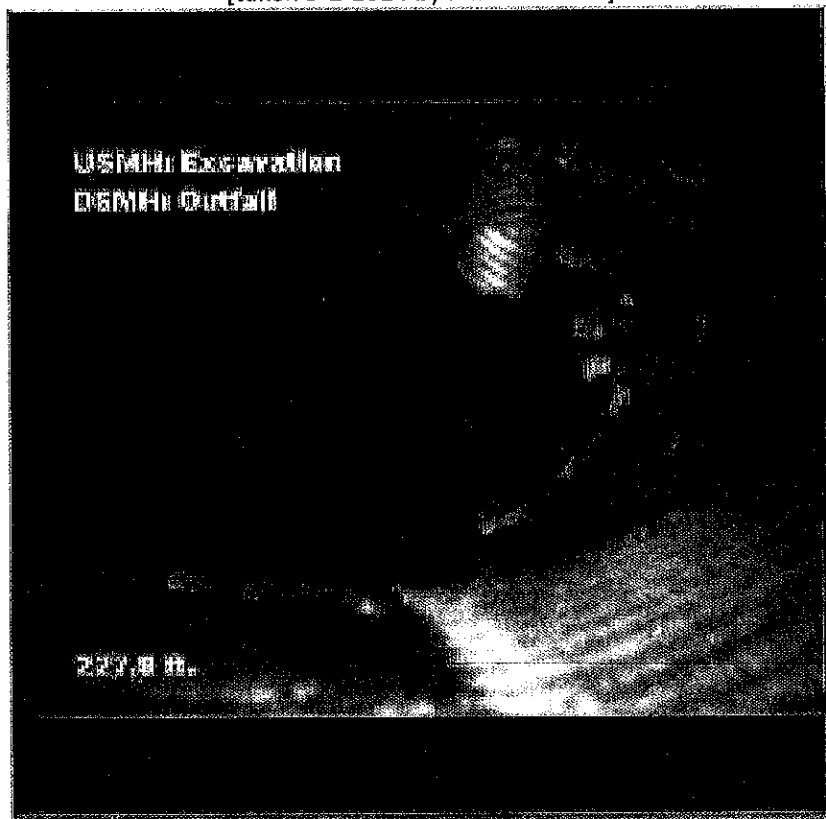
UNKNOWN LOCATION BUT GENERALLY
WHERE IT STARTS TO FLATTEN OUT
(APPROACHING THE 200-FOOT MARK)

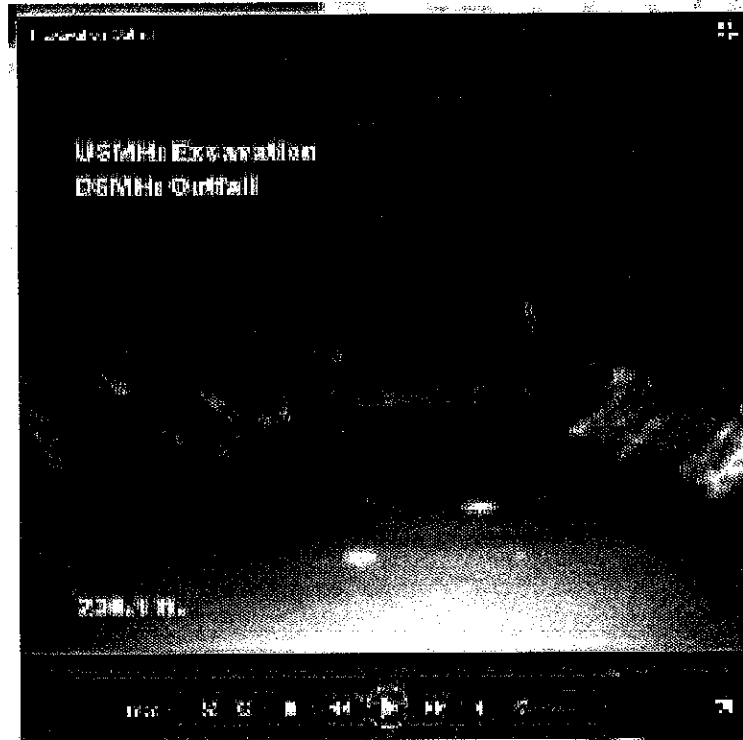


IN THE DEFORMED SECTION LOOKING AHEAD AT THE CMP ARCH SECTION
[taken 9-2-2014 by Inland Waters]

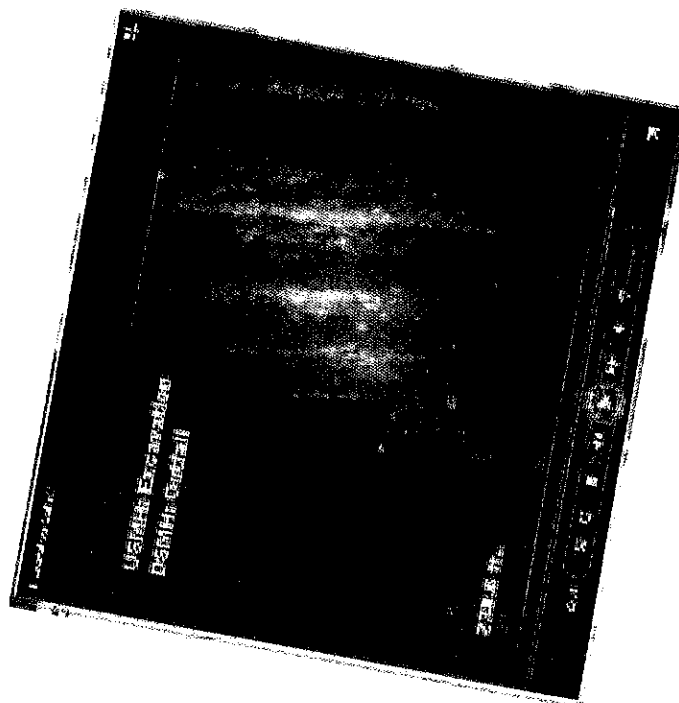


IN THE CMP ARCH SECTION LOOKING AT THE CMP PIPE FROM CATCH BASIN IN FRONT OF PORT SANDWICH.
NOTICE TIMBER CEILING SECTION BEYOND.
[taken 9-2-2014 by Inland Waters]

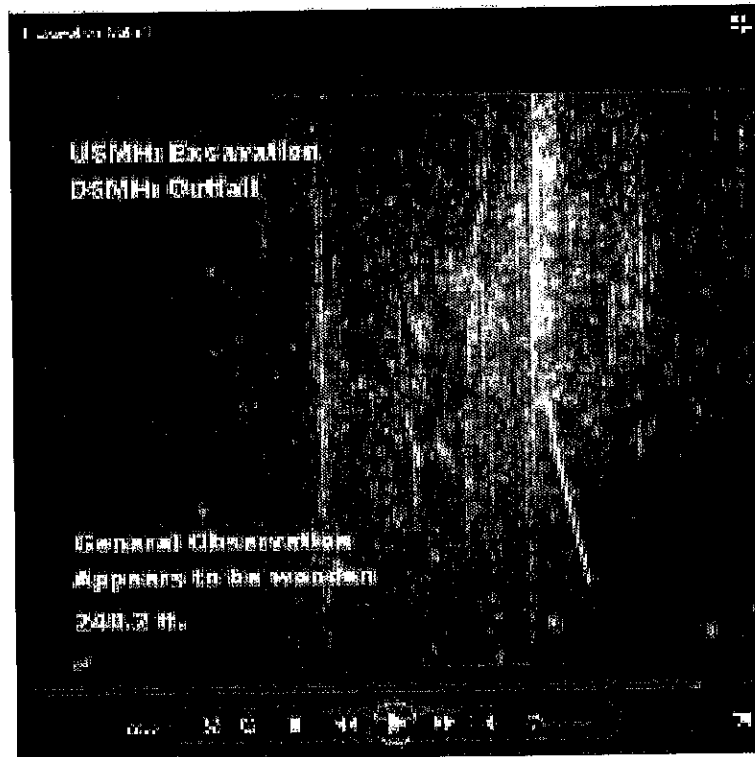




JUST PAST THE CMP ARCH SECTION LOOKING AT THE TIMBER CEILING SECTION
[taken 9-2-2014 by Inland Waters]

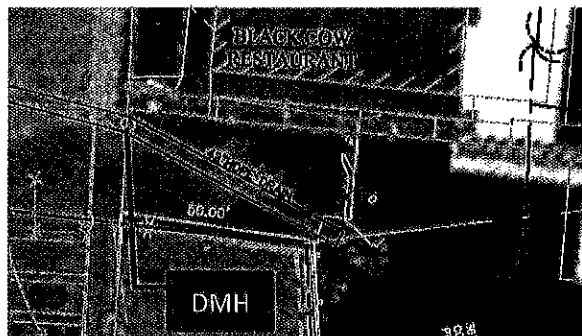


LOOKING AT TIMBER CEILING WITH CAMERA ROTATED.
NOTICE CLEAN PLACEMENT OF TIMBERS ON CULVERT SIDEWALL
[taken 9-2-2014 by Inland Waters]



LOOKING AT TIMBER CEILING
[taken 9-2-2014 by Inland Waters]

FROM MANHOLE AT BLACK COW VIDEOTAPING UPSTREAM



DMH LOCATION AT TOP OF BOAT RAMP NEXT TO BLACK COW



VIEW LOOKING UPSTREAM AT 83'



LOOKING TOWARDS MERRIMAC STREET, TAKEN 96' FROM BLACK COW MANHOLE

[taken 10-27-2011 by Inland Waters]

LOOKING AHEAD AT UNKNOWN SMALL (2\"/>



2"±- SERVICE CONNECTION
[taken 10-27-2011 by Inland Waters]

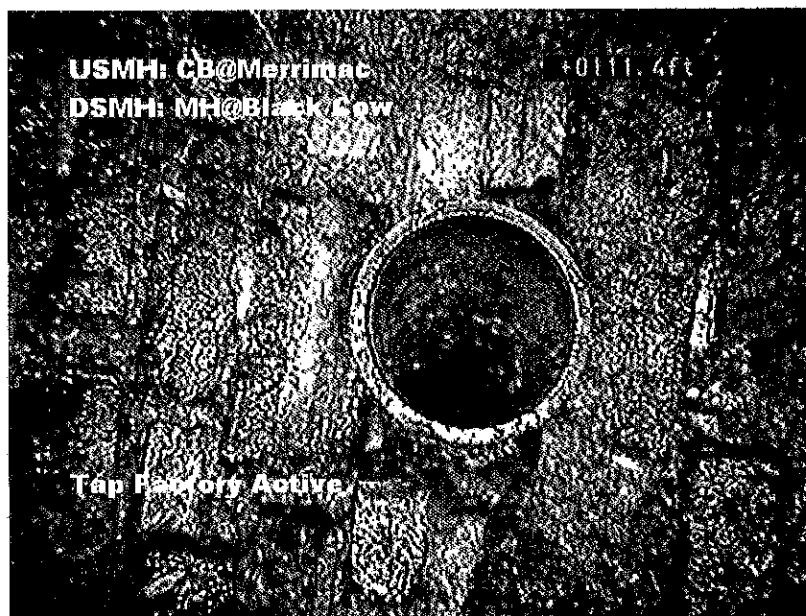


SNAPSHOT TAKEN AT 99' FROM MANHOLE.
[taken 10-27-2011 by Inland Waters]

CULVERT CHANGES FROM RCP TO BRICK AT 110' FROM MANHOLE.
ALSO LOOKING AT 2"±- AND 4" SERVICE CONNECTIONS IN THE CROWN OF PIPE.



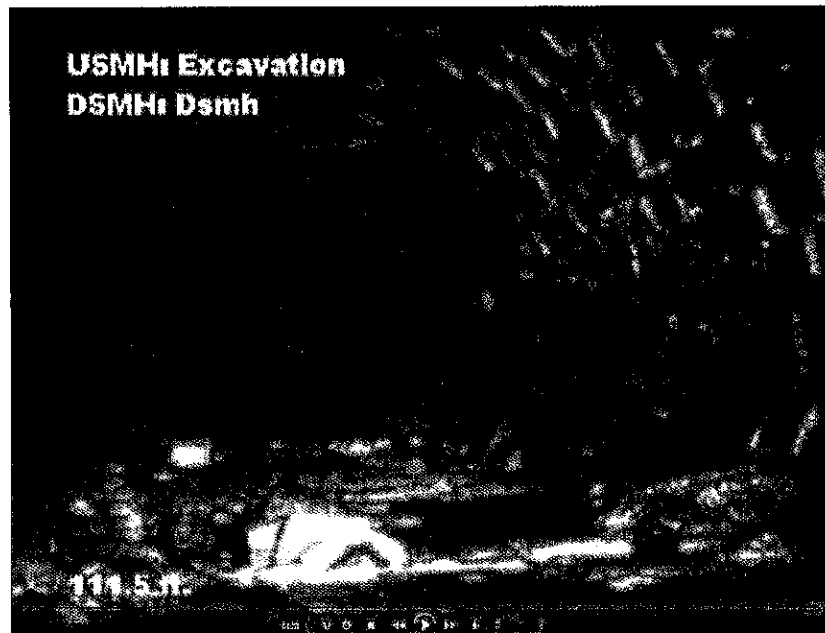
4" SERVICE CONNECTION AND CULVERT MATERIAL CHANGE BEYOND
[taken 10-27-2011 by Inland Waters]



4" SERVICE CONNECTION
[taken 10-27-2011 by Inland Waters]



THIS CONCRETE SLAB WAS LIKELY POURED OVER THE TIMBER PLANKS THAT WERE PLACED ON TOP OF THE COLLAPSED CULVERT DECADES AGO. SEE PICS BELOW.



112' UP FROM DMH
[taken 9-2-2014 by Inland Waters]

YOU CAN SEE AHEAD WHERE THE TOP OF THE BRICK CULVERT CHANGES TO A FLAT CEILING.
THEY ARE LIKELY TIMBER PLANKS PLACED ON TOP OF THE CULVERT AFTER IT COLLAPSED DECADES AGO.
THE PLANKS ACTED AS FORMS FOR THE CONCRETE POUR THAT IS NOW USED AS PARKING.

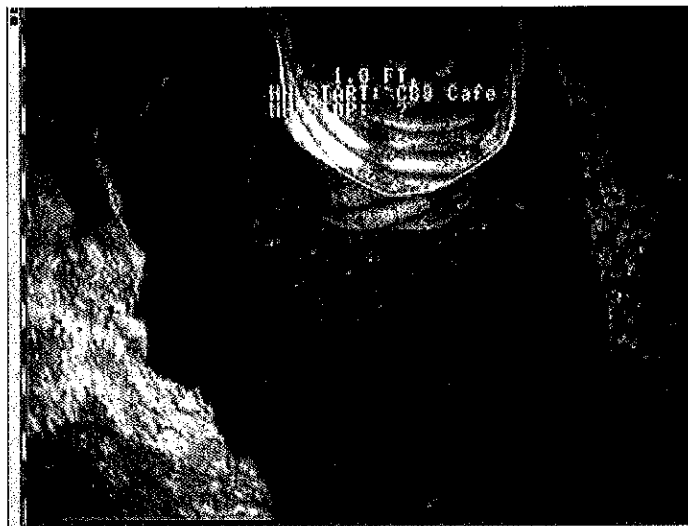
FROM CATCH BASIN IN FRONT OF PORT CITY SANDWICH



SNAPSHOT INSIDE CATCH BASIN OUTLET PIPE LOOKING TOWARDS PORT CITY SANDWICH.
YOU'RE LOOKING AT THE CMP BEND AT THE END OF THIS OUTLET PIPE.
[taken 7-8-2011 by Inland Waters]

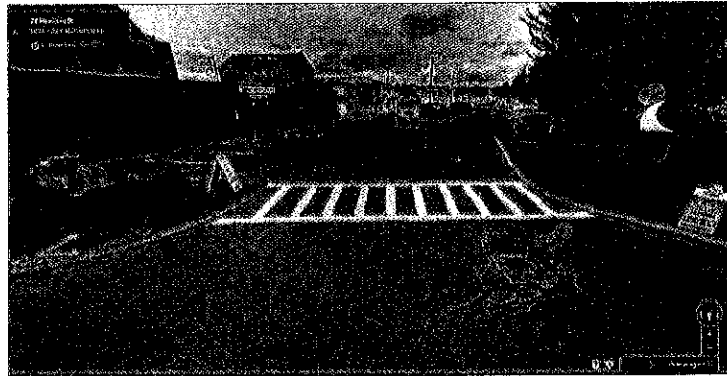


SNAPSHOT OF CMP BEND CONNECTING THE CATCH BASIN OUTLET PIPE INTO THE BRICK CULVERT.
CMP IS A 90-DEGREE BEND DOWN INTO THE BRICK CULVERT.
AS YOU CAN SEE, THE OUTLET PIPE AND ITS CONNECTION TO THE CMP BEND IS COMPLETELY GONE.
[taken 7-8-2011 by Inland Waters]



CLOSEUP SHOT OF HUGE GAP AROUND CMP BEND.
[taken 7-8-2011 by Inland Waters]

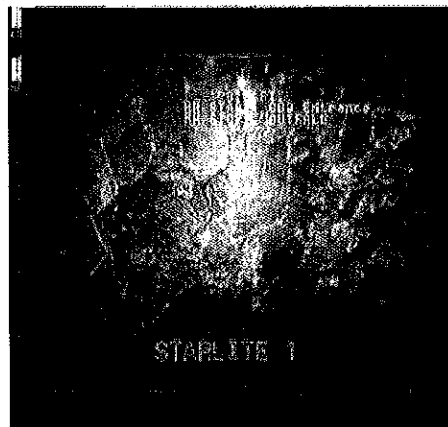
FROM CATCH BASIN IN AT WATERFRONT PARK DRIVEWAY ENTRANCE



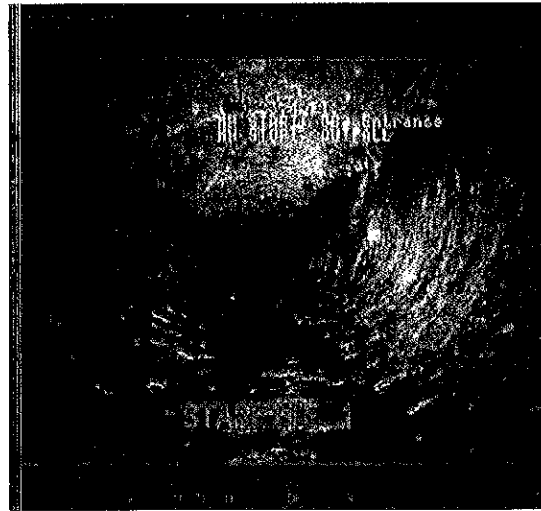
ACCESS POINT FOR SNAPSHOTS BELOW:
CATCH BASIN AT WATERFRONT PARK DRIVEWAY ENTRANCE



CAMERA IN CULVERT AT BASE OF CATCH BASIN, LOOKING TOWARDS THE RIVER.
THE BRICK AND STONES BEHIND BRICK IS ESSENTIALLY THE CATCH BASIN – CULVERT TO THE LEFT, BASIN TO
THE RIGHT – LARGE VOIDS FROM WASHOUT.



SECTION OF BRICK LOSS AND VOIDS.



AT 31' IN, PIPE TO THE RIGHT. NOTICE THE MAIN CULVERT VEERING LEFT UP AHEAD IN THE PIC.



CROWN (CEILING) OF CULVERT ABOUT TO COLLAPSE.



City of Newburyport

FY 2015

BUDGET TRANSFER REQUEST

Transfer #8
May 26, 2015

MS 11-2 P 2015

Department: DPS - WATER

Submitted by: Anthony Furnari, Director

Date Submitted: 6/2/2015

Transfer From:

| | | | |
|--------------------------|---|------------|-----------------|
| Account Name | WATER RETAINED EARNINGS | YTD Bal: | \$ 1,117,312.00 |
| Account Number: | 60-35920 | Trans In: | \$ - |
| Amount: | \$450,000.00 | Trans Out: | \$ - |
| Why are Funds Available: | <i>The Massachusetts Department of Revenue certified Retained Earnings for the Water Enterprise Fund at \$1,117,312 for FY2015. These funds are available for any legal expenditure with the approval of the Mayor and a majority vote of the City Council.</i> | | |

Transfer To:

| | | | |
|-------------------------|--|------------|------|
| Account Name | FY16 BUDGET RESERVE | YTD Bal: | \$ - |
| Account Number: | 60-32801 | Trans In: | \$ - |
| Amount: | \$450,000.00 | Trans Out: | \$ - |
| Why are Funds Required: | <i>A transfer of \$ 450,000 is requested from Water Enterprise Fund Retained Earnings to fund the FY2016 Water Enterprise Fund Budget. This appropriation will assist the Water/Sewer Commission in mitigating rate increases, which would be necessary to pass on to the ratepayers to service the debt related to the capital improvements at the Water Treatment Plant.</i> | | |

Donna D Holaday, Mayor
Ethan R. Manning, Auditor
City Council Approval: (Stamp)

Donna D Holaday
Ethan R Manning

Date:

Date:

6/2/15
6/2/15



CITY OF NEWBURYPORT
OFFICE OF THE MAYOR
DONNA D. HOLADAY, MAYOR

60 PLEASANT STREET - P.O. BOX 550
NEWBURYPORT, MA 01950
978-465-4413 PHONE
978-465-4402 FAX

To: President and Members of the City Council
From: Donna D. Holaday, Mayor
Date: June 2, 2015
Re: Water/Sewer Budget Reserve Transfers

In March of 2009 and August of 2010, the City Council voted favorably to authorize the issuance of debt, which would allow the City to embark on two major rehabilitation projects impacting our sewer and water systems. Given the age and condition of the Wastewater Treatment Facility and Water Treatment Plant, we knew the projects were not going to be easy, or inexpensive, but we did know that, in order to protect Newburyport's water and sewer system, the work had to be done and it had to be done right.

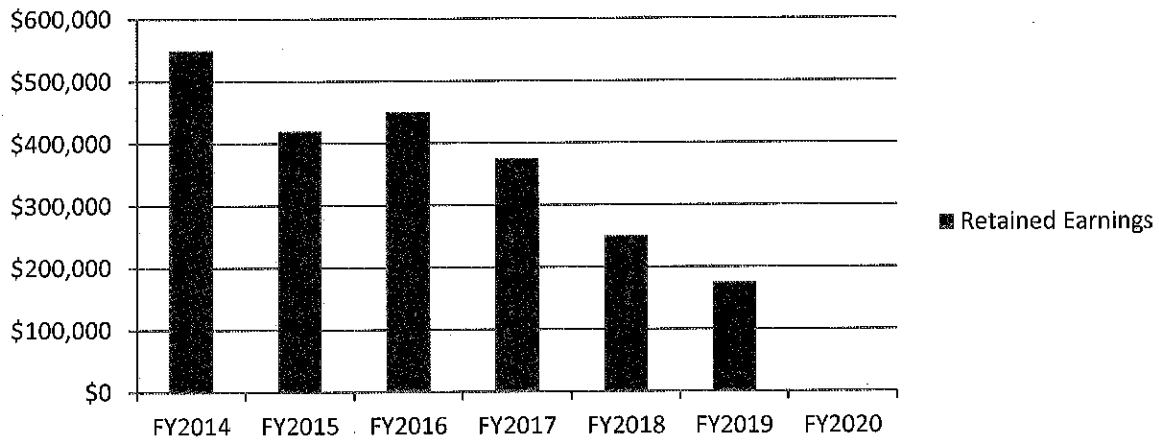
The FY2016 budgets for the Water and Sewer Enterprise Funds show total debt principle and interest of \$1,844,632 and \$2,256,436 respectively. Since 2014, the Water and Sewer Undesignated Fund Account has appropriated reserves to stabilize the Water and Sewer rate increases. As such, the purpose of the attached transfers is to mitigate the impact of rising debt service costs on ratepayers in the next fiscal year.

For water, the Water Commission recommends reserving \$450,000 in retained earnings for the purpose of stabilizing rates. For the typical household, instead of seeing a \$64 rise in water costs for next year, they will instead see an increase of \$16, or 3.6% from current rates. You may recall that Russell Consulting originally showed a total increase of \$88 per year for the typical household to fund the WTP Project.

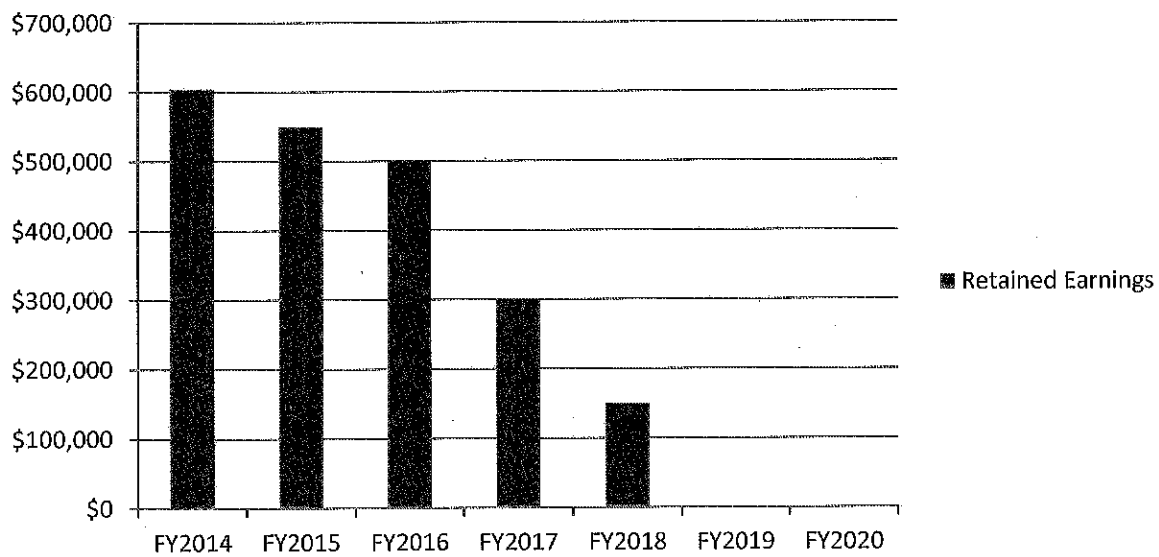
For sewer, the Sewer Commission recommends reserving \$500,000 in retained earnings for the purpose of stabilizing rates. For the typical household, instead of seeing an \$84.00 rise in sewer costs for next year, they will instead see an increase of \$26 or 4% from current rates. You may recall that Weston & Sampson originally projected a total increase \$153 per year to fund the WWTF Project.

I thank you for taking the time to review the attached information.

Water Retained Earnings used for Rate Stabilization



Sewer Retained Earnings Used for Rate Stabilization





Transfer #9
May 26, 2015

City of Newburyport
FY 2015
BUDGET TRANSFER REQUEST

2015 JUN -2 P 2:05

Department: DPS - SEWER

Submitted by: Anthony Furnari, Director

Date Submitted: 6/2/2015

Transfer From:

| | | | |
|--------------------------|---|------------|-----------------|
| Account Name | SEWER RETAINED EARNINGS | YTD Bal: | \$ 1,591,334.00 |
| Account Number: | 61-35920 | Trans In: | \$ - |
| Amount: | \$500,000.00 | Trans Out: | \$ 346,798.00 |
| Why are Funds Available: | <u>The Massachusetts Department of Revenue certified Retained Earnings for the Sewer Enterprise Fund at \$1,938,132 for FY2015. These funds are available for any legal expenditure with the approval of the Mayor and a majority vote of the City Council.</u> | | |

Transfer To:

| | | | |
|-------------------------|---|------------|------|
| Account Name | FY16 BUDGET RESERVE | YTD Bal: | \$ - |
| Account Number: | 61-32801 | Trans In: | \$ - |
| Amount: | \$500,000.00 | Trans Out: | \$ - |
| Why are Funds Required: | <u>A transfer of \$500,000 is requested from Sewer Enterprise Fund Retained Earnings to fund the FY2016 Sewer Enterprise Fund Budget. This appropriation will assist the Water/Sewer Commission in mitigating rate increases, which would be necessary to pass on to the ratepayers to service the debt related to the capital improvements at the Wastewater Treatment Facility.</u> | | |

Donna D Holaday, Mayor
Ethan R. Manning, Auditor
City Council Approval: (Stamp)

Donna D Holaday
Ethan R Manning

Date:

Date:

6/2/15

6/2/15

COMMUNICATIONS



Communication #1
May 26, 2015

RECEIVED
CITY OFFICE
MAY 26 2015

Newburyport Firefighters Local 827
International Association of Firefighters

2015 MAY 26 P 1:45

0 Greenleaf Street
Newburyport, MA 01950

To: Newburyport City Council

May 26, 2015

The Newburyport firefighters would like to ask permission to hold it's annual Fill-The-Boot Drive for the Muscular Dystrophy Association during the 2015 Yankee Homecoming Celebration. The location will be Market Square on Thur July 30, Friday July 31, and Sat Aug 1, All proceeds collected go directly to MDA. Thank you for your continued support.

Firefighter Michael Kent

MDA Chairman

Contact Info: Newburyport Fire Dept : 978-465-4427

Michael Kent: 978-360-1361

RECEIVED
CITY CLERK'S OFFICE
NEWBURYPORT, MA

2015 MAY 20 PM 1:17

SPECIAL EVENT APPLICATION

SPECIAL EVENTS

Tel. Fax.

(For Parades, Road Races and Walkathons Only - Please complete reverse side of this application)

NAME OF EVENT: YANKEE HOMECOMING RACE

1. Date: JULY 28 2015 Time: from 6 PM to 8:45 PM
Rain Date: _____ Time: from _____ to _____

2. Location: NEWBURYPORT HIGH SCHOOL

3. Description of Property: HIGH SCHOOL Public _____ Private _____

4. Name of Organizer: NEWBURYPORT LIONS CLUB City Sponsored Event: Yes _____ No NO

Contact JONATHAN K PEARSON 43 MOULTON ST, NEWBURYPORT Person: _____
Address: _____ Telephone: _____

E-Mail: YANKEESEACOAST@COMCAST.NET Cell Phone: 978 376 5328/462 2203

Day of Event Contact & Phone: Jonathan Pearson 978 376 5328

5. Number of Attendees Expected: 3000

6. MA Tax Number: 51 0230124

7. Is the Event Being Advertised? _____ Where? Internet

8. What Age Group is the Event Targeted to? Family

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

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

A. Vending: Food NA Beverages NA Alcohol NO Goods _____ Total # of Vendors 5

B. Entertainment: (Subject to City's Noise Ordinance.) Live Music NO DJ NO Radio/CD NO
Performers NO Dancing N Amplified Sound YES Stage NO

C. Games /Rides: Adult Rides NA Kiddie Rides NA Games NA Raffle NO
Other _____ Total # _____

Name of Carnival Operator: NA

Address: _____

Telephone: _____

D. Clean Up: # of additional trash receptacles required _____ # of additional recycling receptacles required _____

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

36 Standard # 1 ADA accessible

FOR PARADE, ROAD RACE AND WALKATHON EVENTS ONLY

PARADE _____ ROAD RACE XX WALKATHON _____

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

1 YANKEE HOMECOMING RACE SPONSERED BY INSTITUTION FOR SAVINGS

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

Jonathan Pearson. 43 Moulton Street Newburyport MA 1 978 462 2203

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

DON CAREY 1 LISA CIRCLE MERRIMAC MA. 978 384 8538

4. Date of Event: JULY 28, 2015 Expected Number of Participants: 3000

5. Start Time: 6 PM Expected End Time: 8:45 PM

6. Road Race, Parade or Walkathon Route: (List street names & attach map of route): See map on pg. 5
High St to Marlboro to left on to Water St along to Merrimac St. Left on to spofford St. Right
onto Pine Hill, left on to Hallsey. right on to Whitcomb, left onto Storey Ave, right onto High School.

7. Locations of Water Stops (if any): Water stops see map pg 5 FIVE

8. Will Detours for Motor Vehicles Be Required? no If so, where? _____

9. Formation Location & Time for Participants: _____

10. Dismissal Location & Time for Participants: NA

11. Additional Parade Information:

• Number of Floats: N/A

• Locations of Viewing Stations: N/A

• Are Weapons Being Carried: NA Yes _____ No _____

• Are Marshalls Being Assigned to Keep Parade Moving: Yes NA No _____

APPROVAL SIGNATURES REQUIRED FOR STREET CLOSURE

CITY MARSHAL

4 Green Street

FIRE CHIEF

Greenleaf Street

DEPUTY DIRECTOR

1 Perry Way

CITY CLERK

60 Pleasant St.

Deputy Mayor 5/26/15
APRIL MERRIMAC DPS DIRECTOR

993

m

DEPARTMENT APPROVAL (For Committee members use only):

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

Approval
Required

Date: _____ Signature: _____

- | | | | |
|-------|-----|--|------------------------------|
| _____ | 1. | Special Events: _____ | |
| _____ | 2. | Police: _____ | |
| | | Is Police Detail Required: _____ | # of Details Assigned: _____ |
| _____ | 3. | Traffic, Parking & Transportation: _____ | |
| _____ | 4. | ISD/Health: _____ | |
| _____ | 5. | ISD/Building: _____ | |
| _____ | 6. | Electrical: _____ | |
| _____ | 7. | Fire: _____ | |
| | | Is Fire Detail Required: _____ | # of Details Assigned: _____ |
| _____ | 8. | Public Works: _____ | |
| _____ | 9. | Recreation Department: _____ | |
| _____ | 10. | License Commission: _____ | |

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

Limitations

- (a) *"Procedure"* All road racing, walkathon, bicycle, or swimming events shall, through that event's organizer, board of directors, charity foundation or designee apply for authorization to hold the event through the Office of the City Clerk. The City Clerk upon review of the completed form will place the application on the regular City Council agenda. Upon following the procedures of the Council, as deemed appropriated in the sole judgment of the Council, the application will be considered approved if the Council votes favorably by majority. The event will name one person responsible on the application and shall provide contact information to include name, address and telephone number.
- (b) *"Exemptions"* Each event organizer or organization shall comply with this ordinance and no exemptions will be permitted.
- (c) *"Course map"*, All applications shall be accompanied by a course map showing the event route, water stops, refreshment stops, and so-called "porta-potties". The course map shall also include any road closures, detours and parking areas. The course map shall be approved by Police, Fire, Department of Public Services, Parks Commission and Harbormasters Departments prior to submission to the City Clerk.
- (d) *"Electronic Amplifier"* Electronic amplifiers, loudspeakers and bullhorn use shall be requested at time of application. Under no circumstances will they be used for public address announcements or music before 8:00 A.M. except for Sundays when electronic amplifiers, loud speakers or bullhorns will be used for public address announcements or music before 9:00 AM. This shall be deemed a requirement for all permitted events regardless of type or location.
- (e) *"Road Closure"* No ways, public or private, boat ramps or parking lots controlled or patrolled by the city shall be closed without authorization. Authorization shall be considered granted only if said closure(s) are contained in the approved permit. It is the sole responsibility of the race organizers to notify residents ten (10) days in advance that neighborhood roads will be closed if no alternate route is available to those residents.

- 294
- (f) *"Insurance"* All events shall have an insurance policy or rider in effect for the event naming the "City of Newburyport" as an insured. The policy shall be no less than two million dollars (\$2,000,000.00).
 - (g) *"Event termination"* If in the judgment of the City Marshal, Fire Chief or Department of Public Services (DPS) Director or designees thereof determine that an event is unsafe due to existing conditions, that event may be stopped, terminated or suspended. In the case of a multidiscipline event such as a triathlon, the Harbormaster or his/her designee may likewise stop, terminate or suspend the swimming portion for cause.
 - (h) *"Event and traffic Security"* The City Marshal, Fire Chief, DPS Director or in the case of a triathlon, the Harbormaster can require special duty personnel to oversee the safety and security of the event. All special duty assignments will be paid by the event organizers.
 - (i) *"Clean-up"* The event organizers shall be responsible for post event trash collection, removal of signage, directional arrows, advertisements or other promotional material associated with the event.

13-101 Enforcement

- (a) *"Regulations"* Consistent with this ordinance, the city shall promulgate regulations to enforce and otherwise implement the provisions of this ordinance upon passage by the City Council. Any event previously approved by City Council shall be deemed permitted.
- (b) *"Warning"* In the circumstance that this ordinance is violated, the enforcement may consist of a warning. Any warnings issued for violation(s) will be reported to the City Clerk and City Council and may be used as a factor in future application approvals and denials.
- (c) *"Noncriminal Disposition"* If the city determines that a violation has occurred in which a noncriminal violation is issued, the named event organizer shall be penalized by a non-criminal disposition as provided in Massachusetts General Law as adopted by the City of Newburyport as a general ordinance in Subsection 1-17 of Chapter 1 of the Code or Ordinances of the City of Newburyport in the amounts set herein in 13-101(d)
- (d) *"Violation"* The non-criminal violation shall be \$100.00 for the first offense and \$250.00 for second and subsequent offenses. Any non-criminal citations issued for violation(s) will be reported to the City Clerk and City Council and shall be used as a factor in future application approvals and denials.

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

Signed:  Date: MAY 25 2015

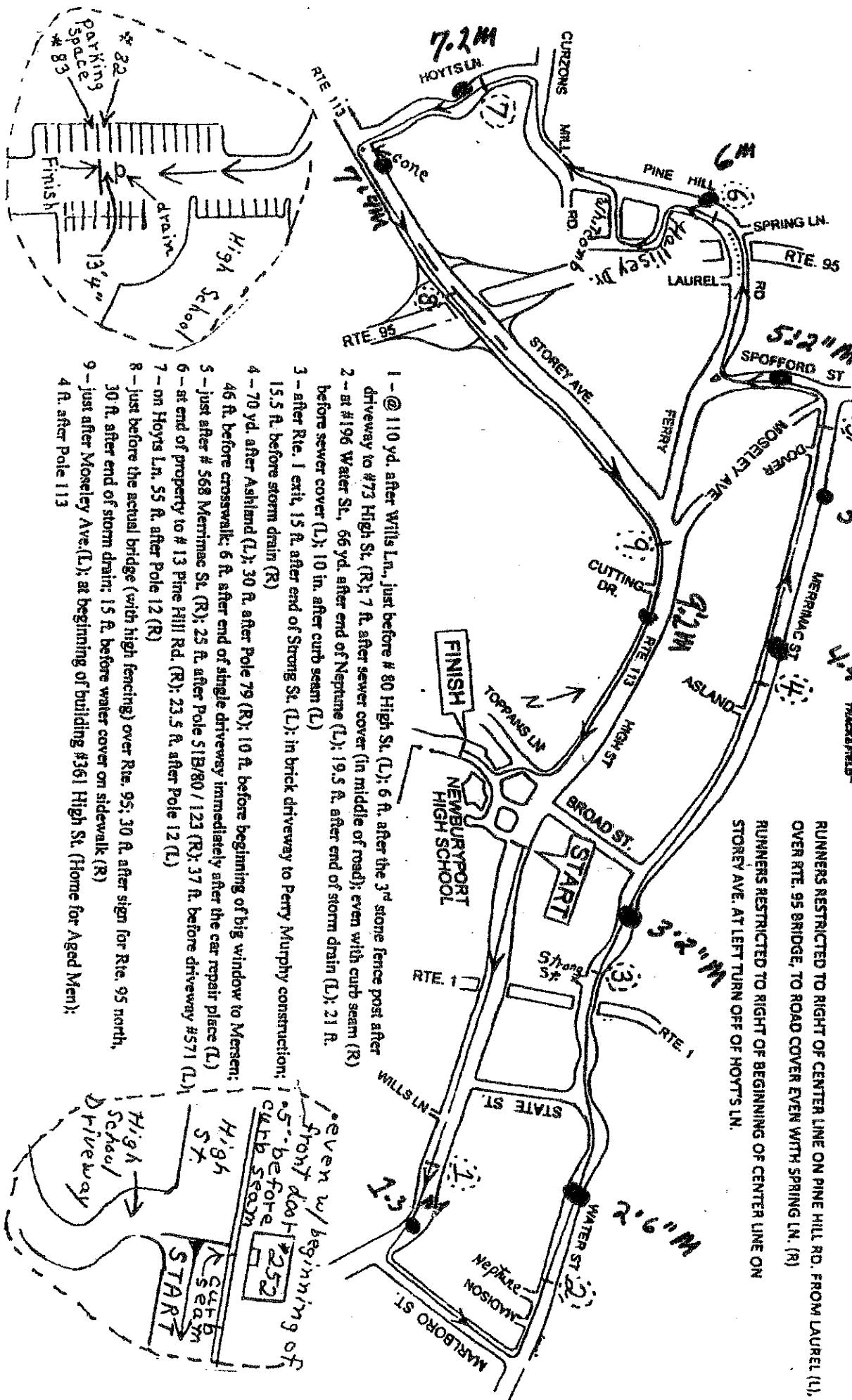
2015 RACE 10 MILE/5K OFFICIAL WATER STOPS

Yankee Homecoming
10 Mile Road Race
NEWBURYPORT, MASSACHUSETTS

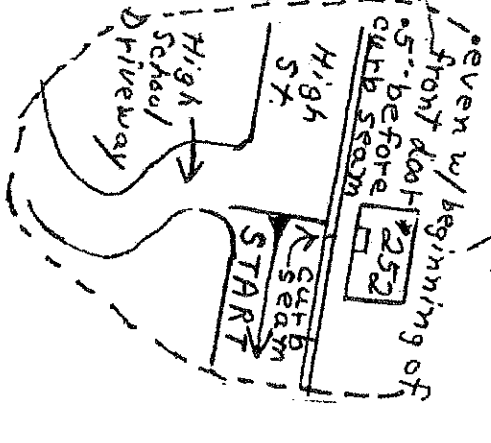


USATF CERTIFIED COURSE - MA11008RN
EFFECTIVE 8/2/2011 - 12/31/2021
MEASURED BY RAY N ELSON 6/20/2011

RUNNERS RESTRICTED TO RIGHT OF CENTER LINE ON PINE HILL RD. FROM LAUREL (L),
OVER RTE. 95 BRIDGE, TO ROAD COVER EVEN WITH SPRING LN. (R)
RUNNERS RESTRICTED TO RIGHT OF BEGINNING OF CENTER LINE ON
STOREY AVE. AT LEFT TURN OFF OF HOYT'S LN.



- 1 - @ 110 yd. after Wills Ln., just before # 80 High St. (L); 6 ft. after the 3rd stone fence post after driveway to #73 High St. (R); 7 ft. after sewer cover (in middle of road); even with curb seam (R)
- 2 - at #196 Water St., 66 yd. after end of Neptune (L); 19.5 ft. after end of storm drain (L); 21 ft. before sewer cover (L); 10 in. after curb seam (L)
- 3 - after Rte. 1 exit, 15 ft. after end of Strong St. (L); in brick driveway to Perry Murphy construction; 15.5 ft. before storm drain (R)
- 4 - 70 yd. after Ashland (L); 30 ft. after Pole 79 (R); 10 ft. before beginning of big window to Merser; 46 ft. before crosswalk; 6 ft. after end of single driveway immediately after the car repair place (L)
- 5 - just after # 568 Merrimac St. (R); 25 ft. after Pole 51B/80 / 123 (R); 37 ft. before driveway #571 (L)
- 6 - at end of property to # 13 Pine Hill Rd. (R); 23.5 ft. after Pole 12 (L)
- 7 - on Hoyt's Ln. 55 ft. after Pole 12 (R)
- 8 - just before the actual bridge (with high fencing) over Rte. 95; 30 ft. after sign for Rte. 95 north, 30 ft. after end of storm drain; 15 ft. before water cover on sidewalk (R)
- 9 - just after Mosely Ave.(L); at beginning of building #361 High St. (Home for Aged Men); 4 ft. after Pole 113





CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)
05/27/2015

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 Willis of Illinois, Inc. 425 N. Martingale Road, Suite 1100 Schaumburg, IL 60173 | CONTACT NAME: John Adams | |
| | PHONE (A/C No. Ext): 1-800-316-6705 | FAX (A/C No.): 1-888-467-2378 |
| INSURED Newburyport Lions Club Newburyport Massachusetts | E-MAIL ADDRESS: lionsclubs@willis.com | |
| | INSURER(S) AFFORDING COVERAGE | |
| | INSURER A: ACE American Insurance Company | NAIC # 22667 |
| | INSURER B: | |
| | INSURER C: | |
| | INSURER D: | |
| INSURER E: | | |
| INSURER F: | | |

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

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

| INSR LTR | TYPE OF INSURANCE | ADDL SUBR INSR WVD | POLICY NUMBER | POLICY EFF (MM/DD/YYYY) | POLICY EXP (MM/DD/YYYY) | LIMITS |
|----------|---|--------------------|---------------|-------------------------|-------------------------|---|
| A | GENERAL LIABILITY <input checked="" type="checkbox"/> COMMERCIAL GENERAL LIABILITY <input type="checkbox"/> CLAIMS-MADE <input checked="" type="checkbox"/> OCCUR <input checked="" type="checkbox"/> Agg. Per Named Insured is \$2,000,000 GEN'L AGGREGATE LIMIT APPLIES PER: <input checked="" type="checkbox"/> POLICY <input type="checkbox"/> PROJECT <input type="checkbox"/> LOC | | HDOG27336395 | 09/01/2014 | 09/01/2015 | EACH OCCURRENCE \$ 1,000,000 DAMAGE TO RENTED PREMISES (Ea occurrence) \$ 1,000,000 MED EXP (Any one person) \$ 5,000 PERSONAL & ADV INJURY \$ 1,000,000 GENERAL AGGREGATE \$ 10,000,000 PRODUCTS - COMPROP AGG \$ 2,000,000 |
| A | AUTOMOBILE LIABILITY <input type="checkbox"/> ANY AUTO <input type="checkbox"/> ALL OWNED AUTOS <input checked="" type="checkbox"/> HIRED AUTOS <input type="checkbox"/> SCHEDULED AUTOS <input checked="" type="checkbox"/> NON-OWNED AUTOS | | ISAH08827552 | 09/01/2014 | 09/01/2015 | COMBINED SINGLE LIMIT (Ea accident) \$ 1,000,000 BODILY INJURY (Per person) \$ BODILY INJURY (Per accident) \$ PROPERTY DAMAGE (Per accident) \$ |
| | UMBRELLA LIAB EXCESS LIAB DED RETENTIONS | | | | | EACH OCCURRENCE \$ AGGREGATE \$ |
| | WORKERS COMPENSATION AND EMPLOYERS' LIABILITY ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH) If yes, describe under DESCRIPTION OF OPERATIONS below | Y/N N/A | | | | WC STATUTORY LIMITS OTH-ER E L EACH ACCIDENT \$ E L DISEASE - EA EMPLOYEE \$ E L DISEASE - POLICY LIMIT \$ |

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

Provisions of the policy apply to the named insureds participation in the following activity during the policy period shown above: Yankee Homecoming Road Race on July 28th, 2015 in Newburyport, MA

City of Newburyport is included as an Additional Insured(s), but only with respect to General Liability arising out of the issuance of permit(s) to the Insured shown above and not out of the sole negligence of said additional insured.

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

CERTIFICATE HOLDER

City of Newburyport
60 Pleasant Street
Newburyport Massachusetts 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



SPECIAL EVENT APPLICATION

SPECIAL EVENTS

Tel.

Fax.

(For Parades, Road Races and Walkathons Only - Please complete reverse side of this application)

RECEIVED
CITY CLERK'S OFFICE
NEWBURYPORT, MA
2015 MAY 26 10 11

NAME OF EVENT: NEWBURYPORT LIONS BED RACE

1. Date: JULY 30 2015 Time: from 6pm to 7:30 pm
Rain Date: _____ Time: from _____ to _____
2. Location: FEDERAL STREET
3. Description of Property: _____ Public _____ Private _____
4. Name of Organizer: NEWBURYPORT LIONS CLUB City Sponsored Event: Yes _____ No _____
Contact CHAD MCDONALD Person: _____
Address: 1 HICKORY LN. W. NEWBURY Telephone: _____
E-Mail: CHADMCDONALD@VERZION.NET Tell Phone: _____
Day of Event Contact & Phone: Chad McDonald 978 462 2020
5. Number of Attendees Expected: 500
6. MA Tax Number: 510230184
7. Is the Event Being Advertised? NO Where? _____
8. What Age Group is the Event Targeted to? family
9. Have You Notified Neighborhood Groups or Abutters? Yes _____ No ✓ Who? _____

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

- A. Vending: Food NO Beverages NO Alcohol NO Goods NO Total # of Vendors 0
- B. Entertainment: (Subject to City's Noise Ordinance.) Live Music _____ DJ _____ Radio/CD _____
Performers NO Dancing NO Amplified Sound NO Stage NO
- C. Games / Rides: Adult Rides NO Kiddie Rides NO Games NO Raffle NO
Other _____ Total # _____
Name of Carnival Operator: NA
Address: NA
Telephone: NA
- D. Clean Up: # of additional trash receptacles required _____ # of additional recycling receptacles required _____
- E. Portable Toilets: (Each cluster of portable toilets must include at least one ADA accessible toilet)
_____ Standard # _____ ADA accessible

FOR PARADE, ROAD RACE AND WALKATHON EVENTS ONLY

PARADE _____ ROAD RACE XX WALKATHON _____

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

NEWBURYPORT LIONS CLUB

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

Jonathan Pearson, 43 Moulton Street Newburyport MA 1 978 462 2203

3. Name, Address & 24/7 Telephone Number of Person Responsible for Clean Up: Chad McDonald, 1 Hickory LN W Newbury, MA 978-462-2020

Same

4. Date of Event: July 30, 2015 Expected Number of Participants: 500

5. Start Time: 6 PM Expected End Time: 7:30 PM

6. Road Race, Parade or Walkathon Route: (List street names & attach map of route): See map on pg. 2

Federal St starting at High Street down to Tannery entrance

7. Locations of Water Stops (if any): _____

8. Will Detours for Motor Vehicles Be Required? Yes If so, where? Federal Street

9. Formation Location & Time for Participants: _____

10. Dismissal Location & Time for Participants: NA

11. Additional Parade Information:

• Number of Floats: n/a

• Locations of Viewing Stations: n/a

• Are Weapons Being Carried: NA Yes _____ No _____

• Are Marshalls Being Assigned to Keep Parade Moving: Yes NA No _____

APPROVAL SIGNATURES REQUIRED FOR STREET CLOSURE

CITY MARSHAL

4 Green Street

FIRE CHIEF

Greenleaf Street

DEPUTY DIRECTOR

J. Perry Way

CITY CLERK

60 Pleasant St.

[Signature] 5/26/15
[Signature] DPS DIRECTOR

DEPARTMENT APPROVAL (For Committee members use only):

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

| | | | |
|------------------------------|---------------------------------------|-----------------|------------------------------|
| Approval Required | Date: _____ | Signature _____ | |
| _____ | 1. Special Events: | _____ | _____ |
| _____ | 2. Police: | _____ | _____ |
| | Is Police Detail Required: | _____ | # of Details Assigned: _____ |
| _____ | 3. Traffic, Parking & Transportation: | _____ | _____ |
| _____ | 4. ISD/Health: | _____ | _____ |
| _____ | 5. ISD/Building: | _____ | _____ |
| _____ | 6. Electrical: | _____ | _____ |
| _____ | 7. Fire: | _____ | _____ |
| | Is Fire Detail Required: | _____ | # of Details Assigned: _____ |
| _____ | 8. Public Works: | _____ | _____ |
| _____ | 9. Recreation Department: | _____ | _____ |
| _____ | 10. License Commission: | _____ | _____ |

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

Limitations

- (a) *"Procedure"* All road racing, walkathon, bicycle, or swimming events shall, through that event's organizer, board of directors, charity foundation or designee apply for authorization to hold the event through the Office of the City Clerk. The City Clerk upon review of the completed form will place the application on the regular City Council agenda. Upon following the procedures of the Council, as deemed appropriated in the sole judgment of the Council, the application will be considered approved if the Council votes favorably by majority. The event will name one person responsible on the application and shall provide contact information to include name, address and telephone number.
- (b) *"Exemptions"* Each event organizer or organization shall comply with this ordinance and no exemptions will be permitted.
- (c) *"Course map"*, All applications shall be accompanied by a course map showing the event route, water stops, refreshment stops, and so-called "porta-potties". The course map shall also include any road closures, detours and parking areas. The course map shall be approved by Police, Fire, Department of Public Services, Parks Commission and Harbormasters Departments prior to submission to the City Clerk.
- (d) *"Electronic Amplifier"* Electronic amplifiers, loudspeakers and bullhorn use shall be requested at time of application. Under no circumstances will they be used for public address announcements or music before 8:00 A.M. except for Sundays when electronic amplifiers, loud speakers or bullhorns will be used for public address announcements or music before 9:00 AM. This shall be deemed a requirement for all permitted events regardless of type or location.
- (e) *"Road Closure"* No ways, public or private, boat ramps or parking lots controlled or patrolled by the city shall be closed without authorization. Authorization shall be considered granted only if said closure(s) are contained in the approved permit. It is the sole responsibility of the race organizers to notify residents ten (10) days in advance that neighborhood roads will be closed if no alternate route is available to those residents.

- pg 4
- (f) *"Insurance"* All events shall have an insurance policy or rider in effect for the event naming the "City of Newburyport" as an insured. The policy shall be no less than two million dollars (\$2,000,000.00).
 - (g) *"Event termination"* If in the judgment of the City Marshal, Fire Chief or Department of Public Services (DPS) Director or designees thereof determine that an event is unsafe due to existing conditions, that event may be stopped, terminated or suspended. In the case of a multidiscipline event such as a triathlon, the Harbormaster or his/her designee may likewise stop, terminate or suspend the swimming portion for cause.
 - (h) *"Event and traffic Security"* The City Marshal, Fire Chief, DPS Director or in the case of a triathlon, the Harbormaster can require special duty personnel to oversee the safety and security of the event. All special duty assignments will be paid by the event organizers.
 - (i) *"Clean-up"* The event organizers shall be responsible for post event trash collection, removal of signage, directional arrows, advertisements or other promotional material associated with the event.

13-101 Enforcement

- (a) *"Regulations"* Consistent with this ordinance, the city shall promulgate regulations to enforce and otherwise implement the provisions of this ordinance upon passage by the City Council. Any event previously approved by City Council shall be deemed permitted.
- (b) *"Warning"* In the circumstance that this ordinance is violated, the enforcement may consist of a warning. Any warnings issued for violation(s) will be reported to the City Clerk and City Council and may be used as a factor in future application approvals and denials.
- (c) *"Noncriminal Disposition"* If the city determines that a violation has occurred in which a noncriminal violation is issued, the named event organizer shall be penalized by a non-criminal disposition as provided in Massachusetts General Law as adopted by the City of Newburyport as a general ordinance in Subsection 1-17 of Chapter 1 of the Code or Ordinances of the City of Newburyport in the amounts set herein in 13-101(d)
- (d) *"Violation"* The non-criminal violation shall be \$100.00 for the first offense and \$250.00 for second and subsequent offenses. Any non-criminal citations issued for violation(s) will be reported to the City Clerk and City Council and shall be used as a factor in future application approvals and denials.

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

Signed:  Date: MAY 25 2015



CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)

05/26/2015

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 Willis of Illinois, Inc. 425 N. Martingale Road, Suite 1100 Schaumburg, IL 60173 | CONTACT NAME: John Adams | | |
| | PHONE (A/C, No, Ext): 1-800-316-6705 FAX (A/C, No): 1-888-467-2378 | | |
| INSURED Newburyport Lions Club Newburyport Massachusetts | E-MAIL ADDRESS: lionsclubs@willis.com | | |
| | INSURER(S) AFFORDING COVERAGE | | NAIC # |
| | INSURER A: ACE American Insurance Company | | 22667 |
| | INSURER B: | | |
| | INSURER C: | | |
| | INSURER D: | | |
| INSURER E: | | | |
| INSURER F: | | | |

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

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

| INSR LTR | TYPE OF INSURANCE | ADDL SUBR INSR WVD | POLICY NUMBER | POLICY EFF (MM/DD/YYYY) | POLICY EXP (MM/DD/YYYY) | LIMITS |
|----------|---|-------------------------------------|---------------|-------------------------|-------------------------|---|
| A | GENERAL LIABILITY <input checked="" type="checkbox"/> COMMERCIAL GENERAL LIABILITY <input type="checkbox"/> CLAIMS-MADE <input checked="" type="checkbox"/> OCCUR <input checked="" type="checkbox"/> Agg. Per Named Insured is \$2,000,000 GENL AGGREGATE LIMIT APPLIES PER: <input checked="" type="checkbox"/> POLICY <input type="checkbox"/> PROJECT <input type="checkbox"/> LOC | | HDOG27336395 | 09/01/2014 | 09/01/2015 | EACH OCCURRENCE \$ 1,000,000 DAMAGE TO RENTED PREMISES (Ea occurrence) \$ 1,000,000 MED EXP (Any one person) \$ 5,000 PERSONAL & ADV INJURY \$ 1,000,000 GENERAL AGGREGATE \$ 10,000,000 PRODUCTS - COMP/PROP AGG \$ 2,000,000 \$ |
| A | AUTOMOBILE LIABILITY <input type="checkbox"/> ANY AUTO <input type="checkbox"/> ALL OWNED AUTOS <input checked="" type="checkbox"/> HIRED AUTOS <input type="checkbox"/> SCHEDULED AUTOS <input checked="" type="checkbox"/> NON-OWNED AUTOS | | ISAH08827552 | 09/01/2014 | 09/01/2015 | COMBINED SINGLE LIMIT (Ea accident) \$ 1,000,000 BODILY INJURY (Per person) \$ BODILY INJURY (Per accident) \$ PROPERTY DAMAGE (Per accident) \$ \$ |
| | UMBRELLA LIAB EXCESS LIAB DED RETENTION \$ | | | | | EACH OCCURRENCE \$ AGGREGATE \$ \$ |
| | WORKERS COMPENSATION AND EMPLOYERS' LIABILITY ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH) If yes, describe under DESCRIPTION OF OPERATIONS below | Y/N <input type="checkbox"/> N/A | | | | WC STATUTORY LIMITS E.L. EACH ACCIDENT \$ E.L. DISEASE - EA EMPLOYEE \$ E.L. DISEASE - POLICY LIMIT \$ |

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

Provisions of the policy apply to the named insured's participation in the following activity during the policy period shown above: Bed Race-Fund raising event, 7/30/2015
PROVISIONS OF THE POLICY DO NOT APPLY TO THE SALE OR SERVING OF ALCOHOLIC BEVERAGES.

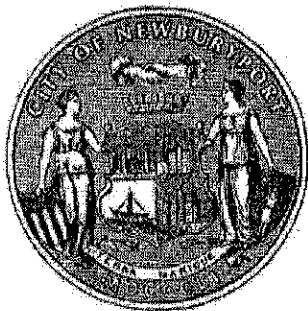
CERTIFICATE HOLDER**CANCELLATION**

City of Newburyport
60 Pleasant St. - PO Box 550
Newburyport Massachusetts 01950

SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS.

AUTHORIZED REPRESENTATIVE

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

Communication #4
May 26, 2015

2015 MAY 20 PM 6:25

TO: President and Members of the City Council
FROM: Mayor Donna D. Holaday
DATE: June 8, 2015
RE: FY16 Proposed Budget

Enclosed please find the FY16 proposed budget which includes expenditures of \$59,098,570 balanced by non-tax levy revenues totaling \$8,773,414 and estimated tax levy of \$50,678,964. The FY16 operating budget represents a 4.3% increase over last year's budget and 5.0% increase when factoring in excluded debt service. Copies of the proposed budget were made available to Councilors on May 14.

As we slowly emerge from these challenging economic times, we have made difficult but deliberative choices to ensure our City is on solid financial ground over the past five and a half years. We have moved forward on long overdue infrastructure needs and are working diligently to address the growing list of streets and sidewalks in need of repair. We must also remain dedicated to rebuilding our school programs and this year's budget demonstrates my continued commitment to doing so.

Although we are presenting a budget that allows us to maintain current level of programs and services, we must continue to be vigilant in efficiently managing these resources and maximizing benefits provided across the City. The development of this comprehensive budget and capital plan was a team effort and I am very grateful to the Finance Team members: Julie Languirand, Treasurer, Dan Raycroft, Assessor, and especially Peter Lombardi, former Director of Policy & Administration and Ethan Manning, Finance Director/Auditor. Mr. Lombardi and Mr. Manning deserve much credit and recognition for their diligence in preparing this FY 2016 budget. We are proud to submit this budget to you for consideration and look forward to working with you over the coming weeks to finalize this process and begin FY16.

June 1, 2015

Newburyport City Council
City of Newburyport
60 Pleasant Street
Newburyport, MA 01950

7 1 JUL - 1 A 0 43

Dear Members of the Newburyport City Council:

The Greater Newburyport Chamber of Commerce & Industry in conjunction with Newburyport Development kindly request the use of Pleasant Street on Thursday, June 25, 2015 from the hours of 3 – 7 PM. As you may know there are many positive changes taking place on Pleasant Street including the opening of Loretta's and Dos Amigos Burrito's along with significant renovations to some of the businesses facades and the expansion of Pretty Poppy. The entities are coordinating a "block party" type celebration which will include music and theatrical performances in three areas. The tentative plans are in Tracey Place, near the Unitarian Church and at the Post Office. Most of the activity will be taking place inside the businesses to draw foot traffic into the establishments.

We would like to work with Marshal Murray on the possibility of potentially closing down Pleasant Street. If it is not closed we would ask to post one side of the street no parking to allow for more pedestrian movement.

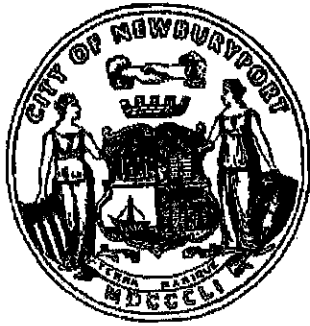
We feel that this is a great opportunity to highlight and assist the Pleasant Street community. I look forward to answering any questions that the council may have. Thank you for your consideration.

Sincerely,

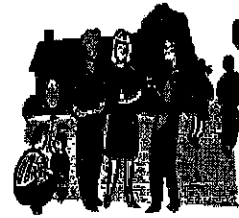


Ann Ormond
President

cc: Mayor Donna Holaday
Richard B. Jones, City Clerk



2015 JUL -2 P 2:24



CITY OF NEWBURYPORT
60 PLEASANT STREET
NEWBURYPORT, MA 01950

BLOCK PARTY APPLICATION

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

DATE OF REQUEST: 6/2/15

CONTACT INFORMATION

FIRST AND LAST NAME: Lori Levans + Joanne Blaser
MAILING ADDRESS: 20 Tyng St / 7 Tyng St.
PHONE NUMBER: 617.733-2869 / 978.462.5395
E-MAIL ADDRESS: lorilevans@gmail.com/nbptblaser@comcast.net

BLOCK PARTY INFORMATION

BLOCK PARTY DATE: 6/25/15

DESIRED STREET CLOSING LOCATION: Manroe + Tyng and Melrimac + Tyng
Please indicate cross streets when requesting the closing of street sections

STREET TO BE BARRICADED: Tyng St (lower)

DESIRED STREET CLOSING TIME: 5:30 PM - 10 PM
Block Parties should run no later than 10:00 p.m.

REGULATIONS

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

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

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

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

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

Applicant Signature

[Signature]

Date

6/2/15

APPROVAL SIGNATURES REQUIRED FOR STREET CLOSURE

CITY MARSHALL

4 Green Street

FIRE CHIEF

Greenleaf Street

DEPUTY DIRECTOR

1 Perry Way

CITY CLERK

60 Pleasant St.

[Signature] 6/2/15

[Signature]

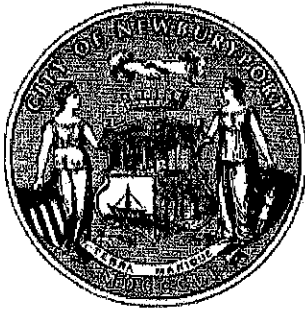
[Signature]

City use only:

Approved

-Denied

Date



CITY OF NEWBURYPORT
OFFICE OF THE MAYOR
DONNA D. HOLADAY

60 PLEASANT STREET • P.O. BOX 550
NEWBURYPORT, MA 01950
(978) 465-4413 • (978) 465-4402 (FAX)
WWW.CITYOFNEWBURYPORT.COM

Communication #7
May 26, 2015

MEMORANDUM

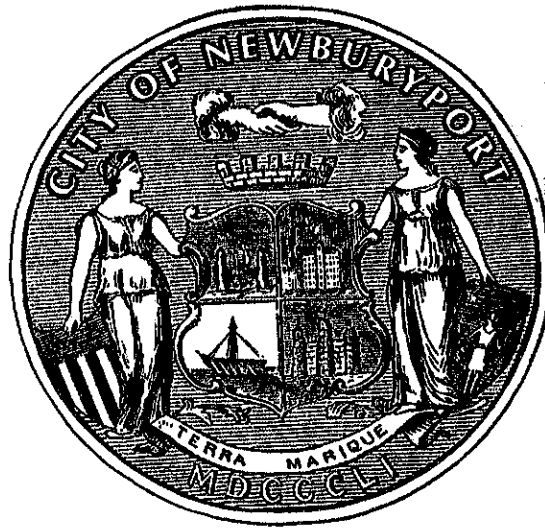
TO: Members of the City Council
FROM: Honorable Donna D. Holaday, Mayor
DATE: June 1, 2015
SUBJECT: City-Wide Sidewalk Specifications

As the City of Newburyport continues to grow, there is a greater demand on standardizations relating to construction methods. The DPS has prepared the "City-Wide Sidewalk Specifications". These specifications are specially designed for Newburyport.

Some of the basic details are used in other cities and towns in Massachusetts, but each detail has been modified to reflect the needs of Newburyport. The specifications may be modified over-time based on changes in construction methods, updated state and federal regulations, and ongoing needs of Newburyport.

The goals of these specifications are to have both public and private construction projects; design, engineer and build sidewalks in a consistent and uniform method. These specifications offer choices on the type of sidewalk materials and designs that should meet most neighborhood characteristics.

I welcome your comments and extend my thanks to Wayne Amaral, Deputy Director of DPS for coordinating this important and needed effort in our City.



MA-2 P 3:51

City of Newburyport
Department of Public Services

Sidewalk Specifications

June 2015

Donna D. Holaday, Mayor

Anthony J. Furnari, Director

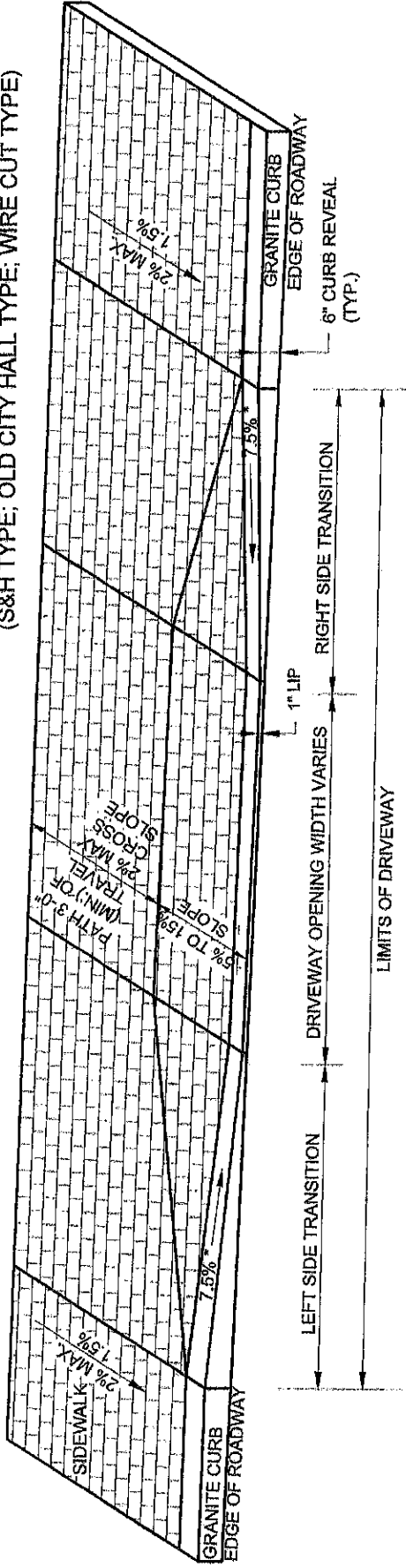
Wayne S. Amaral, Deputy Director

Content

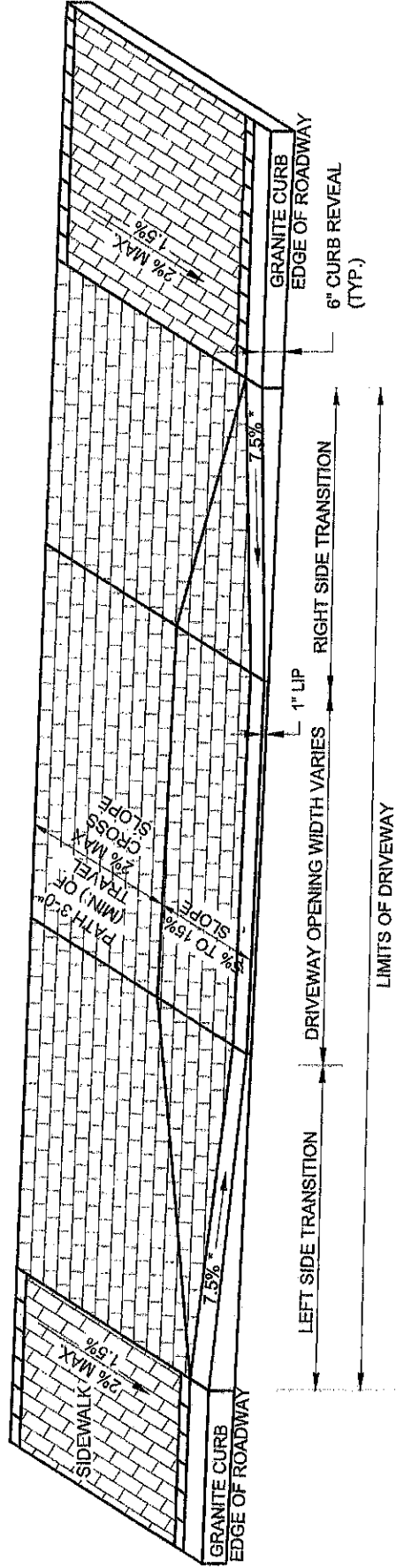
| <u>Description</u> | <u>Drawing #</u> |
|--|-------------------------|
| Brick Driveway Apron Detail Type 1-A and Type 2-A | NBPT 1000 |
| Brick Driveway Apron Detail Type 1-A and Type 2-A (color) | NBPT 1000C |
| Brick Driveway Apron Detail Type 1-B and Type 2-B | NBPT 1100 |
| Brick Driveway Apron Detail Type 1-B and Type 2-B (color) | NBPT 1100C |
| Brick Driveway Apron Detail Type 1-C | NBPT 1200 |
| Brick Driveway Apron Detail Type 1-C (color) | NBPT 1200C |
| Cement Concrete Driveway Apron Detail – angled curb | NBPT 1400 |
| Cement Concrete Driveway Apron Detail – D stone curb | NBPT 1500 |
| Driveway Apron (cross-section) | NBPT 1600 |
| Vertical Granite Curb & Cement Concrete Sidewalk (cross-section) | NBPT 2000 |
| Brick Sidewalk (cross-section) | NBPT 2100 |
| Brick Sidewalk Cross-Section for Cement Base | NBPT 2200 |
| Asphalt Sidewalk (cross-section) | NBPT 2400 |
| 9' Width and Greater Brick Sidewalk Layout with Tree Pit | NBPT 3000 |
| 9' Width and Greater Brick Sidewalk Layout with Tree Pit (color) | NBPT 3000C |
| 9' Width and Greater Brick Sidewalk Layout with Tree Pit Special | NBPT 3100 |
| 9' Width and Greater Brick Sidewalk Layout with Tree Pit Special (color) | NBPT 3100C |
| 8' Width and Less Sidewalk Layout with Tree Pit | NBPT 3400 |
| 8' Width and Less Sidewalk Layout with Tree Pit (color) | NBPT 3400C |
| Brick Sidewalk Layout | NBPT 3800 |
| Wheelchair Ramps and Detectable Warning Panel (cross-section) 1 | NBPT 4000 |
| Wheelchair Ramps and Detectable Warning Panel (cross-section) 2 | NBPT 4100 |
| Wheelchair Ramp on Narrow Sidewalk (width less than 6'-6") | NBPT 4200 |

| | |
|---|------------|
| Wheelchair Ramp for Mid-block Locations | NBPT 4300 |
| Wheelchair Ramps at Intersections – Bricks | NBPT 4400 |
| Wheelchair Ramps at Intersections – Concrete | NBPT 4500 |
| Wheelchair Ramps at Intersections – Bricks Walk / Concrete Ramp | NBPT 4600 |
| Wheelchair Ramps at Intersections – Bricks Walk / Concrete Ramp (color) | NBPT 4600C |
| Wheelchair Ramp Transition Length | NBPT 4900 |
| Asphalt Curb | NBPT 5000 |
| Standard Crosswalk | NBPT 6000 |

NOTE: BRICK TYPE TO BE DETERMINED BY DPS:
(S&H TYPE; OLD CITY HALL TYPE; WIRE CUT TYPE)



BRICK DRIVEWAY APRON & SIDEWALK (TYPE 1-A)



BRICK DRIVEWAY APRON & SIDEWALK (TYPE 2-A)

BRICK DRIVEWAY APRON DETAIL

CITY OF NEWBURYPORT STANDARD SPECIFICATIONS AND DETAILS

NOT TO SCALE

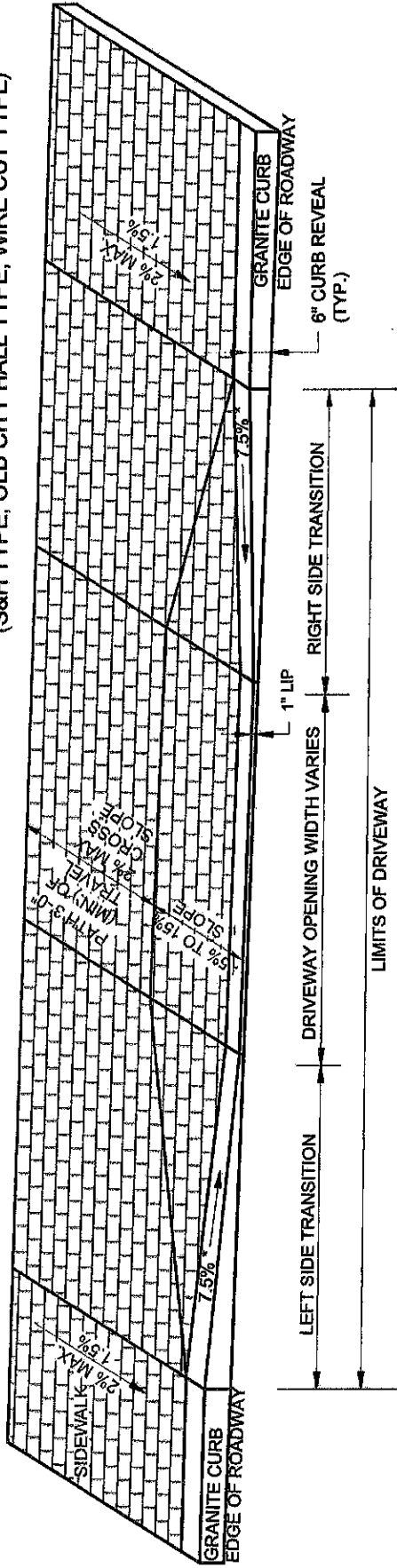
ISSUE DATE 4/28/15

SPEC. SECTION REF#:

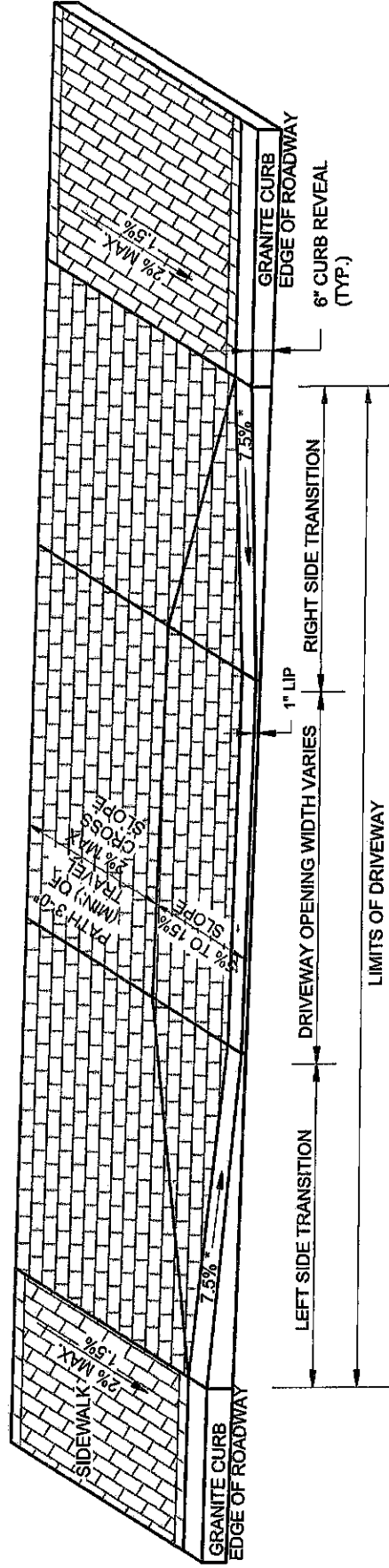
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NOTE: BRICK TYPE TO BE DETERMINED BY DPS:
(S&H TYPE; OLD CITY HALL TYPE; WIRE CUT TYPE)



BRICK DRIVEWAY APRON & SIDEWALK (TYPE 1-A)



BRICK DRIVEWAY APRON & SIDEWALK (TYPE 2-A)



BRICK DRIVEWAY APRON DETAIL

CITY OF NEWBURYPORT STANDARD SPECIFICATIONS AND DETAILS

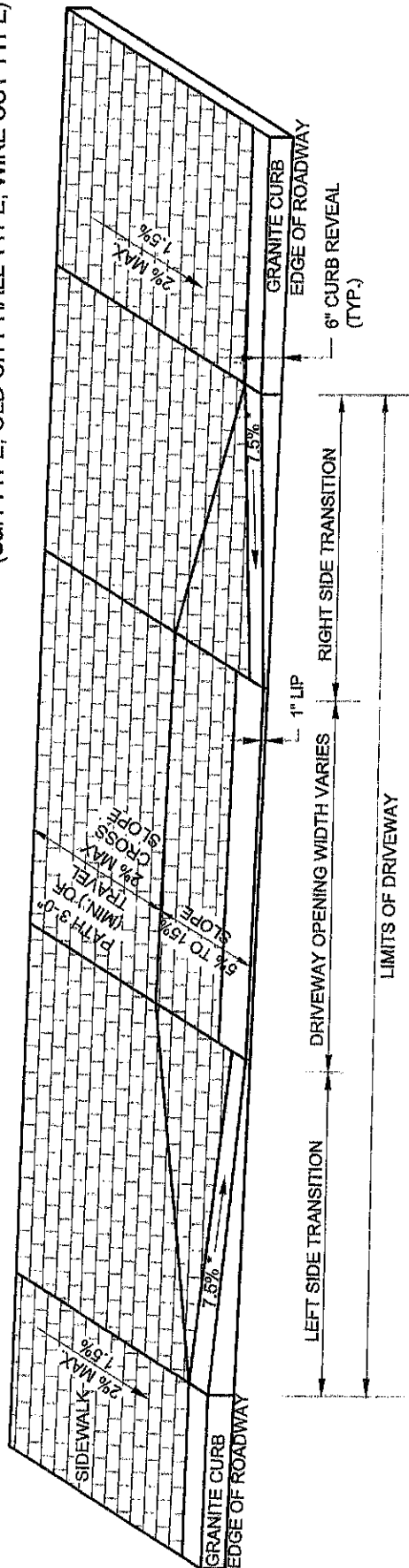
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ISSUE DATE 4/28/15

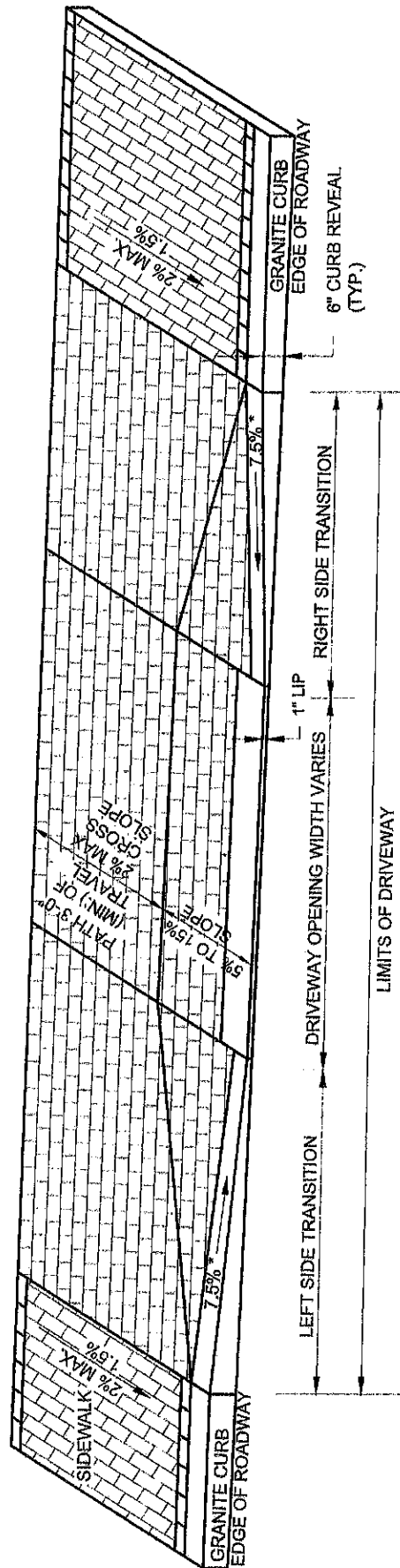
SPEC. SECTION REF#:

DRAWING: NBPT 1000C

NOTE: BRICK TYPE TO BE DETERMINED BY DPS:
(S&H TYPE; OLD CITY HALL TYPE; WIRE CUT TYPE)



BRICK DRIVEWAY APRON & SIDEWALK (TYPE 1-B)



BRICK DRIVEWAY APRON & SIDEWALK (TYPE 2-B)

BRICK DRIVEWAY APRON DETAIL

CITY OF NEWBURYPORT STANDARD SPECIFICATIONS AND DETAILS

NOT TO SCALE

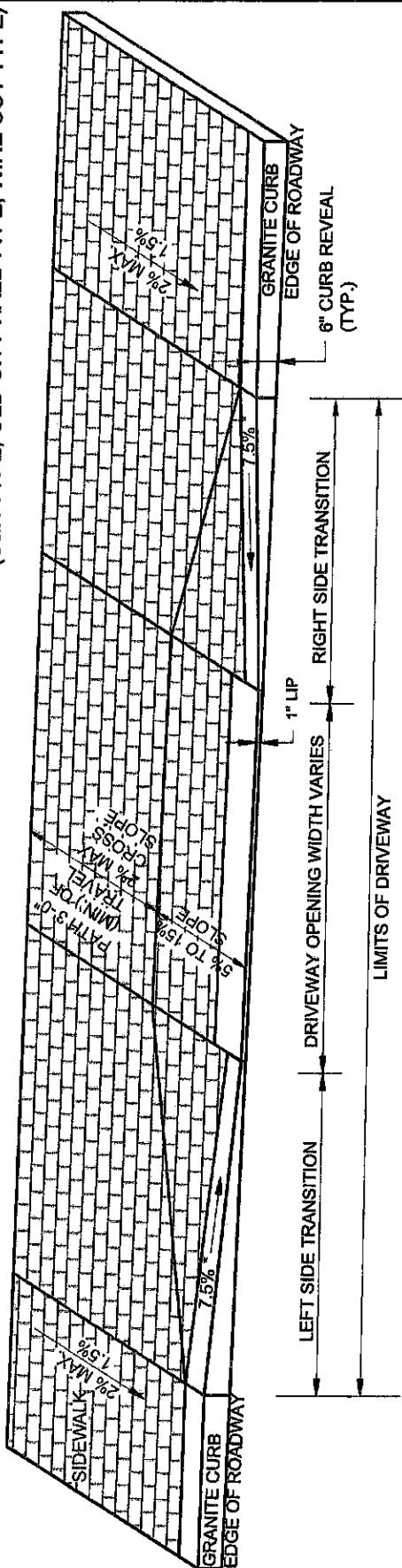
ISSUE DATE 4/28/15

SPEC. SECTION REF#:

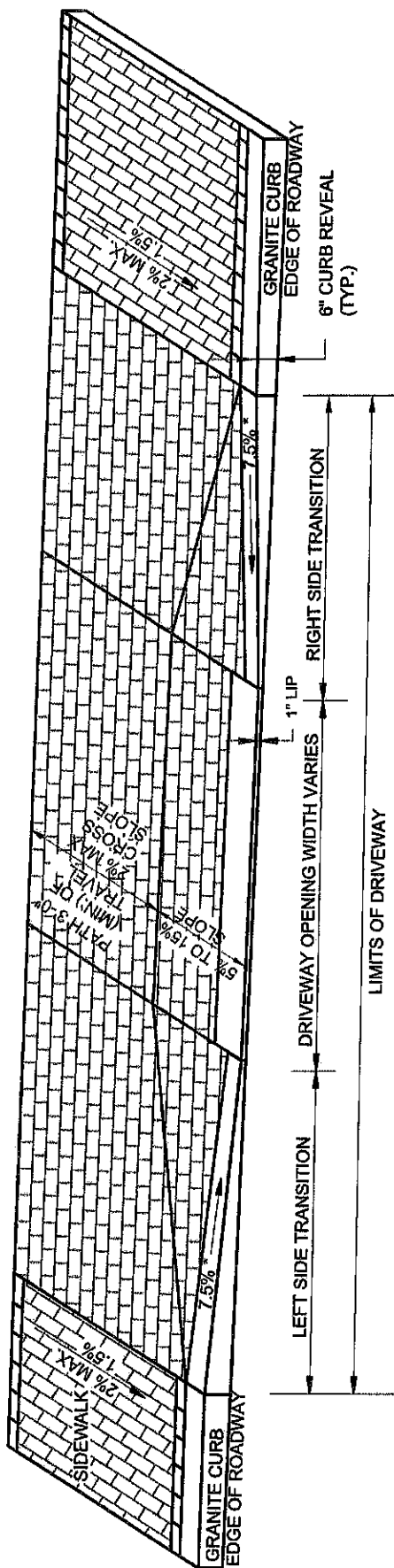
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NOTE: BRICK TYPE TO BE DETERMINED BY DPS:
(S&H TYPE; OLD CITY HALL TYPE; WIRE CUT TYPE)



BRICK DRIVEWAY APRON & SIDEWALK (TYPE 1-B)



BRICK DRIVEWAY APRON & SIDEWALK (TYPE 2-B)

BRICK DRIVEWAY APRON DETAIL

CITY OF NEWBURYPORT STANDARD SPECIFICATIONS AND DETAILS

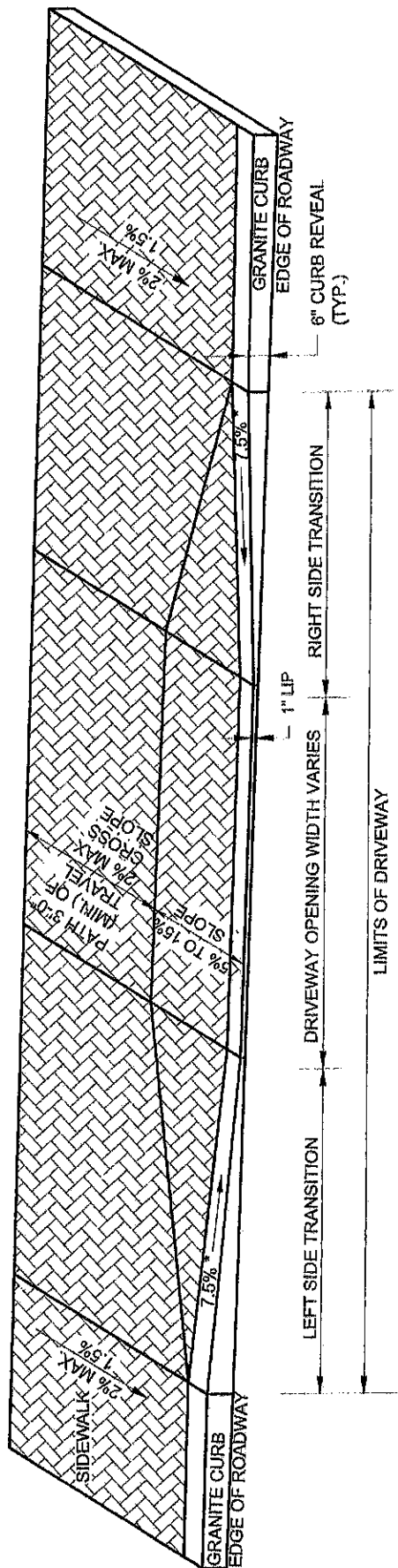
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ISSUE DATE 4/28/15 SPEC. SECTION REF#:

DRAWING: NBPT 1100C



NOTE: BRICK TYPE TO BE DETERMINED BY DPS:
(S&H TYPE; OLD CITY HALL TYPE; WIRE CUT TYPE)



BRICK DRIVEWAY APRON & SIDEWALK (TYPE 1-C)



BRICK DRIVEWAY APRON DETAIL

CITY OF NEWBURYPORT STANDARD SPECIFICATIONS AND DETAILS

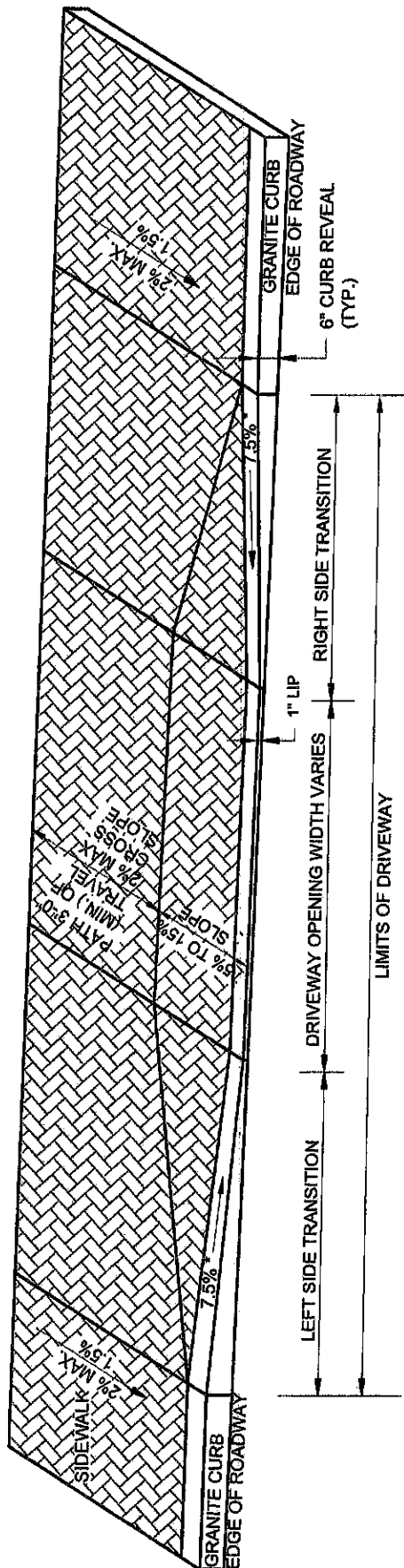
NOT TO SCALE

ISSUE DATE 4/28/15

SPEC. SECTION REF#:

DRAWING: NBPT 1200

NOTE: BRICK TYPE TO BE DETERMINED BY DPS:
(S&H TYPE; OLD CITY HALL TYPE; WIRE CUT TYPE)



BRICK DRIVEWAY APRON DETAIL

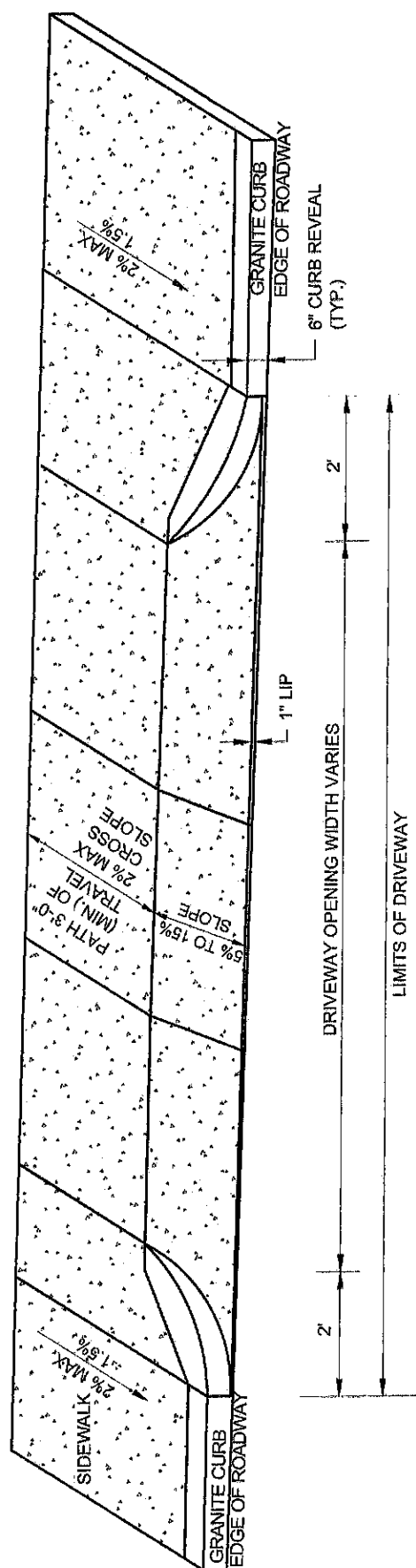
CITY OF NEWBURYPORT STANDARD SPECIFICATIONS AND DETAILS

NOT TO SCALE

ISSUE DATE 4/28/15 SPEC. SECTION REF#:

DRAWING: NBPT 1200C





CEMENT CONCRETE DRIVEWAY APRON DETAIL (TYPE 2)

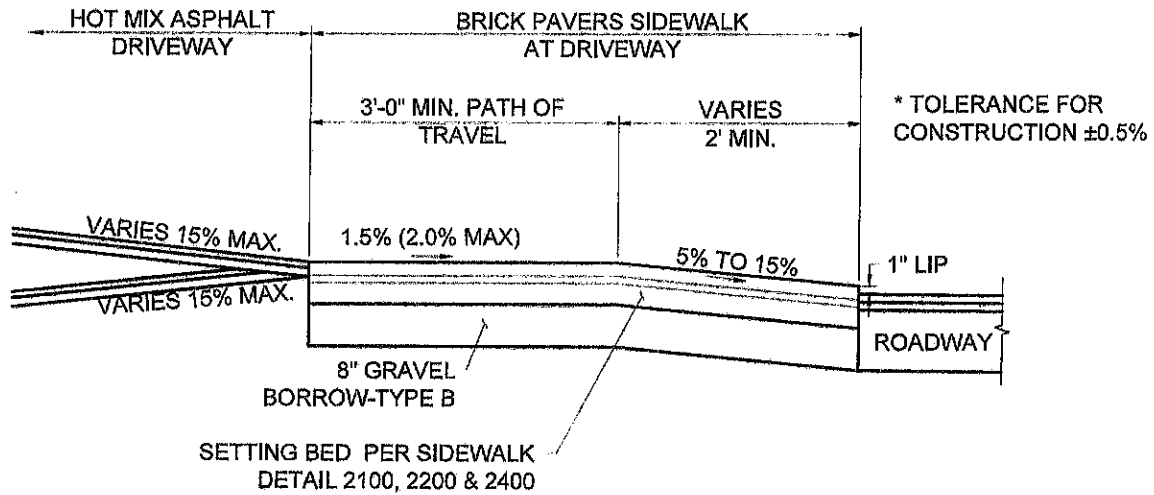
CITY OF NEWBURYPORT STANDARD SPECIFICATIONS AND DETAILS

NOT TO SCALE

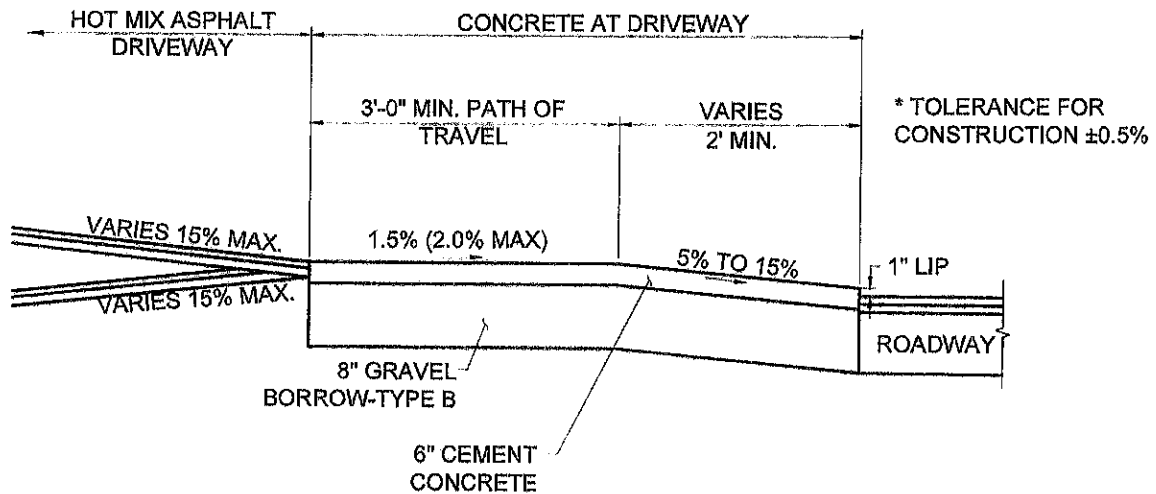
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|--------------------|---------------------|
| ISSUE DATE 4/28/15 | SPEC. SECTION REF#: |
|--------------------|---------------------|

DRAWING: NBPT 1500

NOTE: BRICK TYPE TO BE DETERMINED BY DPS
 TYPE WILL BE ONE OF THE FOLLOWING:
 S&H, OLD CITY HALL, WIRE CUT



BRICK DRIVEWAY SECTION



CONCRETE DRIVEWAY SECTION



DRIVEWAY APRON (CROSS-SECTION)

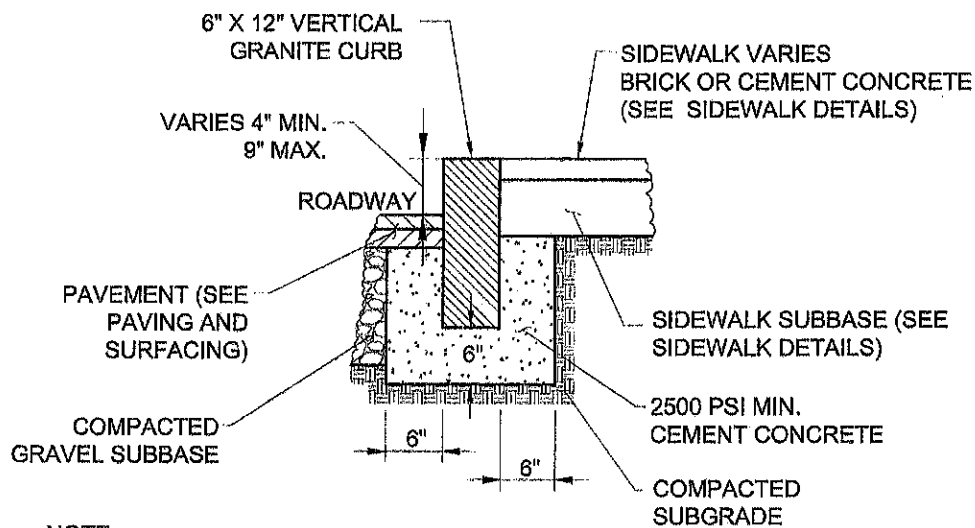
CITY OF NEWBURYPORT STANDARD SPECIFICATIONS AND DETAILS

NOT TO SCALE

ISSUE DATE 4/28/15

SPEC. SECTION REF#:

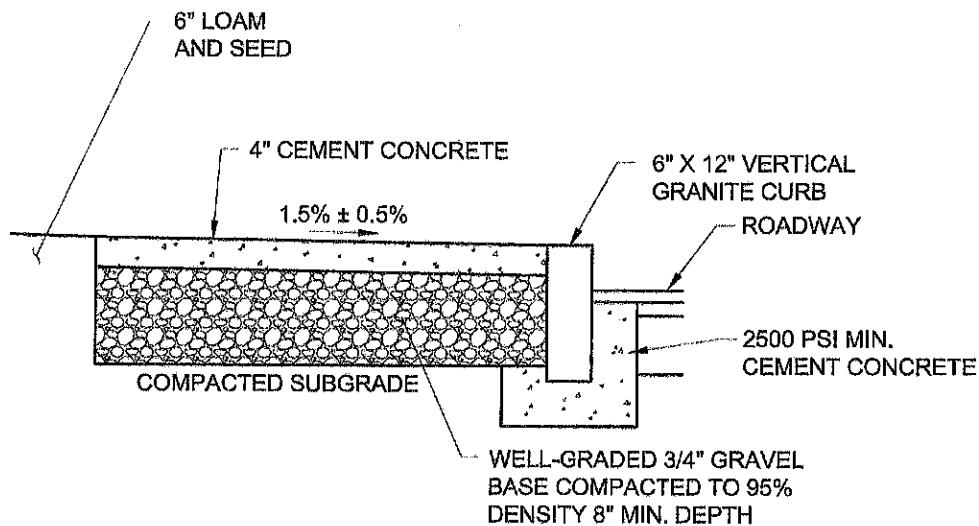
DRAWING: NBPT 1600



NOTE:

CUT NEAT LINE 6" FROM CURB LINE AND REMOVE BASE AND GRAVEL. REPLACE WITH 2500 PSI MINIMUM CEMENT CONCRETE. HOT MIX ASPHALT SHALL NOT BE USED AS A SUBSTITUTE.

VERTICAL CURB



CEMENT CONCRETE SIDEWALK



VERTICAL GRANITE CURB & CEMENT CONCRETE SIDEWALK (CROSS-SECTION)

CITY OF NEWBURYPORT STANDARD SPECIFICATIONS AND DETAILS

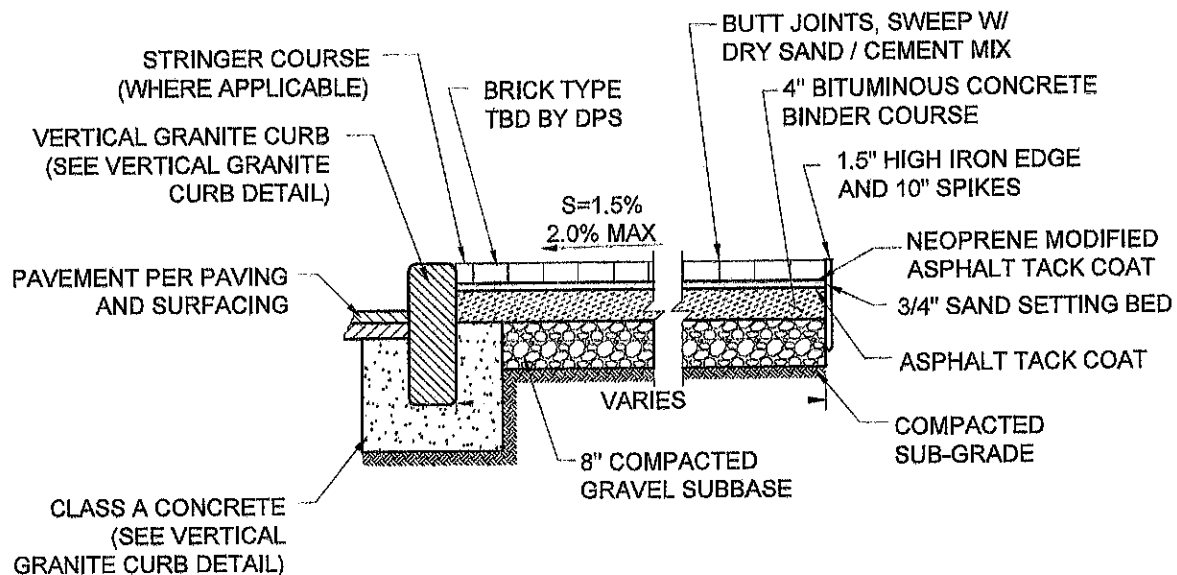
NOT TO SCALE

ISSUE DATE 4/28/15

SPEC. SECTION REF#:

DRAWING: NBPT 2000

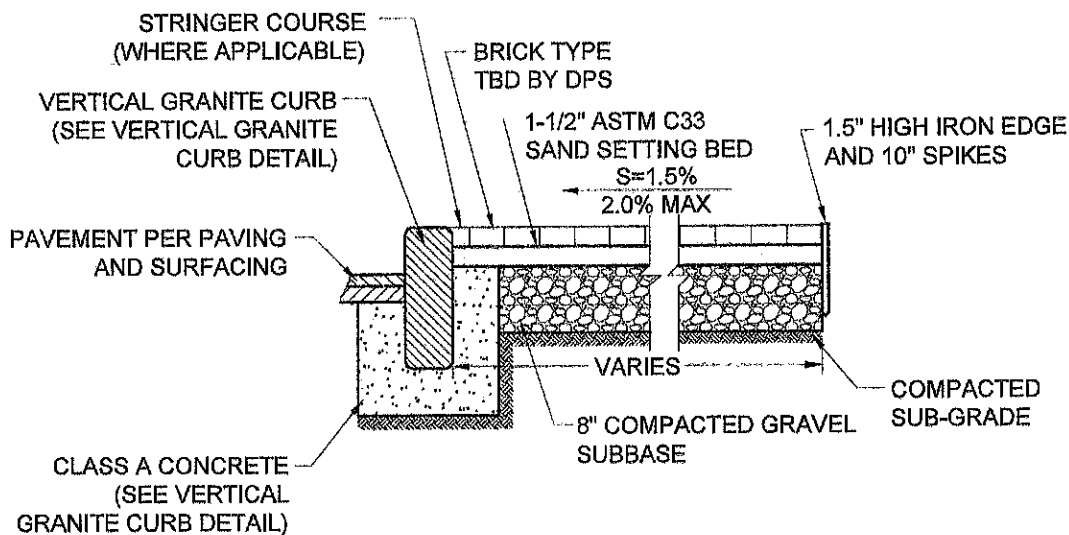
NOTE: BRICK TYPE TO BE DETERMINED BY DPS:
(S&H TYPE; OLD CITY HALL TYPE; WIRE CUT TYPE)



NOTES:

1. SIDEWALKS SHALL MATCH WIDTH AND SLOPE OF EXISTING SIDEWALKS UNLESS REVISION IS NECESSARY TO COMPLY WITH ADA/AAB REGULATIONS OR OTHERWISE NOTED.
2. BITUMINOUS CONCRETE BINDER COURSE SHALL BE 6" DEPTH (IN TWO 3" COURSES) AT DRIVEWAYS. REFER TO PROJECT DRAWINGS OR ENGINEER'S INSTRUCTIONS FOR LOCATIONS

ASPHALT BASE BRICK SIDEWALK



SAND BASE BRICK SIDEWALK



BRICK SIDEWALK CROSS SECTION

CITY OF NEWBURYPORT STANDARD SPECIFICATIONS AND DETAILS

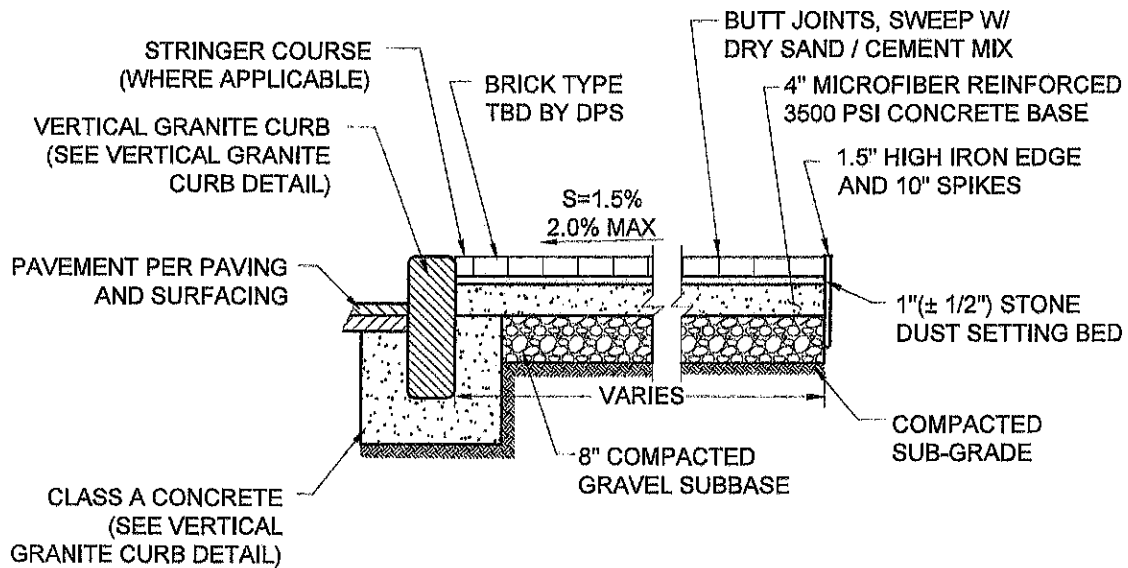
NOT TO SCALE

ISSUE DATE 4/28/15

SPEC. SECTION REF#:

DRAWING: NBPT 2100

NOTE: BRICK TYPE TO BE DETERMINED BY DPS:
(S&H TYPE; OLD CITY HALL TYPE; WIRE CUT TYPE)



NOTES:

1. SIDEWALKS SHALL MATCH WIDTH AND SLOPE OF EXISTING SIDEWALKS UNLESS REVISION IS NECESSARY TO COMPLY WITH ADA/AAB REGULATIONS OR OTHERWISE NOTED.



BRICK SIDEWALK CROSS SECTION FOR CEMENT BASE

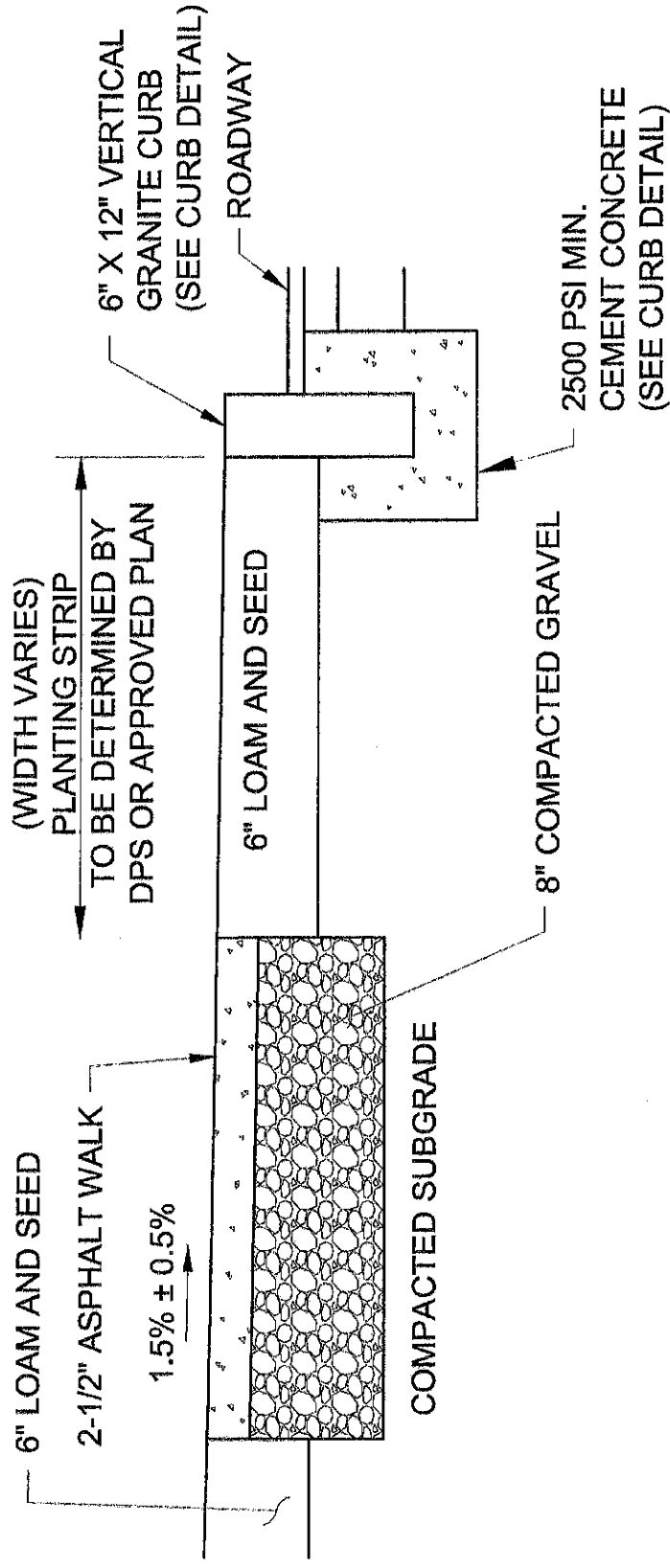
CITY OF NEWBURYPORT STANDARD SPECIFICATIONS AND DETAILS

NOT TO SCALE

ISSUE DATE 4/28/15

SPEC. SECTION REF#:

DRAWING: NBPT 2200



ASPHALT SIDEWALK (CROSS-SECTION)

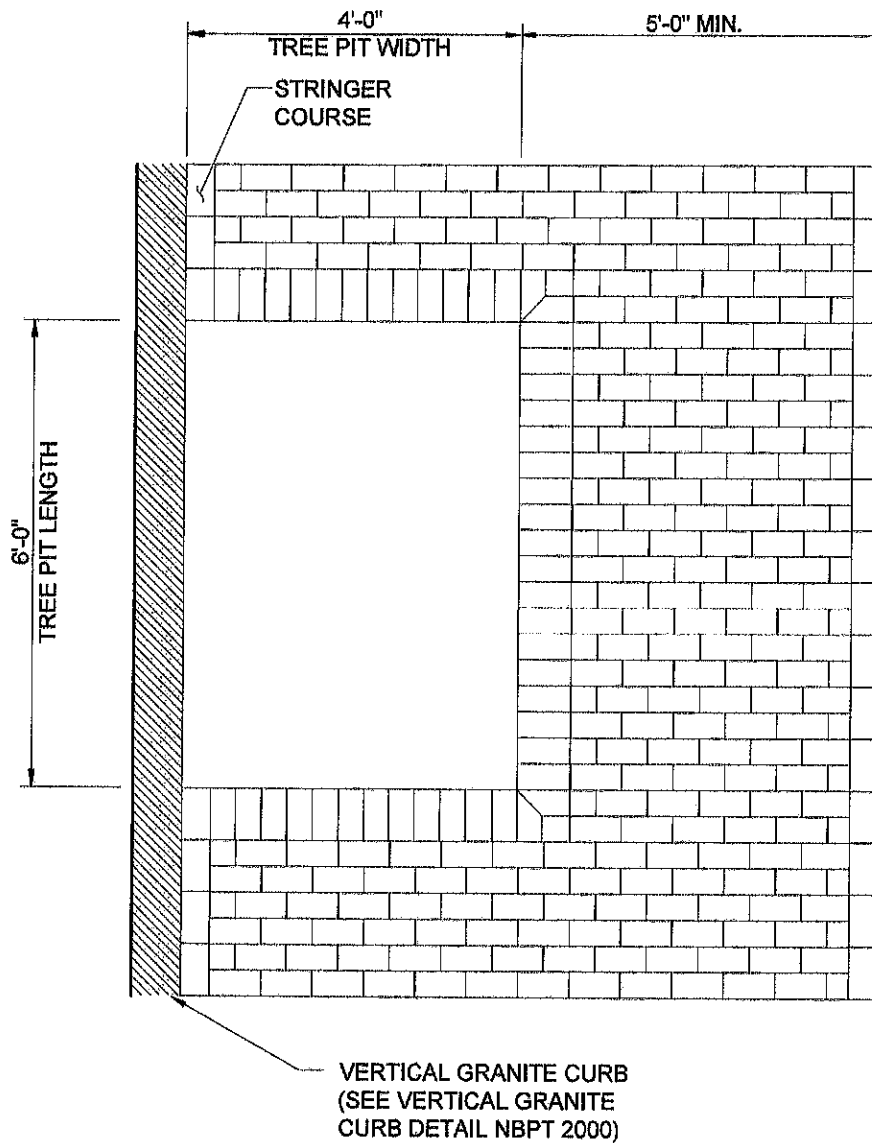
CITY OF NEWBURYPORT STANDARD SPECIFICATIONS AND DETAILS

NOT TO SCALE

ISSUE DATE 4/28/15

SPEC. SECTION REF#:

DRAWING: NBPT 2400



9' WIDTH AND GREATER BRICK SIDEWALK LAYOUT WITH TREE PIT

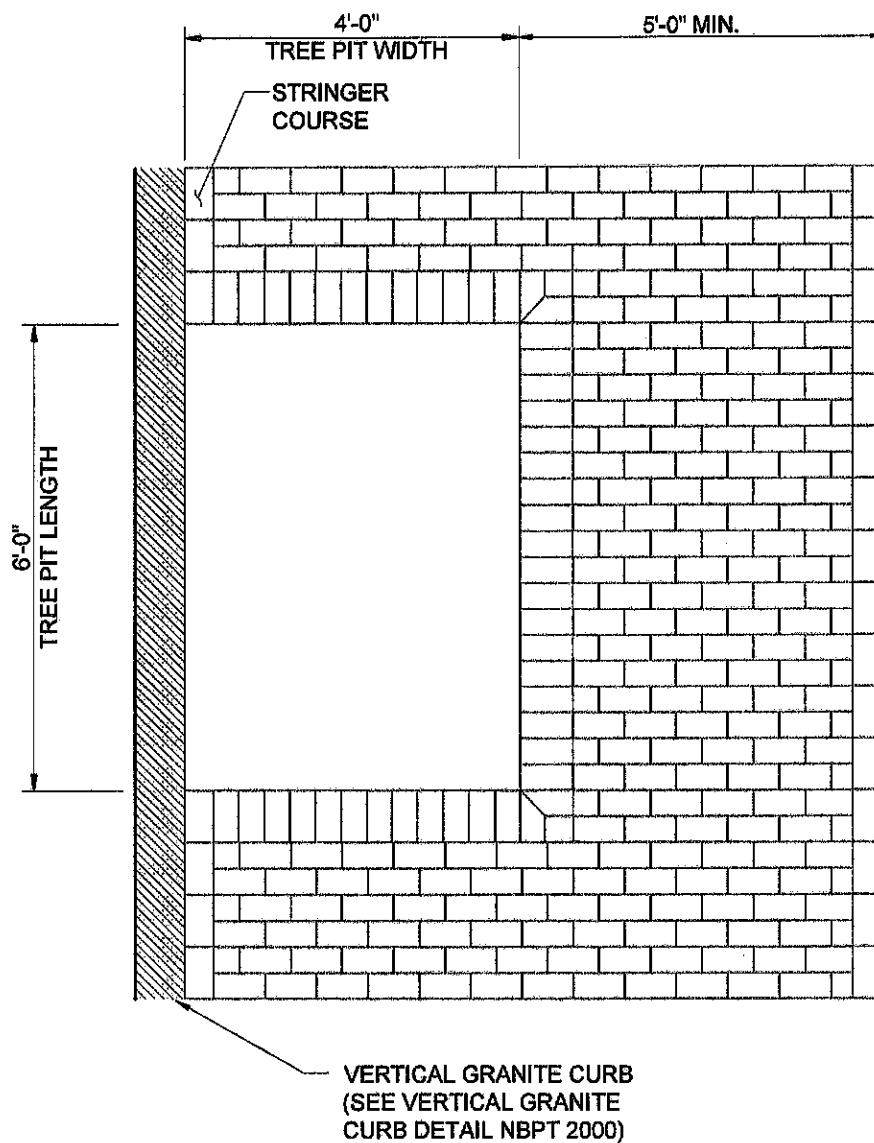
CITY OF NEWBURYPORT STANDARD SPECIFICATIONS AND DETAILS

NOT TO SCALE

ISSUE DATE 4/28/15

SPEC. SECTION REF#:

DRAWING: NBPT 3000



9' WIDTH AND GREATER BRICK SIDEWALK LAYOUT WITH TREE PIT

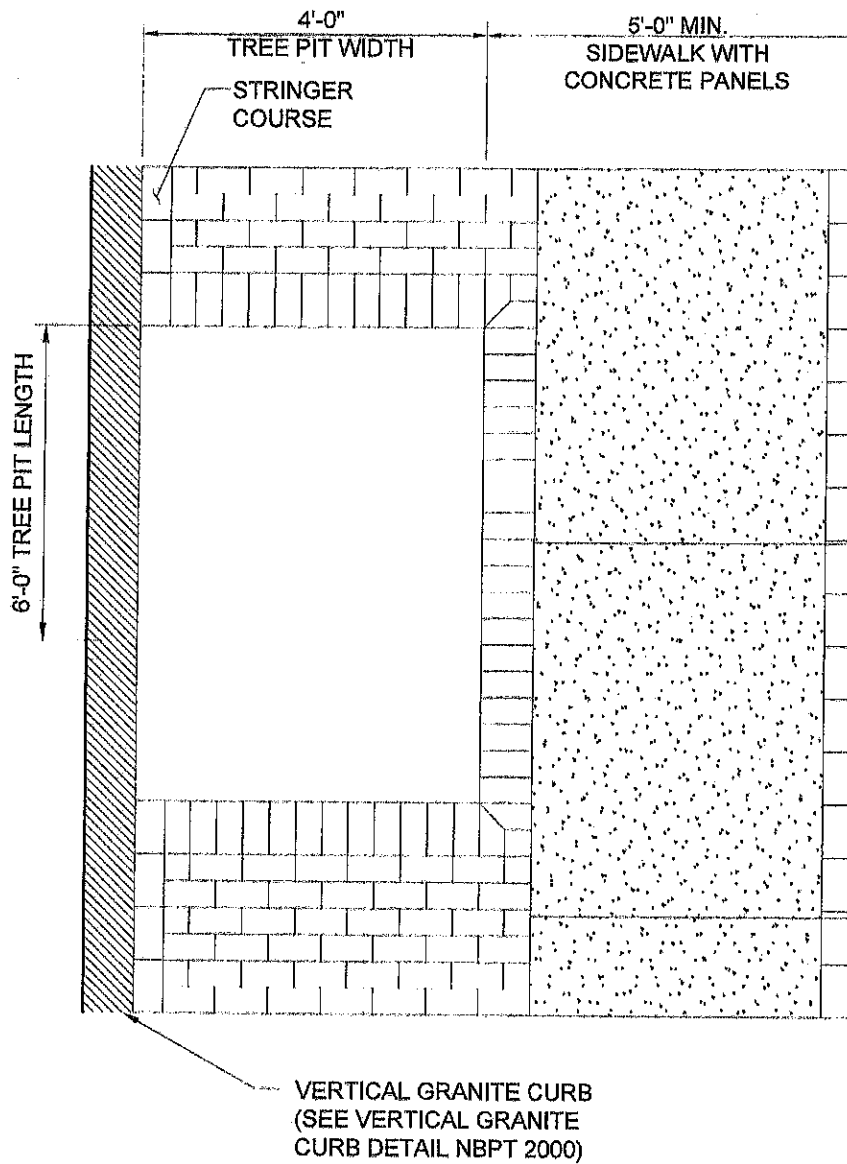
CITY OF NEWBURYPORT STANDARD SPECIFICATIONS AND DETAILS

NOT TO SCALE

ISSUE DATE 4/28/15

SPEC. SECTION REF#:

DRAWING: NBPT 3000C



9' WIDTH AND GREATER SIDEWALK LAYOUT W/TREE PIT (SPECIAL)

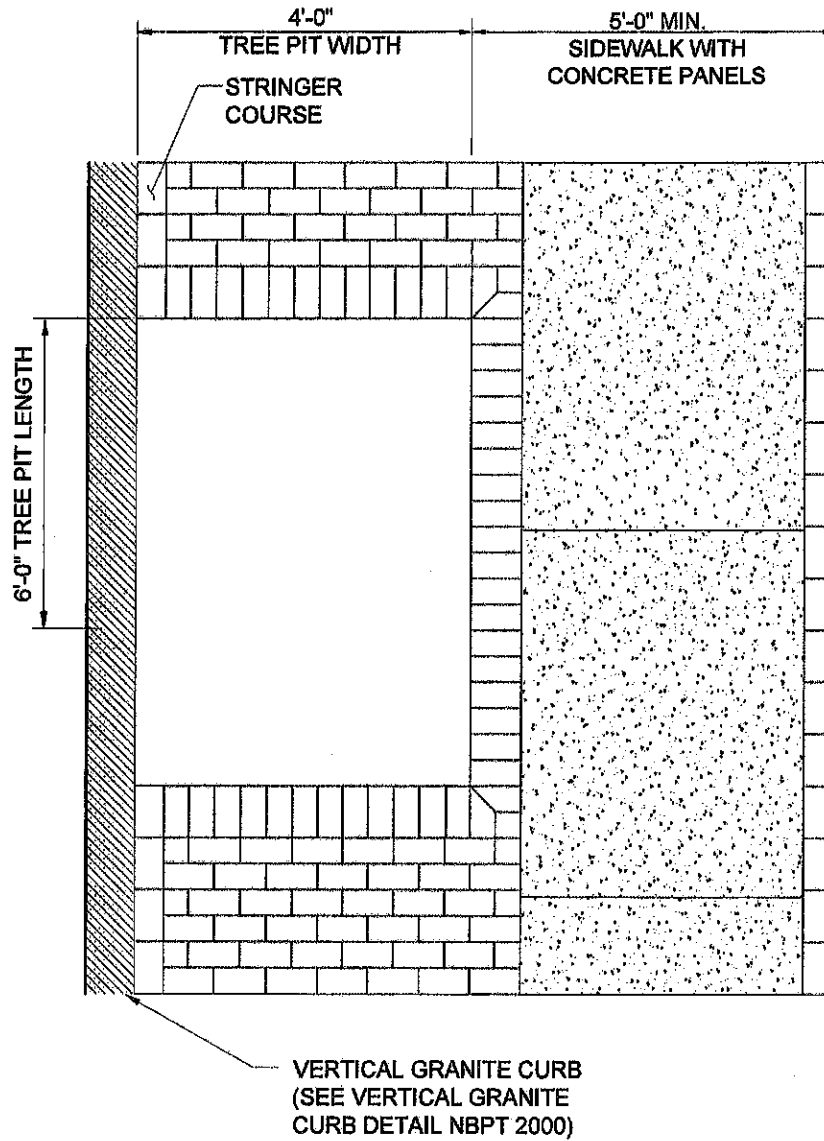
CITY OF NEWBURYPORT STANDARD SPECIFICATIONS AND DETAILS

NOT TO SCALE

ISSUE DATE 4/28/15

SPEC. SECTION REF#:

DRAWING: NBPT 3100



9' WIDTH AND GREATER SIDEWALK LAYOUT W/TREE PIT (SPECIAL)

CITY OF NEWBURYPORT STANDARD SPECIFICATIONS AND DETAILS

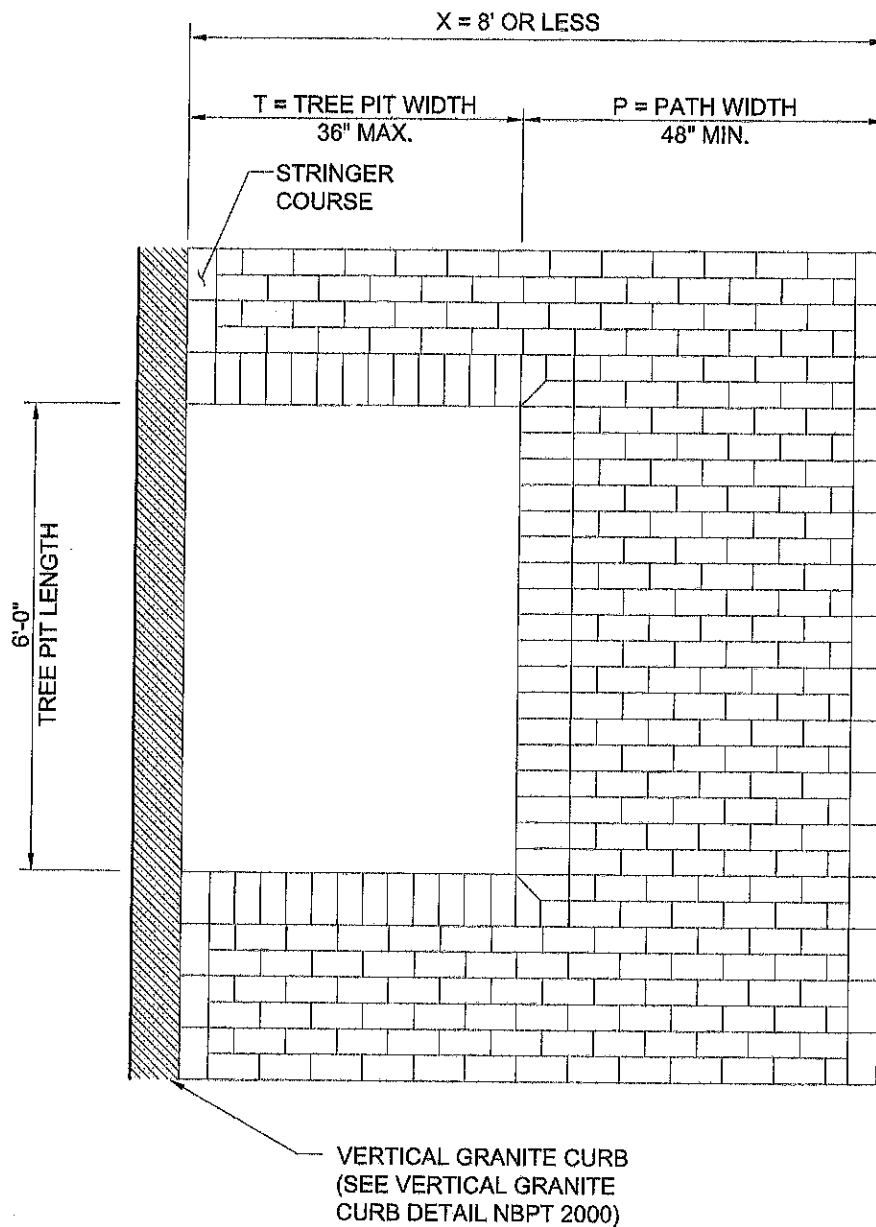
NOT TO SCALE

ISSUE DATE 4/28/15

SPEC. SECTION REF#:

DRAWING: NBPT 3100C

THIS SAME DETAIL MAY BE
USED FOR BRICK, CONCRETE
OR ASPHALT TYPE SIDEWALKS



TREE PIT WIDTH "T" (36" MAX.) IS
DETERMINED BY SUBTRACTING PATH
WIDTH "P" (48" MIN.) FROM TOTAL
SIDEWALK WIDTH "X"



8' WIDTH AND LESS SIDEWALK LAYOUT W/TREE PIT

CITY OF NEWBURYPORT STANDARD SPECIFICATIONS AND DETAILS

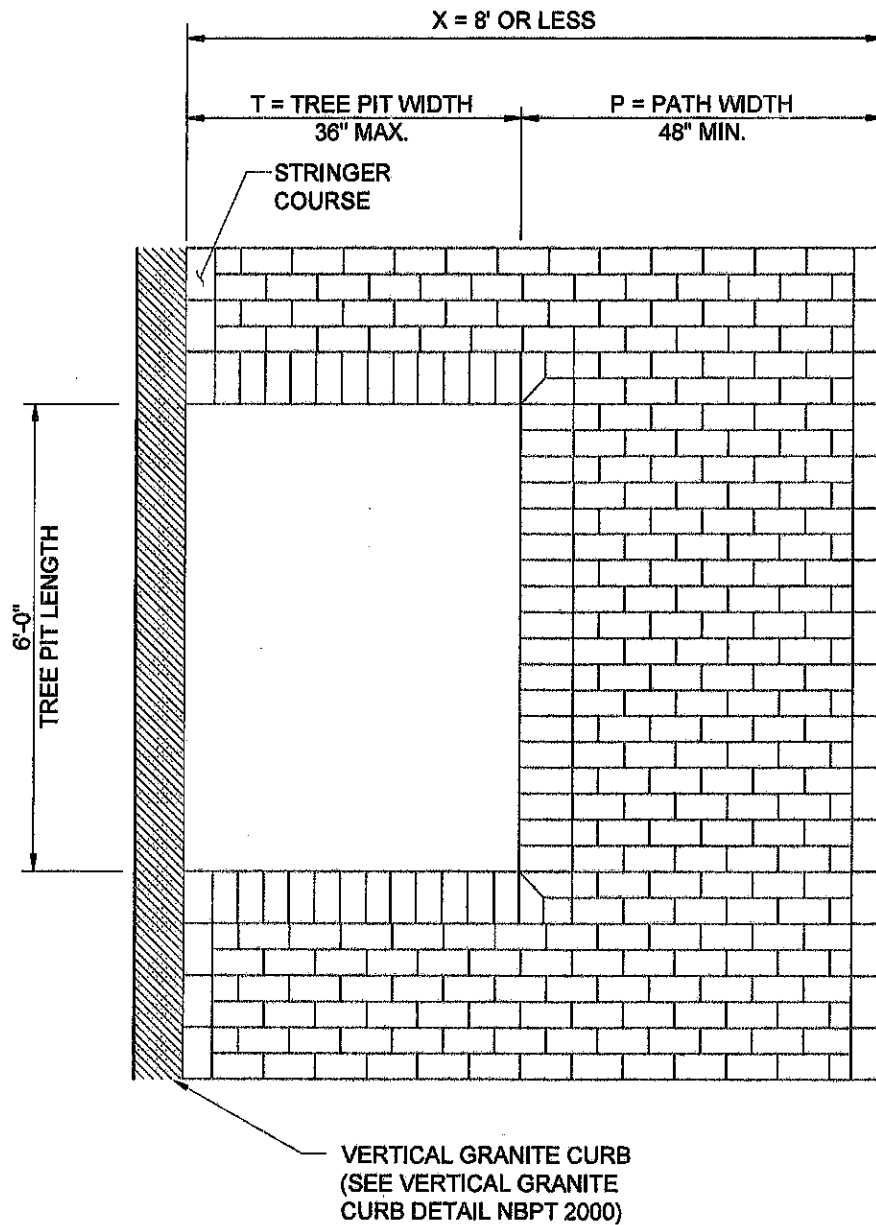
NOT TO SCALE

ISSUE DATE 4/28/15

SPEC. SECTION REF#:

DRAWING: NBPT 3400

THIS SAME DETAIL MAY BE
USED FOR BRICK, CONCRETE
OR ASPHALT TYPE SIDEWALKS



TREE PIT WIDTH "T" (36" MAX.) IS
DETERMINED BY SUBTRACTING PATH
WIDTH "P" (48" MIN.) FROM TOTAL
SIDEWALK WIDTH "X"



8' WIDTH AND LESS SIDEWALK LAYOUT W/TREE PIT

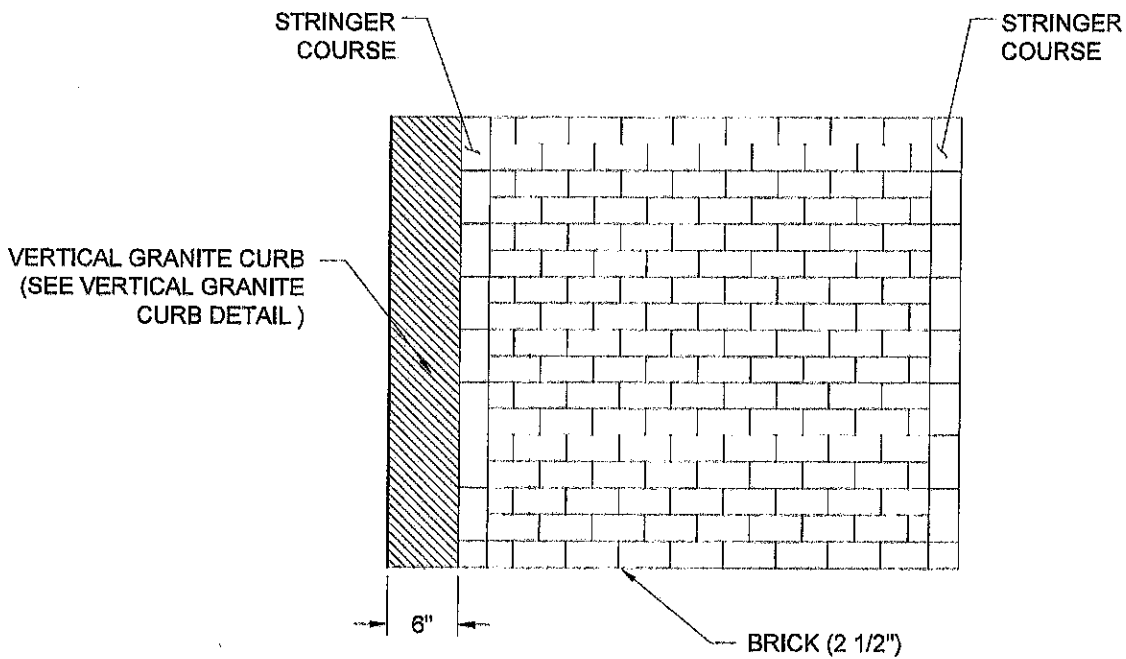
CITY OF NEWBURYPORT STANDARD SPECIFICATIONS AND DETAILS

NOT TO SCALE

ISSUE DATE 4/28/15

SPEC. SECTION REF#:

DRAWING: NBPT 3400C



NOTES:

1. BRICK TYPE TO BE DETERMINED BY DPS: (S&H TYPE; OLD CITY HALL TYPE; WIRE CUT TYPE)
2. STRINGER COURSES/OUTLINES MAY BE REQUIRED AROUND WHEELCHAIR RAMPS OR OTHER TYPES OF MATERIAL CHANGES.



BRICK SIDEWALK LAYOUT

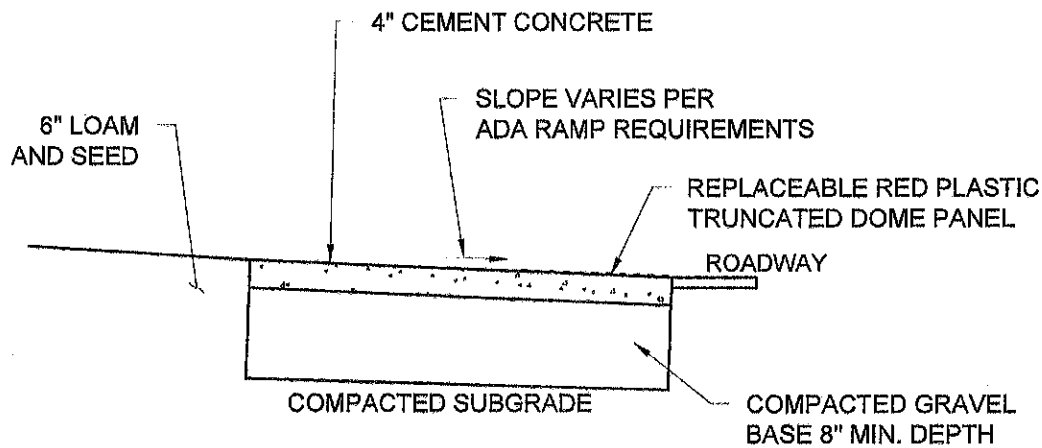
CITY OF NEWBURYPORT STANDARD SPECIFICATIONS AND DETAILS

NOT TO SCALE

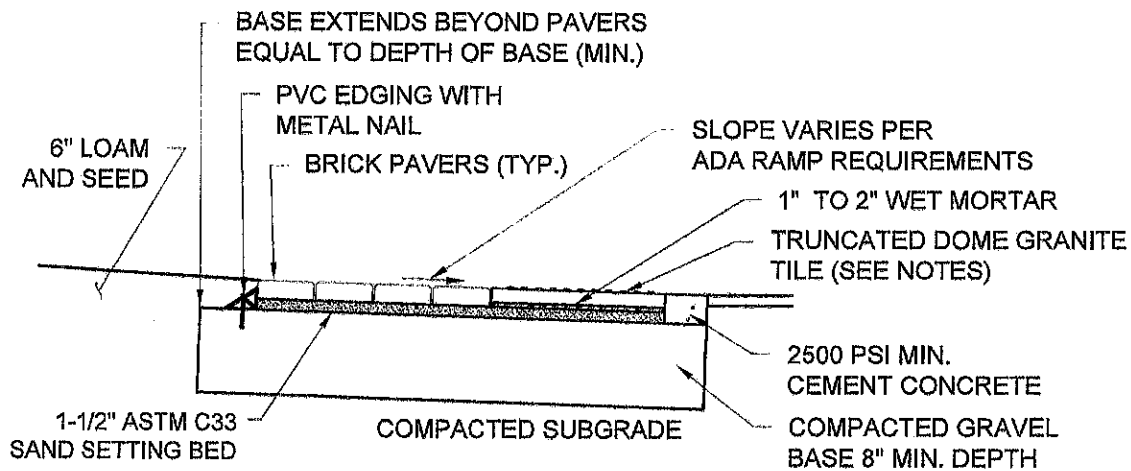
ISSUE DATE 4/28/15

SPEC. SECTION REF#:

DRAWING: NBPT 3800



CEMENT CONCRETE WHEELCHAIR RAMP



BRICK PAVER WHEELCHAIR RAMP



WHEELCHAIR RAMPS AND DETECTABLE WARNING PANEL (CROSS-SECTION)

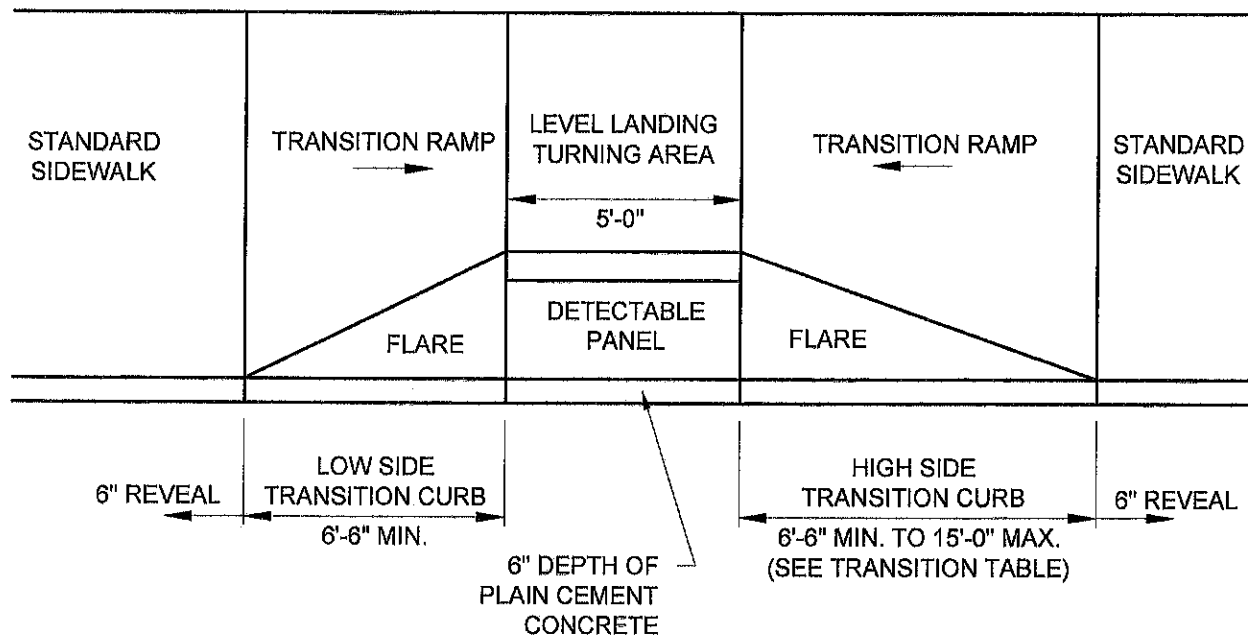
CITY OF NEWBURYPORT STANDARD SPECIFICATIONS AND DETAILS

NOT TO SCALE

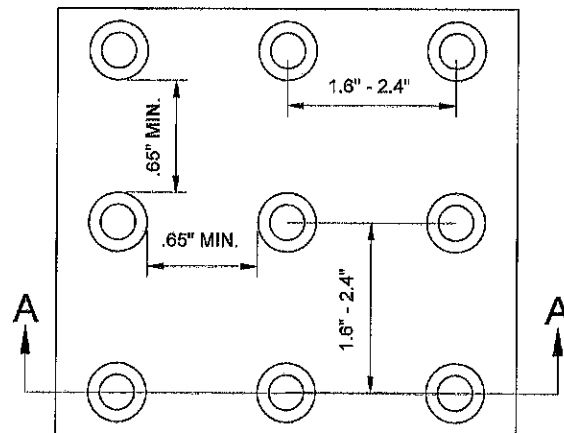
ISSUE DATE 4/28/15

SPEC. SECTION REF#:

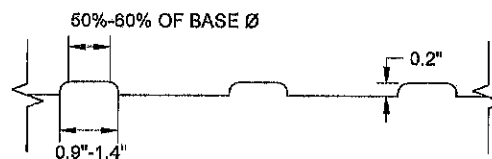
DRAWING: NBPT 4000



TYPICAL WHEELCHAIR RAMP INSTALLATION



DETAIL OF DETECTABLE WARNING PANEL



NOTE: DETECTABLE WARNING PANEL COLOR SHALL BE FEDERAL YELLOW ON CONCRETE OR BRICK; BRICK RED ON CONCRETE ONLY

SECTION A-A



WHEELCHAIR RAMPS AND DETECTABLE WARNING PANEL CROSS SECTIONS

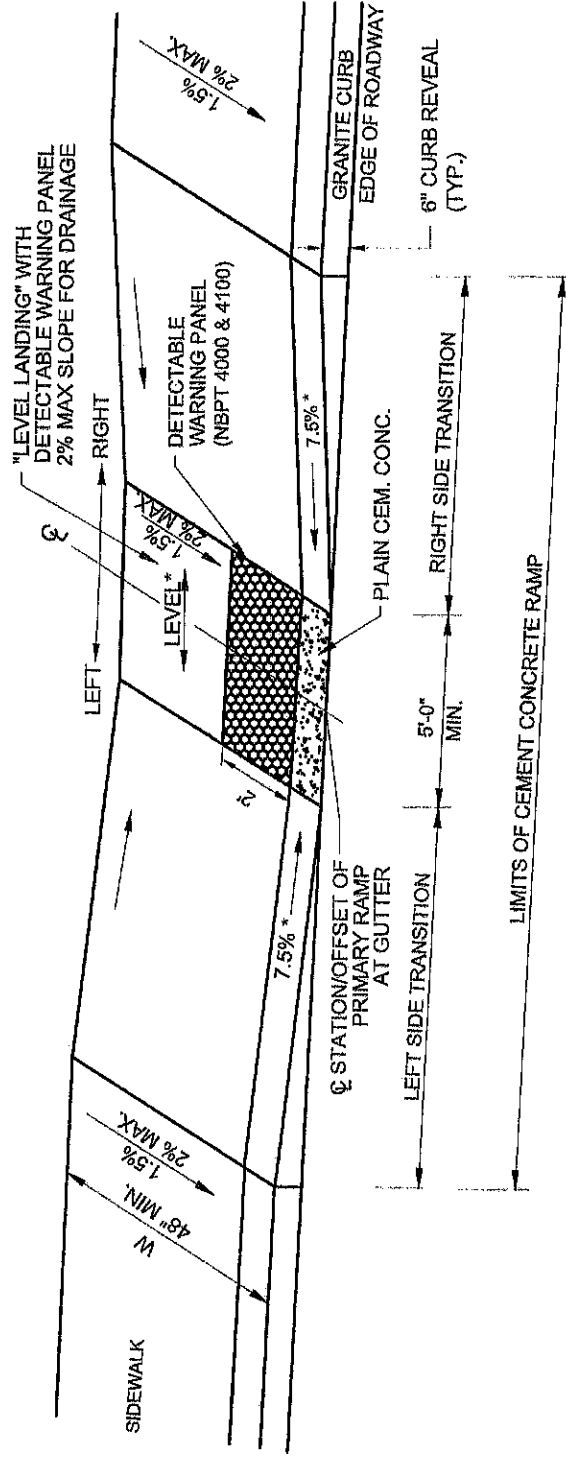
CITY OF NEWBURYPORT STANDARD SPECIFICATIONS AND DETAILS

NOT TO SCALE

ISSUE DATE 4/28/15

SPEC. SECTION REF#:

DRAWING: NBPT 4100



* CONSTRUCTION TOLERANCE $\pm 0.5\%$



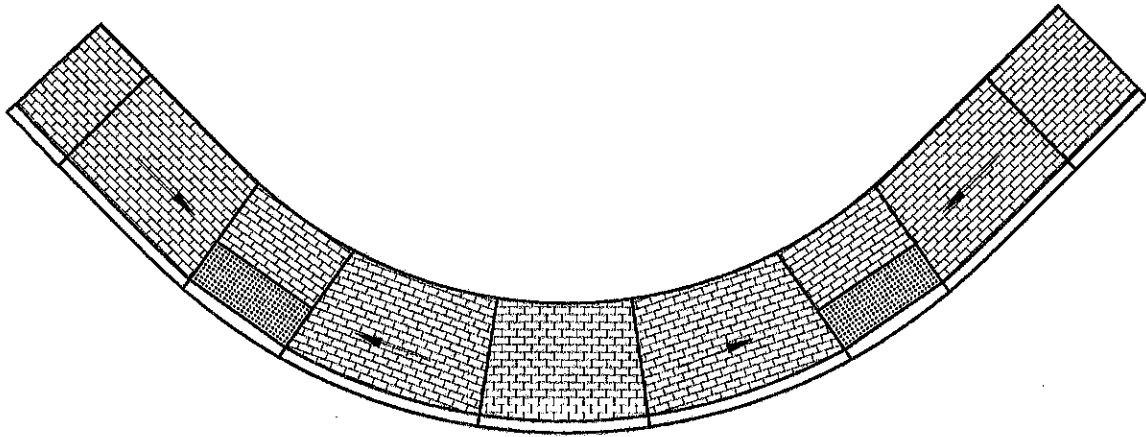
WHEELCHAIR RAMP ON NARROW SIDEWALK (WIDTH LESS THAN 6'-6")

CITY OF NEWBURYPORT STANDARD SPECIFICATIONS AND DETAILS

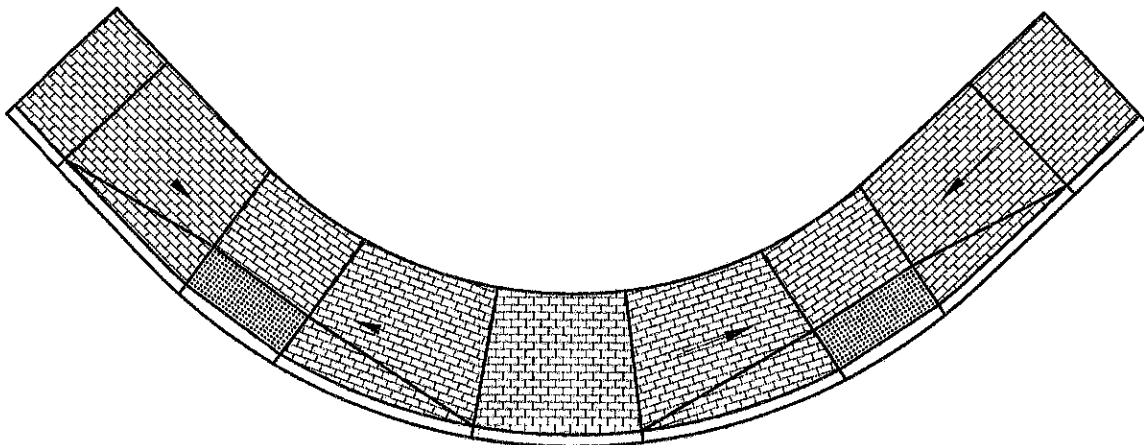
NOT TO SCALE

ISSUE DATE 4/28/15 SPEC. SECTION REF#:

DRAWING: NBPT 4200



SIDEWALK WIDTH LESS THAN 6'-6"



SIDEWALK WIDTH 6'-6" AND WIDER



WHEELCHAIR RAMPS AT INTERSECTION - BRICK

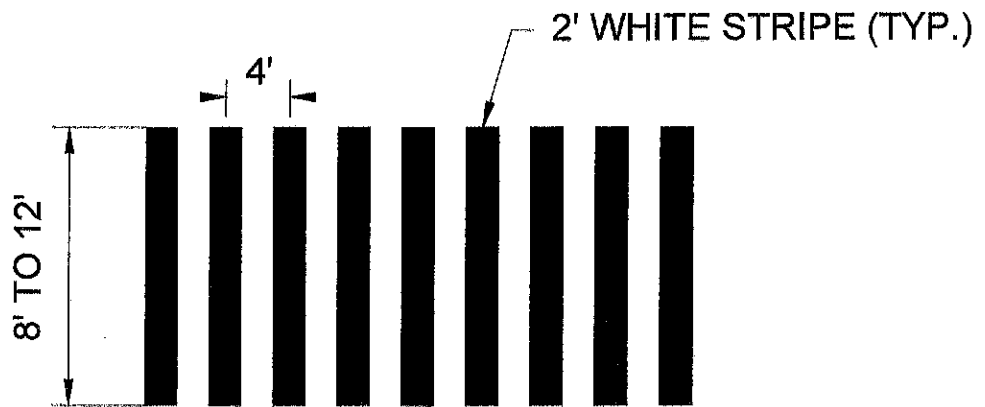
CITY OF NEWBURYPORT STANDARD SPECIFICATIONS AND DETAILS

NOT TO SCALE

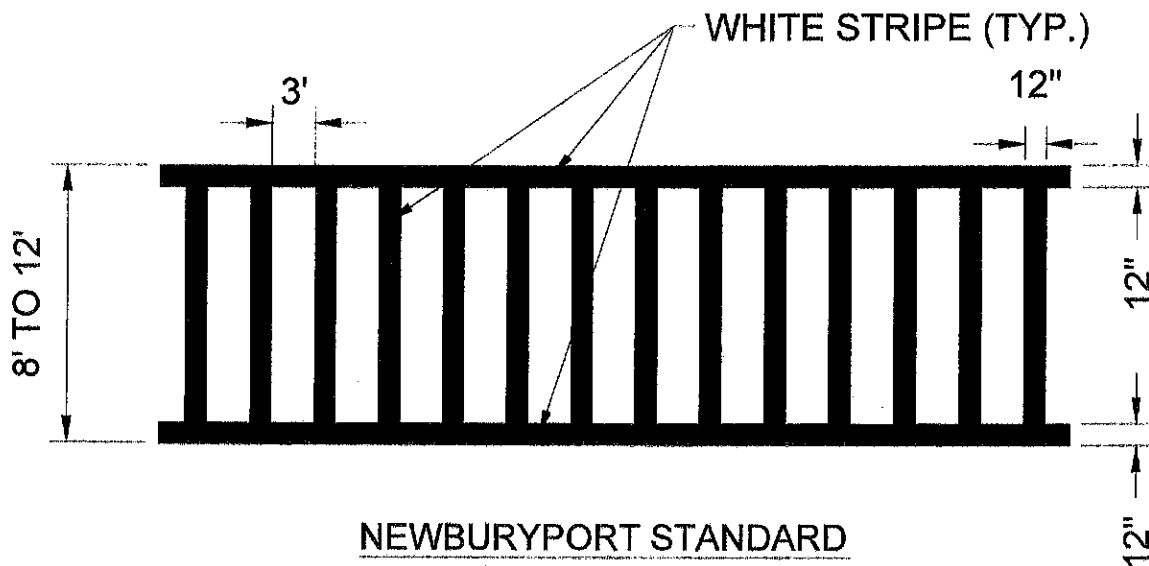
ISSUE DATE 4/28/15

SPEC. SECTION REF#:

DRAWING: NBPT 4400



**NEWBURYPORT CROSSWALK
(INTERNATIONAL TYPE)**



**NEWBURYPORT STANDARD
(LADDER TYPE)**

NOTE: STOP LINES SHALL BE 12" WIDE WHITE AND LOCATED A MINIMUM OF 4' IN ADVANCE OF CROSSWALK OR AT STOP SIGN LOCATION.



STANDARD CROSSWALK

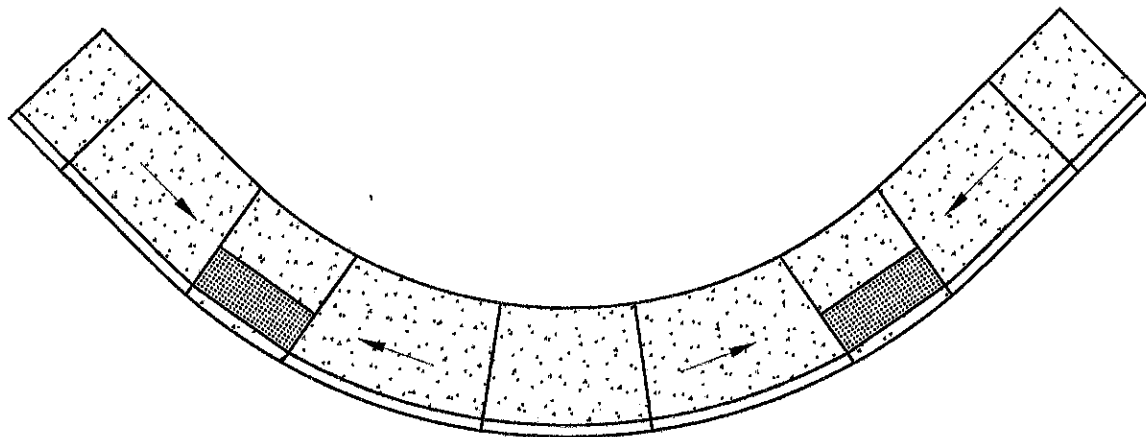
CITY OF NEWBURYPORT STANDARD SPECIFICATIONS AND DETAILS

NOT TO SCALE

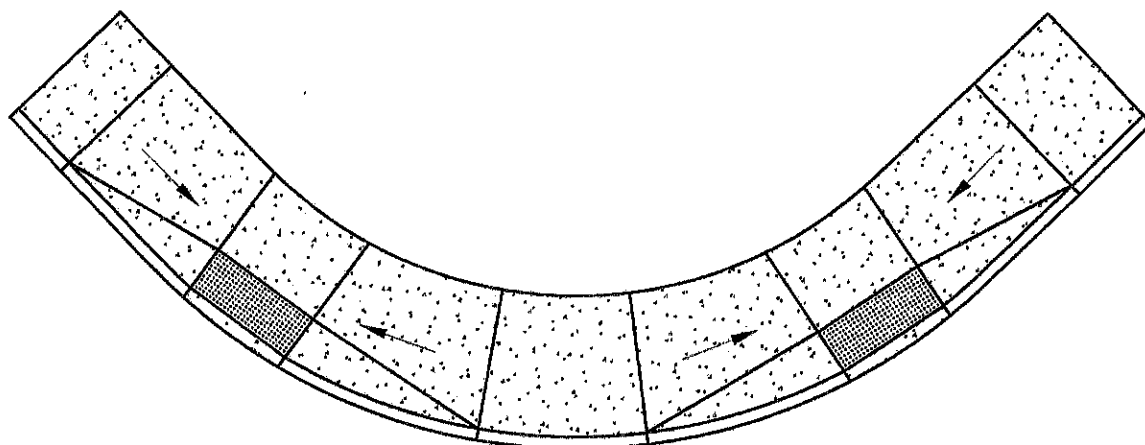
ISSUE DATE 4/28/15

SPEC. SECTION REF#:

DRAWING: NBPT 6000



SIDEWALK WIDTH LESS THAN 6'-6"



SIDEWALK WIDTH 6'-6" AND WIDER



WHEELCHAIR RAMPS AT INTERSECTION - CONCRETE

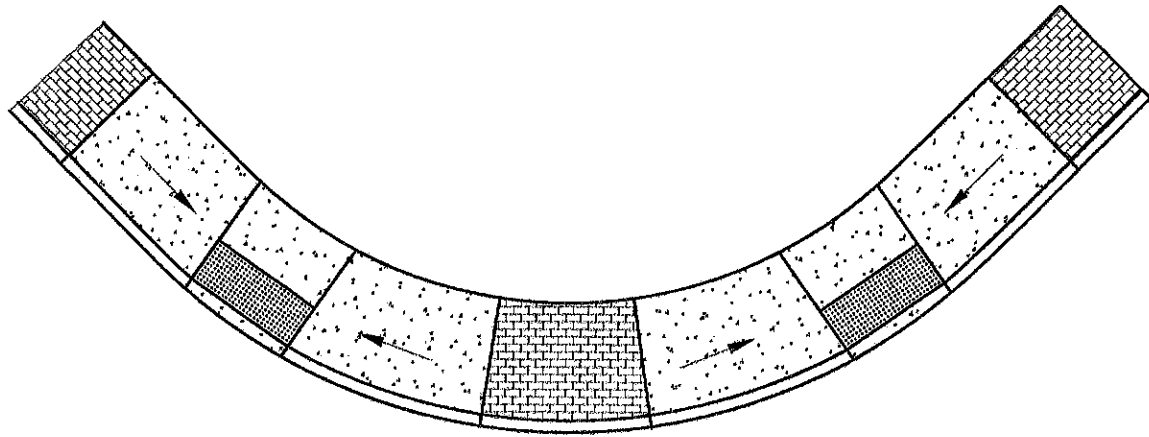
CITY OF NEWBURYPORT STANDARD SPECIFICATIONS AND DETAILS

NOT TO SCALE

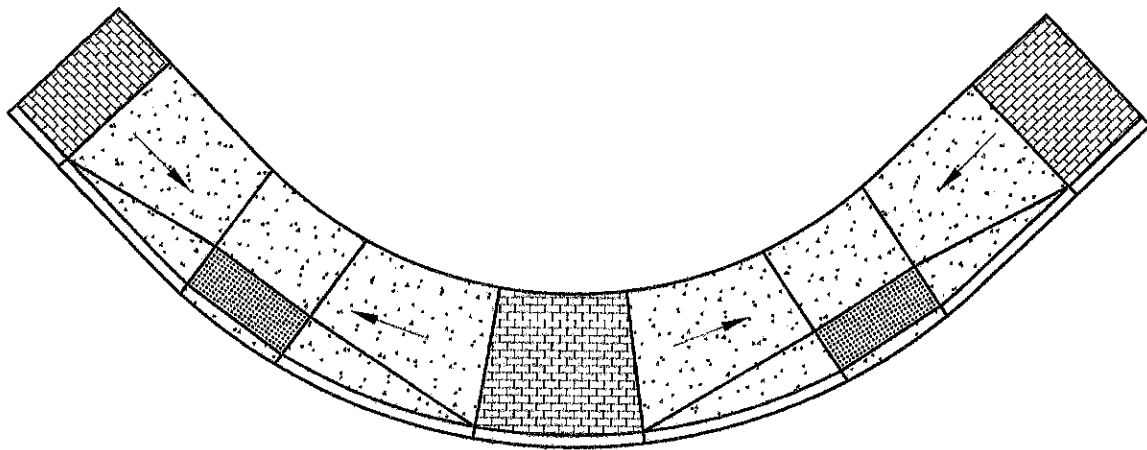
ISSUE DATE 4/28/15

SPEC. SECTION REF#:

DRAWING: NBPT 4500



SIDEWALK WIDTH LESS THAN 6'-6"



SIDEWALK WIDTH 6'-6" AND WIDER



WHEELCHAIR RAMPS AT INTERSECTION - BRICK/CONCRETE

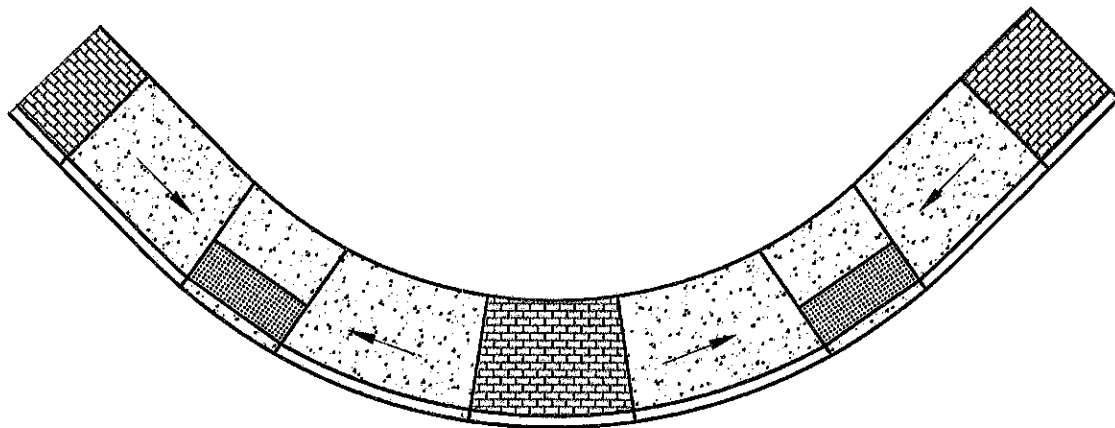
CITY OF NEWBURYPORT STANDARD SPECIFICATIONS AND DETAILS

NOT TO SCALE

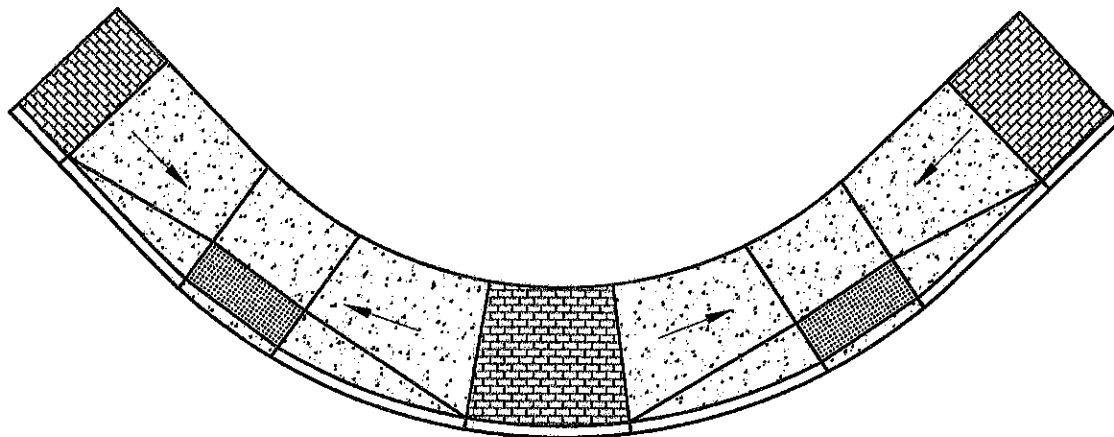
ISSUE DATE 4/28/15

SPEC. SECTION REF#:

DRAWING: NBPT 4600



SIDEWALK WIDTH LESS THAN 6'-6"



SIDEWALK WIDTH 6'-6" AND WIDER



WHEELCHAIR RAMPS AT INTERSECTION - BRICK/CONCRETE

CITY OF NEWBURYPORT STANDARD SPECIFICATIONS AND DETAILS

NOT TO SCALE

ISSUE DATE 4/28/15

SPEC. SECTION REF#:

DRAWING: NBPT 4600C

| ROADWAY PROFILE GRADE | * HIGH SIDE TRANSITION LENGTH |
|--------------------------|----------------------------------|
| % | ENGLISH UNITS |
| =0% | 6'-6" |
| >0% TO 1% | 7'-8" |
| >1% TO 2% | 9'-0" |
| >2% TO 3% | 11'-0" |
| >3% TO 4% | 14'-0" |
| >4% TO 5% | 15'-0" Max. |

NOTE:

* BASED ON DESIGN SLOPE OF
7.5% AND REVEAL OF 6"



WHEELCHAIR RAMP TRANSITION LENGTH

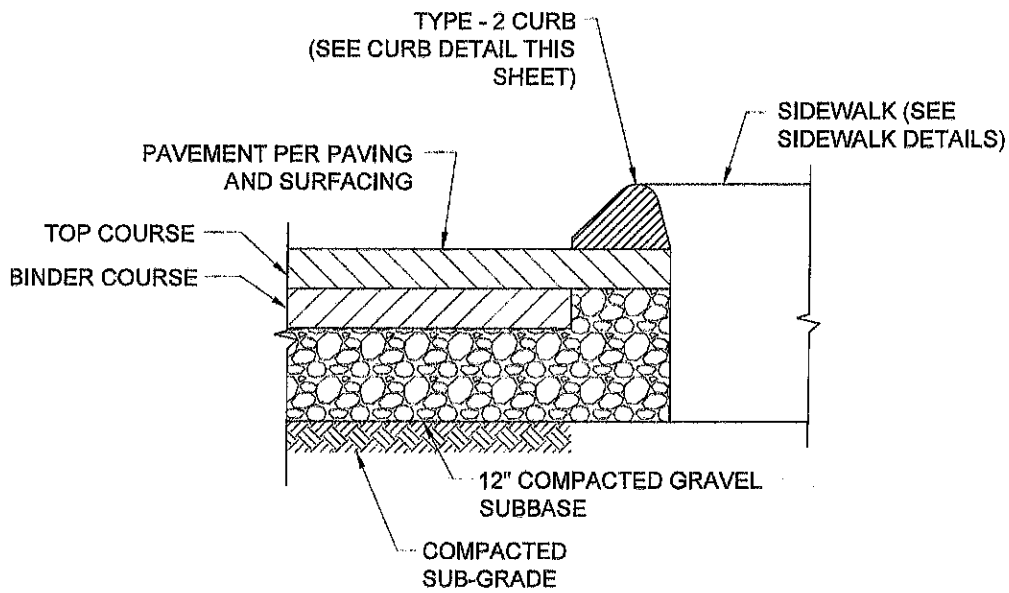
CITY OF NEWBURYPORT STANDARD SPECIFICATIONS AND DETAILS

NOT TO SCALE

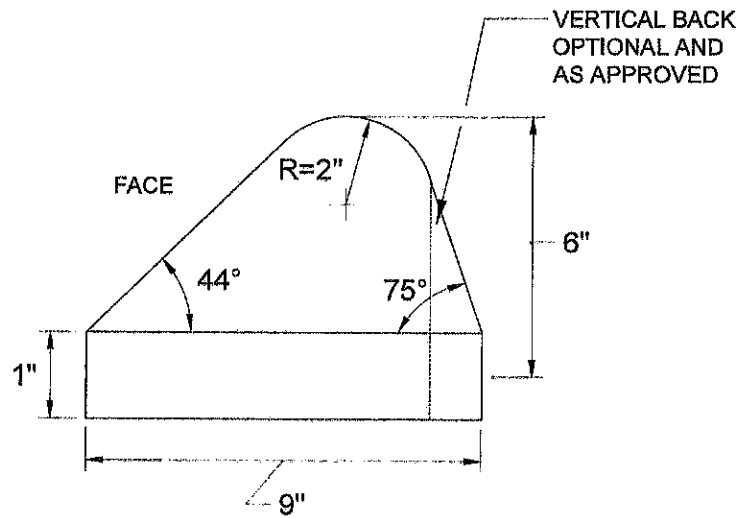
ISSUE DATE 4/28/15

SPEC. SECTION REF#:

DRAWING: NBPT 4900



NOTE: THE BERM MAY ALSO BE INSTALLED PRIOR TO FINAL PAVING AS DIRECTED BY DPS



DETAIL



ASPHALT CURB

CITY OF NEWBURYPORT STANDARD SPECIFICATIONS AND DETAILS

NOT TO SCALE

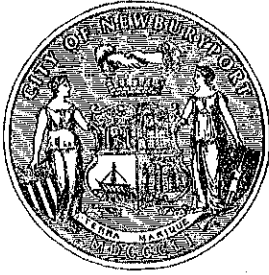
ISSUE DATE 4/28/15

SPEC. SECTION REF#:

DRAWING: NBPT 5000

**APPOINTMENTS
FIRST READING**

Appointment #1
June 8, 2015



CITY OF NEWBURYPORT
OFFICE OF THE MAYOR
DONNA D. HOLADAY, MAYOR

60 PLEASANT STREET - P.O. BOX 550
NEWBURYPORT, MA 01950
978-465-4413 PHONE
978-465-4402 FAX

RECEIVED
CITY CLERK
JUN 11 2015
15 JUN -1 A 0 22

To: President and Members of the City Council
From: Donna D. Holaday, Mayor
Date: May 29, 2015
Subject: Appointment

I hereby appoint, subject to your approval, the following named individual as a member of the Conservation Commission to fulfill the unexpired term of Jim O'Brien. This term will expire on June 1, 2017.

Dan Bourdeau, P.E.
376 High Street
Newburyport, MA 01950

Dan Bourdeau, P.E.
376 High Street
Newburyport, MA 01950

May 18, 2015

Dear Mayor Holiday,

I recently learned that a seat on the City of Newburyport (City) conservation commission will be available in the near future and I am very interested in serving our community by volunteering for a seat on the commission. I have been a resident of the City for the past three years and have worked as a civil and water resources engineer at Geosyntec Consultants, Inc. (Geosyntec) for the past 11 years. Much of my career at Geosyntec has focused on stormwater management, green infrastructure design and environmental permitting, including permitting through the Massachusetts Department of Environmental Protection (MADEP) wetland regulations. I feel it is a responsibility to offer my experience in the water resources field to our community through a volunteer position with the commission.

As a civil and water resources engineer, with a Master in Science from University of Massachusetts – Amherst, I have been the lead engineer on a variety of water resource projects which are highlighted on my attached resume. I served as Engineer-of-Record and Project Manager on many of these projects which have included proposed work within regulated wetland resource areas and require permitting through local conservation commissions and MADEP. Many of these projects required preparing permit applications to meet the requirements of the MADEP wetland regulations including wetland delineations, stormwater reports, wetland mitigation plans, wetland monitoring plans, wetland replication, and preparing the permit applications and presenting to conservation commissions. In addition, I have provided third party engineering reviews of proposed projects for local conservations commissions to ensure the project meets the requirements of the MADEP wetland regulations. Finally, I have also been the Engineer-of-Record on a variety of coastal restoration projects which also required permitting through local conservation commissions and MADEP as well as the Army Corp of Engineers (ACOE). I also have significant experience preparing stormwater pollution prevention plans (SWPPPs), erosion and sediment control plans and conducting erosion and sediment control inspections and stormwater permitting compliance audits. As an example, in 2014, I co-presented several half-day workshops through IECA to municipalities in New Hampshire on how to conduct erosion and sediment control inspections at construction sites. The workshops were based on knowledge built from conducting over 200 NPDES Construction General Permit audits at big box construction sites across the country.

I look forward to an opportunity to serve our community through a volunteer seat on the City's conservation commission. Please feel free to contact me via email (dhbourdeau@gmail.com) or directly at 508-472-9538 if you have any questions, require additional information or would like to discuss the potential opportunity of serving on the commission.

Sincerely,

A handwritten signature in cursive script, reading "Daniel H. Bourdeau".

Daniel Bourdeau



Daniel Bourdeau, PE, CPESC, CPSWQ

376 High Street, Newburyport MA 01950
(508) 472-9538
Dhbourdeau@gmail.com

EDUCATION

Masters of Science in Civil and Environmental Engineering, 2004

University of Massachusetts, Amherst, Massachusetts

Bachelors of Science in Civil and Environmental Engineering, 2002

University of Massachusetts, Dartmouth, Massachusetts

CERTIFICATIONS AND CERTIFICATIONS

Registered Professional Engineer:

Massachusetts No. 47558; New Hampshire No. 12882; Maine No. 13309,
New Jersey No. GE 48897

Certified Professional in Erosion and Sediment Control (CPESC)
No. 3586

Certified Professional in Surface Water Quality (CPSWQ)
No. 0331

OSHA 40-Hour Trained 29 CFR 1910.120(e)(3)I

OSHA 8-Hour Supervisor Trained 29 CFR 1910.120

OSHA 10-Hour Construction Trained 29 CFR 1926

OSHA 8-Hour Confined Space Entry Certified 29 CFR 1910.146

EXPERIENCE

Senior Engineer | **Geosyntec Consultants, Inc.**

2004 - Current

a registered professional engineer experienced in civil and water resource engineering. As a civil engineer, Mr. Bourdeau has been trained in water and wastewater treatment process design, geotechnical engineering, hydrologic processes, hydraulics, constructed treatment wetland design, water quality and floodplain analysis. He has expertise in stormwater design, specifically with retrofit green infrastructure designs including bioretention facilities, biofilters, and constructed treatment wetlands. He also has extensive experience in developing phased erosion and sediment control plans for large construction sites and solid waste facilities. Mr. Bourdeau has developed, managed and conducted surface water quality and hydraulic monitoring programs including coastal tidal monitoring. He also has experience with construction administration including developing specifications, bid documents, supporting the bid process, contractor selection and construction quality assurance and managing large construction projects. His current responsibilities include project management, business development, developing stormwater management designs,

assembling project specifications and bid documents, designing phased erosion and sediment control plans, training workshops and construction administration.

The following is a sampling of representative local project experience:

Hamilton Reservoir Stormwater Improvements, Pioneer Valley Planning Commission, Holland, Massachusetts. Lead engineer for the design and permitting of several low-impact development features within the Hamilton Reservoir watershed. Features included a constructed wetland, vegetated water quality swales, bioretention cells, and particle separator devices. Responsibilities included conducting site topographical surveys; developing existing conditions plans; developing conceptual designs and presenting to the lake oversight committees; preparing construction level design plans and specifications; preparing bid documents and wetland permits; and providing construction management.

Congamond Lakes Stormwater Improvement Project, Pioneer Valley Planning Commission, Southwick, Massachusetts. Lead engineer for the design and permitting for several traditional stormwater management features at five sites within the Congamond Lakes watershed. These features included deep sump catch basins and particle separator devices. Responsibilities included developing construction specification level design plans and preparing bid documents and wetland permits.

Hadley Farm Agricultural Improvements, Pioneer Valley Planning Commission, Hadley, Massachusetts; Lead engineer for the design and permitting for several resource improvements at the University of Massachusetts Hadley Farm. These features included stream restoration and agricultural best management practices including paddock drainage and stabilization and field drainage systems. Responsibilities included developing conceptual design plans; preparing construction design plans and specifications; and preparing bid documents and wetland permits.

St. Germain Superfund Site, Confidential Client, Taunton, Massachusetts. Served as the construction manager for a self-performed 3-acre geomembrane cap installation over a former hazardous waste drum disposal Superfund site. Responsible for directing daily construction operation, estimating quantities and ordering materials, working with vendors and subcontractors, responsible for implementing and inspecting the site erosion and sedimentation control program, conducting material inventories, generating field change requests and conducting on-site air quality monitoring. In addition, responsibilities included field documentation, both written and photographic, of daily activities; reviewing contract documentation including submittals and material certifications; and obtaining soil and geosynthetic samples for on-site and off-site geotechnical conformance tests and disposal handling. Conducted construction GPS stake-out and as-built surveys and generated final as-built conditions plans. Also assisted with Immediate Response Action activities to excavate additional buried drums encountered during construction of the cap. Assisted with the preparation of the final CQA construction report and as-built plans to complete the Site's Massachusetts Department of Environmental Protection Phase IV Remedy Implementation Plan.

Landers Lot Porous Asphalt, Steamship Authority, Falmouth, MA. Design engineer, project

manager and construction quality assurance manager for developing a large 15 acre porous asphalt parking and bus facility. Design includes working with a team to design the porous asphalt system including an asphalt treated permeable base. Responsible for assembling design drawings and details, preparing material specifications, preparing engineer's cost estimates, developing quality control plans, and construction administration support. Construction administration includes participating in weekly construction meetings, conducting pre-construction meetings, schedule coordination, performing and managing CQA field staff, and review of submittals and requests for information.

Ballard Street Salt Marsh Restoration, Saugus, Massachusetts. Lead engineer for developing engineering design plans as needed to obtain state and federal permits for restoration of a tidally restricted salt marsh. The restoration involves design and installation of tide gate improvements and dredging of approximately 18 acres of former salt marsh. Responsible for preparation of plans and permit applications for Section 401, Section 404, Chapter 91 Waterways License, and preparation of an Environmental Impact Report. Also responsible for sediment and water sampling and coordinating data review, analysis and reporting.

Cranberry Lane Salt Marsh Restoration, Chatham, Massachusetts, Massachusetts Coastal Zone Management. Lead engineer for developing restoration plans of a restricted salt marsh and an abandoned cranberry bog with tidal flow restrictions. Responsibilities include field reconnaissance, preparing permit and construction level plans and specifications, as well as preparing permit documents for local, state, and federal permits. Also responsible for performing construction quality assurance during construction of a replacement culvert system that incorporated temporary dams and water handling system. On-site construction support including reviewing submittals and shop drawings, hosting kick off meetings, site inspections, conformance sampling, preparing as-built documentation, and coordination with public and private utilities.

Crystal Lake/ Elginwood Pond Stormwater Runoff Improvements, Town of Peabody, Peabody, Massachusetts. Lead engineer for a variety of stormwater improvement designs throughout the Crystal Lake/Elginwood Pond watershed. Responsibilities included preparing construction level design plans and specifications, preparing bid documents and cost estimates.

Dudley Pond Low Impact Development Project, Dudley Pond Association, Wayland, Massachusetts. Served as the construction and CQA manager for a large bioretention cell low-impact development project. Responsible for estimating quantities and ordering materials, directing daily construction operation including construction stake-out surveys, and installing and maintaining site erosion and sedimentation controls. Lead engineer for field redesigning the cell and generating a field change request upon encountering unsuitable material during rough excavation.

Compliance Auditing Program, Confidential Client, New England. Responsible for developing field audit forms and audit procedures for a compliance auditing program for an international construction materials supplier. Lead auditor performing stormwater audits throughout New England for compliance with the EPA NPDES Stormwater Multi-Sector General Permit (MSGP) and Spill Prevention, Countermeasure and Control Regulations (40 CFR 112).

Tasks include preliminary review of state and EPA NPDES permit requirements, evaluating site NPDES documentation and field conditions, organizing the audit findings, and preparing summary reports.

Nationwide NPDES Construction Site Audit Program, Confidential Client. Assists with conducting internal NPDES compliance audits of construction sites throughout Eastern and Midwest United States for a large commercial developer. Tasks include preliminary review of state and EPA NPDES permit requirements, evaluating site NPDES documentation and in-place structural and non-structural erosion control practices and best management practices, organizing the audit findings, and preparing summary reports including recommended actions for each site.

Quabbin Reservoir Aquatic Vegetation Assessment, Massachusetts Department of Conservation and Recreation, Central Massachusetts. Assisted with a comprehensive aquatic vegetation assessment of approximately 3,410 acres of littoral zone of the Quabbin Reservoir. The survey was conducted using a traditional methods and mapping was performed using a Global Positioning System (GPS) unit. Assisted with preparing a comprehensive aquatic species guidebook "Field Guide to the Aquatic Plants of the Quabbin Reservoir" and was responsible for preparing aquatic vegetation maps and a summary report.

REFERENCES

Eric Strecker

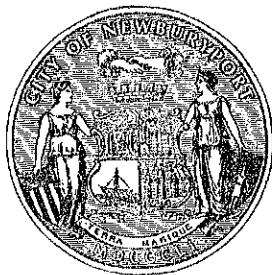
Relationship: Supervisor
Phone: (971)-271-5900

Robert Hartzel

Relationship: Previous Supervisor
Phone: 978.206.5771

Additional References Available Upon Request

Re-Appointment #2
June 8, 2015



CITY OF NEWBURYPORT
OFFICE OF THE MAYOR
DONNA D. HOLADAY, MAYOR

60 PLEASANT STREET - P.O. BOX 550
NEWBURYPORT, MA 01950
978-465-4413 PHONE
978-465-4402 FAX

To: President and Members of the City Council
From: Donna D. Holaday, Mayor
Date: June 1, 2015
Subject: Re-Appointment

I hereby re-appoint, subject to your approval, the following
named individual as a member of the Water/Sewer
Commission. This term will expire May 1, 2018.

Roger E. Jones
37 Storeybrooke Drive
Newburyport, MA 01950

END OF CONSENT AGENDA

BEGINNING OF REGULAR AGENDA

**APPOINTMENTS
SECOND READING**

MAYOR'S APPOINTMENTS

June 8, 2015

SECOND READING

APPOINTMENTS

3. Christopher Kealey 8 Payson Street Harbor Commission (Alternate) June 1, 2017

In City Council May 26, 2015

Motion to approve the consent agenda as amended by Councillor Cameron, seconded by Councillor Kinsey. So voted.

ORDERS

CITY OF NEWBURYPORT



IN CITY COUNCIL

ORDERED:

Date: June 8, 2015

ORDER AUTHORIZING THE MAYOR TO GRANT AN ACCESS EASEMENT IN LAND ON SPOFFORD STREET IN THE CITY OF NEWBURYPORT

WHEREAS, pursuant to a deed recorded with the Essex South Registry of Deeds in Book 1771, Page 529, the City is the owner of an unnumbered parcel of land approximately forty (40) feet in width throughout its length located between Assessors' Lots 71-39 and 71-39A to the Northeast and Assessors' Lots 71-38 and 71-37 to the Southwest (the "Property"); which Property provides access from Spofford Street to other land of the City known as Assessors' Lot 112-3; and

WHEREAS, the Property is held in the care, custody, and control of the Newburyport Water and Sewer Commission, as affirmed by the City Council's vote of January 29, 2015; and

WHEREAS, the Owner of Assessors' Lot 71-37 (4R Belcher Street) seeks an easement in the Property to access his lot;

WHEREAS, in accordance with Massachusetts General Laws Chapter 40, Section 3, the City may convey an interest in its land upon proper authorization; and

WHEREAS, in accordance with Massachusetts General Laws Chapter 40, Section 15A, upon determination by a board or officer having charge of land that such land is no longer needed for such purpose, the City Council may, by a two-thirds vote, transfer the care, custody, management and control of all or a part of the such land to the same or another board or officer of the City for another specific municipal purpose; and

WHEREAS, in accordance with Massachusetts General Laws Chapter 40, Section 15A the Water and Sewer Commission has determined, and has provided written notice to the Council of its determination, that the Property is not needed exclusively for water and/or sewer purposes, and that the City Council may transfer such care, custody and control of the Property as is necessary to allow for the conveyance of a permanent easement for access purposes in said parcel to serve Assessor's Lot 71-37, provided that the Water and Sewer Commission shall continue to hold the Property in its entirety, as it may be subject to such easement, in its care, custody and control for water and/or sewer purposes, and the easement granted shall not conflict with such purposes.

NOW, THEREFORE, BE IT RESOLVED by the Newburyport City Council as follows:

Joint care, custody and control of the Property is hereby transferred to the Water and Sewer Commission for water and/or sewer purposes and to the Mayor for the sole purpose of conveying a permanent easement for access purposes in said Property to serve Assessor's Lot 71-37;

And further, that the Mayor is hereby authorized to convey such easement upon such terms and conditions and for such consideration as the Mayor deems appropriate, provided that such easement shall not conflict with the use of the Property for water and/or sewer purposes.

Thomas F. O'Brien, Council President

CITY OF NEWBURYPORT



IN CITY COUNCIL

ORDERED:

June 8, 2015

THAT WHEREAS, Belcher Street was accepted as a public way by order of the City Council dated _____ but was not constructed to its full length on the ground; and

WHEREAS, the public interest and convenience requires that the portion of Belcher Street which is unconstructed and encroaching between 4 Belcher Street and 3 Belcher Street be discontinued;

NOW, THEREFORE, the City Council of the City of Newburyport, pursuant to General Laws Chapter 82, Sections 21 and 32A hereby specifically abandons and discontinues permanently the portion of the public way known as Belcher Street, as shown on the plan entitled "Discontinuance Exhibit," dated June 1, 2015, prepared by Winter GEC LLC., as shown on the plan as "Area of Discontinuance", and discontinues as part of said public way all land lying within the above described boundaries of said Belcher Street as specified as being discontinued on said Plan, and authorizes the Mayor, upon condition of receipt of the sum of \$1,000 from James T. Leonard and Ann M. Leonard, the owners of the land currently burdened by said unconstructed way, to release all right, title and interest of the City of Newburyport in the discontinued portion of Belcher Street.

Said portion of Belcher Street is hereby declared abandoned and is unused for ordinary travel and the common convenience and necessity no longer requires this portion of the public way to be maintained in a condition reasonably safe and convenient for travel. The City shall no longer be bound to keep such way or portion thereof in repair.

Council President Thomas F. O'Brien

BLATMAN, BOBROWSKI, MEAD & TALERMAN, LLC

ATTORNEYS AT LAW

30 GREEN STREET
NEWBURYPORT, MA 01950
PHONE 978.463.7700
FAX 978.463.7747

LISA L. MEAD
Lisa@bbmatlaw.com

Concord Office
9 DAMONMILL SQUARE, SUITE 4A4
CONCORD, MA 01742
PHONE 978.371.2226
FAX 978.371.2296

Millis Office
730 MAIN STREET, SUITE 2B
MILLIS, MA 02054
PHONE 508.376.8400
FAX 508.376.8440

June 2, 2015

Thomas O'Brien, President
City Council
City of Newburyport
60 Pleasant Street
Newburyport MA 01950

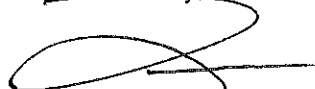
RE: Discontinuance, abandonment and sale of the unconstructed area of Belcher Street

Dear Tom;

Reference is made to the above captioned matter. In that connection and pursuant to our earlier conversation, I have enclosed the relevant documents for your review and action. Please let me know if you need anything further. My client, James Bourque Construction, Inc. and the Leonards are trying to resolve this matter in a timely manner.

I appreciate your attention and action on this matter.

Sincerely,



Lisa L. Mead

May 27 2015

Thomas O'Brien, President
City Council
City of Newburyport
60 Pleasant Street
Newburyport MA 01950

RE: Discontinuance, abandonment and sale of the unconstructed area of
Belcher Street

Dear President and Members of the City Council;

We, James T. Leonard and Ann M. Leonard are the owners of 4 Belcher Street. From the time we bought our property in 1978 until recently, we believed our property consisted of 44,180 square feet. That size was indicated on the Assessor's Maps and of course we have been paying taxes on the Assessor's assumption that the property was 44,180 square feet. Because of this calculation, we always have been under the impression that as a result we could split the lot in two for a second house lot. Indeed, on two occasions the former building inspector, Mr. Edward Hewett also opined that the property was 44,180 square feet and therefore was sufficient for two house lots. (Attached)

More recently we have entered into a purchase and sale agreement for the sale of our property and the Buyer undertook due diligence with regard to the size of the lot and the ability to create two house lots. What has been discovered is that notwithstanding the square footage as set forth on the Assessor's Plans and records, the property is actually 40,353.1 square feet. This of course has put us in an unexpected predicament and certainly has or will impact what we have always thought would be a part of our retirement.

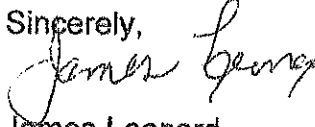
That having been said, there is a potential solution. Belcher Street is unconstructed starting at the back side of Plant Street. While we need a portion

of Belcher Street to remain a city street so our house has legal frontage, the end of Belcher Street serves no purpose and is unconstructed. We ask that the City abandon the end of Belcher Street as set forth on the plans and allow us to purchase same. We have worked with our neighbor, the Beauparlants, and they are agreeable to this solution, which in our minds is very unfortunate.

We ask that you discontinue and abandon the unconstructed end of Belcher Street as indicated on the plan and sell it to us so that we can add that area to our property and actually have sufficient area as we have always been under the impression that we have had.

We thank you for your serious consideration of this matter.

Sincerely,


James Leonard


Ann Leonard

May __, 2015

Thomas O'Brien, President
City Council
City of Newburyport
60 Pleasant Street
Newburyport MA 01950

RE: Discontinuance, abandonment and sale of the unconstructed area of Belcher Street

Dear President and Members of the City Council;


I live at 3 Belcher Street with my family and my mother. My family has lived at this address for many years. It has always been our understanding that the property at 4 Belcher Street has sufficient area and frontage to be two house lots. Indeed, I recall my father telling me to expect as some point a person could complete Belcher Street and build another home.

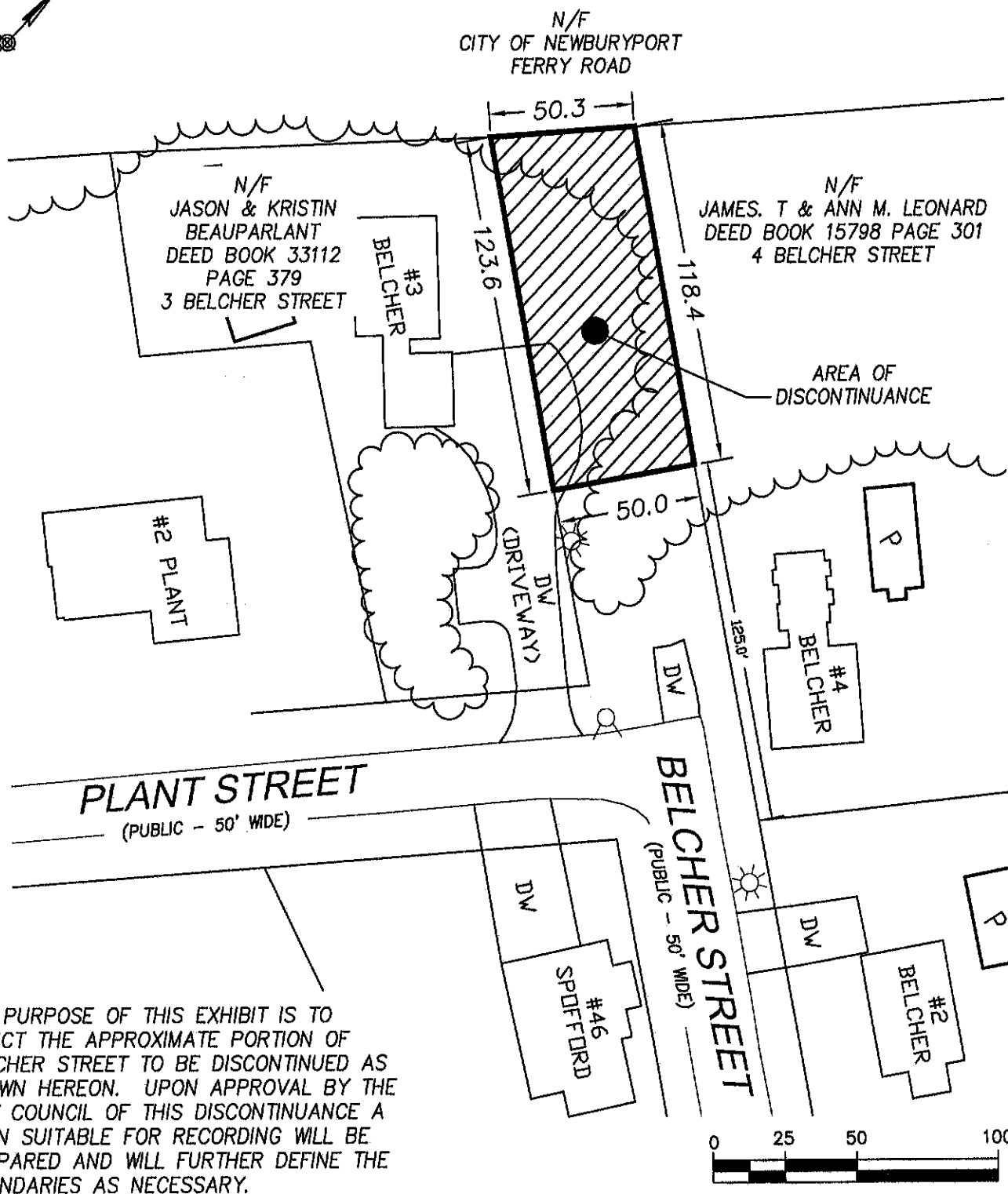
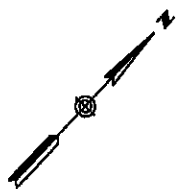
We were surprised to learn that the assessor's records were incorrect and in fact there is not sufficient area for the Leonard's to create two house lots. We agree that the end of Belcher Street should be abandon and sold to the Leonard's. We use a portion of the unused street for our driveway and swing set. We have worked out an agreement with the Leonard's to continue that use, should they become the owners of the property.

Given the history of 4 Belcher Street, I think it only fair and reasonable to abandon the unconstructed way and allow Jim and Ann have what they always thought they had.

Thank you for your consideration.

Sincerely,


Jason Beauparlant



Winter GEC, LLC

34 WINTER STREET
NEWBURYPORT, MA 01950
978-270-8626

BELCHER STREET
NEWBURYPORT, MASSACHUSETTS
PREPARED FOR
BOURQUE QUALITY HOMES
21 STOREY AVENUE, 2ND FLOOR
NEWBURYPORT, MA 01950

SHEET 1 OF 1

DISCONTINUANCE
EXHIBIT

DATE: JUNE 1, 2015



City of Newburyport

Building Department

CITY HALL

NEWBURYPORT, MASSACHUSETTS 01950

TELEPHONE: (617) 462-8701

EDWARD A. HEWETT
Building Official/Codes Administrator

April 14, 1986

Mrs. Nancy B. Leonard
4 Belcher Street
Newburyport, Ma. 01950

Dear Nancy:

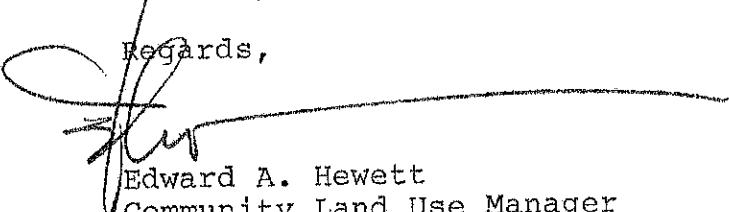
SUBJECT: City of Newburyport Zoning Ordinance, Land Use Advisory
ie: Realty at #4 Belcher Street, (City Use #1/Zone R-1)
Legal Reference: City Land Use Controls/Ordinance
Section V, VI, and X-B

Pursuant to the authority vested with your Community and its
Regulatory Office, the City of Newburyport files its Zoning
Ordinance/Land Use Advisory.

The City Office, having reviewed the Assessor's Plat Map
Sectional and the Community Land Use Maps, we find your land,
(House Lot) of some 44,180 square feet is Zoned Residential/and
to be fully within the City's Zoning District, R-1. Please refer
to the Dimensional Control Chart herewith enclosed. Your
Community Land Use/Dimensional Control Chart lists minimum lot
sizes, Lot Areas, Minimum Frontages, Maximum % Lot Cover, and
Minimum Yard Set Back Requirements.

If we of the Community Land Use Controls Program may be of a
further public service, do not hesitate addressing any land use
question to our attention here at City Hall.

Regards,


Edward A. Hewett
Community Land Use Manager
City Zoning Official

EAH:bp
enc



City of Newburyport

Building Department

CITY HALL

NEWBURYPORT, MASSACHUSETTS

TEL. 462-8701

EDWARD A. HEWETT

Building Official/Codes Administrator

July 12, 1978

Mr. James Leonard
13 Roosevelt Place
Newburyport, Massachusetts

Dear James:

SUBJECT: City Zoning Opinion

This city zoning report is written in response to your request of my office for city (zoning) opinion under our recently-enacted new Zoning Ordinance.

The city Building Official's Office (Zoning Officer) finds that the land now of Carey at #4 Belcher Street (Lot #37 on Assessors Plat Map), does have sufficient area and frontage as to be split under the local ordinance as aforementioned (Section VI-B/1).

Special considerations should be given to the off-site improvements to be required by the city so as to provide services made necessary by such action of lot splitting.

If we here at the city Building Official's Office can be of any further service, do not hesitate in calling on me.

Very truly yours,

Edward A. Hewett
Building Official/Codes Administrator
Zoning Administrative Officer

EAH:ss

Enclosure

CC: City Solicitor
City Clerk
Planning Board

Reference Standards:

Massachusetts Zoning Law, Chapter #40A,
as amended by Chapter #808/75.
City Zoning Ordinance of 1978,
Section X-B, Administration.
Section VI-B/1, Reduction of Lot Areas and
Separation of Lots.

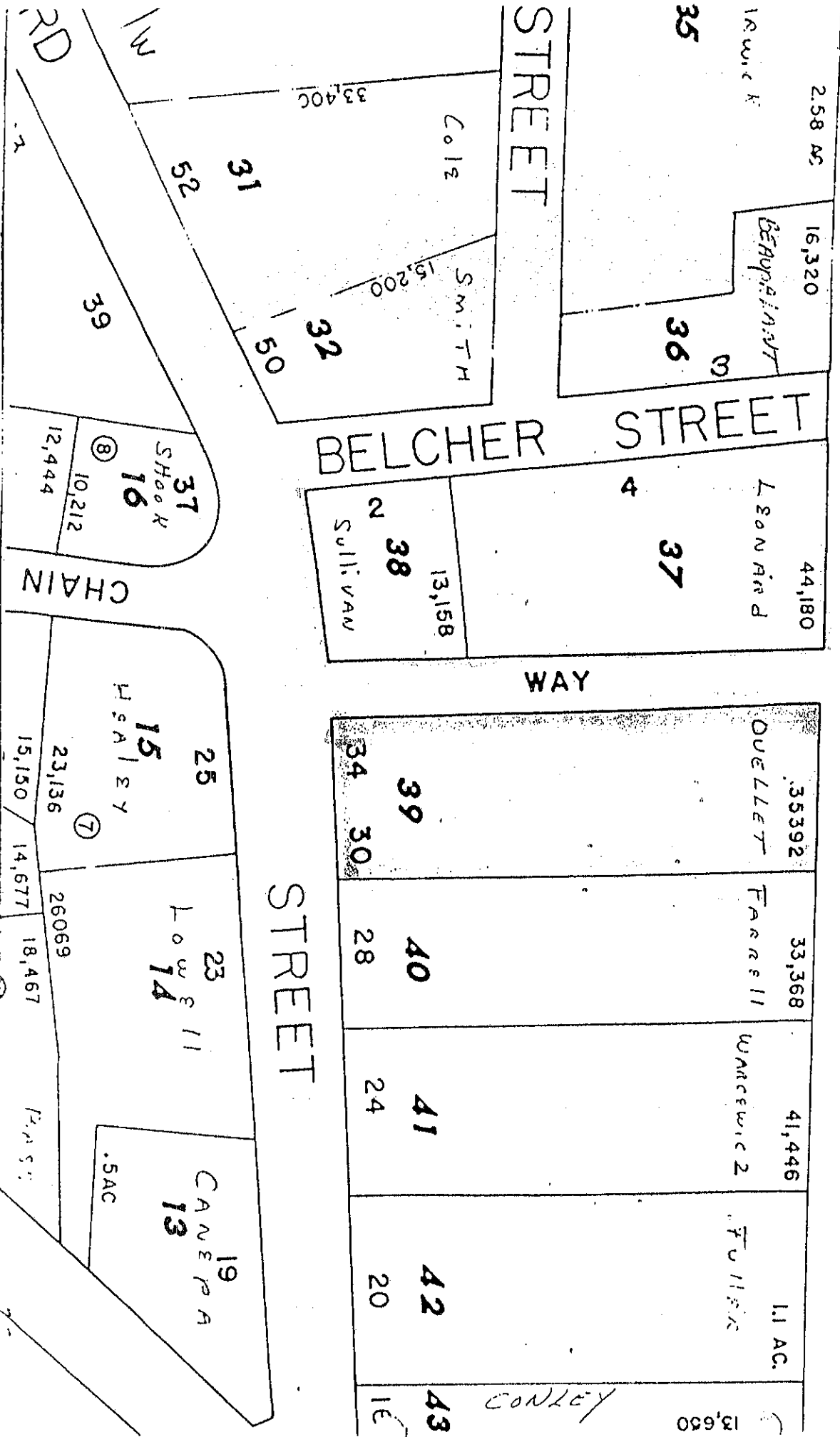
City of Newburyport
Building Department
Newburyport, Massachusetts

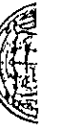
EDWARD A. HEWITT
Building Official/Codes Administrator

TELEPHONE
462-8701

1" = 100'

COPY

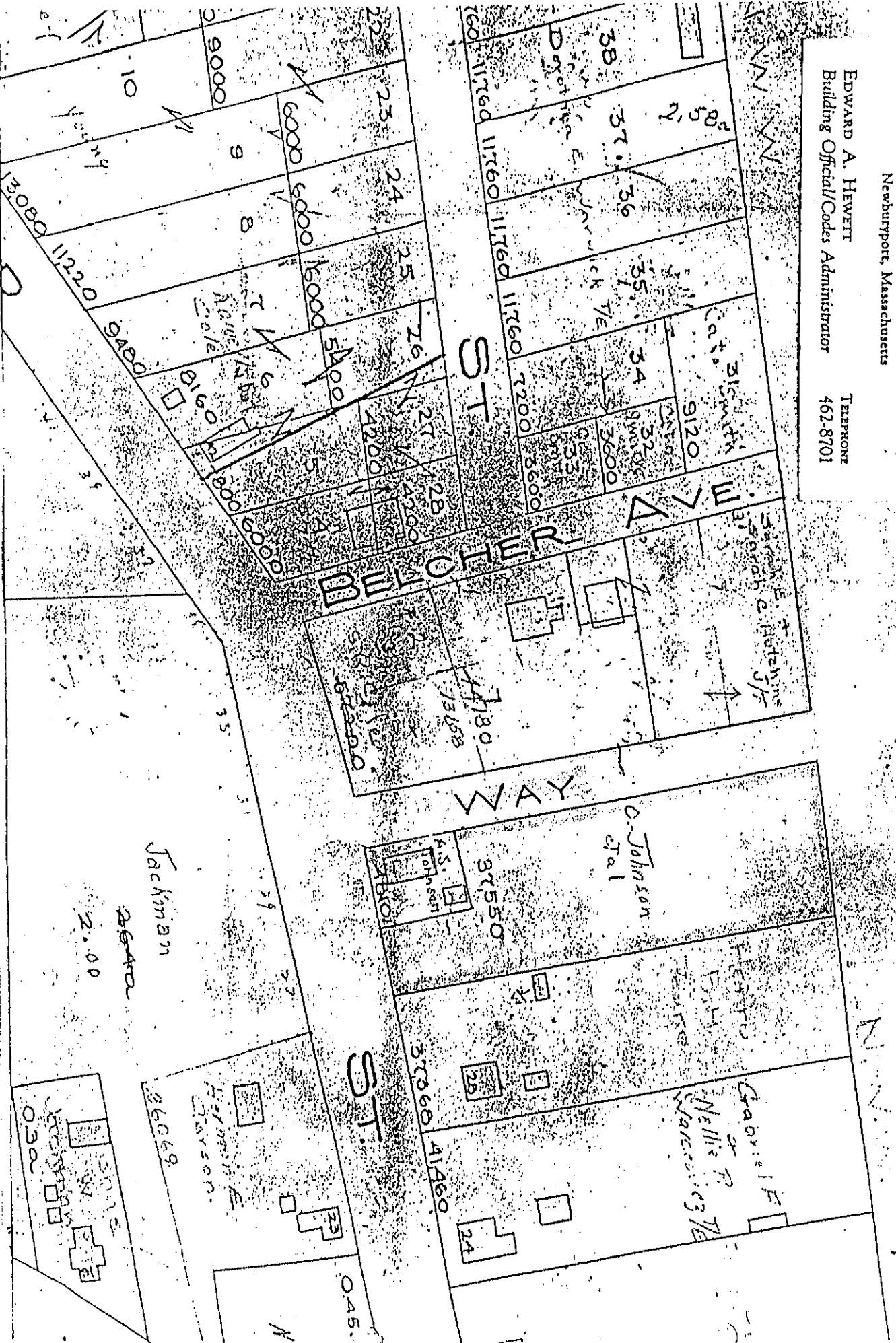


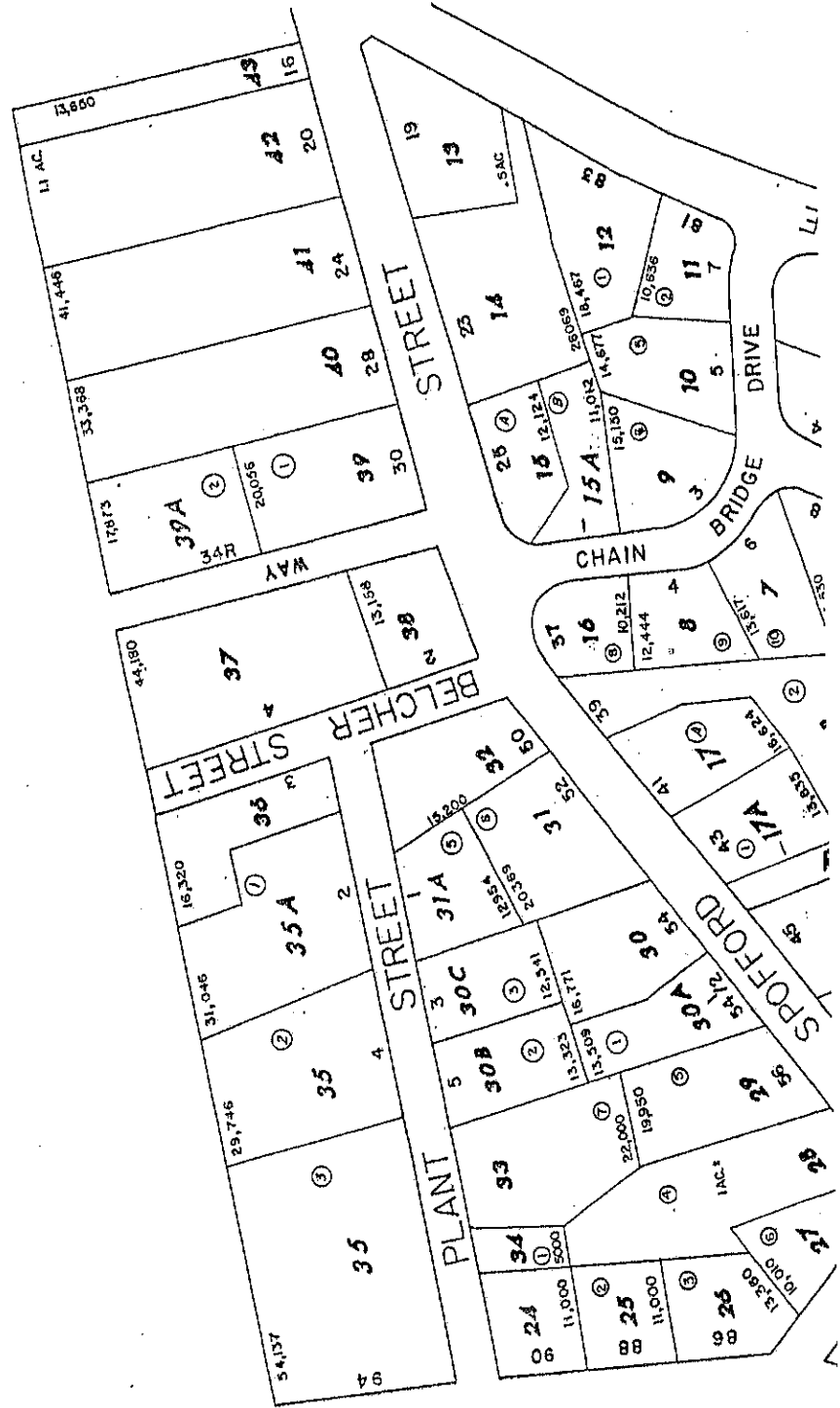
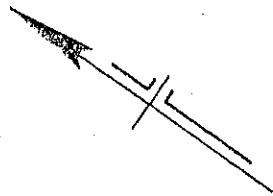


City of Newburyport

Building Department
Newburyport, Massachusetts

EDWARD A. HEWITT
Building Official/Codes Administrator
TELEPHONE 462-8701





4 BELCHER ST**Location** 4 BELCHER ST**Assessment** \$737,300**Mblu** 71/ 37/ / /**PID** 4856**Owner** LEONARD JAMES T**Building Count** 1**Current Value**

| Assessment | | | |
|----------------|--------------|-----------|-----------|
| Valuation Year | Improvements | Land | Total |
| 2015 | \$493,500 | \$243,800 | \$737,300 |

Owner of Record

Owner LEONARD JAMES T
Co-Owner ANN M J/T
Address 4 BELCHER ST
 NEWBURYPORT, MA 01950

Sale Price \$0
Book & Page 15798/0301
Sale Date 07/08/1999

Ownership History

| Ownership History | | | |
|-------------------|------------|-------------|------------|
| Owner | Sale Price | Book & Page | Sale Date |
| LEONARD JAMES T | \$1 | 10878/0001 | 07/23/1991 |
| LEONARD JAMES T | \$0 | D1681/ 26 | 11/10/1978 |

Building Information**Building 1 : Section 1**

Year Built: 1754
Living Area: 3070

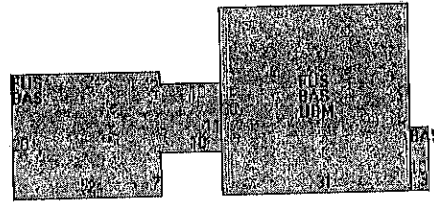
| Building Attributes | |
|---------------------|----------------|
| Field | Description |
| Style | Antique |
| Model | Residential |
| Stories: | 2 Stories |
| Occupancy | 1 |
| Exterior Wall 1 | Clapboard |
| Exterior Wall 2 | Wood Shingle |
| Roof Structure: | Gable/Hip |
| Roof Cover | Asph/F Gls/Cmp |
| Interior Wall 1 | Plastered |
| Interior Wall 2 | |
| Interior Flr 1 | Pine/Soft Wood |

Building Photo

{<http://images.vgsi.com/photos/NewburyportMAPotos//\01\00\54\70.jpg>}

Building Layout

| | |
|--------------------|------------|
| Interior Flr 2 | |
| Heat Fuel | Gas |
| Heat Type: | Hot Water |
| AC Type: | None |
| Total Bedrooms: | 3 Bedrooms |
| Total Bthrms: | 2 |
| Total Half Baths: | 1 |
| Total Xtra Fixtrs: | |
| Total Rooms: | 8 |
| Bath Style: | Average |
| Kitchen Style: | Average |



| Building Sub-Areas | | | Legend |
|--------------------|-----------------------|------------|-------------|
| Code | Description | Gross Area | Living Area |
| BAS | First Floor | 1550 | 1550 |
| FUS | Upper Story, Finished | 1520 | 1520 |
| UBM | Basement, Unfinished | 930 | 0 |
| | | 4000 | 3070 |

Extra Features

| Extra Features | | | | Legend |
|----------------|----------------|---------|---------|--------|
| Code | Description | Size | Value | Bldg # |
| FPL3 | FIREPLACE 2 ST | 2 UNITS | \$6,900 | 1 |
| FPO | EXTRA FPL OPEN | 1 UNITS | \$1,100 | 1 |

Land**Land Use**

Use Code 1010
Description SINGLE FAM
Zone R1

Land Line Valuation

Size (Acres) 1.01
Depth 0
Assessed Value \$243,800

Outbuildings

| Outbuildings | | | | | | Legend |
|--------------|----------------|----------|-----------------|----------|----------|--------|
| Code | Description | Sub Code | Sub Description | Size | Value | Bldg # |
| SPL2 | POOL-INGR VN/P | | | 648 S.F. | \$10,400 | 1 |
| PAT1 | PATIO-AVG | | | 300 S.F. | \$700 | 1 |

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CITY OF NEWBURYPORT



IN CITY COUNCIL

June 8, 2015

ORDERED:

THAT, the city establish revolving funds for certain city departments under M.G.L. Chapter 44, §53E1/2 for the fiscal year beginning July 1, 2016, with the specific receipts credited to each fund, the purposes for which each fund may be spent and the maximum amount that may be spent from each fund for the fiscal year, as follows:

| <u>Revolving Fund</u> | <u>Authorized to Spend</u> | <u>Revenue Source</u> | <u>Use of Fund</u> | <u>FY16 Spending Limit¹</u> |
|-------------------------|------------------------------------|--|--|--|
| Engineering Services | Director of Planning & Development | Charges to developers who have applications before the City in an amount equal to the cost of acquiring the professional service | Expenses associated with the engagement, by the City, of engineers, architects, and other professionals qualified to evaluate various aspects of development projects and to advise the City accordingly | \$100,000 |
| Council on Aging | Director of Council on Aging | Program fees | Senior citizen programs | \$50,000 |
| Recreational Services | Director of Youth Services | Program fees | Funds recreational services in the City including program supplies, materials and equipment, class instructor fees, fees for reservations and tickets related to trips and functions, and other costs related to the provisions of recreational services | \$350,000 |
| Historical Commission | Director of Planning & Development | Application fees | Administration of the Historical Commission operations, including office supplies and technical assistance | \$10,000 |
| Electrical Inspector | Building Commissioner | Electrical permit fees | Electrical Inspector's salary and related expenses | \$105,000 |
| Plumbing Inspector | Building Commissioner | Plumbing permit fees | Plumbing Inspector's salary and related expenses | \$60,000 |
| Gas Inspector | Building Commissioner | Gas permit fees | Gas Inspector's salary and related expenses | \$50,000 |
| Disabilities Commission | ADA Coordinator | Handicapped parking fines | Assist the Commission on Disabilities in their efforts to advise, assist, research, coordinate, review and make policy recommendations, provide information, referrals, guidance and technical assistance to individuals, public agencies, businesses and organizations in all matters pertaining to disability; and to coordinate activities of other local groups organized for similar purposes | \$25,000 |
| South End Branch | Director of Public Services | Income received from the rental of the apartment located on the second floor of the South End Branch Library, commonly known as the Emma Andrews Library | Expenses associated with building maintenance, repairs, renovations, upkeep and security | \$35,000 |
| M-School Drop-in Center | Director of Youth Services | Donations, gifts and grants received from the general public, private corporations and charitable foundations | Expenses associated with the operation of the Drop-In Center, including staff salaries, equipment, materials, supplies and other costs related to the Drop-In Center programs and activities | \$100,000 |
| Transient Vendors | Director of Public Health | License fees | Maintain City streets, ways, parks, walkways and other public areas throughout the City, as well as, City expenses associated with carrying out holiday celebrations, special activities and other public events | \$35,000 |
| Planning & Zoning | Director of Planning & Development | Planning and zoning service and application fees | Planning and zoning related purposes including consultant's fees, legal expenses and other costs associated with project reviews and planning activities | \$75,000 |

| | | | | |
|-----------------------------------|--------------------------------|--|---|--------------------|
| Animal Control | Director of Public Health | Fees and donations associated with animal control and animal shelter activities | Offset City expenses associated with carrying out animal control and animal shelter operations | \$25,000 |
| Tree Commission | Newburyport Tree Warden | Fines, voluntary payments, fees, charges, contributions, donations, grants, insurance settlements, and other payments received from private individuals, businesses, government entities, and persons or business making payment to the City for damage caused to trees located on City property | Plant, maintain, protect, and preserve public trees throughout the City in order to: contribute to the distinct character of the City; improve air quality; create habitats for wildlife, including various rare and protected species; reduce noise; provide privacy; protect soil from erosion; provide glare and heat protection; provide an aesthetic appeal that enhances property values; provides natural privacy to neighbors; and promotes civic pride and enjoyment | \$30,000 |
| Medicare/Medicaid | Director of Public Health | Reimbursements charged to the state or federal Medicare/Medicaid programs | Maintain emergency planning programs and allow response to emergencies, as well as, offset City expenses associated with carrying out Health Department activities | \$50,000 |
| Veterans Benefits | Director of Veteran's Services | Sale of grave markers, donations, gifts and grants received from the general public, government entities, private corporations, and charitable foundations | Expenses associated with goods and services benefiting veterans residing in the City and their families | \$10,000 |
| Downtown Paid Parking | City Clerk/ Parking Clerk | Parking fees, violation fines and passes | Expenses Include: a) all annual operational costs of the downtown paid parking program, including, without limitation, maintenance of the parking lots' asphalt and gravel surfacing, lighting, landscaping, and snow removal, equipment, supplies and signage, and parking enforcement officers; b) monthly payments to the Newburyport Redevelopment Authority in an amount equal to its meter revenue from said East and West Lots; c) contractual payments to the Newburyport Waterfront Trust; d) annual capital reserve allocations towards cyclical replacement of revenue collection machines and re-surfacing of the asphalt parking lots; e) not less than \$50,000 per year towards the general stewardship, care, maintenance, and improvement of the downtown's public infrastructure, including but not limited to, sidewalks, curbing, stairways, lighting, trees and landscaping and entities; and f) other capital projects and general fund transfers, as determined by the Mayor and the City Council, based on the program's net income after the aforementioned expenditures have been satisfied | \$481,000 |
| City Hall Maintenance | Director of Public Services | Fees, charges and donations paid to the City for the use and rental of City Hall facilities by outside groups, organizations and individuals | Expenses associated with City Hall maintenance, repairs, renovations, upkeep and security | \$25,000 |
| Total Spending² | | | | \$1,616,000 |

¹FY16 per department spending limit is \$481,316 (1% of FY14 levy of \$48,131,629)

²FY16 total spending limit is \$4,813,163 (10% of FY14 levy of \$48,131,629)

Councillor Charles F. Tontar
Chair, Budget & Finance Committee

CITY OF NEWBURYPORT REVOLVING FUNDS

FY2015 YEAR-TO-DATE ACTIVITY
(AS OF MAY 27, 2015)

| Account Name | Fund Code | Beginning Balance | YTD Revenue | YTD Expended | Transfers In/(Out) | Current Balance |
|-------------------------|-----------|-------------------|-------------|--------------|--------------------|-----------------|
| Engineering Services | 2801 | 68,235.46 | 22,150.00 | 24,890.00 | 0.00 | 65,495.46 |
| Council on Aging | 2802 | 24,300.42 | 15,916.87 | 2,923.89 | 0.00 | 37,293.40 |
| Recreational Services | 2803 | 198,378.05 | 225,460.18 | 288,666.17 | 0.00 | 135,172.06 |
| Historical Commission | 2804 | 8,147.08 | 1,500.00 | 450.00 | 0.00 | 9,197.08 |
| Electrical Inspector | 2806 | 111,094.38 | 62,790.00 | 36,497.90 | 0.00 | 137,386.48 |
| Plumbing Inspector | 2807 | 39,191.19 | 37,691.95 | 45,763.33 | 0.00 | 31,119.81 |
| Gas Inspector | 2808 | 15,483.33 | 24,748.00 | 24,522.65 | 0.00 | 15,708.68 |
| Disabilities Commission | 2809 | 1,920.82 | 400.00 | 0.00 | 0.00 | 2,320.82 |
| South End Branch | 2810 | 18,913.85 | 18,635.00 | 21,898.89 | 0.00 | 15,649.96 |
| M-School Drop-in Center | 2811 | 7,852.05 | 42,527.91 | 30,569.93 | 0.00 | 19,810.03 |
| Transient Vendors | 2812 | 37,918.51 | 15,275.00 | 15,458.64 | 0.00 | 37,734.87 |
| Planning & Zoning | 2813 | 16,263.44 | 43,194.48 | 49,185.21 | 0.00 | 10,272.71 |
| Animal Control | 2817 | 10,610.27 | 1,560.00 | 923.51 | 0.00 | 11,246.76 |
| Tree Commission | 2818 | 15,418.99 | 0.00 | 2,925.55 | 0.00 | 12,493.44 |
| Medicare/Medicaid | 2835 | 24,384.85 | 1,430.12 | 8,558.27 | 0.00 | 17,256.70 |
| Veterans Benefits | 2836 | 2,701.17 | 1,165.00 | 1,287.44 | 0.00 | 2,578.73 |
| Downtown Paid Parking | 2839 | 541,629.21 | 541,676.03 | 365,930.19 | (365,000.00) | 352,375.05 |
| City Hall Maintenance | 2840 | 890.00 | 700.00 | 0.00 | 0.00 | 1,590.00 |

Total Revolving Funds

\$1,143,333.07

\$1,056,820.54

\$920,451.57

(\$365,000.00)

\$914,702.04

CITY OF NEWBURYPORT



IN CITY COUNCIL

June 2, 2015

ORDERED:

That the City Council appropriates from the Community Preservation Act FY 2016 estimated revenues, in accordance with the provisions of M.G.L. Chapter 44B, for the following projects, based upon the Community Preservation Committee's recommendation, the total amount of \$849,856.26. Each project listed below shall be considered a separate appropriation in the amount indicated for that project.

| No. | Project Title | Requested Amount | Category | Recommendation |
|-----|---|------------------|-------------------------|----------------|
| 1 | Clipper City Rail Trail | \$100,000 | Recreation | \$70,000 |
| 2 | Atkinson Common Historic Landscape Preservation, Phase II | \$55,000 | Historic Resource | \$10,000 |
| 3 | Cherry Hill Parcel B Soccer Field Improvement | \$150,000 | Recreation | \$100,000 |
| 4 | Inn Street Fountain Restoration | \$121,608 | Historic Resource | \$50,000 |
| 5 | Belleville Congregational Church Restoration | \$46,000 | Historic Resource | \$18,000 |
| 6 | Meeting House Steeple Preservation Project | \$150,000 | Historic Resource | \$100,000 |
| 7 | Newburyport Housing Rehabilitation Program | \$75,000 | Community Housing | \$30,000 |
| 8 | Newburyport Affordable Housing Trust | \$150,000 | Community Housing | \$60,000 |
| 9 | Firehouse Center for the Arts Roof Repair | \$150,000 | Historic Resource | \$108,000 |
| 10 | City Hall Debt | \$178,687.50 | Historic Resource | \$178,687.50 |
| 11 | Open Space Debt | \$113,168.76 | Open Space | \$113,168.76 |
| 12 | Administrative Costs | \$12,000 | Administrative Expenses | \$12,000 |

Further, that the City Council appropriates from the Community Housing Reserves Fund Balance, in accordance with the provisions of M.G.L. Chapter 44B, for the following project, based upon the Community Preservation Committee's recommendation, the amount of \$12,000. This project shall be considered a separate appropriation.

| No. | Project Title | Requested Amount | Category | Recommendation |
|-----|--|------------------|-------------------|----------------|
| 13 | Kelleher Park Community Building Rehabilitation Feasibility and Design | \$12,000 | Community Housing | \$12,000 |

Councillor Charles F. Tontar

CITY OF NEWBURYPORT



IN CITY COUNCIL

EMERGENCY PREAMBLE

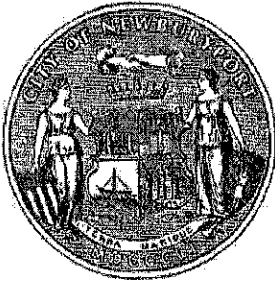
ORDERED:

June 8, 2015

Pursuant to Section 2-9(b) of the Charter of the City of Newburyport there exists an emergency as further defined in Section 1-7(7) of said Charter such that immediate action is required to accept a donation of \$500,000 from the Institution for Savings to fund in part the construction of the Newburyport High School World War Memorial Field. Acceptance of this donation is required before the City can sign a contract for work to begin. Work must begin promptly in order to finish the disruptive aspects of project construction before the 2015-16 school year begins in September.

THAT, The CITY COUNCIL of the City of Newburyport accepts with gratitude a gift from the Institution for Savings in the amount of \$500,000.00 for the purpose of constructing and installing a synthetic turf field, including all costs incidental or related thereto, and appropriates such funds to the World War Memorial Stadium Multi-Purpose Field project.

Councillor Charles F. Tontar



CITY OF NEWBURYPORT
OFFICE OF PLANNING AND DEVELOPMENT
60 PLEASANT STREET • P.O. Box 550
NEWBURYPORT, MA 01950
(978) 465-4400 • (978) 465-4452 (FAX)

6/2/15 2 P 3:54

DONNA D. HOLADAY
MAYOR

MEMORANDUM

TO: NEWBURYPORT CITY COUNCIL
FROM: GEORDIE VINING, SENIOR PROJECT MANAGER
SUBJECT: CLIPPER CITY RAIL TRAIL: PHASE II – RIGHT-OF-WAY
DATE: 6/2/15

We are writing to respectfully request that the City Council authorize the finalization of the 1.5 mile legal right-of-way for the Clipper City Rail Trail Phase II in order to meet federal and state requirements for federal-aid projects. We have been working directly with the various abutting landowners of the old rail corridor for a number of years on the right-of-way as well as the design of the project. The general objective has been to legally secure the public trail corridor in a manner that minimizes impacts on abutters and meets the requirements of MassDOT and the Federal Highway Administration (FHWA) so that the City can leverage approximately \$4 million in federal and state construction funding. The package of orders prepared by the City Solicitor includes:

- Authorization for the Mayor to enter into a 99-year lease and assent agreement with National Grid for the trail corridor;
- Authorization for the Mayor to convey a small land-locked parcel in the middle of the substation to National Grid;
- Dedication of the City owned property along the corridor to trail use;
- An order of taking for Joppa Park to establish a clear title and deed;
- Orders of taking for various temporary and permanent easements which have been donated by landowners;
- Authorizations to enter into temporary and/or permanent easement agreements with the American Yacht Club, New England Development, Range Light Limited Partnership, Salem Five Mortgage Company, the Newburyport Redevelopment Authority, and the Waterfront Trust;
- Authorization for the Mayor to swap land with property owner David Clarridge in order to widen the trail corridor along a narrow stretch;
- Authorization for the Mayor to accept a joint interest in Town of Newbury owned land;
- Authorization for the Mayor to grant a lease amendment to the American Yacht Club.

The right-of-way requirements for Phase II of the Rail Trail project along the former City Branch rail corridor have been considerably more demanding than for Phase I along the old Eastern Line rail corridor eight years ago. Securing the legal right-of-way for Phase I involved years of effort and expense, but the corridor consists only of land owned by the MBTA as well as some City and state land and three other landowners. The City Branch corridor of Phase II, however, has been broken up



Clipper City Rail Trail (Phase II)
Right-of-Way

by the B&M Railroad's sale of a number of parcels, and is physically narrower in places – it consists of land owned by multiple entities including National Grid, the U.S. Coast Guard, Salem Five Mortgage Company, New England Development, the Newburyport Redevelopment Authority, the Waterfront Trust, as well as the City the Town of Newbury. Retaining walls, fences, drainage structures and sidewalks affect a number of other landowners. The overall right-of-way involves about two dozen landowners and approximately 80 parcels.

In addition, MassDOT and FHWA have grown increasingly exacting in recent years regarding new right-of-way requirements, such as temporary easements for work along property lines, specific dedication of the use of public land, etc. While the City negotiated a 99-year license with National Grid in 2003 for the trail corridor, MassDOT and FHWA determined that we have to re-negotiate a 99-year lease with the utility. While the City and the Town of Newbury acquired land from B&M Railroad in 2006, MassDOT is now requiring dedication of the municipal land. While the City secured a permanent trail easement from Norbert Carey in 2010 on land he bought from B&M Railroad, MassDOT is requiring a revised easement with the current owner in order to incorporate work on retaining walls along the edges as well as an electrical easement. While the City secured permanent easements in 1999 on land now owned by New England Development, the easements need to be re-negotiated regarding width, alignment, and construction access. Finally, MassDOT is requiring the City to secure temporary and permanent easements from a number of owners for work along property lines such as fencing, retaining walls, drainage structures, and sidewalks which was not required a few years ago. This complexity has required the investment of a considerable amount of staff, consultant, and legal services time and money. However, this investment is a necessary prerequisite for leveraging the \$4 million in federal and state construction funding.

The "shovel-ready" package of plans and specifications is due to MassDOT by August 1st in preparation for an August 15, 2015 advertising date. The right-of-way must be certified by the City Solicitor this July. Construction funding for the project (80% federal and 20% state) is programmed in the Merrimack Valley Metropolitan Planning Organization's FFY2015-2018 regional Transportation Improvement Plan (TIP). While the project is scheduled to be advertised this FFY, it is likely that bids will be received and a contractor selected and mobilized in the spring of 2016.

Phase II of the Clipper City Rail Trail is a high priority for the City. Securing the legal right-of-way to meet MassDOT and FHWA requirements is one of the critical final elements in ensuring and leveraging the federal and state construction funding. Thank you for your consideration.

* * *

CITY OF NEWBURYPORT



IN CITY COUNCIL

June 8, 2015

ORDERED:

Dedication of City Owned Land and Acquisition of Interest in Land In Fee or by Lease Easement or Agreement

THAT the City Council of the City of Newburyport hereby:

Dedicates and transfers, from the Mayor, the care, custody, management and control of the portions of parcels of land as follows:

1. That portion of property known as "March's Hill" acquired by the City from Clara DeWindt by deed dated May 10, 1954 and recorded with said Registry of Deeds in Book 4066, Page 70 currently held for playground and recreational purposes;
2. That portion of property known as the "Fish Pier" acquired by the City pursuant to an Order of Taking dated August 31, 1987 and recorded with said Registry of Deeds in Book 9209, Page 335 currently held for purposes of construction, operation and maintenance of boat landing places, public parks and to provide public access and related facilities in and to the coastal and inland waters of the Merrimack River Waterfront for the City; and
3. That portion of property known as the "City Branch Rail Corridor" acquired by the City from Boston and Maine Corporation by deed dated June 27, 2006 and recorded with the Essex South District Registry of Deeds in Book 25956, Page 191 currently held for general municipal purposes;
4. That portion of property known and numbered 115 Water Street" acquired by the City pursuant to an Order of Taking dated September 28, 2009 and filed with the Essex South District Division of Land Court as Document No. 5033345 and withdrawn from the jurisdiction of said Land Court by instrument dated July 27, 2012 and recorded with said Registry of Deeds in Book 31586, Page 329 currently held for sewer, access and utility purposes; and
5. That 28,560 s/f +/- parcel of land known as "Joppa Park" which is subject to an Order of Taking voted on as of the date hereof and more particularly described in as Parcel 44-AT-1 and 44-C-9 on page 9 or 17 on a plan entitled "Newburyport/Newbury Clipper City Rail; Trail- Phase 2, Preliminary Right of Way Property Plans, Sheet 13 of 17" dated _____; and
6. The City's interest in land located in the Town of Newbury more particularly described in deed of Boston and Maine Corporation by deed dated June 27, 2006 and recorded with said Registry of Deeds in Book 25956, Page 212 currently held for general municipal purposes;

Which portions of said parcels are shown on a plan in 17 sheets entitled "Newburyport/Newbury Clipper City Rail Trail- Phase 2, Preliminary Right of Way Property Plans" dated _____; to the Mayor, in addition to the uses for which said parcels are currently held, for transportation and rail trail corridor purposes, including bicycle, pedestrian and other non-motorized public transportation, recreation and associated purposes, which may include motorized handicapped access, together with the attendant customary uses, including but not limited to the construction, operation, maintenance, repair, and replacement of footways and bicycle paths, drainage and other utilities, and for all uses and appurtenances related thereto.

And further, to authorize the Mayor to execute any and all documents and to take all related actions necessary or appropriate to effectuate the foregoing Dedication.

The City Council further authorizes the Mayor to acquire and accept any easements, long term leases and/or any other interests in land on behalf of the City, on such terms and conditions, and for such term of years if a lease or temporary easement, as the Mayor deems in the best interest of the City, from any landowner necessary in order to provide for a continuous Harborwalk/Rail Trail corridor and in connection with any phase of the Newburyport/Newbury Clipper City Rail Trail project.

The City Council further authorizes the Mayor to file, on behalf of the City, any and all applications deemed necessary to receive grants and/or reimbursements from any charitable, state and/or federal programs and to accept such grants and/or reimbursements to pursue design and then construction of any phase of the Newburyport/Newbury Clipper City Rail Trail project.

Councilor Barry N. Connell

CITY OF NEWBURYPORT



IN CITY COUNCIL

ORDERED:

June 8, 2015

Acquisition of Temporary and Permanent Easements and Other Interests in Land

THAT the City Council of the City of Newburyport by virtue of and in accordance with the authority of the provisions of Chapter 79 of the Massachusetts General Laws, as amended and of any and every other power and authority which is hereunto in any way enabling, adopts an Order of Taking to acquire temporary and permanent easements for transportation and rail trail purposes, together with the attendant customary uses as set forth in the Order of Taking, upon the permanent and temporary easement areas described in Exhibit A to the Order of Taking, and as shown in the locations depicted on a plan entitled: "Permanent and Temporary Easement Plan for the Clipper City Rail Trail – Phase 2 in the City of Newburyport, Essex County, Massachusetts", dated _____, 2015 as revised, prepared by and prepared by Chappell Engineering Associates, LLC, R.K. Executive Centre, 201 Boston Post Road West, Suite 101, Marlborough, MA 01752 (____ sheets) and to authorize the City Council President to execute any Order(s) of Taking to effectuate the purposes of this vote.

No damages are awarded, the Owners of said property having waived their respective rights to an appraisal and compensation.

The City Council further authorizes the Mayor to acquire and accept any easements, long term leases and/or any other interests in land on behalf of the City, on such terms and conditions, and for such term of years if a lease or temporary easement, as the Mayor deems in the best interest of the City, from any adjacent and/or abutting landowner necessary in order to provide for a continuous Harborwalk/Rail Trail corridor and in connection with any phase of the Newburyport/Newbury Clipper City Rail Trail project.

Councilor Barry N. Connell

CITY OF NEWBURYPORT



IN CITY COUNCIL

ORDERED:

June 8, 2015

Acquisition of Interest in Land In Fee or by Lease Easement or Agreement

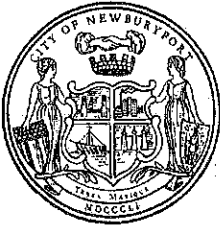
THAT the City Council of the City of Newburyport hereby authorizes the Mayor, or her designated representative, to acquire land or interests in land or portions thereof, on behalf of the City, for general municipal purposes, for transportation purposes and recreational rail trail purposes, which trail may be laid out pursuant to Chapter 82, Sections 21 and 35A of the Massachusetts General Laws and for all purposes related and ancillary thereto as shown in the locations depicted on a plan entitled: "Permanent and Temporary Easement Plan for the Clipper City Rail Trail – Phase 2 in the City of Newburyport, Essex County, Massachusetts", dated _____, 2015 as revised, prepared by and prepared by Chappell Engineering Associates, LLC, R.K. Executive Centre, 201 Boston Post Road West, Suite 101, Marlborough, MA 01752 (____ sheets)

by gift, purchase, or eminent domain, on such terms and conditions as the Mayor deems in the best interest of the City, and to execute any and all documents and take all related actions necessary or appropriate to carry out the foregoing, or take any other action relative thereto.

The City Council further authorizes the Mayor to acquire and accept any easements, long term leases and/or any other interests in land on behalf of the City, on such terms and conditions, and for such term of years if a lease or temporary easement, as the Mayor deems in the best interest of the City, from New England Development, Newburyport Manager LLC, Rear 51 Water Street Nominee Trust, 35-51 Water Street Nominee Trust, Salem Five Mortgage Company LLC, the Newburyport Redevelopment Authority, the Newburyport Waterfront Trust, Massachusetts Electric Company and their respective affiliates, successors and assigns, and any landowner necessary in order to provide for a continuous Harborwalk/Rail Trail corridor and in connection with any phase of the Newburyport/Newbury Clipper City Rail Trail project.

Councilor Barry N. Connell

CITY OF NEWBURYPORT



IN CITY COUNCIL

June 8, 2015

ORDERED Acquisition of Interest in Land In Fee or by Lease Easement or Agreement

THAT the City Council of the City of Newburyport hereby authorizes the Mayor, or her designated representative, to acquire by gift or purchase, a fee, leasehold interest or easement in land or a portion thereof of the Town of Newbury described in Release Deed from Boston and Maine Railroad dated June 27, 2006 and recorded with the Essex South District Registry of Deeds in Book 25956, Page 212, on behalf of the City, for transportation purposes, which may include recreational trail purposes, which trail may be laid out as a rail trail in accordance with the provisions of Chapter 82, Section 35A of the Massachusetts General Laws, and all purposes related and ancillary thereto, on such terms and conditions, and for such term of years if a lease, as the Mayor deems in the best interest of the City, and to execute any and all documents and take all related actions necessary or appropriate to carry out the foregoing.

The City Council further authorizes the Mayor to acquire and accept any easements, long term leases and/or any other interests in land on behalf of the City, on such terms and conditions, and for such term of years if a lease or temporary easement, as the Mayor deems in the best interest of the City, from any adjacent and/or abutting landowner necessary in order to provide for a continuous Harborwalk/Rail Trail corridor and in connection with any phase of the Newburyport/Newbury Clipper City Rail Trail project.

Councilor Barry N. Connell

CITY OF NEWBURYPORT



IN CITY COUNCIL

June 8, 2015

ORDERED:

Acquisition of Interest in Land In Fee or by Lease Easement or Agreement

THAT the City Council of the City of Newburyport hereby authorizes the Mayor, or her designated representative, to acquire land or interests in land or portions thereof, on behalf of the City, for general municipal purposes, which may include, without limitation, for transportation purposes and recreational rail trail purposes, which trail may be laid out pursuant to Chapter 82, Sections 21 and 35A of the Massachusetts General Laws and for all purposes related and ancillary thereto as follows:

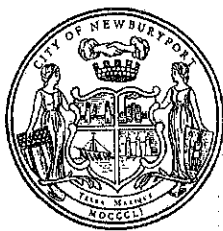
1. a fee, leasehold interest or easement in land of the Massachusetts Electric Company more particularly described in an instrument of taking dated March 7, 1930 and recorded with the Essex South District Registry of Deeds in Book 2838, Page 399; and
2. a fee, leasehold interest or easement in land of the Massachusetts Electric Company more particularly described in an instrument of taking dated March 7, 1930 and recorded with the Essex South District Registry of Deeds in Book 2838, Page 399 being the subject of a Confirmatory Instrument dated September 5, 1962 filed with the Essex South Registry District of Land Court as Document No. 102563; and
3. a fee, leasehold interest or easement in land of the Massachusetts Electric Company more particularly described in Deed dated August 9, 1955 and recorded with the Essex South District Registry of Deeds in Book 4198, Page 395; and
3. to enter into an assent or other agreement evidencing same with said Massachusetts Electric Company, to enter upon, access, construct, maintain and use for the aforementioned purposes, the land described in and subject to: i) an easement instrument dated April 14, 1950, recorded with said Registry of Deeds in Book 3745, Page 397; ii) an easement instrument filed with said Registry District of the Land Court as Document No. 408754; and iii) an Agreement dated August 3, 2006 recorded with said Registry of Deeds in Book 25953, Page 463;

by gift, purchase, or eminent domain, on such terms and conditions as the Mayor deems in the best interest of the City, and to execute any and all documents and take all related actions necessary or appropriate to carry out the foregoing, or take any other action relative thereto.

The City Council further authorizes the Mayor to acquire and accept any easements, long term leases and/or any other interests in land on behalf of the City, on such terms and conditions, and for such term of years if a lease or temporary easement, as the Mayor deems in the best interest of the City, from any adjacent and/or abutting landowner necessary in order to provide for a continuous Harborwalk/Rail Trail corridor and in connection with any phase of the Newburyport/Newbury Clipper City Rail Trail project.

Councilor Barry N. Connell

CITY OF NEWBURYPORT



IN CITY COUNCIL

ORDERED:

June 8, 2015

Transfer of Custody of Property and/or Grant of Easement

THAT the City Council of the City of Newburyport hereby:

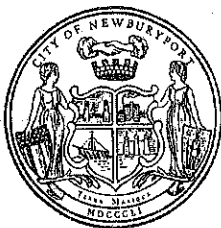
Transfers, from the Mayor, the care, custody, management and control of a parcel of land shown as Parcel 59-13-C1 on a plan entitled "Newburyport/Newbury Clipper City Rail; Trail- Phase 2, Preliminary Right of Way Property Plans, Sheet 13 of 17" dated _____ being a portion of land described in a deed dated June 27, 2006 and recorded with the Essex South District Registry of Deeds in Book 25956, Page 191 and currently held for general municipal purposes including for rail trail corridor purposes, including bicycle, pedestrian and other non-motorized public transportation, recreation and associated purposes, which may include motorized handicapped access, together with the attendant customary uses, including but not limited to the construction, operation, maintenance, repair, and replacement of footways and bicycle paths, drainage and other utilities, and for all uses and appurtenances related thereto;

to the Mayor for the same purposes, and for the purposes of granting, for nominal consideration of One (\$1.00) Dollar, the fee, lease and/or easements in said property or any portion thereof to the Massachusetts Electric Company on such terms and conditions as the Mayor deems in the best interest of the City.

And further, to authorize the Mayor to execute any and all documents and to take all related actions necessary or appropriate to effectuate the foregoing easement confirmation or conveyance.

Councilor Barry N. Connell

CITY OF NEWBURYPORT



IN CITY COUNCIL

June 8, 2015

ORDERED:

Acquisition of Interest in Land In Fee or by Lease Easement or Agreement

THAT the City Council of the City of Newburyport hereby authorizes the Mayor, or her designated representative, to acquire by gift or purchase, a fee, leasehold interest or easement in land or a portion thereof of David R. Clarridge shown as Lot 2 on a plan entitled "Plan of Land in Newburyport, Massachusetts, Essex County", dated November 17, 2013, prepared by DGT Survey Group – North Shore, recorded with Essex South District Registry of Deeds in Plan Book 441, Page 39 and containing 1,432 square feet, more or less, according to said plan, said premises being a portion of land further described in deed recorded with said Deeds in Book 12318, Page 330, on behalf of the City, for transportation purposes, which may include recreational trail purposes, which trail may be laid out as a rail trail in accordance with the provisions of Chapter 82, Section 35A of the Massachusetts General Laws, and all purposes related and ancillary thereto, on such terms and conditions, and for such term of years if a lease, as the Mayor deems in the best interest of the City, and to execute any and all documents and take all related actions necessary or appropriate to carry out the foregoing.

The City Council further authorizes the Mayor to acquire and accept any easements, long term leases and/or any other interests in land on behalf of the City, on such terms and conditions, and for such term of years if a lease or temporary easement, as the Mayor deems in the best interest of the City, from any adjacent and/or abutting landowner necessary in order to provide for a continuous Harborwalk/Rail Trail corridor and in connection with any phase of the Newburyport/Newbury Clipper City Rail Trail project.

Councilor Barry N. Connell

CITY OF NEWBURYPORT



IN CITY COUNCIL

June 8, 2015

ORDERED:

Transfer of Custody of Property and/or Grant of Easement

THAT the City Council of the City of Newburyport hereby:

Transfers, from the Mayor, the care, custody, management and control of parcels of land shown as Lot 3 and Lot 4 on a plan entitled "Plan of Land in Newburyport, Massachusetts, Essex County", dated November 17, 2013, prepared by DGT Survey Group – North Shore, recorded with Essex South District Registry of Deeds in Plan Book 441, Page 39, containing a total of 969 square feet (Lot 3 = 948 +/- square feet; Lot 4 contains 21 +/- square feet), more or less, according to said plan being a portion of land further described in deed recorded with said Deeds in Book 25956, Page 191 which parcels are held for general municipal purposes;

to the Mayor for the same purposes, and for the purposes of granting, for nominal consideration of One (\$1.00) Dollar, the fee in said property or any portion thereof to David R. Clarridge of 15 Bromfield Court, Newburyport, Essex County, Massachusetts.

And further, to authorize the Mayor to execute any and all documents and to take all related actions necessary or appropriate to effectuate the foregoing easement confirmation or conveyance.

Councillor Barry N. Connell

CITY OF NEWBURYPORT



COMMONWEALTH OF MASSACHUSETTS

ESSEX, SS.

IN CITY COUNCIL

ORDER OF TAKING

ORDERED:

At a regularly convened meeting of the City Council of the City of Newburyport held the ____ day of June, 2015, it was voted and ordered:

The City Council of the City of Newburyport duly elected, qualified, and acting as such, on behalf of the City and by virtue of and in accordance with the authority of the provisions of Chapter 82, Sections 21 and 35A and Chapter 79 of the Massachusetts General Laws, as amended, the City of Newburyport General Ordinance Chapter 222, the City Council Resolve adopted August 19, 2014, a certified copy of which is attached hereto as Exhibit A and recorded herewith, and of any and every other power and authority which is hereunto in any way enabling, does hereby take, on behalf of the City, for rail trail corridor purposes, including bicycle, pedestrian and other non-motorized public transportation, recreation and associated purposes, which may include motorized handicapped access, together with the attendant customary uses, including but not limited to the construction, operation, maintenance, repair, and replacement of footways and bicycle paths, drainage and other utilities, and for all uses and appurtenances related thereto, the fee ownership interests in, over, under, through, across, upon and along a certain parcel of land specified in Schedule A and shown on the attached plan, in ____ sheets, showing what is commonly known as "Joppa Park", which plan is entitled "Plan of Land in the City of Newburyport, County of Essex, Massachusetts" dated ____, 2015, and prepared by Chappell Engineering Associates, LLC, R.K. Executive Centre, 201 Boston Post Road West, Suite 101, Marlborough, MA 01752 and recorded herewith (hereinafter "the Plan"), as set forth more fully herein.

Said land is owned or supposed to be owned and/or formerly owned by the persons listed in Schedule A, hereinafter collectively referred to as the Owners. If in any instance the name of the Owner is not correctly stated, the name of the supposed Owners being given as of this Order of Taking, it is understood that in such instance the land referred to is owned by an Owner or Owners unknown to us.

No damages are awarded to the Owner or Owners of said property and to any other person or corporation having an interest therein.

No betterments are to be assessed under this taking.

Any and all trees and structures located within the boundaries of the above-described areas are included in this taking excepting those structures which encroach upon said parcels from land retained by the Owner or Owners; structures and facilities so located that are owned by private utility companies are not taken; nor is any easement, lease or other interest held by any public utility company taken hereby.

All easements presently held by the City of Newburyport within the boundaries of the above-described areas are not merged in or superceded by the fee ownership or easement hereby taken, but shall continue in effect for the purposes for which they were originally acquired.

By this Order, the City takes no interest in existing easements, if any, affecting the easement premises unless such existing easements are inconsistent with the purposes for which the easement premises are hereby taken.

IN WITNESS WHEREOF, we, the duly elected and qualified City Councilors of the City of Newburyport have hereunto set our hands and seals as of this ____ day of June, 2015.

Councillor Barry N. Connell

CITY OF NEWBURYPORT,
By its City Council

Thomas F. O'Brien, President

APPROVED:

APPROVED AS TO FORM:

Donna D. Holaday,
Mayor

Jason A. Panos, Kopelman and Paige. PC.
City Solicitor

522929/NBPT/0068

THE COMMONWEALTH OF MASSACHUSETTS

ESSEX, ss

On this ____ day June, 2015, then personally appeared the above-named member of the City Council for the City of Newburyport, as aforesaid, and proved to me through satisfactory evidence of identification, which were _____, to be the person whose name is signed on the foregoing instrument in my presence, and further acknowledged the foregoing instrument as his/her free act and deed, and the free act and deed of the City of Newburyport, before me.

Notary Public
My Commission Expires:

THE COMMONWEALTH OF MASSACHUSETTS

ESSEX, ss

On this ____ day June, 2015, then personally appeared the above-named Donna D. Holaday, Mayor of the City of Newburyport, as aforesaid, and proved to me through satisfactory evidence of identification, which were _____, to be the person whose name he signed on the foregoing instrument in my presence, and further acknowledged the foregoing instrument as his free act and deed as Mayor, before me.

Notary Public
My Commission Expires:

SCHEDULE A

Owners

UNKNOWN

CITY OF NEWBURYPORT

COMMONWEALTH OF MASSACHUSETTS



ESSEX, SS.

ORDER OF TAKING

IN CITY COUNCIL

ORDERED:

At a regularly convened meeting of the CITY COUNCIL of the CITY OF NEWBURYPORT held this _____ day of June, 2015, it was voted and ordered as follows:

The City Council of the CITY OF NEWBURYPORT, duly elected, qualified, and acting on behalf of the City, in accordance with the provisions of Massachusetts General Laws, Chapter 79, and the City's Charter, as amended, and of any and every other power and authority which is hereunto in any way enabling, does hereby take, on behalf of the City, temporary and permanent easements over, in, through, under and upon land or portions thereof abutting and adjacent to Parker Street, High Street, Purchase Street, Water Street, and Custom House Way, all public ways in the City, in the locations shown on a plan entitled: "Permanent and Temporary Easement Plan for the Clipper City Rail Trail-Phase 2 in the City of Newburyport, Essex County, Massachusetts", dated _____, prepared by Chappell Engineering Associates, LLC, R.K. Executive Centre, 201 Boston Post Road West, Suite 101, Marlborough, MA 01752 (_____ sheets), and recorded herewith (hereinafter "the Plan"), as set forth more fully herein.

1. Temporary easements are taken in those easement premises depicted as such on the Plan for all purposes incidental to the construction of improvements on a rail trail known as the Clipper City Rail Trail -- Phase 2 as shown on the Plan and access thereto, such purposes to include, without limitation, surveying, constructing, inspecting, and installing improvements upon said rail trail land and upon the permanent easement areas described below, including entry by foot, vehicle, and heavy equipment for all purposes stated herein and uses incidental thereto, changing the grade of the temporary easement areas to accommodate permanent improvements within said rail trail land and upon said permanent easements, and all other acts incidental thereto. The temporary easements shall expire in three (3) years or five (5) years from the date this Order is recorded, as set forth in the attached Schedule A, recorded herewith. Upon completion of its use of said easements the City shall restore the surface of the easement premises to as close to its original condition or better.

2. Permanent easements are taken in the easement premises depicted on the Plan for rail trail corridor purposes, including bicycle, pedestrian and other non-motorized public transportation, recreation and associated purposes, which may include motorized handicapped access, together with the attendant customary uses, including but not limited to the construction, operation, maintenance, repair, and replacement of footways and bicycle paths, drainage and other utilities, and for all uses and appurtenances related thereto, the fee ownership and easement interests, as specified in Schedule A, in, over, under, through, across, upon and along certain parcels of land specified in Schedule A.

This taking does not include structures presently situated on the easement premises, but does include the right of the City to remove such structures whenever their removal shall be required for said easement purposes.

This taking does include such trees and shrubs within the easement premises whose removal is necessary to carry out the purposes of the easements taken herein. By this Order, the City takes no interest in existing easements, if any, affecting the easement premises unless such existing easements are inconsistent with the purposes for which the easement premises are hereby taken.

Said land is owned or supposed to be owned and/or formerly owned by the persons listed in Schedule A, hereinafter collectively referred to as the Owners. If in any instance the name of the Owner is not correctly stated, the name of the supposed Owners being given as of this Order of Taking, it is understood that in such instance the land referred to is owned by an Owner or Owners unknown to us.

Said owners have waived damages and a right of appraisal of said damages, and we therefore award no damages to those persons for the herein taking.

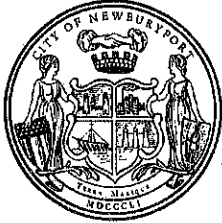
No betterments are to be assessed under this taking.

Councilor Barry N. Connell

SCHEDULE A

| Parcel No./Term | Area | Easement Type | Property Owner | Mailing Address | Registry Book/Page |
|--------------------|------|------------------|----------------|-----------------|-----------------------|
| | | | | | |
| | | | | | |
| | | | | | |
| | | | | | |
| | | | | | |

CITY OF NEWBURYPORT



IN CITY COUNCIL

ORDERED:

June 8, 2015

**AUTHORIZING THE MAYOR TO GRANT A LEASEHOLD INTEREST
IN LAND ON WATER STREET IN THE CITY OF NEWBURYPORT**

WHEREAS, pursuant to an Order of Taking filed with the Essex South Registry District of the Land Court as Document # 503345 as noted on Certificate # 83855 and referenced in instrument recorded with the Essex South District Registry of deeds in Book 31586, Page 329., shown as Lot B1 on a Plan filed with said Registry District of the Land Court as Plan 15621-A drawn by C.B. Humphrey, Engineer, dated June 20, 1934 as approved by said Land Court and filed with original Certificate No. 10421 the City is the owner of a parcel of land approximately 82,998 s/f and further identified on Assessors' Map 20, Parcel 8 (the "Property"); and

WHEREAS, the Property is held in the care, custody, and control of the Newburyport Water and Sewer Commission; and

WHEREAS, the, the American Yacht Club, being the owner of adjacent land identified on Assessors' Map 20, Parcel 12 seeks to Lease approximately 6,400 s/f portion of the Property (the "Lease Property") for access and boat storage purposes as depicted on a sketch plan attached hereto as Exhibit A; and

WHEREAS, in accordance with Massachusetts General Laws Chapter 40, Section 3, the City may convey an interest in its land upon proper authorization; and

WHEREAS, in accordance with Massachusetts General Laws Chapter 40, Section 15A, upon determination by a board or officer having charge of land that such land is no longer needed for such purpose, the City Council may, by a two-thirds vote, transfer the care, custody, management and control of all or a part of the such land to the same or another board or officer of the City for another specific municipal purpose; and

WHEREAS, in accordance with Massachusetts General Laws Chapter 40, Section 15A the Water and Sewer Commission has determined, and has provided written notice to the Council of its determination, that the Property is not needed exclusively for water and/or sewer purposes, and that the City Council may transfer such care, custody and control of the Property as is necessary to allow for the transfer of a leasehold interest in said Lease Property, provided that the Water and Sewer Commission shall continue to hold the Property in its entirety, as it may be subject to such easement, in its care, custody and control for water and/or sewer purposes, and the easement granted shall not conflict with such purposes.

NOW, THEREFORE, BE IT RESOLVED by the Newburyport City Council as follows:

Joint care, custody and control of the Property is hereby transferred to the Water and Sewer Commission for water and/or sewer purposes and to the Mayor for the sole purpose of granting a leasehold interest to said American Yacht Club in said Lease Property to serve land identified on Assessors' Map 20, Parcel 12;

And further, that the Mayor is hereby authorized to convey such leasehold interest upon such terms and conditions and for such consideration, even if nominal, as the Mayor deems appropriate, provided that such easement shall not conflict with the use of the Property for water and/or sewer purposes.

Councilor Barry N. Connell

ORDINANCES

COMMITTEE ITEMS

BUDGET AND FINANCE

Harbor Commission

Proposed Fee Restructure & Increase

FY – 2015/2016

The Harbor Commission is proposing an increase in fees in the following areas:

- Central Waterfront dockage:
 - The installation of a flat \$10.00 fee for up to 3 hours
 - An increase in the Overnight Fees & Day Rates – *See attached slides*
 - *Central Waterfront approximate annual revenue increase - \$5,850.00*
- Plum Island Parking:
 - The creation of a Newburyport Resident Discounted Parking Fee
 - A 7 day-a-week Resident rate of \$8.00 – Valid with a Resident Parking Sticker
 - A 7 day-a-week Non-Resident rate of \$12.00
 - *Plum Island Parking approximate annual revenue increase - \$13,000.00*

* **NOTE:** Plum Island provides a seven year average income of \$52,677 against and average expense of \$61,400 providing an annual loss to the department of approximately \$8,723

- The implementation of a late payment fee of \$25.00 for late Waterways renewal fees
 - Fee goes into effect for all renewal payments not received by July 1st.

NOTE: - Central Waterfront rate restructure is designed for easier management

- The Plum Island increase is designed to aid in the loss within the category and to provide a benefit to our residents

Harbor Commission Proposed Fee Increase

Current Central Waterfront Rates

| NEWBURYPORT PUBLIC DOCK FEES - CURRENT | | | | | | |
|--|-----------|----------|----------|----------------|-------|--|
| # of Hours | UNDER 20' | 20 to 39 | 40 to 59 | Day Rates Only | | |
| 1 | \$2.00 | \$3.00 | \$4.00 | 60 to 80 | \$90 | |
| 2 | \$4.00 | \$6.00 | \$8.00 | 81 to 100 | \$120 | |
| 3 | \$6.00 | \$9.00 | \$12.00 | 101 to 120 | \$150 | |
| 4 | \$8.00 | \$12.00 | \$16.00 | 121 to 140 | \$180 | |
| 5 | \$10.00 | \$15.00 | \$20.00 | 141 to 160 | \$210 | |
| 6 | \$12.00 | \$18.00 | \$24.00 | over 160 | \$240 | |
| 7 | \$14.00 | \$21.00 | \$28.00 | | | |
| 8 | \$16.00 | \$24.00 | \$32.00 | | | |
| 9 | \$18.00 | \$27.00 | \$36.00 | | | |
| 10 | \$20.00 | \$30.00 | \$40.00 | | | |
| Overnight (5PM to 10AM) | \$30 | \$45 | \$60 | | | |
| 2 NIGHT STAY | \$74 | \$111 | \$148 | | | |
| 3 NIGHT STAY | \$118 | \$177 | \$236 | | | |

Boats staying overnight will be charged the overnight rate plus the hourly rate for any hours before 5PM and after 10AM

MAXIMUM 3 DAYS PER STAY GUEST MOORINGS \$25.00 PER DAY

NO CHARGE FOR POWER/WATER

Harbor Commission Proposed Fee Increase

Proposed Central Waterfront Rates

NEWBURYPORT PUBLIC DOCK FEES - Proposal April 2015

| # of Hours | UNDER 20' | 20 to 39 | 40 to 59 | Day Rates Only | |
|------------|-----------|----------|----------|-------------------|-------|
| 1 | \$10.00 | \$10.00 | \$10.00 | 60 to 80 | \$120 |
| 2 | \$10.00 | \$10.00 | \$10.00 | 81 to 100 | \$150 |
| 3 | \$10.00 | \$10.00 | \$10.00 | 101 to 120 | \$180 |
| 4 | \$13.00 | \$14.00 | \$15.00 | 121 to 140 | \$210 |
| 5 | \$16.00 | \$18.00 | \$20.00 | 141 to 160 | \$240 |
| 6 | \$19.00 | \$22.00 | \$25.00 | over 160 | \$325 |
| 7 | \$22.00 | \$26.00 | \$30.00 | | |
| 8 | \$25.00 | \$30.00 | \$35.00 | | |
| 9 | \$28.00 | \$34.00 | \$40.00 | | |
| 10 | \$31.00 | \$38.00 | \$45.00 | | |

Overnight (5PM to 10AM)

| | | |
|------|------|------|
| \$45 | \$60 | \$75 |
|------|------|------|

2 NIGHT STAY

| | | |
|-------|-------|-------|
| \$118 | \$154 | \$190 |
|-------|-------|-------|

3 NIGHT STAY

| | | |
|-------|-------|-------|
| \$191 | \$248 | \$305 |
|-------|-------|-------|

Boats staying overnight will be charged the overnight rate plus the hourly rate for any hours before 5PM and after 10AM
MAXIMUM 3 DAYS PER STAY
GUEST MOORINGS \$25.00 PER DAY

NO CHARGE FOR POWER/WATER

EXTENDED STAY BEYOND 3 DAYS ONLY WITH HARBORMASTERS APPROVAL

CITY OF NEWBURYPORT



IN CITY COUNCIL

ORDERED:

March 30, 2015

The Harbor Commission requests an update to the City of Newburyport Code of Ordinances with respect to the Harbor Masters department fee structure. The following changes are requested for implementation this boating season

Regarding the Central Waterfront docking fees:

Current Rates:

| NEWBURYPORT PUBLIC DOCK FEES - CURRENT | | | | | | |
|---|-----------|-----------|-----------|-----------|------------|----------------|
| # of Hours | UNDER 20' | 20 to 39' | 40 to 59' | 60 to 80' | 81 to 100' | Day Rates Only |
| 1 | \$ 2.00 | \$ 3.00 | \$ 4.00 | | | |
| 2 | \$ 4.00 | \$ 6.00 | \$ 8.00 | | | |
| 3 | \$ 6.00 | \$ 9.00 | \$ 12.00 | | | |
| 4 | \$ 8.00 | \$ 12.00 | \$ 16.00 | | | |
| 5 | \$ 10.00 | \$ 15.00 | \$ 20.00 | | | |
| 6 | \$ 12.00 | \$ 18.00 | \$ 24.00 | | | |
| 7 | \$ 14.00 | \$ 21.00 | \$ 28.00 | | | |
| 8 | \$ 16.00 | \$ 24.00 | \$ 32.00 | | | |
| 9 | \$ 18.00 | \$ 27.00 | \$ 36.00 | | | |
| 10 | \$ 20.00 | \$ 30.00 | \$ 40.00 | | | |
| Overnight (6PM to 10AM) | \$30 | \$45 | \$60 | | | |
| 2 NIGHT STAY | \$74 | \$111 | \$148 | | | |
| 3 NIGHT STAY | \$118 | \$177 | \$236 | | | |
| Boats staying overnight will be charged the overnight rate plus the hourly rate for any hours before 6PM and after 10AM | | | | | | |
| MAXIMUM 3 DAYS PER STAY | | | | | | |
| GUEST MOORINGS \$25.00 PER DAY | | | | | | |
| NO CHARGE FOR POWER/WATER | | | | | | |
| EXTENDED STAY BEYOND 3 DAYS ONLY WITH HARBORMASTER'S APPROVAL | | | | | | |

BRF
RC/EC
DT

Requested & approved by the Harbor Commission proposed rates:

| NEWBURYPORT PUBLIC DOCK FEES - Proposal March 2015 | | | | | |
|---|-----------|----------|----------|----------|----------------|
| # of Hours | UNDER 20' | 20 to 39 | 40 to 59 | 60 to 79 | Day Rates Only |
| 1 | \$ 10.00 | \$ 10.00 | \$ 10.00 | \$ 10.00 | \$120 |
| 2 | \$ 13.00 | \$ 14.00 | \$ 16.00 | \$ 18.00 | \$180 |
| 3 | \$ 16.00 | \$ 18.00 | \$ 20.00 | \$ 22.00 | \$180 |
| 4 | \$ 19.00 | \$ 22.00 | \$ 25.00 | \$ 28.00 | \$180 |
| 5 | \$ 22.00 | \$ 26.00 | \$ 30.00 | \$ 35.00 | \$210 |
| 6 | \$ 26.00 | \$ 30.00 | \$ 35.00 | \$ 40.00 | \$240 |
| 7 | \$ 28.00 | \$ 34.00 | \$ 40.00 | \$ 45.00 | \$240 |
| 8 | \$ 31.00 | \$ 38.00 | \$ 45.00 | \$ 50.00 | \$325 |
| 9 | \$ 34.00 | \$ 42.00 | \$ 50.00 | \$ 55.00 | |
| 10 | \$ 37.00 | \$ 46.00 | \$ 55.00 | | |
| Overnight (5PM to 10AM) | \$45 | \$60 | \$75 | | |
| 2 NIGHT STAY | \$110 | \$154 | \$190 | | |
| 3 NIGHT STAY | \$181 | \$248 | \$303 | | |
| Boats staying overnight will be charged the overnight rate plus the hourly rate for any hours before 5PM and after 10AM | | | | | |
| MAXIMUM 3 DAYS PER STAY | | | | | |
| GUEST MOORINGS \$25.00 PER DAY | | | | | |
| NO CHARGE FOR POWER/WATER | | | | | |
| EXTENDED STAY BEYOND 3 DAYS ONLY WITH HARBORMASTER'S APPROVAL | | | | | |

The major change in the rates is the addition of a \$10. minimum fee for the first hour. This is standard in many of the surrounding communities and has been in practice in some communities for years. This fee will not be charged for a boater who is coming to the central waterfront for use as a short time transient tie up. The current ordinances allow for 20 minutes without a fee and we propose no changes with respect to that.

The Harbor Commission requests the following fee changes and additions:

- Cashman Park Usage Fee \$300.00 This fee will only be charged to "For-Profit" events. Non-Profit events will not be charged a fee
- Dingy Fee \$225.00 (increase from \$175.00)
- Plum Island Parking \$10.00 (increase from \$8.00)
- Fish Pier Docks \$1,200.00 (increase from \$900.00)
- Late Waterways Renewal Fee \$25.00 (applies after July 1)
- Waterways Permit \$4.00 per foot (Not to be implemented until FY-2016)

Councillor Charles F. Tontar



CITY OF NEWBURYPORT
OFFICE OF PLANNING AND DEVELOPMENT
60 PLEASANT STREET • P.O. BOX 550
NEWBURYPORT, MA 01950
(978) 465-4400 • (978) 465-4452 (FAX)

DONNA D. HOLADAY
MAYOR

MEMORANDUM

Donna D. Holaday

TO: NEWBURYPORT CITY COUNCIL
FROM: GEORDIE VINING, SENIOR PROJECT MANAGER
SUBJECT: HARBORMASTER/VISITING BOATER FACILITY: FINAL DESIGN & CONSTRUCTION ADMIN. FUNDING
DATE: 4/7/15

We are writing to respectfully request that the City Council approve allocation of \$18,000 from Free Cash to support completing design of the Harbormaster/Visiting Boater Facility project as well as anticipated construction administration. To date, design for this project has been supported by \$140,375 from boaters' fees. We are currently at 75% design, and additional funding is needed to complete the design including the waterfront bathrooms for the general public as well as the adjacent plaza for the public. (Please see the attached aerial photo for the site, as well as renderings and a spreadsheet.) The additional design funding is needed now so that we can stay on track to complete design and permitting by the end of May 2015 so the project can be bid in June for construction starting this fall in September 2015.

The City has been working for over a year on design and permitting of the project with the design team of Keery Design and Olson Lewis + Architects plus various sub-consultants. In addition to the project kick-off meeting for the general public, there have been over a dozen public meetings through the Harbor Commission, Waterfront Trust, Redevelopment Authority, and Conservation Commission as the design has been developed for the project. Located on the Fish Pier, the building will be approximately 1,736 square feet. One side will include customer service, reception, and meeting space, as well as administrative office, staff lockers, and storage space. The other side, connected by a breezeway, will provide bathrooms for the general public plus showers and laundry facilities for visiting boaters. There will also be a small second floor office for the Harbormaster. The structure will be raised approximately three feet above grade in order to accommodate storm surges and meet floodplain code requirements. In addition, there will be an adjacent outdoor brick plaza centered on the relocated fishermen's monument with picnic tables, benches and landscaping.

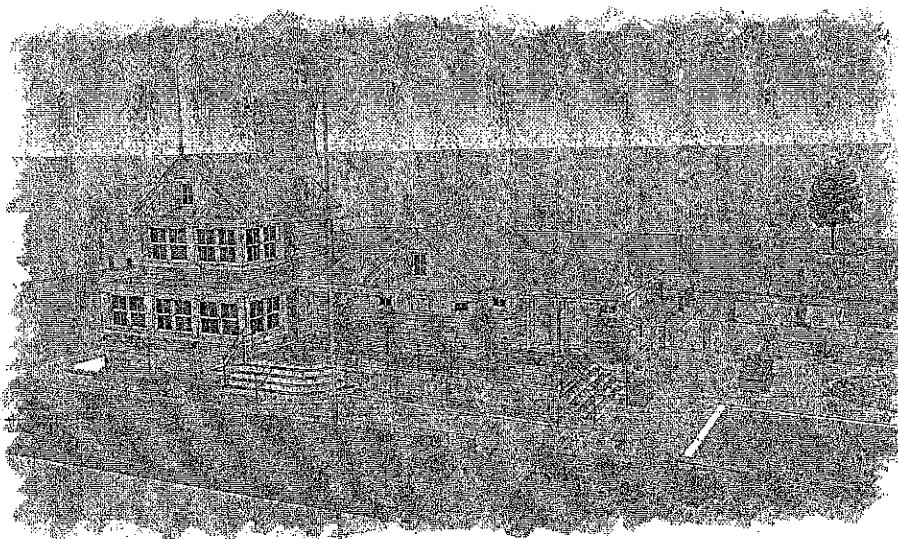
Last fall, the City applied in partnership with the Commonwealth's Division of Marine Fisheries for a nationally competitive federal Boating Infrastructure Grant of \$448,000 from the U.S. Fish & Wildlife Service to support the visiting boater aspect of the project. At the beginning of the month, we were informally given the positive news that we can use that grant figure for planning purposes as we await the formal award letter. The design team is currently working on the 75% cost estimate, which is anticipated to be approximately \$1,475,000. The project's design costs, including the requested additional design funding, will continue to be at the low end of the 10-15% of construction cost that is typical for such projects. Thank you for your consideration.



Rendering: View from South



Aerial Photograph: Project Site



Rendering: View from North

DESIGN PHASE BUDGET – Harbormaster Visiting Boater Facility

CURRENT FUNDING (Design)

| | |
|--|-----------|
| Harbor Enterprise funding | \$134,200 |
| Harbormaster Additional Services account | \$6,175 |

UNFUNDED DESIGN PHASE COSTS:

| | |
|---|------------------------|
| Civil engineering - 100% plans, specifications, construction services | \$5,000 |
| Landscaping - 100% plans, specifications, construction services | \$5,000 |
| Architecture – 100% plans, specifications, construction services | \$5,000 |
| Structural engineering, specification writer, cost estimator | \$3,000 |
| Total: | <u>\$18,000</u> |

TOTAL DESIGN PHASE COSTS

| | |
|--|-------------------------|
| Design (existing Olson Lewis contract) | \$127,360 |
| Door/camera security engineering (GGD) | \$4,900 |
| Solar roof engineering (Energy Integration Partners 360) | \$6,175 |
| Final design/construction admin. | \$18,000 |
| Miscellaneous | \$1,940 |
| Total: | <u>\$158,375</u> |



CITY OF NEWBURYPORT
FINANCE DEPARTMENT
60 PLEASANT STREET • P.O. Box 550
NEWBURYPORT, MA 01950
(978) 465-4404 • (978) 462-3257 (FAX)
WWW.CITYOFNEWBURYPORT.COM

RECEIVED
CLERK'S OFFICE
NEWBURYPORT, MA

2015 APR 21 P 1:24

DONNA D. HOLADAY
MAYOR

ETHAN R. MANNING
FINANCE DIRECTOR/CITY AUDITOR

To: President and Members of the Newburyport City Council
From: Ethan R. Manning, Finance Director/City Auditor
Date: April 21, 2015
Subject: Annual Audit of the City's FY 2014 Financial Statements

The certified public accounting firm of Melanson, Heath & Company has completed the annual audit of the City's FY 2014 financial statements. This audit must be performed by an independent CPA firm and is required by bond rating agencies, financial institutions, and various state and federal government entities. A copy of the audit is on file in the City Clerk's Office for your review.

The audit was conducted in accordance with auditing standards generally accepted in the United States and standards applicable to financial audits contained in the publication, Government Auditing Standards, issued by the Comptroller General of the United States. These standards require that the audit be performed to obtain a reasonable assurance that the City's financial statements are free of material misstatements. In addition, the audit assesses the accounting principles used and significant estimates made by City management.

The audit indicates that the City's Financial Statements and Schedule of Expenditures of Federal Awards, as required by OMB Circular A-133, are presented fairly, in all material respects, and are in conformity with accounting principles generally accepted in the United States of America.

The audit also includes a management report that contains recommendations for strengthening internal controls and operating efficiency. This is the second consecutive year that no new audit findings or recommendations for improvements were noted for FY2014 operations. This is a major accomplishment for the City and an indication that current financial management practices are working effectively.

However, while there were no recommendations made for the current fiscal year, Melanson, Heath & Company did provide a follow-up on prior year recommendations, the most notable being an improvement to the cash reconciliation process, which continues to be a material weakness within the Treasurer's office. As a result, the City is actively

working to address this recommendation during fiscal year 2015. Current year action steps include: 1) daily reconciliations between the Treasurer's and Auditor's offices to ensure consistency between the bank statements, cash book and general ledger, 2) researching and addressing all prior year and current year reconciling items as identified on the bank-to-book reconciliations, and 3) updating the City's cash receipts policy to ensure that all departments are providing timely and accurate turnovers of receipts.

In addition to addressing the cash reconciliation process, the outside auditors have made recommendations carried over from the prior year audit, which are not listed as material weaknesses, but suggestions for improving overall financial operations within the City. Many of these are currently being implemented and are detailed in the full management report available in the City Clerk's Office.

As you may be aware, the City established a Financial Policies and Procedures manual and continues to adapt the document to address many of the recommendations contained in the report. Additionally, given the inclusion of the Newburyport Contributory Retirement System as part of the City's annual audit, Melanson, Heath & Company was able to issue an unqualified or "clean" opinion of the City's FY2014 financial statements for the second year in a row.

Please feel free to contact me if you have any questions. A copy of the full audit report is on file in the City Clerk's Office.



City of Newburyport
FY 2015
BUDGET TRANSFER REQUEST

Transfer #2
May 26, 2015

RECEIVED
CITY CLERK'S OFFICE
NEWBURYPORT, MA
2015 MAY 19 P 2:42

Department: Library

Submitted by: Cynthia Dadd

Date Submitted: 5/19/2015

Transfer From:

| | | | | |
|--------------------------|---|------------|----|------------|
| Account Name | Salaries - Staff | YTD Bal: | \$ | 116,140.74 |
| Account Number: | 01610001-51166 | Trans In: | \$ | - |
| Amount: | \$20,000.00 | Trans Out: | \$ | - |
| Why are Funds Available: | <i>Vacancies in the library staff this year resulted in new staff hired at lower pay rates. There were also some time gaps between former staff departures and new staff start dates.</i> | | | |

Transfer To:

| | | | | |
|-------------------------|--|------------|----|-----------|
| Account Name | Heat/Electricity | YTD Bal: | \$ | 11,421.91 |
| Account Number: | 01610002-52101 | Trans In: | \$ | - |
| Amount: | \$20,000.00 | Trans Out: | \$ | - |
| Why are Funds Required: | <i>Current bills to be processed will put this account into deficit. Electric bills were higher than usual this fiscal year.</i> | | | |

Donna D. Holaday, Mayor

Ethan R. Manning, Auditor

City Council Approval: (Stamp)

Donna D. Holaday
Ethan R. Manning

Date: 5/19/15

Date: 5/19/15



City of Newburyport
FY 2015
BUDGET TRANSFER REQUEST

Transfer #3
May 26, 2015

RECEIVED
CITY CLERK'S OFFICE
NEWBURYPORT, MA

2015 MAY 19 P 2:42

Department: Mayor's Office

Submitted by: Mayor Donna D. Holaday

Date Submitted: 5/19/2015

Transfer From:

| | | | |
|--------------------------|--|------------|-----------------|
| Account Name | Insurance - 32-B | YTD Bal: | \$ 1,257,231.55 |
| Account Number: | 01914001-51700 | Trans In: | \$ - |
| Amount: | \$64,500.00 | Trans Out: | \$ - |
| Why are Funds Available: | <i>A surplus is anticipated in this account at year-end.</i> | | |

Transfer To:

| | | | |
|-------------------------|---|------------|---------------|
| Account Name | Veterans Benefits | YTD Bal: | \$ 175,573.43 |
| Account Number: | 01543007-57700 | Trans In: | \$ 17,000.00 |
| Amount: | \$2,000.00 | Trans Out: | \$ - |
| Why are Funds Required: | <i>Unexpected payout in May. This will cover the shortfall for the final month.</i> | | |

Transfer To:

| | | | |
|-------------------------|--|------------|----------------|
| Account Name | LGL City Solicitor | YTD Bal: | \$ (24,990.60) |
| Account Number: | 01543007-57700 | Trans In: | \$ - |
| Amount: | \$50,000.00 | Trans Out: | \$ - |
| Why are Funds Required: | <i>The City annually budgets \$70,000 to fund the City Solicitor, Kopelman & Paige. Higher than anticipated costs were incurred during FY2015 in order to obtain easements necessary to complete the final phase of the Clipper City Rail Trail Project.</i> | | |

Transfer To:

| | | | |
|-------------------------|---------------------------------------|------------|------|
| Account Name | Colby Farm Lot 1 Feasibility Study | YTD Bal: | \$ - |
| Account Number: | 3510-49710 | Trans In: | \$ - |
| Amount: | \$7,500.00 | Trans Out: | \$ - |
| Why are Funds Required: | <i>See attached explanatory memo.</i> | | |

Transfer To:

| | | | |
|-------------------------|---------------------------------------|------------|------|
| Account Name | Joppa Park Survey | YTD Bal: | \$ - |
| Account Number: | 3511-49710 | Trans In: | \$ - |
| Amount: | \$5,000.00 | Trans Out: | \$ - |
| Why are Funds Required: | <i>See attached explanatory memo.</i> | | |

Donna D. Holaday, Mayor
Ethan R. Manning, Auditor
City Council Approval: (Stamp)

Donna D. Holaday
Ethan R. Manning

Date: 5/19/15
Date: 5/19/15

LICENSE & PERMITS



Communication #5
January 12, 2015

RECEIVED
CLERK'S OFFICE
NEWBURYPORT, MA

2014 DEC 30 A 9:53

**CITY OF NEWBURYPORT
VEHICLES FOR HIRE
BUSINESS OWNERS'S APPLICATION**

Please Type or Print Clearly

APPLICANT INFORMATION:

Name of Applicant: Last: Congdon First: Norold Middle Initial: A
Address: 52 ELM City: SALISBURY State: MA Zip: 0196
Phone Number: (978) 265 5802 Message or work phone: (978) 465 2333
Driver's License Number: 51R6 17747 State: MA Expiration Date: 9-23-15
Social Security Number: 023-36-8262

BUSINESS INFORMATION:

Business Name: POST TAXI INC Business Phone Number: (978) 465 2333
Business Address: 52 ELM ST City: Salisbury State: MA Zip: 01952
Business Mailing Address: SAME City: MA State: MA Zip: MA
Number of vehicles to be operated under this permit: 7

FOR EACH VEHICLE, PLEASE LIST

See ATTACHED sheet

| | | | | |
|--------|----------|-------|-------|--------|
| Reg. # | Expires: | Year: | Make: | Model: |
| Reg. # | Expires: | Year: | Make: | Model: |
| Reg. # | Expires: | Year: | Make: | Model: |
| Reg. # | Expires: | Year: | Make: | Model: |
| Reg. # | Expires: | Year: | Make: | Model: |
| Reg. # | Expires: | Year: | Make: | Model: |

VEHICLE REGISTRATION INFORMATION:

Proof of evidence of legal and registered ownership of the vehicle(s) to be used by the applicant must be provided. Attach one (1) copy of each to this application.

INSURANCE INFORMATION:

Must provide proof of personal injury and property damage liability insurance coverage for each permitted taxi for the full time period of the permit. The personal injury coverage shall not be less than one hundred thousand dollars (\$100,000) for injury to one person with a total coverage of not less than three hundred thousand dollars (\$300,000) for each accident. The property damage coverage shall be not less than fifty thousand dollars (\$50,000) per occurrence. Attach one (1) copy to this application.

I, the undersigned, hereby declare that I have carefully read the Ordinance relating to this business; that I understand it thoroughly and will carry out every provision thereof; that to the best of my knowledge, I have complied with the regulations as outlined. I further state that the statements and answers contained in this application are true to the best of my knowledge and belief, knowing that false statement will be sufficient cause for denial or revocation of said license.

Harold Condon
(Signature of Applicant)

Date: 12/30/14

Official Use Only

Office of the City Clerk

Initial Application Fee \$ _____ Date Received _____ By _____

Date sent to Police Department _____ New ☐ Renewal ☐

Police Department Use Only

Inspection Recommendation for each Vehicle

Cab # _____ License Plate#: _____ VIN# _____ ☐ Approved ☐ Denied

Comments: _____

Cab # _____ License Plate#: _____ VIN# _____ ☐ Approved ☐ Denied

Comments: _____

Cab# _____ License Plate#: _____ VIN# _____ ☐ Approved ☐ Denied

Comments: _____

Cab# _____ License Plate#: _____ VIN# _____ ☐ Approved ☐ Denied

Comments: _____

Cab # _____ License Plate#: _____ VIN# _____ ☐ Approved ☐ Denied

Comments: _____

| CAR | PLATE | vin | YEAR | MAKE | MODEL | COLOR |
|-----|---------|-------------------|------|------|---------|-------|
| 2 | TA24209 | 1B4GP24352B696269 | 2002 | DODG | CARAVAN | BLUE |
| 3 | TA24210 | 2B4GP44382R732534 | 2002 | DODG | CARAVAN | WHITE |
| 4 | TA24225 | 1B4GP24372B524647 | 2002 | DODG | CARAVAN | WHITE |
| 5 | TA24222 | 2C4GP44392R777965 | 2002 | CHRY | TOWN | WHITE |
| 6 | TA25259 | 2B4GP443X2R78904 | 2002 | DODG | CARAVAN | WHITE |
| 7 | TA24201 | 1B4GP25381B166911 | 2001 | DODG | CARAVAN | WHITE |
| 8 | TA24208 | 2D4GP44373R262603 | 2003 | DODG | CARAVAN | WHITE |

They all EXPIRE 11/15 NOV 2015



CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)

11/17/2014

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
Lighthouse Insurance Agency, Ltd
470 West Broadway

CONTACT NAME: Meghan O'Rourke
PHONE (A/C, No, Ext): (617) 464-3777 FAX (A/C, No): (617) 464-3888
E-MAIL ADDRESS: meghan.orourke@lighthouseins.net

| INSURER(S) AFFORDING COVERAGE | | NAIC # |
|-------------------------------|----------------------------|--------|
| INSURER A: | New Hampshire Insurance Co | |
| INSURER B: | | |
| INSURER C: | | |
| INSURER D: | | |
| INSURER E: | | |
| INSURER F: | | |

South Boston MA 02127

INSURED
Port and Cars Inc
52 Elm St

Salisbury MA 01952

COVERAGES CERTIFICATE NUMBER: CI14111725296

REVISION NUMBER:

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

| INSR LTR | TYPE OF INSURANCE | ADDL SUBR INSR WVD | POLICY NUMBER | POLICY EFF (MM/DD/YYYY) | POLICY EXP (MM/DD/YYYY) | LIMITS |
|----------|---|--------------------|-----------------|-------------------------|-------------------------|--|
| | GENERAL LIABILITY | | | | | EACH OCCURRENCE \$ |
| | COMMERCIAL GENERAL LIABILITY | | | | | DAMAGE TO RENTED PREMISES (Ea occurrence) \$ |
| | CLAIMS-MADE OCCUR | | | | | MED EXP (Any one person) \$ |
| | | | | | | PERSONAL & ADV INJURY \$ |
| | | | | | | GENERAL AGGREGATE \$ |
| | GEN'L AGGREGATE LIMIT APPLIES PER: | | | | | PRODUCTS - COMP/OP AGG \$ |
| | POLICY PROJECT LOC | | | | | \$ |
| A | AUTOMOBILE LIABILITY | | | | | COMBINED SINGLE LIMIT (Ea accident) \$ |
| | ANY AUTO | | | | | BODILY INJURY (Per person) \$ 100,000 |
| | ALL OWNED AUTOS | X | 01-MR-067180739 | 4/8/2014 | 4/8/2015 | BODILY INJURY (Per accident) \$ 300,000 |
| | HIRED AUTOS | | | | | PROPERTY DAMAGE (Per accident) \$ 50,000 |
| | | | | | | \$ |
| | UMBRELLA LIAB | | | | | EACH OCCURRENCE \$ |
| | EXCESS LIAB | | | | | AGGREGATE \$ |
| | DED RETENTION \$ | | | | | \$ |
| | WORKERS COMPENSATION AND EMPLOYERS' LIABILITY | | | | | WC STATUTORY LIMITS OTHER |
| | ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH) | Y/N | N/A | | | E.L. EACH ACCIDENT \$ |
| | If yes, describe under DESCRIPTION OF OPERATIONS below | | | | | E.L. DISEASE - EA EMPLOYEE \$ |
| | | | | | | E.L. DISEASE - POLICY LIMIT \$ |

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

TA24209 2002 DODGE CARAVAN 1B4GP24352B696269
TA24210 2002 DODGE CARAVAN 2B8GP44382R732534
TA24225 2002 DODGE CARA 1B4GP24372B524647
TA24222 2002 CHRY TOWN 2C4GP44392R777985
TA25259 2002 DODGE CARA 2B4GP443X2R789804
TA24208 2003 DODGE CARAVAN 2D4GP44373R262603

CERTIFICATE HOLDER

The City of Newburyport
Transportation Dept
Newburyport, MA

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

Mark Boucher/RS

LHP



CITY OF NEWBURYPORT
VEHICLES FOR HIRE
BUSINESS OWNERS'S APPLICATION

Please Type or Print Clearly

APPLICANT INFORMATION:

Name of Applicant: Last: Hewlett First: Richard Middle Initial: _____
Address: P.O. Box 1004 City: Seabrook State: NH Zip: 03874
Phone Number: (978) 417-9974 Message or work phone: (978) 912-2265
Driver's License Number: 09HTR51161 State: NH Expiration Date: 9-16-19

BUSINESS INFORMATION:

Business Name: Seacoast Taxi Business Phone Number: (978) 912-2265
Business Address: 37 Elmira Dr City: Newburyport State: MA Zip: 01950
Business Mailing Address: PO Box 1004 City: Seabrook State: NH Zip: 03874
Number of vehicles to be operated under this permit: 2

FOR EACH VEHICLE, PLEASE LIST:

Reg. # 1A2008 Expires: 11-11-15 Year: 2004 Make: Grand Marq Model: Ford
Reg. # 19361 Expires: 11-11-15 Year: 2004 Make: Grand Marq Model: Ford
Reg. # _____ Expires: _____ Year: _____ Make: _____ Model: _____
Reg. # _____ Expires: _____ Year: _____ Make: _____ Model: _____
Reg. # _____ Expires: _____ Year: _____ Make: _____ Model: _____
Reg. # _____ Expires: _____ Year: _____ Make: _____ Model: _____

VEHICLE REGISTRATION INFORMATION:

Proof of evidence of legal and registered ownership of the vehicle(s) to be used by the applicant must be provided. Attach one (1) copy of each to this application.

INSURANCE INFORMATION:

Must provide proof of personal injury and property damage liability insurance coverage for each permitted taxi for the full time period of the permit. The personal injury coverage shall not be less than one hundred thousand dollars (\$100,000) for injury to one person with a total coverage of not less than three hundred thousand dollars (\$300,000) for each accident. The property damage coverage shall be not less than fifty thousand dollars (\$50,000) per occurrence. Attach one (1) copy to this application.

I, the undersigned, hereby declare that I have carefully read the Ordinance relating to this business; that I understand it thoroughly and will carry out every provision thereof; that to the best of my knowledge, I have complied with the regulations as outlined. I further state that the statements and answers contained in this application are true to the best of my knowledge and belief, knowing that false statement will be sufficient cause for denial or revocation of said license.

*Richard H. Hurlbitt
(Signature of Applicant)

Date: 1-31-15

Official Use Only

Office of the City Clerk

Initial Application Fee \$ _____ Date Received _____ By _____

Date sent to Police Department _____ New ☐ Renewal ☐

Police Department Use Only

Inspection Recommendation for each Vehicle

Cab # _____ License Plate#: _____ VIN# _____ ☐ Approved ☐ Denied

Comments: _____

Cab # _____ License Plate#: _____ VIN# _____ ☐ Approved ☐ Denied

Comments: _____

Cab# _____ License Plate#: _____ VIN# _____ ☐ Approved ☐ Denied

Comments: _____

Cab# _____ License Plate#: _____ VIN# _____ ☐ Approved ☐ Denied

Comments: _____

Cab # _____ License Plate#: _____ VIN# _____ ☐ Approved ☐ Denied

Comments: _____

CITY OF NEWBURYPORT



IN CITY COUNCIL

ORDERED:

APRIL 28, 2014

AN ORDINANCE TO AMEND AN ORDINANCE ENTITLED LICENSES, PERMITS AND BUSINESS REGULATIONS

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

Chapter 9 Licenses, Permits and Business Regulations
Article VII Transient Vendors, Hawkers and Peddlers
Division 1 Transient Vendors
Section 9-114 Restricted Areas

DELETE:

Sec. 9-114. Restricted areas.

Approved transient vendors may operate only on Inn Street, pursuant to license commission regulations. This provision does not apply to licensees holding a valid license on December 31, 2010.

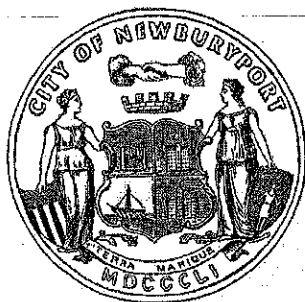
ADD

Sec. 9-114. Restricted areas.

Three approved transient vendors may operate only on Inn Street, and one approved transient vendor may operate in Cashman Park pursuant to license commission regulations.

Councillor Robert J. Cronin

Refer to
RC LHP
PH SV



RECEIVED
CITY CLERK'S OFFICE
NEWBURYPORT, MA
NEW FILING X
RENEW

City of Newburyport

2015 MAY 19 P 3:12

Application

Food Establishment Outdoor Seating on Public Property

Date: 5-19-15

Name of Business Owner: Cathy Moulton

Name of Property Owner: Newburyport Development

Business Name: 17 State Street Cafe

Business Address: 17 State Street Business Phone: 978.948.3456

Number of Tables Requested: 4 Dimensions: 30" Material: Wrought Iron

Number of Chairs Requested: 8 Dimensions: 20" Material: Wrought Iron

☒ Applicant requests approval of outdoor seating for the sole purpose of food consumption.

☐ Applicant requests approval of outdoor seating for food and alcohol consumption.

Please note propane is not allowed unless approved by the Fire Department

Application Requirements

Please submit the following documents with the completed application to:

**City Clerk's Office
Newburyport City Hall
PO Box 550
60 Pleasant Street
Newburyport, MA 01950**

- 1) Applicants must provide evidence of liability insurance to the City Clerk with minimum coverage in the amount of one million dollars, naming the City of Newburyport as co-insured. This insurance coverage must be in force for the duration of the approved period.

Application - Food Establishment Outdoor Seating on Public Property


- 2) 8 1/2 x 11 sketch of outdoor seating detailing: a) measurements of tables and chairs; b) total width of sidewalk; and c) distance between proposed seating and sidewalk
- 3) Obstacles such as streetlights, signs, trees, benches, and garbage barrels.
- 4) Applicants seeking approval of outdoor seating for food and alcohol consumption must also submit:
- 5) Written and dated approval of the Newburyport License Commission for the outdoor service of alcohol, including the information and sketch used for the basis of the License Commission approval.
- 6) 8 1/2 x 11 sketch of outdoor seating cited above must also include a depiction and information on the placement, dimensions, and materials used to create a demarcated area for the service of alcohol.

RELEASE AND INDEMNITY AGREEMENT TO ENCUMBER A PUBLIC WAY

I, the undersigned Applicant or Duly Authorized Agent, hereby agree to RELEASE, DISCHARGE, and HOLD HARMLESS, the City of Newburyport, a municipal corporation of the Commonwealth of Massachusetts, and its officers, employees, agents, and servants from all actions, causes of action, claims, demands, damages, costs, loss of services, expenses and compensation associated with the undersigned's use of the public way as described herein.



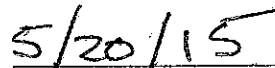
Signature of Business Owner



DATE



Signature of ADA Coordinator
(Building Department)



DATE

17 State Street Cafe 34' 3" →

Lively Jack

← 14' 6" →

porchway

← 10' 3" →

← 9' →

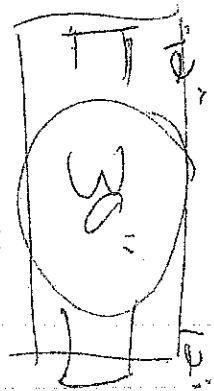
Drill

↓



← 54" →

20" ← 54" →



← 36" →

Planters
Planters

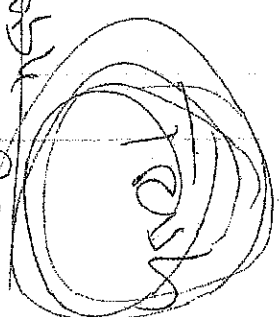
↓



↓

Carb

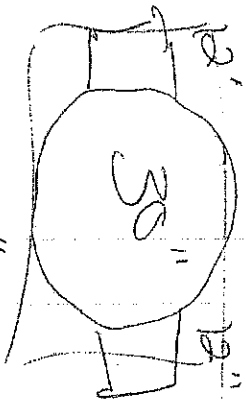
new
pots



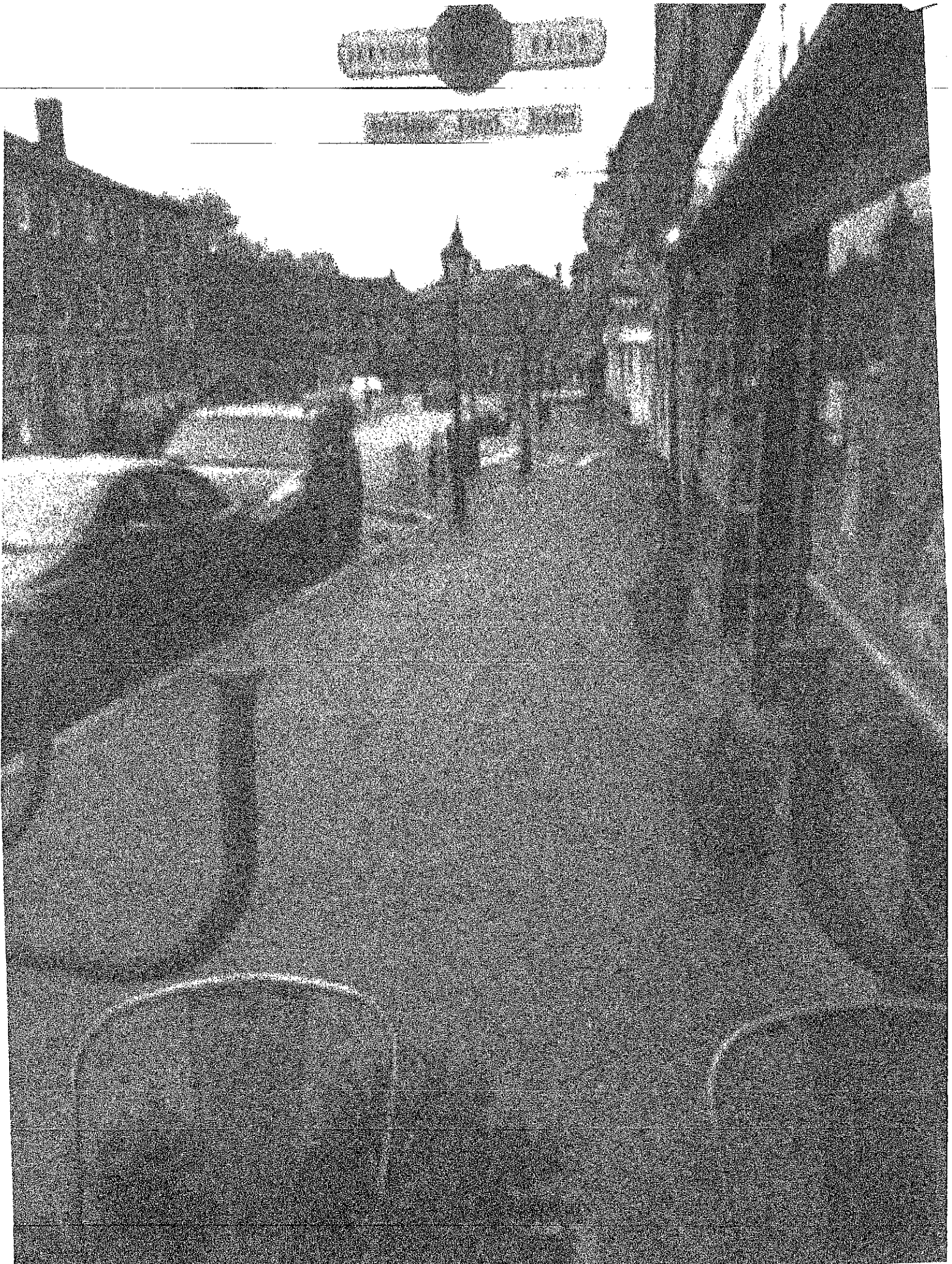
new
overall

← 11' 4" overall →

← 54" →
planters



← 36" →





17STATE-01

LCARUSO

CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)

5/19/2015

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 Salem Five Insurance Services, LLC 445 Main Street Woburn, MA 01801 | CONTACT NAME: | |
| | PHONE (A/C, No, Ext): (781) 933-3100 FAX (A/C, No): (781) 933-9048 | |
| | E-MAIL ADDRESS: insurance.services@salemfive.com | |
| INSURED 17 State Street Cafe Inc 17 State Street Newburyport, MA 01950 | INSURER(S) AFFORDING COVERAGE | NAIC # |
| | INSURER A: Selective Ins Co of S Carolina | |
| | INSURER B: Selective Ins Co of the Southeast | 39926 |
| | INSURER C: Selective Ins Co of America | 12572 |
| | INSURER D: Mass Retail Merchants | |
| | INSURER E: | |
| | INSURER F: | |

COVERAGES

CERTIFICATE NUMBER:

REVISION NUMBER:

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

| INSR LTR | TYPE OF INSURANCE | ADD'L SUBR INSD WVD | POLICY NUMBER | POLICY EFF (MM/DD/YYYY) | POLICY EXP (MM/DD/YYYY) | LIMITS |
|----------|---|--|-----------------|-------------------------|-------------------------|--|
| A | <input checked="" type="checkbox"/> COMMERCIAL GENERAL LIABILITY | | S1843484 | 06/07/2014 | 06/07/2015 | EACH OCCURRENCE \$ 1,000,000 |
| | <input type="checkbox"/> CLAIMS-MADE <input checked="" type="checkbox"/> OCCUR | DAMAGE TO RENTED PREMISES (Ea occurrence) \$ 100,000 | | | | |
| | | MED EXP (Any one person) \$ 5,000 | | | | |
| | | PERSONAL & ADV INJURY \$ 1,000,000 | | | | |
| | GEN'L AGGREGATE LIMIT APPLIES PER: | | | | | GENERAL AGGREGATE \$ 2,000,000 |
| | <input checked="" type="checkbox"/> POLICY <input type="checkbox"/> PRO-JECT <input type="checkbox"/> LOC | | | | | PRODUCTS - COMPIOP AGG \$ 2,000,000 |
| | <input checked="" type="checkbox"/> OTHER: | | | | | GL ELITE PAC FI \$ 400,000 |
| B | AUTOMOBILE LIABILITY | | A9091536 | 06/07/2014 | 06/07/2015 | COMBINED SINGLE LIMIT (Ea accident) \$ 1,000,000 |
| | <input type="checkbox"/> ANY AUTO | <input checked="" type="checkbox"/> SCHEDULED AUTOS | | | | BODILY INJURY (Per person) \$ |
| | <input type="checkbox"/> ALL OWNED AUTOS | <input checked="" type="checkbox"/> NON-OWNED AUTOS | | | | BODILY INJURY (Per accident) \$ |
| | <input checked="" type="checkbox"/> HIRED AUTOS | | | | | PROPERTY DAMAGE (Per accident) \$ |
| | | | | | | \$ |
| C | <input checked="" type="checkbox"/> UMBRELLA LIAB <input checked="" type="checkbox"/> OCCUR | | S1843484 | 06/07/2014 | 06/07/2015 | EACH OCCURRENCE \$ 1,000,000 |
| | <input type="checkbox"/> EXCESS LIAB <input type="checkbox"/> CLAIMS-MADE | AGGREGATE \$ | | | | |
| | <input type="checkbox"/> DED <input type="checkbox"/> RETENTION \$ | \$ | | | | |
| D | WORKERS COMPENSATION AND EMPLOYERS' LIABILITY | | 014005031861113 | 01/01/2014 | 01/01/2015 | <input checked="" type="checkbox"/> PER STATUTE <input type="checkbox"/> OTHER |
| | ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH) | | | | | E.L. EACH ACCIDENT \$ 500,000 |
| | If yes, describe under DESCRIPTION OF OPERATIONS below | | | | | E.L. DISEASE - EA EMPLOYEE \$ 500,000 |
| | | | | | | E.L. DISEASE - POLICY LIMIT \$ 500,000 |

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

City of Newburyport is an Additional Insured when required in a written agreement with the Named Insured on the general liability coverage described above.
Note: Liquor Liability follows General Liability.

CERTIFICATE HOLDER

CANCELLATION

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

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NEIGHBORHOOD & CITY SERVICES

12905

CITY OF NEWBURYPORT



IN CITY COUNCIL

ORDERED:

JANUARY 12, 2015

AN ORDINANCE TO REGULATE THE FEEDING OR BAITING OF MIGRATORY WATERFOWL AND SEA BIRDS

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

General ordinance:

PART 2 Article III CHAPTER 3-31: Feeding or baiting migratory waterfowl or sea birds

Short Title: Feeding or baiting wild birds

3-32 Purpose and intent

The presence of migratory shorebirds such as ducks, swans, geese as well as seagulls are part of the fabric of a coastal and riverfront community. These birds in essence bring to Newburyport's public and private waterfront and parks a connection with the Merrimack River and the Atlantic Ocean. An unfortunate by-product of these birds' presence is the inappropriate and harmful practice of human feeding of these birds. This feeding contributes to this wildlife becoming dependent on human intervention. It exposes them to predators and leaves behind bird waste that negatively affects the ecosystem. Therefore, the intent is to minimize migratory waterfowl and seabird exposure to human feeding and in the reduction of animal waste within the City of Newburyport.

3-33 Definitions

- (a) "Migratory Waterfowl", ducks, geese, swans, of the Anatidae family and any subspecies of said family.
- (b) "Seabirds", seagulls and any subspecies of seagulls
- (c) "Director", the Director of Massachusetts Division of Fisheries and Wildlife, agents or designees as authorized pursuant to Chapter 131 of the Massachusetts General Laws.
- (d) "Feeding or Baiting", shall mean the placing, exposing, depositing, distribution, or scattering, directly or indirectly of shelled, shucked, or unshucked corn, wheat, other grain, bread, salt, or any other feed or nutritive substance in any manner of form so as to constitute feeding or baiting within the City of Newburyport.

3-34 Limitations

- (a) No person, except the Director, as defined in 3-33 of this ordinance shall feed or bait any migratory waterfowl at any location within the City of Newburyport including all water bodies therein.
- (b) Nothing in this section shall be constituted to limit the feeding of domesticated waterfowl as defined by the Division of Fisheries and Wildlife, by a farmer as defined

RC

in Section 1A of Chapter 128 on property owned or leased by him, or the feeding of waterfowl or other birds by propagators licensed under Section 23 of Chapter 131 of the General Laws when such waterfowl or other birds are confined in such a manner as may be required to said Section 23 and by Rules and Regulations issued under authority thereof; or the feeding by any person or his agents, invites or licensees of waterfowl lawfully kept as a pet by that person.

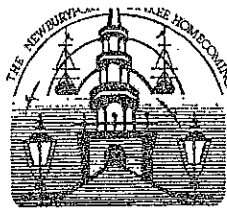
- (c) Notwithstanding any of the above, the Director may authorize the emergency feeding of waterfowl and other birds when, in his opinion, such action is necessary in order to alleviate undue losses and suffering of birds due to unusual weather conditions and other circumstances. The Director may authorize such action by such means as he deems necessary and expedient, but such means shall include the immediate notification of the Newburyport City Clerk by first-class mail

13-101 Enforcement

- (a) *"Enforcement Agents"* This section may be enforced by the City of Newburyport animal Control Officer, agents of the Newburyport Board of Health, Newburyport Police Officers, Code Enforcement Officers, Commonwealth of Massachusetts Environmental Police Officers, and any other enforcement officers of the Division of (Massachusetts) Law Enforcement.
- (b) *"Violation"* Any person who violates any provision of this section shall be subject to a warning for the first offense and a fine of \$25.00 for each subsequent offense thereafter. In lieu of enforcement through criminal proceedings, an enforcing agent may enforce this section by non-criminal disposition in accordance with Massachusetts general Laws Chapter 40 Section 21D.
- (c) While the posting of signage delineating this ordinance is encouraged in areas where both people and migratory waterfowl gather, signs need not be present to enforce this ordinance.

Councillor Robert J Cronin
Public Safety Chair

PUBLIC SAFETY



February 23, 2015

RECEIVED
CITY CLERK'S OFFICE
NEWBURYPORT, MA

ps

YANKEE HOMECOMING INC.

2015 FEB 17 P 1:38

P.O. Box 493
Newburyport, MA 01950

February 4, 2015

Member of the Newburyport City Council
City Hall
60 Pleasant Street
Newburyport, Ma 01950

Member of the City Council,

This year Yankee Homecoming will celebrate its 58th consecutive year in bringing educational, historical and entertainment to the people in our community. Our non-profit organization is proud in the fact that, over the years, we have continued to bring family and friends together to celebrate the United States Coast Guard, the beautiful City of Newburyport and all we have to offer. This year our celebration will be held July 26 through August 2, 2015.

As General Chair of this year's Yankee Homecoming, I am requesting the use of the City of Newburyport for our celebration. My theme for this year is *"Rich with Traditions – Celebrating 225 Years of the United States Coast Guard."* Yankee Homecoming was originally conceived with the US Coast Guard in mind and continues to celebrate and honor the US Coast Guard each year.

I am looking forward to working with our "seasoned" volunteers and welcoming new volunteers. I also look forward to working with all of you in making this a grand celebration. Thank you for your considerations.

Sincerely,

Jennifer Lacroix, Chairwoman
Yankee Homecoming 2015

978 239 2968



YHCIN-1

OP ID: CA

CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)

06/04/2015

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.

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| | |
|--|--|
| PRODUCER Chase & Lunt LLC 65 Parker Street Newburyport, MA 01950 Michael C. Howlett | CONTACT NAME: Michael C. Howlett |
| | PHONE (A/C, No, Ext): 978-462-4434 FAX (A/C, No): 978-465-6204 |
| | E-MAIL ADDRESS: |
| | INSURER(S) AFFORDING COVERAGE |
| | INSURER A: Nautilus Insurance Company |
| | INSURER B: |
| | INSURER C: |
| | INSURER D: |
| | INSURER E: |
| | INSURER F: |

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

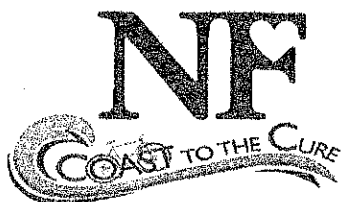
| INSR LTR | TYPE OF INSURANCE | ADDL SUBR INSD WVD | POLICY NUMBER | POLICY EFF (MM/DD/YYYY) | POLICY EXP (MM/DD/YYYY) | LIMITS |
|----------|---|--|---------------|-------------------------|-------------------------|--|
| A | <input checked="" type="checkbox"/> COMMERCIAL GENERAL LIABILITY <input type="checkbox"/> CLAIMS-MADE <input checked="" type="checkbox"/> OCCUR GEN'L AGGREGATE LIMIT APPLIES PER: <input checked="" type="checkbox"/> POLICY <input type="checkbox"/> PROJECT <input type="checkbox"/> LOC OTHER: | | NN564871 | 06/01/2015 | 06/01/2016 | EACH OCCURRENCE \$ 1,000,000 DAMAGE TO RENTED PREMISES (Ea occurrence) \$ 50,000 MED EXP (Any one person) \$ 5,000 PERSONAL & ADV INJURY \$ 1,000,000 GENERAL AGGREGATE \$ 2,000,000 PRODUCTS - COMP/OP AGG \$ INCLUDED |
| | AUTOMOBILE LIABILITY <input type="checkbox"/> ANY AUTO <input type="checkbox"/> ALL OWNED AUTOS <input type="checkbox"/> HIRED AUTOS <input type="checkbox"/> SCHEDULED AUTOS <input type="checkbox"/> NON-OWNED AUTOS | | | | | COMBINED SINGLE LIMIT (Ea accident) \$ BODILY INJURY (Per person) \$ BODILY INJURY (Per accident) \$ PROPERTY DAMAGE (Per accident) \$ |
| | UMBRELLA LIAB <input type="checkbox"/> EXCESS LIAB <input type="checkbox"/> DED <input type="checkbox"/> RETENTION \$ | <input type="checkbox"/> OCCUR <input type="checkbox"/> CLAIMS-MADE | | | | EACH OCCURRENCE \$ AGGREGATE \$ |
| | WORKERS COMPENSATION AND EMPLOYERS' LIABILITY ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH) If yes, describe under DESCRIPTION OF OPERATIONS below | <input type="checkbox"/> Y <input checked="" type="checkbox"/> N N/A | | | | PER STATUTE <input type="checkbox"/> OTH-ER <input type="checkbox"/> E.L. EACH ACCIDENT \$ E.L. DISEASE - EA EMPLOYEE \$ E.L. DISEASE - POLICY LIMIT \$ |

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

The City of Newburyport if named as additional insured with respect to general liability if required by written contract.

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

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Neurofibromatosis, Northeast

9 Bedford Street ~ Burlington, MA 01803

781-272-9936 ~ info@nfincne.org

www.nfincne.org

Communication #1
May 11, 2015

ps
Committee

Ben Buttrick &
Kevin McKelvey
Co-Chairpersons

John Duff
Kate Duff
Megan Duff
Jill Tozza Feeney
Peter Gentile
Tracy Kelley
Chanda McKee
Alex Powers
Elaine Powers
Steve Shelgren

2015 APR 15 A 10:50

April 13, 2015

Richard Jones
City Clerk
City of Newburyport
60 Pleasant Street
Newburyport, MA 01950

Dear Mr. Jones,

On behalf of Neurofibromatosis Northeast, I am seeking permission once again to include your city in our route for the upcoming 5th Annual Coast to the Cure bike ride. Coast to the Cure takes place on Saturday, September 12, 2015. The ride starts and finishes from Stage Fort Park in Gloucester. The event consists of three prescribed routes (24, 66 and 100 miles) encompassing 18 communities: Beverly, Ipswich, Wenham, Hamilton, Essex, Manchester, Georgetown, Groveland, North Andover, Boxford, Middleton, Topsfield, Rowley, Haverhill, Amesbury, Merrimac, Newbury and Newburyport.

I can assure you that all participants will wear helmets, travel in an organized fashion on public roads, never on private property, and will obey the rules of the road. We anticipate approximately 50 participants biking through the city over a four hour period.

The route through Newburyport involves the following roads: Cross Chain Bridge, left on Merrimack Street, right on Kent Street, stop at rest stop, turn around, right on Kent Street, right on Merrimack Street/Water Street, right on Ocean Street.

In addition to seeking permission to traverse through the city we are also requesting the use of the Cushing Park parking lot as a water stop from approximately 10am-2pm. I've reached out to Chief Murray as well. Attached please find a completed special events application and route map.

Proceeds from the event benefit Neurofibromatosis Northeast and support our mission of finding a cure and treatment for neurofibromatosis by promoting scientific research, creating awareness, and supporting those who are affected by NF.

Thanks so much for your consideration.

Sincerely,

Diana Flahive
Director of Special Events

Neurofibromatosis, Northeast is a 501(c)(3) tax-exempt organization

An advocate for NF patients and families since 1988

SPECIAL EVENT APPLICATION

SPECIAL EVENTS

Tel.

Fax.

(For Parades, Road Races and Walkathons Only - Please complete reverse side of this application)

NAME OF EVENT:

Coast to the Cure

1. Date: 9/12/15 Time: from 7 AM to 4 PM

Rain Date: n/a Time: from _____ to _____

2. Location: starts + ends - Stage Fort Park, Gloucester. Route goes through Newburyport. # Rest stop at Cushing Park

3. Description of Property: Cushing Park Public ☒ Private _____

4. Name of Organizer: Neurofibromatosis Northeast City Sponsored Event: Yes _____ No ☒

Contact Diana Flahive Person: _____

Address: 9 Bedford Street, Burlington, MA 01803 Telephone: _____

E-Mail: dflahive@nfnene.org Cell Phone: 781-272-9936

Day of Event Contact & Phone: Diana Flahive, 617-777-5397

5. Number of Attendees Expected: 50 riders @ rest stop + on Newburyport streets.

6. MA Tax Number: 04-3013709 (EIN)

7. Is the Event Being Advertised? yes Where? brochures in local business, radio - 104.9

8. What Age Group is the Event Targeted to? 25-50

9. Have You Notified Neighborhood Groups or Abutters? Yes ☒ No _____, Who? We've reached

out to all 18 communities the ride goes through

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

A. Vending: Food _____ Beverages _____ Alcohol _____ Goods _____ Total # of Vendors _____

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

Performers _____ Dancing _____ Amplified Sound _____ Stage _____

C. Games / Rides: Adult Rides _____ Kiddie Rides _____ Games _____ Raffle _____

Other _____ Total # _____

Name of Carnival Operator: _____

Address: _____

Telephone: _____

D. Clean Up: # of additional trash receptacles required _____ # of additional recycling receptacles required _____

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

_____ Standard # _____ ADA accessible

FOR PARADE, ROAD RACE AND WALKATHON EVENTS ONLY

PARADE _____ Cycling
 ROAD RACE ☒ WALKATHON _____ Water Stop ☒

1. Name of the Group or Person Sponsoring the Road Race, Parade, Walkathon: New England Biolabs - our main sponsor
2. Name, Address & Daytime Phone Number of Organizer: Neurofibromatosis Northeast
9 Bedford Street, Burlington, MA 01803
781-272-9936
3. Name, Address & 24/7 Telephone Number of Person Responsible for Clean Up: Diana Flahive
9 Bedford Street, Burlington, MA 01803
617 777 5347
4. Date of Event: 9/12/15 Expected Number of Participants: 50
5. Start Time: 8AM Expected End Time: 4PM
6. Road Race, Parade or Walkathon Route: (List street names & attach map of route): Cross Chain Bridge,
Merrimack, Kent, Water, Ocean
7. Locations of Water Stops (if any): Cushing Park
8. Will Detours for Motor Vehicles Be Required? NO If so, where? _____
9. Formation Location & Time for Participants: Start/finish stage Fort park, Gloucester
10. Dismissal Location & Time for Participants: Rest Stop should be cleared by
2PM
11. Additional Parade Information:
 - Number of Floats: _____
 - Locations of Viewing Stations: _____
 - Are Weapons Being Carried: Yes _____ No ☒
 - Are Marshalls Being Assigned to Keep Parade Moving: Yes _____ No ☒

APPROVAL SIGNATURES REQUIRED FOR STREET CLOSURE/CROSSING

CITY MARSHAL [Signature] 4 Green St FIRE CHIEF [Signature] 4 Greenleaf St.
 DEPUTY DIRECTOR [Signature] 1 Perry Way CITY CLERK [Signature] 60 Pleasant St

DEPARTMENT APPROVAL (For Committee members use only):

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

Approval
Required

Date: 4/13/15

Signature: Diana Furr

1. Special Events: _____
2. Police: _____
Is Police Detail Required: _____ # of Details Assigned: _____
3. Traffic, Parking & Transportation: _____
4. ISD/Health: _____
5. ISD/Building: _____
6. Electrical: _____
7. Fire: _____
Is Fire Detail Required: _____ # of Details Assigned: _____
8. Public Works: _____
9. Recreation Department: _____
10. License Commission: _____

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

Limitations

- (a) "Procedure" All road racing, walkathon, bicycle, or swimming events shall, through that event's organizer, board of directors, charity foundation or designee apply for authorization to hold the event through the Office of the City Clerk. The City Clerk upon review of the completed form will place the application on the regular City Council agenda. Upon following the procedures of the Council, as deemed appropriated in the sole judgment of the Council, the application will be considered approved if the Council votes favorably by majority. The event will name one person responsible on the application and shall provide contact information to include name, address and telephone number.
- (b) "Exemptions" Each event organizer or organization shall comply with this ordinance and no exemptions will be permitted.
- (c) "Course map", All applications shall be accompanied by a course map showing the event route, water stops, refreshment stops, and so-called "porta-potties". The course map shall also include any road closures, detours and parking areas. The course map shall be approved by Police, Fire, Department of Public Services, Parks Commission and Harbormasters Departments prior to submission to the City Clerk.
- (d) "Electronic Amplifier" Electronic amplifiers, loudspeakers and bullhorn use shall be requested at time of application. Under no circumstances will they be used for public address announcements or music before 8:00 A.M. except for Sundays when electronic amplifiers, loud speakers or bullhorns will be used for public address announcements or music before 9:00 AM. This shall be deemed a requirement for all permitted events regardless of type or location.
- (e) "Road Closure" No ways, public or private, boat ramps or parking lots controlled or patrolled by the city shall be closed without authorization. Authorization shall be considered granted only if said closure(s) are contained in the approved permit. It is the sole responsibility of the race organizers to notify residents ten (10) days in advance that neighborhood roads will be closed if no alternate route is available to those residents.

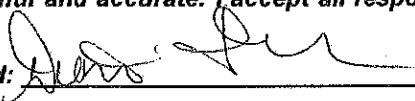
- (f) *"Insurance"* All events shall have an insurance policy or rider in effect for the event naming the "City of Newburyport" as an insured. The policy shall be no less than two million dollars (\$2,000,000.00).
- (g) *"Event termination"* If in the judgment of the City Marshal, Fire Chief or Department of Public Services (DPS) Director or designees thereof determine that an event is unsafe due to existing conditions, that event may be stopped, terminated or suspended. In the case of a multidiscipline event such as a triathlon, the Harbormaster or his/her designee may likewise stop, terminate or suspend the swimming portion for cause.
- (h) *"Event and traffic Security"* The City Marshal, Fire Chief, DPS Director or in the case of a triathlon, the Harbormaster can require special duty personnel to oversee the safety and security of the event. All special duty assignments will be paid by the event organizers.
- (i) *"Clean-up"* The event organizers shall be responsible for post event trash collection, removal of signage, directional arrows, advertisements or other promotional material associated with the event.

13-101 Enforcement

- (a) *"Regulations"* Consistent with this ordinance, the city shall promulgate regulations to enforce and otherwise implement the provisions of this ordinance upon passage by the City Council. Any event previously approved by City Council shall be deemed permitted.
- (b) *"Warning"* In the circumstance that this ordinance is violated, the enforcement may consist of a warning. Any warnings issued for violation(s) will be reported to the City Clerk and City Council and may be used as a factor in future application approvals and denials.
- (c) *"Noncriminal Disposition"* If the city determines that a violation has occurred in which a noncriminal violation is issued, the named event organizer shall be penalized by a non-criminal disposition as provided in Massachusetts General Law as adopted by the City of Newburyport as a general ordinance in Subsection 1-17 of Chapter 1 of the Code or Ordinances of the City of Newburyport in the amounts set herein in 13-101(d)
- (d) *"Violation"* The non-criminal violation shall be \$100.00 for the first offense and \$250.00 for second and subsequent offenses. Any non-criminal citations issued for violation(s) will be reported to the City Clerk and City Council and shall be used as a factor in future application approvals and denials.

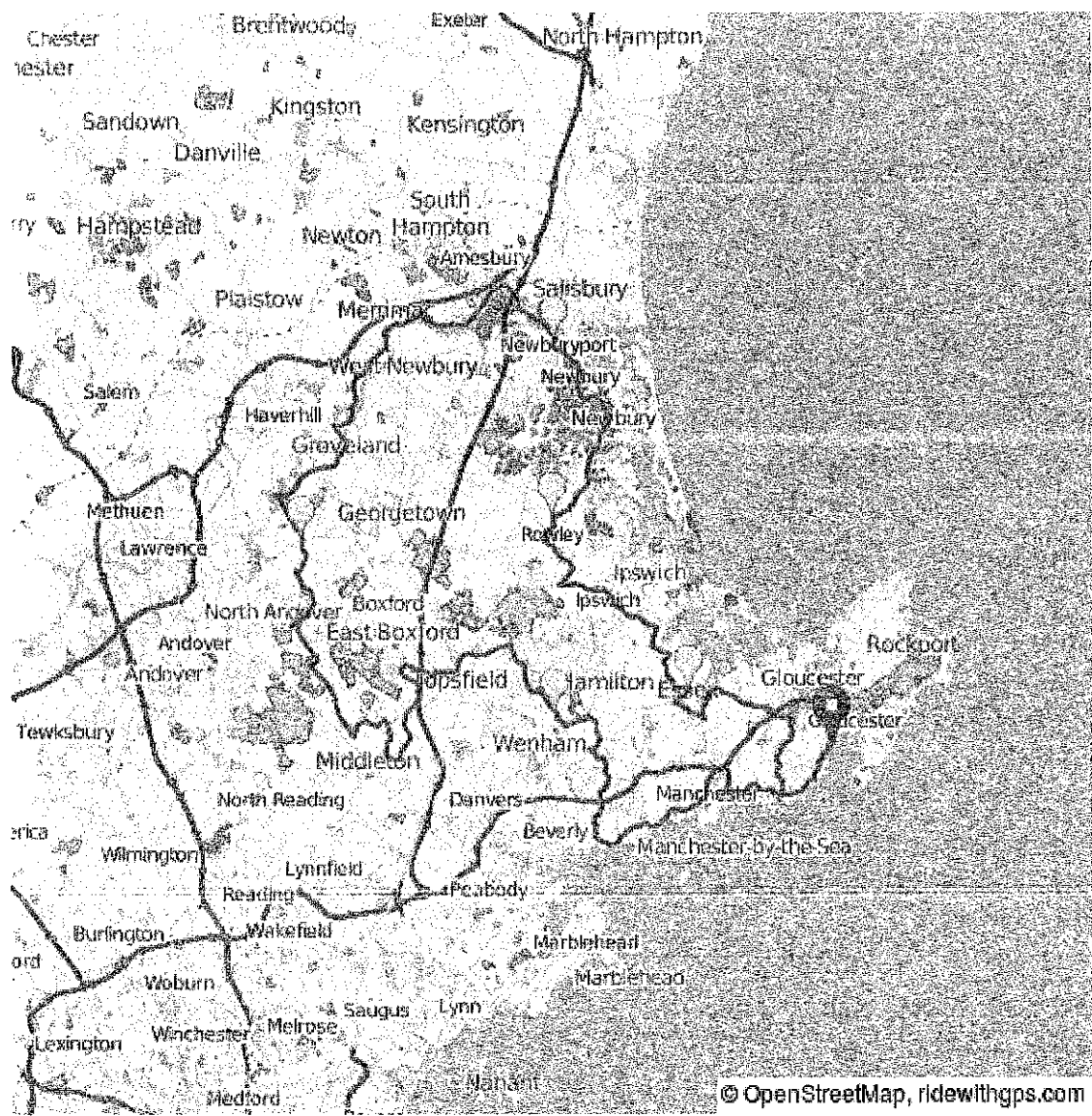
I fully understand and agree to all the terms set forth in this application. The information that I have provided is truthful and accurate. I accept all responsibility related to this event.

Signed:



Date:

4/13/15



NF 2014 Century - 100 miles

97.9 miles

| Leg | Dir | Type | Notes | Total |
|-----|-----|----------|--------------------------|-------|
| | ← | Left | Start | 0.0 |
| 0.3 | ← | Left | Western Ave | 0.3 |
| 0.8 | ← | Left | Hesperus/Norman/Raymond | 1.0 |
| 2.5 | ← | Left | MA-127 S/Summer St | 3.6 |
| 2.0 | → | Right | Forest St | 5.5 |
| 0.7 | ← | Left | Mill St | 6.2 |
| 0.7 | ← | Left | School St | 6.9 |
| 1.0 | → | Right | MA-127 | 7.9 |
| 5.0 | → | Right | Boyles St | 12.9 |
| 0.6 | → | Right | Boyles | 13.5 |
| 0.2 | → | Right | Foster St | 13.7 |
| 0.2 | ↑ | Straight | Continue Standley St | 13.9 |
| 0.8 | → | Right | MA-22 N/Essex St | 14.7 |
| 0.2 | ← | Left | MA-22 | 14.9 |
| 1.2 | ← | Left | Grapevine Rd | 16.1 |
| 0.7 | → | Right | Larch Row | 16.8 |
| 0.6 | ← | Left | Miles River Rd | 17.4 |
| 0.7 | ← | Left | Bridge St | 18.1 |
| 0.4 | ← | Left | MA-1A S/Bay Rd | 18.4 |
| 0.9 | → | Right | Asbury St | 19.4 |
| 0.7 | ↑ | Food | REST STOP - TOILETS | 20.0 |
| 0.4 | → | Right | Highland St | 20.4 |
| 0.1 | ← | Left | Asbury | 20.5 |
| 2.9 | ← | Left | Ipswich Rd | 23.3 |
| 2.1 | ← | Left | Main St | 25.4 |
| 0.3 | → | Right | Washington St | 25.8 |
| 0.8 | ← | Left | Washington / Endicott | 26.6 |
| 5.6 | → | Right | MA-62 W/Maple St | 32.2 |
| 0.4 | → | Right | Liberty St | 32.6 |
| 0.6 | → | Right | Mill St | 33.2 |
| 1.0 | ← | Left | Peabody St | 34.2 |
| 0.4 | → | Right | Liberty St | 34.6 |
| 0.5 | ← | Left | School St | 35.1 |
| 0.8 | → | Right | Essex St | 35.9 |
| 2.0 | ↑ | Straight | Salem St | 37.9 |
| 1.2 | → | Right | Ingalls St | 39.1 |
| 0.5 | ← | Left | Forest St | 39.6 |
| 1.3 | ← | Left | Boxford St | 40.9 |
| 0.2 | → | Right | Foster St | 41.1 |
| 1.2 | ← | Left | Continue Winter St | 42.3 |
| 1.4 | → | Right | Dale St | 43.7 |
| 0.1 | ← | Left | Glendale Rd | 43.9 |
| 0.7 | ← | Left | Main St | 44.6 |
| 0.5 | ↑ | Food | REST STOP - TOILETS | 45.1 |
| 1.9 | → | Right | SHARP R - Lilly Pond Rd | 47.0 |
| 0.8 | ↑ | Straight | Continue onto Boxford Rd | 47.9 |

| Leg | Dir | Type | Notes | Total |
|-----|-----|----------|--|-------|
| 0.0 | ← | Left | Barker | 47.9 |
| 0.4 | → | Right | S Cross/Lawrence/Main/Gardner | 48.3 |
| 2.2 | ← | Left | MA-97 and over Bridge | 50.5 |
| 0.4 | → | Right | Orchard Ave | 50.9 |
| 0.0 | ← | Left | Old Ferry Rd | 50.9 |
| 0.5 | → | Right | E Broadway | 51.5 |
| 3.9 | ← | Left | River Rd | 55.4 |
| 2.3 | → | Right | Turn right onto Skunk Rd | 57.7 |
| 0.4 | ↑ | Straight | Continue onto Pleasant Valley Rd | 58.0 |
| 2.7 | ↑ | Straight | Merrimac St | 60.7 |
| 0.4 | → | Right | Main St | 61.1 |
| 1.2 | ↑ | Straight | cross Chain Bridge | 62.3 |
| 0.4 | ← | Left | ROTARY Merrimac St | 62.7 |
| 1.8 | → | Right | Kent | 64.5 |
| 0.0 | → | Right | Merrimac St | 64.5 |
| 0.1 | → | Right | REST STOP - TOILETS exit to the RIGHT | 64.6 |
| 0.2 | ← | Left | Turn left onto High St | 64.8 |
| 1.7 | → | Right | Turn right onto Hanover St | 66.5 |
| 0.2 | ← | Left | Green St | 66.7 |
| 0.9 | ← | Left | Hay St | 67.5 |
| 0.5 | → | Right | 1A S/High Rd | 68.0 |
| 4.5 | → | Right | Cross St | 72.5 |
| 0.9 | → | Right | Cross St - Central | 73.4 |
| 0.1 | ← | Left | Sharp left onto Central St | 73.5 |
| 0.4 | → | Right | Slight right onto Wethersfield St | 73.9 |
| 0.8 | ← | Left | Slight left onto Haverhill St | 74.7 |
| 0.4 | → | Right | Turn right onto MA-133 E/MA-1A S/Main St | 75.1 |
| 1.2 | → | Right | Mile Ln | 76.2 |
| 0.8 | ← | Left | Linebrook Rd | 77.1 |
| 1.7 | → | Right | Central St/1A/S Main | 78.8 |
| 0.7 | → | Right | 1A S | 79.5 |
| 0.1 | ← | Left | Argilla | 79.6 |
| 1.8 | → | Right | Northgate Rd | 81.4 |
| 0.7 | ← | Left | MA-133 E | 82.1 |
| 0.7 | → | Right | Choate St | 82.8 |
| 0.3 | ← | Left | Belcher St | 83.1 |
| 1.2 | ← | Left | Story St | 84.4 |
| 0.3 | ↑ | Straight | cross onto Winthrop St | 84.7 |
| 0.3 | ← | Left | into REST STOP | 85.0 |
| 0.0 | ← | Left | Martin | 85.0 |
| 0.7 | ← | Left | Turn left onto Apple St | 85.7 |
| 1.3 | ← | Left | Southern Ave | 87.1 |
| 0.8 | → | Right | School St | 87.8 |
| 0.2 | ← | Left | Grove St | 88.0 |
| 0.1 | → | Right | Eastern Ave 133 | 88.1 |
| 3.9 | → | Right | Magnolia Ave | 92.1 |
| 2.8 | ← | Left | Norman/Hesperus | 94.9 |
| 2.8 | → | Right | Hough Ave | 97.7 |



CERTIFICATE OF LIABILITY INSURANCE

NEURO-2 OP ID: ST

DATE (MM/DD/YYYY)

04/29/15

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 T F Ward Insurance Agency, Inc 403 Franklin Street Melrose, MA 02176 Thomas Ward Insurance | | Phone: 781-665-2990 Fax: 781-665-8703 | CONTACT NAME: PHONE: (A/C, No, Ext): E-MAIL ADDRESS: | FAX: (A/C, No): |
| INSURED NEUROFIBROMATOSIS, INC. Karen Peluso 9 Bedford St Burlington, MA 01803 | | INSURER(S) AFFORDING COVERAGE INSURER A: The Hartford INSURER B: Foremost Insurance Company INSURER C: Travelers Casualty INSURER D: INSURER E: INSURER F: | | |

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

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

| INSR LTR | TYPE OF INSURANCE | ADOL SUBR INSR WVD | POLICY NUMBER | POLICY EFF (MM/DD/YYYY) | POLICY EXP (MM/DD/YYYY) | LIMITS |
|----------|--|--------------------|---------------|-------------------------|-------------------------|--|
| B | GENERAL LIABILITY <input type="checkbox"/> COMMERCIAL GENERAL LIABILITY <input type="checkbox"/> CLAIMS-MADE <input type="checkbox"/> OCCUR <input checked="" type="checkbox"/> Business Owners GEN'L AGGREGATE LIMIT APPLIES PER: <input type="checkbox"/> POLICY <input type="checkbox"/> PRO-JECT <input type="checkbox"/> LOC | | PPS40720634 | 06/27/14 | 06/27/15 | EACH OCCURRENCE \$ 2,000,000 DAMAGE TO RENTED PREMISES (Ea occurrence) \$ 2,000,000 MED EXP (Any one person) \$ 10,000 PERSONAL & ADV INJURY \$ 2,000,000 GENERAL AGGREGATE \$ 4,000,000 PRODUCTS - COM/PROP AGG \$ 4,000,000 |
| A | AUTOMOBILE LIABILITY <input type="checkbox"/> ANY AUTO <input type="checkbox"/> ALL OWNED AUTOS <input checked="" type="checkbox"/> HIRED AUTOS <input type="checkbox"/> SCHEDULED AUTOS <input checked="" type="checkbox"/> NON-OWNED AUTOS | | PPS40720634 | 06/27/14 | 06/27/15 | COMBINED SINGLE LIMIT (Ea accident) \$ BODILY INJURY (Per person) \$ 1,000,000 BODILY INJURY (Per accident) \$ PROPERTY DAMAGE (Per accident) \$ |
| B | UMBRELLA LIAB EXCESS LIAB DED <input checked="" type="checkbox"/> RETENTION \$ 0 | | PPS40720634 | 06/27/14 | 06/27/15 | EACH OCCURRENCE \$ 1,000,000 AGGREGATE \$ |
| A | WORKERS COMPENSATION AND EMPLOYERS' LIABILITY ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH) If yes, describe under DESCRIPTION OF OPERATIONS below | N/A | 08WECKH3323 | 06/27/14 | 06/27/15 | WC STATU-TORY LIMITS <input type="checkbox"/> OTH-ER <input type="checkbox"/> E.L. EACH ACCIDENT \$ 1,000,000 E.L. DISEASE - EA EMPLOYEE \$ 1,000,000 E.L. DISEASE - POLICY LIMIT \$ 1,000,000 |
| C | Directors/Officers | | 106101201 | 05/13/14 | 05/13/15 | 1,000,000 |

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (Attach ACORD 101, Additional Remarks Schedule, if more space is required)
City of Newburyport is listed as additional insured with respects to the general liability coverage.

| | |
|--|--|
| CERTIFICATE HOLDER NEWBURY City of Newburyport 60 Pleasant Street 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 |
|--|--|

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